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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 3**

**PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION**

**Appeal to the Scottish Ministers without an EIA report**

**15.**—(1) This regulation applies where an application for planning permission to which an appeal under section 47 relates is an EIA application and is not accompanied by an EIA report.

(2) Where this regulation applies the Scottish Ministers must notify the developer in writing that the submission of an EIA report is required and send a copy of that notification to the planning authority.

(3) A developer who receives notice under paragraph (2) 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.

(4) If the developer does not write in accordance with paragraph (3), the Scottish Ministers are under no duty to deal with the appeal and at the end of the 21 day period they must inform the developer that no further action is being taken on the appeal.

(5) Where the Scottish Ministers have given notice under paragraph (2), they are to determine the appeal only by refusing planning permission if the developer does not submit an EIA report.