

Pre-Application Advice Guidance for Large Scale Energy, Transmission and Infrastructure Development

Introduction

This guidance relates to the pre-application advice service offered by Aberdeenshire Council for large scale energy, transmission and infrastructure development. We have separate guidance for [major](#) and [local](#) development pre-application advice. The Pre-application service provides an opportunity to receive advice on proposals at an early stage in the consenting process and to provide feedback on the proposals before making an application. This can help developers improve the quality and content of an application and address issues early, thereby avoiding wasted time at the formal application stage.

What is large scale energy, transmission and infrastructure development?

Energy, transmission and infrastructure developments generally fall under the category of national or major planning applications, or in the case of developments generating electricity 50MW and over, or overhead electric lines 132KV and over, fall under the Electricity Act 1989 (commonly referred to as Section 36 and Section 37 applications).

National planning applications comprise of developments of national importance as set out in the [National Planning Framework 4](#) Annex B – National Developments Statement of Need. Some of the most relevant projects for Aberdeenshire include Green Transitional Zones (which includes ‘The Scottish Cluster’ encompassing carbon capture utilisation and storage (CCUS) and hydrogen proposals at St Fergus and Peterhead) and strategic renewable energy generation and transmission infrastructure required to connect new on and offshore electric grid capacity to the rest of Scotland and the UK.

Onshore developments generating electricity 50MW and over will require a Section 36 application to be made to Scottish Ministers for determination. A similar process applies to overhead lines where a Section 37 application requires to be made. The consenting process is administered by the [Scottish Government - Energy Consents Unit \(ECU\)](#). Applications for marine energy projects over 1 MW such as offshore windfarms, tidal and wave developments are made to [Marine Scotland](#). Further guidance on the consenting process for Section 36 and 37 applications is available from the ECU – [Good Practice Guidance for Applications under section 36 and 37 of the Electricity Act 1989](#). The Planning Authority are a statutory consultee on S36 and S37 applications located within and adjacent their boundary and are required to review and come to a view on the proposals. It is for this reason that the pre-application advice service also includes applications made under the Electricity Act and is tailored to the Planning Authority’s role and input as a statutory consultee.

Electricity generation encompasses a range of technologies such as wind, solar and thermal generation, and include battery installation (storage) as set out in the Chief Planner’s letter of Aug 2020.

Proposals under the category of ‘large scale energy, transmission and infrastructure development’ will consist of the following –

- Windfarms over 50MW
- Solar farms over 50MW
- All hydrogen development
- All Carbon Capture Utilisation and Storage (CCUS)
- Electricity grid infrastructure over 132kv
- Electricity storage and grid stability infrastructure over 50MW
- Onshore infrastructure for offshore wind (underground cabling/substations)
- Offshore windfarm connections and landfall

What is pre-application advice?

Pre-application advice is a discretionary service provided by the Council. This is not a statutory requirement and developers may submit applications without first using the service. However, obtaining pre-application advice can save time and money in the long run by identifying issues early and making changes, and remedying issues before the formal process begins. Changes made at the formal consenting stage can be time consuming and could lead to the need for new applications being submitted.

The Service offered will guide and inform the development proposals before a formal application is submitted, whether that be a planning application for national development submitted to the Council, or an application under the Electricity Act submitted to the Energy Consents Unit where the advice is tailored to the Planning Authority’s role as a consultee.

What are the benefits of undertaking pre-application advice?

- A more structured process, with advice provided within agreed timescales
- Early identification and understanding of relevant Local plan policies and implications for the development
- Feedback from consultees which should result in less potential for conflicting advice
- Early identification of any required specialist input and technical assessments
- Assistance with technical, legislative and procedural issues at the earliest possible stage
- Greater certainty and quicker determination of the planning application
- Improvement in the overall quality of planning applications
- Improvement in the quality of the final development

What do you need to submit as part of your pre-application advice request?

- A completed pre-application form
- A clear description of the proposed development
- The address of the application site
- A location plan (scale 1:1250 or 1:2500) with the site outlined in red
- A fee

As a project develops and more information becomes available, further information should be submitted for review and feedback –

- Proposed site layout plan which outlines the application site in red, including a north point (dimensions to be shown or to scale, preferably at 1:500 or 1:200)
- Include access to the public road
- Elevational drawings
- Drainage provision
- Access provision
- Information describing the development, the key elements, predicted impacts and mitigation measures

Advice the service will provide

- Advice on the key issues likely based on the information submitted
- Advice on mitigating measures which could address any adverse impacts or significant effects
- List of relevant internal consultees and contact details
- Relevant planning history and specific constraints identified on the site
- List of key documents and assessments required to accompany the formal application.
- Consultation with consultees and feedback
- Meeting with officer(s) to discuss proposals and ongoing review meetings as appropriate
- Workshop/Meeting with case officer consultees
- EIA screening and scoping requests are considered part of the pre-application process, however separate requests should be submitted using the relevant forms on the Council's website.

Advice the service will not provide

The pre-application service does not form part of any pre-application consultation (POAN) which must be undertaken by applicants for major and national development as set out in Circular 3/2022 (Development Management Procedures), nor does it form part of any voluntary public consultation exercise carried out by the applicants.

