
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

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

PART 8

APPLICATIONS FOR MULTI-STAGE CONSENT

Requests for screening opinions and screening directions

27.—(1) Where a person is minded to make an application for multi-stage consent, regulations 6 and 7 apply as if that person was a person who was minded to carry out development.

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

(3) A screening direction made by virtue of paragraph (1) supersedes the terms of an earlier screening direction.

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.

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.

Modification of regulations relating to application for multi-stage consent

30.—(1) Parts 2, 4 to 7, 10 and 11 and regulation 9 (where applied by regulation 28(7)), regulation 11 (where applied by regulation 29(6)) and regulation 12 (where applied by regulation 29(7)) apply to an application for multi-stage consent as if references—

- (a) to an application for planning permission were references to an application for multi-stage consent; and
- (b) to an EIA application were references to an application for multi-stage consent for EIA development,

and subject to the modifications specified in paragraph (2).

(2) The modifications are—

- (a) in regulation 14(5) after “regulation 6(1)” insert “as applied by regulation 27”;
- (b) in regulation 16(3)(b) for “9(3)(a), 11(3), 12(2) or 13(2)(a)” substitute “9(3)(a), 11(3) or 12(2) as those regulations are applied by regulations 28(7) or 29(6) or (7), as the case may be”.
- (c) in regulation 17(2)(b) after “the statement” insert “, the relevant planning permission”;
- (d) in regulation 19(1)(a) after “application” insert “(and any earlier application relating to the development, in so far as not already on Part 1 of the register)”;
- (e) in regulation 25(1)(e) at the end insert “as applied by regulations 28(7) and 29(6) or (7) as the case may be”; and
- (f) in regulation 36(4)(b) for “planning permission” substitute “multi-stage consent”.

Application for multi-stage consent – simplified planning scheme, enterprise zone scheme and ROMP condition

31.—(1) Regulation 28 applies to an application for multi-stage consent which relates to—

- (a) planning permission granted by the adoption or approval of a simplified planning scheme or by an enterprise zone scheme with the omission from paragraphs (1)(c) and (2)(c) of “either the application for planning permission or”; and
 - (b) a ROMP condition as if the references in paragraphs (1)(c) and (2)(c) to the application for planning permission are references to the ROMP application.
- (2) Regulation 29 applies to an application for multi-stage consent which relates to—
- (a) planning permission granted by the adoption or approval of a simplified planning scheme or by an enterprise zone scheme with the omission in paragraph (2) of “either the application for planning permission or”; and
 - (b) a ROMP condition as if the first reference in paragraph (2) to the application for planning permission is a reference to the ROMP application.
- (3) Where the application for multi-stage consent relates to planning permission granted by the adoption or approval of a simplified planning scheme or by an enterprise zone scheme, the reference in regulation 30(2)(c) to the relevant planning permission is to be read as a reference to the simplified planning zone scheme or enterprise zone scheme, as the case may be.