
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 3

Procedures relating to applications for planning permission

Application referred to the Secretary of State without an environmental statement

13.—(1) Where an application has been referred to the Secretary of State for determination under section 77 of the Act (reference of applications to Secretary of State), and it appears to the Secretary of State that—

- (a) it is a Schedule 1 application or a Schedule 2 application; and
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) to (8) of regulation 7 apply as if the referral of the application were a request made by the applicant pursuant to regulation 6(10).

(2) Where regulation 7(3) applies to an application by virtue of paragraph (1), the Secretary of State must, where necessary to ensure that the developer has provided—

- (a) in the case of applications for planning permission, the information referred to in regulation 6(2); and
- (b) in the case of subsequent applications, the information referred to in regulation 6(3),

make a request for additional information before issuing a screening direction.

(3) Where the Secretary State has determined that an application referred to the Secretary of State under section 77 of the Act (reference of applications to Secretary of State) for determination is an EIA application but is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the Secretary of State must notify the applicant in writing that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(4) The Secretary of State must notify the applicant of the Secretary of State's determination under paragraph (3) within 3 weeks beginning with the date the application was received or such longer period as may be reasonably required.

(5) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application, and that particular person is unlikely to become aware of the

application by means of a site notice or by local advertisement, the Secretary of State must notify the applicant of any such person.

(6) An applicant who receives a notification under paragraph (3) may, within 3 weeks beginning with the date of the notification, confirm in writing to the Secretary of State that an environmental statement will be provided.

(7) If the applicant does not write in accordance with paragraph (6), the Secretary of State is not under a duty to deal with the application and at the end of the period referred to in paragraph (6) must inform the applicant in writing that no further action is being taken on the application.

(8) Where—

- (a) a notification has been given under paragraph (3), and
- (b) the applicant does not submit an environmental statement and comply with regulation 20(6),

the Secretary of State must determine the relevant application only by refusing planning permission or subsequent consent.

(9) In this regulation, “Schedule 1 application” and “Schedule 2 application” are to be taken to include subsequent applications.