What does the Pre-application process involve?

For large scale energy, transmission and infrastructure development enquiries, the pre-application service covers the period from early project inception stage up to the submission of a formal application. While many Councils provide pre-application advice that is time limited to a single meeting or place limits on officer time, Aberdeenshire Council provide an end-to-end service throughout the pre-application stage of a project. The fees have been set to reflect the work and time anticipated and will be reviewed annually.

Introduction

The initial stage will involve an 'introductory' meeting where you will introduce the proposal and the development team to the Council. This could be a meeting with a member of Senior Management, Head of Service, Team Manager, Senior Planner or a combination, depending on the scale and nature of the proposal. There is no charge for this meeting. This is usually a high-level meeting with no defined site or details and the proposals are often commercially sensitive and not in the public domain. The purpose of this meeting is simply introductory i.e. to introduce the proposals to the Council. No feedback is provided at this stage.

Stage 1 Submission of Pre-App Enquiry

The next step is when the pre-application process commences. This requires a completed form, fee, and some initial information to be submitted. At this stage a case officer will be identified to lead the enquiry and be the point of contact going forward. The case officer will meet with you and the development team to explain the pre-application process, what is involved, and early on will seek to establish the key date for when a decision is required, and any relevant factors affecting the key dates. The meeting may also include the Senior Planner or Team Manager at this stage. You will be expected to outline the proposals to Council officers to provide an overview and gain an understanding of the proposals.

When to start the pre-application process will vary with each project but generally the sooner the better. Pre-application advice for these types of development can start a few years before an application is submitted, not least to allow sufficient time for environmental survey and assessment work to be undertaken for EIA development.

Stage 2 Consultation/Meeting

As the project progresses and information and plans become available, it is then submitted to the case officer who will consult with the relevant external and internal consultees. In the case of Section 36 and 37 applications, consultations will be carried out with internal consultees.

At the same time, a meeting will be arranged with consultees to discuss the proposals. The purpose of the meeting will be to provide technical feedback on the proposal and a general assessment overview of the proposal based on the information submitted at that stage. The meetings are held online via MS Teams every 4 weeks with a meeting slot being up to 1hr 30mins in duration. Meeting slots are discussed with the case officer in advance to agree a suitable date and time and then invites are sent out to all parties. At the meeting, the developer will be asked to provide a 10 – 15 mins (max) presentation on the proposals which will be the focus of discussion. The presentation will be prepared in advance and sent to the meeting organiser 3 days prior to the meeting. This will allow the information to be shared with consultees and help with preparation and feedback on the day. The consultees will respond to the case officer with written comments within 14 days of the meeting. At this stage, it is also useful to discuss and agree how often to hold review/ progress update meetings with the case officer, particularly if the pre-application process is over a long period. These can be useful to keep the case officer up to date on developments that may affect the key dates previously discussed.

Any specific information that needs brought to the Council's attention, or issues that developers may want included in the feedback report should be highlighted on the pre-application advice form when submitting the enquiry. The Planning Service will undertake a site visit at this stage.

Stage 3 Post Meeting

The case officer will then pull the feedback together in a report. The target for issuing the report to developers is 28 days from the date of the meeting. The report will be checked and authorised by the Senior planner.

Stage 4 Review

Review/update meetings with the case officer are held on a re-occurring basis with the frequency depending on the scale and needs of the development. This will vary from project to project, however larger projects will generally benefit from review meetings when there is information to share with the case officer, particularly information relating to key dates and lead-in times previously discussed.

Fees for pre-application advice

The pre-application advice service for large scale energy, transmission and infrastructure development is bespoke and tailored to the development type and scale. Some projects can be in the pre-planning stage for many years and others over a shorter more intense period. Providing such a service requires significant resources. To continue to provide a pre-application service to our energy and transmission customers and meet the demands of a significantly expanding renewable and transmission sector, both onshore and offshore, there is a charge for this service.

Further advice on the fee payable and how to pay is provided on the [Council website](#).

Generic planning advice is available free of charge on the [Council website](#) that you can use to determine whether the proposals are in accordance with local planning policies. Links to the [Local Development Plan and Planning Advice](#) are provided.

Disclaimer

While every effort will be made to ensure that any pre-application advice given is as accurate and comprehensive as possible, the advice given by officers in response to a pre-application advice request does not constitute a formal decision of Aberdeenshire Council as Planning Authority and is given without prejudice to the determination of a planning application. Any views expressed are not binding and are not intended to prejudice Aberdeenshire Council's formal determination of any subsequent planning application.

This also applies to pre-application advice provided in respect of Section 36 and Section 37 applications where the Council is a consultee and requires to provide a formal view on the proposals. It should be appreciated that in addition to carrying out technical consultations, neighbours and other members of the public have a right to

make representations on formal applications. It is the responsibility of the applicant to comply with the requirements for pre-application consultation (PAC).

Freedom of Information

Your details will not be made public unless subject to and in accordance with the Freedom of Information (Scotland) Act 2002.

Data Protection

The information held with your submission will be managed by the Council in accordance with the principles set out in the General Data Protection Regulations 2018. For further information on how we use your information, who we share this information with and how long we keep information is detailed in our Privacy Notice.