
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

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.