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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 3**

**PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION**

**Review by the planning authority of an application without an environmental statement**

**13.**—(1) Where on consideration of a review under section 43A(8) (right to require review of planning decisions and failure to take such decisions) it appears to the planning authority that the application for planning permission under review is an EIA application and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, they must notify the applicant in writing that the submission of an environmental statement is required.

(2) An applicant receiving a notification pursuant to paragraph (1) may, within three weeks beginning with the date of the notification, write to the planning authority stating that the applicant—

- (a) accepts their view and is providing an environmental statement; or
- (b) is writing to the Scottish Ministers to request a screening direction.

(3) If the applicant does not write to the planning authority in accordance with paragraph (2), the permission sought will, unless the Scottish Ministers have made a screening direction to the effect that the development is not EIA development, be deemed to be refused at the end of the relevant three week period, and the deemed refusal will not give rise to an appeal to the Scottish Ministers by virtue of section 47 (right to appeal against planning decisions and failure to take such decisions).

(4) A planning authority which has given a notification in accordance with paragraph (1) are to, unless the Scottish Ministers make a screening direction to the effect that the development is not EIA development, determine the application only by refusing planning permission if the applicant does not submit an environmental statement.

(5) A person who requests a screening direction pursuant to paragraph (2)(b) must send to the Scottish Ministers with that request copies of—

- (a) the application for planning permission;
- (b) all documents sent to the planning authority as part of the application; and
- (c) all correspondence between the applicant and the planning authority relating to the proposed development,

and paragraphs (2) to (5) of regulation 7 apply to a request under this regulation as they apply to a request made pursuant to regulation 6(6).