



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 3

#### ENERGY EFFICIENCY

##### *Permitted development rights*

#### **70 Air source heat pumps and micro wind turbines in domestic properties**

- (1) The Scottish Ministers must exercise their functions under sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997 (c. 8) so as to make provision specifying the circumstances in which development of the class mentioned in subsection (2) is granted planning permission by virtue of an order under section 30 of that Act.
- (2) That class is the installation, alteration or replacement, within the curtilage of a dwellinghouse or building containing one or more flats, of—
  - (a) air source heat pump microgeneration equipment; or
  - (b) wind turbine microgeneration equipment.
- (3) The Scottish Ministers must comply with subsection (1) no later than 6 months after the day on which this section comes into force.
- (4) Before complying with subsection (1), the Scottish Ministers must consult—
  - (a) such persons appearing to them to represent the producers and suppliers of the equipment mentioned in paragraphs (a) and (b) of subsection (2); and
  - (b) such other persons as the Scottish Ministers consider appropriate.
- (5) In this section, “microgeneration” has the meaning given in section 82(6) of the Energy Act 2004 (c. 20).

## **71      Microgeneration in non-domestic buildings**

- (1) The Scottish Ministers must exercise their functions under sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997 (c. 8) so as to make provision specifying the circumstances in which development of the class mentioned in subsection (2) is granted planning permission by virtue of an order under section 30 of that Act.
- (2) That class is the installation, alteration or replacement, within the curtilage of a non-domestic building, of microgeneration equipment.
- (3) The Scottish Ministers must comply with subsection (1) no later than 12 months after the day on which this section comes into force.
- (4) Before complying with subsection (1), the Scottish Ministers must consult—
  - (a) such persons appearing to them to represent the producers and suppliers of the equipment mentioned in subsection (2); and
  - (b) such other persons as the Scottish Ministers consider appropriate.
- (5) In this section—
  - “microgeneration” has the same meaning as in section 70(5);
  - “non-domestic building” has the same meaning as in section 63(7).