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## SCOTTISH STATUTORY INSTRUMENTS

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### 2017 No. 102

## The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

### PART 8

#### APPLICATIONS FOR MULTI-STAGE CONSENT

##### **Application for multi-stage consent referred or appealed to the Scottish Ministers without an EIA report**

- 35.**—(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),

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 planning permission for Schedule 1 development and the development has not been the subject of a screening opinion or screening direction; 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 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.

(3) If it appears to the Scottish Ministers that the application for multi-stage consent, or appeal, relates to planning permission for Schedule 2 development but the Scottish Ministers do not consider that the information submitted by the developer in connection with the application, or appeal, includes all the information referred to in regulation 8(2), the Scottish Ministers—

- (a) must seek from the developer such information as they consider remains to be provided by giving notice to the developer describing that information; and
- (b) may request the planning authority to provide such information as they can in relation to that information.

(4) The provisions of regulation 10(3)(b) and (4) to (6) apply in relation to the making of a screening direction under paragraph (2) as they apply following a request made under regulation 9(5) as if—

*Status: Point in time view as at 16/05/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 35. (See end of Document for details)*

- (a) the making of the application for multi-stage consent were a request made under regulation 9(5); and
  - (b) references to date of receipt of the request were references to the relevant date.
- (5) A screening direction made under paragraph (2) supersedes the terms of an earlier screening opinion or screening direction.
- (6) Where a screening direction made under this regulation 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.
- (7) A developer who receives a notice under paragraph (6) may within the period of 21 days beginning with the date of the notice write to the Scottish Ministers stating that an EIA report will be provided and may request the Scottish Ministers to make a scoping direction.
- (8) If the developer does not write in accordance with paragraph (7), the Scottish Ministers are under no duty to deal with the application, and at the end of the 21 day period the Scottish Ministers must inform the developer in writing that no further action is being taken on the application or appeal, as the case may be.
- (9) Where the Scottish Ministers have given a notice under paragraph (6), they are to determine the application by refusing it, or appeal by dismissing it, if the developer does not submit an EIA report.
- (10) For the purposes of paragraph (4) the relevant date is the later of—
- (a) the date on which, as the case may be—
    - (i) the application for multi-stage consent is referred to the Scottish Ministers under section 46; or
    - (ii) the appeal is made in respect of the application for multi-stage consent under section 47; or
  - (b) where notice is given to the developer under paragraph (3), the date on which the last of the items or information sought by such notice is received by the Scottish Ministers.

**Status:**

Point in time view as at 16/05/2017.

**Changes to legislation:**

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