



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Status: This is the original version (as it was originally enacted).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