



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 2

HEAT NETWORK CONSENT

Miscellaneous

PROSPECTIVE

33 Form and manner etc. of applications under Part 2

- (1) The Scottish Ministers may determine—
 - (a) the form and manner in which a relevant application is to be made,
 - (b) the information (including the information in the form of a document) that is to be included in a relevant application.
- (2) In determining under subsection (1)(b) the information that is to be included in a relevant application, the Scottish Ministers may determine that a relevant application of such description as may be specified in the determination must include a community engagement report.
- (3) A “community engagement report”, in relation to a relevant application, is a report describing—
 - (a) the community engagement undertaken by the applicant in relation to the proposed application before making the application in accordance with any guidance issued under section 34(1), and
 - (b) how the applicant has taken account of any representations received by virtue of the community engagement before making the application.
- (4) The Scottish Ministers must arrange for any determination under subsection (1) to be published in such manner as they consider appropriate.
- (5) The appropriate consent authority need not consider a relevant application that does not comply with a requirement determined under subsection (1).

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Cross Heading: Miscellaneous. (See end of Document for details)

- (6) Before making a determination under subsection (1), the Scottish Ministers must consult local authorities and such other persons as they consider appropriate.
- (7) In this section and sections 34 and 35, a “relevant application” means—
 - (a) a heat network consent application,
 - (b) a heat network consent modification application,
 - (c) an application for a consent, agreement or approval required by a condition to which a heat network consent is subject.

34 Effective community engagement: guidance

- (1) The Scottish Ministers may issue guidance about undertaking effective community engagement in relation to a relevant application for the purpose of preparing a community engagement report.
- (2) Guidance under subsection (1) may in particular include guidance on—
 - (a) persons, or persons of a particular description, to be considered as forming part of a community for the purpose of undertaking effective community engagement in relation to a relevant application,
 - (b) how applicants are to undertake effective community engagement before making a relevant application including ways in which applicants should—
 - (i) consult communities, and
 - (ii) encourage participation by communities in the consultation.
- (3) Before issuing guidance under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.
- (5) A person whose relevant application must include a community engagement report in accordance with a determination under section 33(1)(b) must have regard to any guidance issued under subsection (1) in connection with the application.
- (6) In this section, “community engagement report” has the meaning given in section 33(3).

Commencement Information

II S. 34 in force at 16.1.2023 for specified purposes by [S.S.I. 2022/376, reg. 2, sch.](#)

35 Regulations about decisions under Part 2

- (1) The Scottish Ministers may by regulations make provision about—
 - (a) the procedure to be followed in—
 - (i) determining a relevant application, or
 - (ii) deciding whether to modify a heat network consent as mentioned in section 26(2)(b),
 - (b) publication and notification of—
 - (i) a relevant application,

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- (ii) determinations made in relation to it,
 - (c) publication and notification of a decision to modify a heat network consent as mentioned in section 26(2)(b).
- (2) Regulations under subsection (1) may in particular make provision in connection with the consideration to be given, before determining a relevant application or deciding whether to modify a heat network consent as mentioned in section 26(2)(b), to the likely effect of the construction or operation (as the case may be) of the heat network concerned—
- (a) on the environment generally and, in particular, in contributing to the reduction of greenhouse gas emissions (within the meaning of the Climate Change (Scotland) Act 2009), and
 - (b) in contributing to meeting the fuel poverty targets.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) local authorities,
 - (b) the Scottish Fuel Poverty Advisory Panel, and
 - (c) such other persons as they consider appropriate.

Commencement Information

12 S. 35 in force at 16.1.2023 by S.S.I. 2022/376, reg. 2, sch.

PROSPECTIVE

36 Applications and decisions under Part 2 where there is more than one appropriate consent authority

- (1) The Scottish Ministers may by regulations make provision about the making of any application or decision under this Part in circumstances where there is more than one appropriate consent authority in relation to an application or decision.
- (2) Regulations under subsection (1) may modify this Act and any regulations made under it.

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021,
Cross Heading: Miscellaneous.