
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 8

APPLICATIONS FOR MULTI-STAGE CONSENT

Prohibition on granting an application for multi-stage consent without an environmental impact assessment

24. The Scottish Ministers must not grant an application for multi-stage consent in respect of EIA development unless an environmental impact assessment has been carried out in respect of that development and in carrying out such assessment the Scottish Ministers must take the environmental information into account.

Application for multi-stage consent where EIA report previously provided

25.—(1) This regulation applies in relation to the consideration by the Scottish Ministers of an application for multi-stage consent where an EIA report has previously been submitted by the developer in relation to the development.

(2) Where this regulation applies—

- (a) if it appears to the Scottish Ministers that the development, or the part of the development to which the application for multi-stage consent relates may have significant effects on the environment that have not previously been identified; and
- (b) the developer has not submitted additional information in respect of those effects together with the application for multi-stage consent,

the Scottish Ministers must seek supplementary information from the developer in accordance with regulation 19(2) in respect of such effects.

Application for multi-stage consent without EIA report

26.—(1) This regulation applies in relation to the consideration by the Scottish Ministers of an application for multi-stage consent where an EIA report has not been submitted by the developer in relation to the development.

(2) Where this regulation applies and either—

- (a) it appears to the Scottish Ministers that the application for multi-stage consent relates to Schedule 1 development and the development has not been the subject of a screening opinion; or
- (b) it appears to the Scottish Ministers that—
 - (i) the application for multi-stage consent relates to Schedule 2 development and;

- (ii) the development in question may have significant effects on the environment that have not previously been identified (whether in an earlier screening opinion or because the development has not been the subject of a screening opinion),

the Scottish Ministers must adopt a screening opinion in respect of the development.

(3) Where the Scottish Ministers adopt a screening opinion under paragraph (2) to the effect that the development to which the application for multi-stage consent relates is EIA development, the Scottish Ministers must notify the developer in writing that the submission of an EIA report is required and must send a copy of that notification to the planning authority.

(4) The Scottish Ministers must notify the developer in accordance with paragraph (3) within three weeks beginning with the date of the screening opinion.

(5) A developer who receives notice under paragraph (3) may within three weeks beginning with the date of the notice write to the Scottish Ministers stating that an EIA report will be provided and may under regulation 12 ask the Scottish Ministers to adopt a scoping opinion.

(6) If the developer does not write in accordance with paragraph (5), the Scottish Ministers are under no duty to deal with the application, and at the end of the three week period the Scottish Ministers must inform the developer in writing that no further action is being taken on the application.

(7) Where the Scottish Ministers have given notice under paragraph (3), they are to determine the application only by refusing it if the developer does not submit an EIA report.

Modification of Regulations relating to application for multi-stage consent

27.—(1) These Regulations (other than Part 9) apply to an application for multi-stage consent as if references—

- (a) references to an application for Electricity Act consent were references to an application for multi-stage consent;
- (b) references to an EIA application were references to an application for multi-stage consent for EIA development; and
- (c) in regulation 29(5)(b) the reference to “Electricity Act consent” were a reference to “multi-stage consent”.

(2) Regulations 21(2)(d), (e) and (g) and 23(1)(b)(ii) and (4) apply in respect of the notification of a decision on an application for multi-stage consent only where an EIA report or additional information has been first submitted or provided by the developer to the Scottish Ministers in connection with that application.