

2023 No. 123

HEAT NETWORKS

The Heat Networks (Heat Network Zones and Building Assessment Reports) (Scotland) Regulations 2023

<i>Made</i>	- - - -	<i>18th April 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>20th April 2023</i>
<i>Coming into force</i>	- -	<i>30th May 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 47(7)(b), 48(2) and (4)(c), 50(3) and (5)(c), 63(3)(b), and 64(2)(b) of the Heat Networks (Scotland) Act 2021(a) and all other powers enabling them to do so.

Part 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Heat Networks (Heat Network Zones and Building Assessment Reports) (Scotland) Regulations 2023 and come into force on 30 May 2023.

(2) In these Regulations “the Act” means the Heat Networks (Scotland) Act 2021.

Part 2

Heat Network Zones

Publication and notice of review statement

2.—(1) The statement to be published by the local authority under section 47(6) of the Act (“the review statement”) is to be published in accordance with paragraph (2).

(2) Publication is to be by—

- (a) publishing the review statement on the local authority’s website,
- (b) making the review statement available for inspection at the local authority’s principal office and at public libraries in their area, and

(a) 2021 asp 9. Sections 47, 48, 50 and 63 were commenced by regulation 2 and schedule 1 of S.S.I. 2022/376 for the purpose of making regulations. Section 64 was commenced by regulation 2 and schedule 1 of S.S.I. 2022/376.

- (c) publishing in a local newspaper circulating in the area and on the internet a notice stating that the review statement is available for inspection free of charge and the times and places at which, and the means by which the review statement is available for inspection.

Designation of heat network zone by local authority: consultation

3.—(1) For the purposes of section 48(2) of the Act the persons to be consulted are as specified in paragraph (2) and the manner of consultation is as specified in paragraph (3).

(2) The persons specified are—

- (a) where any part of the boundary of a proposed heat network zone would adjoin any part of the boundary of a neighbouring local authority, that local authority, and
- (b) in the case of a heat network zone within the area of a National Park, the National Park authority.

(3) The local authority must publish—

- (a) a map showing the proposed heat network zone on their website, and
- (b) a notice in a local newspaper circulating in the area and on the internet which states—
 - (i) which area the local authority proposes to designate as a heat network zone, and
 - (ii) how and by what date (being a date no fewer than 28 days after the notice is published) representations can be made.

Publication and notification of designation

4.—(1) The document to be published by the local authority under section 48(4) of the Act (“the designation document”) is to be published in accordance with paragraph (2).

(2) Publication is to be by—

- (a) publishing the designation document on the local authority’s website,
- (b) making the designation document available for inspection at the local authority’s principal office and at public libraries in their area, and
- (c) publishing in a local newspaper circulating in the area and the internet a notice stating that the designation document is available for inspection free of charge and the times and places at which, and the means by which the designation document is available for inspection.

Variation of heat network zone by local authority: consultation

5.—(1) For the purposes of section 50(3) of the Act the persons to be consulted are as specified in paragraph (2) and the manner of consultation is as specified in paragraph (3).

(2) The persons specified are—

- (a) any person who holds a heat network zone permit under section 56 of the Act in respect of that heat network zone,
- (b) in the case of a heat network zone where any part of the boundary of the heat network zone as varied would adjoin any part of the boundary of a neighbouring local authority, that local authority, and
- (c) in the case of a heat network zone which as varied would be within the area of a National Park, the National Park authority.

(3) The local authority must publish—

- (a) a map showing the proposed varied heat network zone on their website, and
- (b) a notice in a local newspaper circulating in the area and on the internet which states—
 - (i) which heat network zone the local authority proposes to vary, and

- (ii) how and by what date (being a date no fewer than 28 days after the notice is published) representations can be made.

Publication and notification of variation

6.—(1) The document to be published by the local authority under section 50(5) of the Act (“the variation document”) is to be published in accordance with paragraph (2).

(2) Publication is to be by—

- (a) publishing the variation document on the local authority’s website,
- (b) making the variation document available for inspection at the local authority’s principal office and at public libraries in their area, and
- (c) publishing in a local newspaper circulating in the area and the internet a notice stating that the variation document is available for inspection free of charge and the times and places at which, and the means by which the designation document is available for inspection.

Part 3

Building Assessment Reports

Building Assessment Reports

7.—(1) The intervals specified for the purposes of section 63(3)(b) of the Act are as set out in paragraph (2).

(2) The first building assessment report must be prepared as soon as reasonably practicable after the date of commencement of section 63 of the Act, and thereafter at intervals of 5 years.

Exemptions from duty to prepare building assessment reports

8. The requirement under section 63(1) of the Act does not apply in relation to non-domestic buildings with an annual heat demand of less than 73 megawatt-hours per year.

PATRICK HARVIE

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
18th April 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the Heat Networks (Scotland) Act 2021 (“the Act”) in relation to heat network zones (Part 3 of the Act) and building assessment reports (Part 5 of the Act).

Regulation 2 provides how a local authority are to publish a statement of review of heat network zoning prepared under section 47(6) of the Act.

Regulation 3 provides who a local authority must consult before deciding whether to designate an area as a heat network zone, and sets out requirements for publishing the details of their consultation.

Regulation 4 specifies how a local authority are to publish the details of a designated heat network zone.

Regulation 5 provides who a local authority must consult before deciding whether to vary a heat network zone, and regulation 6 specifies how they are to publish the details of a varied heat network zone.

Regulation 7 specifies when a building assessment report must be prepared, and regulation 8 specifies that non-domestic buildings with an annual heat demand of less than 73 megawatt-hours per year are exempt from the requirement to prepare a building assessment report under section 63 of the Act.

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