
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

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

PART 11

MISCELLANEOUS

**Amendment of the Town and Country Planning (General Permitted Development)
(Scotland) Order 1992**

47.—(1) Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽¹⁾ is amended in accordance with paragraphs (2) to (5).

(2) In paragraph (8)—

- (a) for “the Environmental Impact Assessment (Scotland) Regulations 1999” substitute “the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011”; and
- (b) after “EIA development” where it occurs in sub-paragraphs (a) and (b) insert “within the meaning of those Regulations”.

(3) In paragraphs (8) and (9)—

- (a) for “regulation 5” substitute “regulation 6”;
- (b) for “regulation 4(7) or 6(4)” substitute “regulation 5(10) or 7(4)”; and
- (c) for “regulation 4(4)” substitute “regulation 5(4)”.

(4) After paragraph (8) insert—

“(8A) Where it appears to the planning authority that—

- (a) an application under this Order for a determination as to whether prior approval of the planning authority will be required in respect of any matter, or an application for prior approval of any matter, relates to Schedule 1 development within the meaning of the EIA Regulations; and

(b) the development—

- (i) has not been the subject of a screening opinion under regulation 6 of those Regulations or a screening direction under regulation 5(10) or 7(4) of those Regulations; or
- (ii) has been the subject of such a screening opinion or direction to the effect that it is not EIA development within the meaning of those Regulations,

the planning authority must adopt a screening opinion under regulation 6 of those Regulations in respect of the development to which the application relates.

(8B) Where it appears to the planning authority that—

(1) [S.I. 1992/223](#) relevantly amended by [S.S.I. 1999/1](#).

- (a) an application under this Order for a determination as to whether prior approval of the planning authority will be required in respect of any matter, or an application for prior approval of any matter, relates to Schedule 2 development within the meaning of the EIA Regulations; and
- (b) the development may have significant effects on the environment that have not previously been identified (whether in an earlier screening opinion under regulation 6 of those Regulations or a screening direction under regulation 5(10) or 7(4) of those Regulations, or because the development has not been the subject of such a screening opinion or direction),

the planning authority must adopt a screening opinion under regulation 6 of those Regulations in respect of the development to which the application relates.

(8C) A screening opinion adopted under regulation 6 of the EIA Regulations in pursuance of paragraph (8A) or (8B) supersedes the terms of an earlier screening opinion or direction in relation to the development.”.

- (5) In paragraph (10) for “Paragraph (8) does” substitute “Paragraphs (8), (8A) and (8B) do”.