
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 102

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

PART 11

MISCELLANEOUS

Extension of the period for an authority's decision on a planning application

49.—(1) In determining, for the purposes of the provisions specified in paragraph (2), the time which has elapsed without the planning authority giving notice to the developer of their decision in a case where—

- (a) the planning authority have notified a developer in accordance with regulation 12(2) that the submission of an EIA report is required; and
- (b) the Scottish Ministers have given a screening direction in relation to the development in question,

no account is to be taken of any period before the issue of the screening direction.

(2) The provisions are—

- (a) section 43A(8)(c) (right to require a review on failure to determine an application);
- (b) section 47(2) (right to appeal against planning decisions and failure to take such decisions); and
- (c) regulation 26(2) (time periods for decision) of the Development Management Procedure Regulations.

(3) Where it falls to an authority to determine an EIA application, regulation 26 (time periods for decision) of the Development Management Procedure Regulations has effect as if—

- (a) for the reference in paragraph (2)(b) of that regulation to two months there were substituted a reference to four months; and
- (b) the reference to “validation date” is a reference to the later of—
 - (i) the date on which the application is taken to have been made in terms of regulation 14 of the Development Management Procedure Regulations; or
 - (ii) the date on which an EIA report is submitted in respect of the application.