

Agents/Developers (Energy and Transmission Infrastructure) Briefing

30 June 2023

Discretionary Planning Fees (Phase 1) for Energy, Transmission, and Infrastructure Development

The Planning Service are proposing to introduce discretionary planning fees for some planning services later this summer. This will be Phase 1 of discretionary charging as we roll out paid-for services over the coming year.

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (as amended), which came into force in April last year, made provision for Planning Authorities to charge discretionary fees for a range of services. Some of these fees are up to the Authority to set and others are set out in the regulations. While some Authorities introduced discretionary charging a number of years ago under previous legislation, including many of our neighbouring authorities, we did not. Since the 2022 Regulations have come into force we have seen many more authorities introduce discretionary fees. Benchmarking with other Planning Authorities has shown that currently 19 out of 32 Authorities charge for pre-application advice. To bring us in line with the others, we are now proposing to introduce fees and have taken the opportunity to review these services prior to the introduction of fees.

Phase 1 of the discretionary fees will apply only to large scale energy, transmission, and infrastructure developments. These will generally consist of national development applications and some major applications over certain thresholds. The time and resources spent on pre-application advice can be significant and over a long period. The new fees will be the first step towards cost recovery and by doing so will support the continued delivery of the pre-application service to our customers. This is particularly relevant at a time when we are seeing a massive upscaling of transmission infrastructure and offshore wind development affecting Aberdeenshire and there is a demand to engage in pre-application advice. Fees will also apply to requests for non-material variations and discharge of conditions. Some priority services will also be offered such as a prior determination service which will offer a dedicated project management service without compromising other work streams, ensuring service continuity. Also, a priority discharge of conditions service will be offered to discharge conditions within 6 weeks. Such services are being introduced to meet customer demand and will allow the Planning Service to resource accelerated processing for energy and infrastructure development, partly in response to the Governments request for accelerating decision making and to meet national targets for net zero emissions.

The pre-application advice service and priority services will also be offered to those customers submitting Section 36 and Section 37 applications under the Electricity Acts and Marine licensing where the Council have an interest and is a consultee. The Planning Service are routinely engaged with developers on these types of applications and welcome early engagement to offer advice on the Planning

Authority's interests (both terrestrial in terms of onshore and intertidal in respect of offshore windfarms landfalling in Aberdeenshire).

Further phases of discretionary fees will follow in due course for all other major development and local development as staffing resources allow. Further information will follow in advance of subsequent phases being rolled out.

In the meantime, work is proceeding to put Phase 1 of the discretionary fees in place around mid to late August. Further notification will be provided about the launch date and on the fees applicable. However, pre-application advice requests for energy, transmission and infrastructure development may be submitted in the intervening period. Charging will commence for services provided as of the launch date.

If you have any concerns or questions about the discretionary fees mentioned you can contact myself using the contact details above, or Wendy Forbes, Team Manager for the Strategic Development Delivery Team – wendy.forbes@aberdeenshire.gov.uk.

Yours sincerely,



Mairi Stewart
Planning Service Manager
Email: mairi.stewart@aberdeenshire.gov.uk, tel: 01467 530649