
SCOTTISH STATUTORY INSTRUMENTS

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 referred or appealed to the Scottish Ministers without an environmental statement

29.—(1) This regulation applies in relation to the consideration by the Scottish Ministers of—

- (a) an application for multi-stage consent referred to them under section 46 (call-in of applications by the Scottish Ministers); or
- (b) an appeal in respect of an application for multi-stage consent under section 47 (right to appeal against planning decisions and failure to take such decisions).

(2) Where 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 and either—

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

the Scottish Ministers must make a screening direction in respect of the development within three weeks beginning with the date of referral of the application or the date of the appeal, as the case may be.

(3) Where the application for multi-stage consent referred to in paragraph (1) or (2) has already been the subject of a screening opinion under regulation 6 as applied by regulation 27 to the effect that the development to which it relates is not EIA development, the Scottish Ministers may make a screening direction under paragraph (1) or (2) (as the case may be), but are not required to do so.

(4) The Scottish Ministers must, if they consider that they have not been provided with sufficient information to make a screening direction, notify in writing the applicant of the points on which they

require further information, and may request the planning authority to provide such information as they can on any of these points.

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

(6) Where the Scottish Ministers make a screening direction under paragraph (2) to the effect that the development to which the application for multi-stage consent referred to them under section 46 relates is EIA development, regulation 11 applies to that application as if it were an EIA application.

(7) Where the Scottish Ministers make a screening direction under paragraph (2) to the effect that the development to which an appeal under section 47 in respect of an application for multi-stage consent relates is EIA development, regulation 12 applies to the application as if it were an EIA application.