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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 139**

**The Town and Country Planning (Environmental  
Impact Assessment) (Scotland) Regulations 2011**

**PART 8**

**APPLICATIONS FOR MULTI-STAGE CONSENT**

**Application for multi-stage consent without environmental statement**

**28.**—(1) Where—

- (a) it appears to the planning authority that an application for multi-stage consent which is before them for determination relates to planning permission for Schedule 1 development;
- (b) the development in question has either—
  - (i) not been the subject of a screening opinion or screening direction; or
  - (ii) been the subject of a screening opinion or screening direction to the effect that it is not EIA development; and
- (c) no statement referred to by the applicant as an environmental statement for the purposes of these Regulations accompanied either the application for planning permission or the application for multi-stage consent,

the planning authority must adopt a screening opinion in respect of the development within three weeks beginning with the date upon which the application was made.

(2) Where—

- (a) it appears to the planning authority that an application for multi-stage consent which is before them for determination (including determination following consideration of the application on review under section 43A(8) (right to require review of planning decisions and failure to take such decisions) relates to planning permission for Schedule 2 development;
- (b) it appears to them that the development in question may have significant effects on the environment that have not previously been identified (whether in an earlier screening opinion or screening direction or because the development has not been the subject of a screening opinion or screening direction); and
- (c) no statement referred to by the applicant as an environmental statement for the purposes of these Regulations accompanied either the application for planning permission or the application for multi-stage consent,

the planning authority must adopt a screening opinion in respect of the development within three weeks beginning with the date upon which the application was made.

(3) Where an application for multi-stage consent referred to in paragraph (1) or (2) has already been the subject of a screening opinion or screening direction under regulations 6 or 7 as applied by regulation 27 to the effect that the development to which it relates is not EIA development, the

planning authority are not required to adopt a screening opinion under paragraph (1) or (2), as the case may be.

(4) The planning authority must, if they consider they have not been provided with sufficient information to adopt an opinion, notify in writing the applicant of the points on which they require further information.

(5) A screening opinion adopted under paragraph (1) or (2) supersedes the terms of an earlier screening opinion or screening direction.

(6) The Scottish Ministers may make a screening direction in relation to a development to which paragraph (1)(b)(ii) applies or, where there has been an earlier screening opinion or direction, to which paragraph (2), applies and any such screening direction supersedes the terms of the earlier screening direction.

(7) Where the planning authority adopt a screening opinion under paragraph (1) or (2) to the effect that the development to which the application for multi-stage consent relates is EIA development, regulation 9 applies to the application as if it were an EIA application.