



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 2

HEAT NETWORK CONSENT

Heat network consent and planning permission

44 Deemed planning permission on Scottish Ministers granting or modifying heat network consent

(1) Section 57 of the Town and Country Planning (Scotland) Act 1997 (development with government authorisation) is amended as follows.

(2) After subsection (2B) insert—

“(2C) On granting or modifying a heat network consent under section 23(1)(a) or 26(1), or pursuant to an appeal under section 31(2), of the Heat Networks (Scotland) Act 2021, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

- (a) so much of the operation or change of use to which the consent relates as constitutes development,
- (b) any development ancillary to the operation or change of use to which the consent relates.

(2D) On modifying a heat network consent under section 26(1), or pursuant to an appeal under section 31(2), of the Heat Networks (Scotland) Act 2021, the Scottish Ministers may give one or more of the following directions (instead of, or as well as, a direction under subsection (2C))—

- (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2C) (whenever made) to be varied as specified in the direction,
- (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction,

Status: This is the original version (as it was originally enacted).

- (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.”.

45 Combining applications to local authorities for heat network consent and planning permission

- (1) This section applies where—
 - (a) a person who proposes to construct a heat network must first make both—
 - (i) a heat network consent application in relation the construction of the heat network, and
 - (ii) an application for planning permission in respect of the construction of the heat network, and
 - (b) both applications must be made to a local authority as the appropriate consent authority (in relation to heat network consent application) and the planning authority (in relation to the application for planning permission).
- (2) Both of the applications are to be considered by the local authority together but this is subject to any provision made in any regulations under subsection (3).
- (3) The Scottish Ministers may by regulations—
 - (a) provide that such procedural provisions of this Act as are specified in the regulations are not to apply to the person’s heat network consent application,
 - (b) provide that such procedural provisions of, or made under, the Town and Country Planning (Scotland) Act 1997 as are specified in the regulations are to apply to the heat network consent application instead,
 - (c) modify provisions of, or made under, the Town and Country Planning (Scotland) Act 1997 as they apply to the heat network consent application by virtue of paragraph (b).
- (4) In this section—
 - “planning authority” has the meaning given in section 1 of the Town and Country Planning (Scotland) Act 1997,
 - “planning permission” means planning permission under Part 3 of that Act,
 - “procedural provisions” means any provisions for or in connection with the procedure for determining an application.