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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 102**

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

**PART 9**

**SPECIAL CASES**

**Applications for permission under section 242A**

**39.**—(1) These Regulations apply to an application made (or to be made) to the Scottish Ministers under section 242A <sup>MI</sup> (urgent Crown development) subject to the following modifications.

(2) References to “planning authority” are to be treated as references to “the planning authority or the Scottish Ministers, as appropriate”.

(3) Regulation 7(6)(b) applies as if after “authority” there were inserted, “ for the area to which the application relates. ”.

(4) Regulations 9(5) and (6), 12(4)(b) and 17(8) and (9) do not apply.

(5) Regulation 22 applies as if—

(a) in paragraph (1)(a) for “to the Scottish Ministers” there were substituted “ and the related application to the planning authority for the area to which the application relates ”;

(b) after paragraph (1) there were inserted—

“(1A) Where a planning authority receive a copy of the EIA report, they must make a copy of the EIA report together with a copy of the related application available for inspection—

(a) on a website; and

(b) at all reasonable hours at an office of the planning authority where the register may be inspected.”.

(6) Part 7 applies as if for regulation 28 there were substituted—

**“Availability of opinions, directions, etc. for inspection**

**28.**—(1) Where the Scottish Ministers—

(a) adopt a screening opinion or scoping opinion in relation to an application which may be made under section 242A;

(b) receive a request under regulation 17(1); or

(c) make a screening direction, scoping direction or direction under regulation 6(4) or (6), before the application is made for the development in question, the Scottish Ministers must send a copy of the opinion, request or direction to the planning authority for the area to which the application relates.

(2) Where the planning authority receive copies of an opinion, request or direction under paragraph (1) they must make copies of that document available for inspection—

- (a) on a website; and
- (b) 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.”.

(7) Regulation 35 applies to the determination of an application for multi-stage consent by the Scottish Ministers relating to a grant of planning permission under section 242A as it applies to the determination of an application for multi-stage consent referred to them.

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**Marginal Citations**

- M1** Section 242A was inserted into the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) by section 92(1) of the [Planning and Compulsory Purchase Act 2004 \(c.5\)](#) and amended by section 54(13) of the [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 39.