
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 8

Unauthorised development

Screening directions of the Secretary of State

38. Any person on whom a regulation 37 notice is served may, within 3 weeks beginning with the date the notice is served, apply to the Secretary of State for a screening direction and the following shall apply—

- (a) an application for a screening direction under this regulation must be accompanied by—
 - (i) a copy of the regulation 37 notice;
 - (ii) a copy of the enforcement notice which accompanied it; and
 - (iii) the information required under regulation 6(2), such information to be prepared, where relevant, in accordance with regulation 6(4);
- (b) at the same time as applying to the Secretary of State, the applicant must send to the authority by whom the regulation 37 notice was served a copy of the application under this regulation and of any information or representations provided or made in accordance with paragraph (a)(iii);
- (c) if the Secretary of State considers that the information provided in accordance with subparagraph (a) is insufficient to make a direction, the Secretary of State must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice;
- (d) the Secretary of State must make a screening direction within—
 - (i) 3 weeks beginning with the date of receipt of a request made pursuant to this regulation; or
 - (ii) where the Secretary of State gives notice under paragraph (c), such longer period not exceeding 90 days beginning with the date on which the person making the request for a screening direction submits the information required under paragraph (c) as may be reasonably required;
- (e) the Secretary of State must send a copy of the direction to the applicant; and
- (f) without prejudice to paragraph (e), where the Secretary of State directs that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, the Secretary of State must send a copy of the direction to every person to whom a copy of the regulation 37 notice was sent.