
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

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

PART 7

AVAILABILITY OF DIRECTIONS ETC. AND NOTIFICATION OF DECISIONS

Availability of opinions, directions etc. for inspection

25.—(1) Where particulars of a planning application are placed on Part I of the register, the planning authority must take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 9(1), 11(1), 12(1) or 13(1);
- (f) direction under regulation 5(4);
- (g) environmental statement and any additional information; and
- (h) statement of reasons accompanying any of the above.

(2) Where the planning authority—

- (a) adopt a screening opinion or scoping opinion; or
- (b) receive—
 - (i) a request under regulation 14(1) or 15(4); or
 - (ii) a copy of a screening direction, scoping direction, or direction under regulation 5(4),

before an application for planning permission is made for the development in question, the planning authority must take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at an office of the planning authority where the register may be inspected.

(3) Documents made available under paragraph (2) must remain so available for a period of two years.

Duties to inform the public and the Scottish Ministers of final decisions

26.—(1) Where an EIA application is determined by a planning authority, the planning authority must—

- (a) in writing, inform the Scottish Ministers and those bodies consulted in accordance with regulation 19(1)(c) and (d) of the decision;

- (b) inform the public of the decision (and of where the statement referred to in subparagraph (c) may be inspected), by publishing a notice in a newspaper circulating in the locality in which the land is situated, or by such other means as are reasonable in the circumstances; and
 - (c) make available for public inspection at an office of the planning authority where the register may be inspected, a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.
- (2) Where an EIA application is determined or a draft decision is issued by the Scottish Ministers, they must—
- (a) notify the planning authority and those bodies consulted in accordance with regulation 19(1)(c) and (d) of the decision; and
 - (b) provide the planning authority with such a statement as is mentioned in paragraph (1)(c).
- (3) The planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (2)(a), comply with paragraph (1)(b) and (c) in relation to the decision so notified as if it were a decision of the planning authority.
- (4) Notification in writing of a decision is deemed to have been given to a person for the purposes of this regulation where—
- (a) the planning authority or the Scottish Ministers, as the case may be, and the person have agreed that a decision and reasons required under this regulation to be given in writing may instead be accessed by that person via a website;
 - (b) the decision is a decision and reasons to which that agreement applies;
 - (c) the planning authority have published the decision on a website; and
 - (d) the person is notified, in a manner for the time being agreed between that person and the planning authority, of—
 - (i) the publication of the decision and reasons on a website;
 - (ii) the address of the website; and
 - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.