
STATUTORY INSTRUMENTS

2011 No. 1824

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

PART 3

Procedures Concerning Applications for Planning Permission

Application made to a local planning authority without an environmental statement

10.—(1) Where an EIA application which is before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority shall notify the applicant in writing that the submission of an environmental statement is required.

(2) Where the relevant planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, the relevant planning authority shall notify the applicant of any such person.

(3) An authority shall notify the applicant in accordance with paragraph (1) within 3 weeks beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; but where the Secretary of State, after the expiry of that period of 3 weeks or of any longer period so agreed, makes a screening direction to the effect that the development is EIA development, the authority shall so notify the applicant within 7 days beginning with the date the authority received a copy of that screening direction.

(4) An applicant receiving a notification pursuant to paragraph (1) may, within 3 weeks beginning with the date of the notification, write to the authority stating—

- (a) that the applicant accepts their view and is providing an environmental statement; or
- (b) unless the condition referred to in paragraph (5) is satisfied, that the applicant is writing to the Secretary of State to request a screening direction.

(5) For the purpose of paragraph (4)(b) the condition is—

- (a) if the application referred to in paragraph (1) is an application for planning permission, that the Secretary of State has made a screening direction in respect of the development;
- (b) if the application referred to in paragraph (1) is a subsequent application, that the Secretary of State has made a screening direction subsequent to that application in respect of the development.

(6) If the applicant does not write to the authority in accordance with paragraph (4), the permission or subsequent consent sought shall, unless the condition referred to in paragraph (7) is satisfied, be deemed to be refused at the end of the relevant 3 week period, and the deemed refusal—

- (a) shall be treated as a decision of the authority for the purposes of article 36(4)(c) (register of applications) of the Order; but

(b) shall not give rise to an appeal to the Secretary of State by virtue of section 78 (right to appeal against planning decisions and failure to take such decisions).

(7) For the purpose of paragraph (6) the condition is—

(a) if the application referred to in paragraph (1) is an application for planning permission, that the Secretary of State has made a screening direction to the effect that the development is not EIA development;

(b) if the application referred to in paragraph (1) is a subsequent application, that the Secretary of State has made a screening direction subsequent to that application, to the effect that the development is not EIA development.

(8) An authority which has given a notification in accordance with paragraph (1) shall, unless the Secretary of State makes a screening direction to the effect that the development is not EIA development, determine the relevant application only by refusing planning permission or subsequent consent if the applicant does not submit an environmental statement and comply with regulation 17(6).

(9) A person who requests a screening direction pursuant to paragraph (4)(b) shall send to the Secretary of State with the request copies of—

(a) the application;

(b) all documents sent to the authority as part of the application;

(c) all correspondence between the applicant and the authority relating to the proposed development;

(d) a copy of any planning permission granted for the development; and

(e) in the case of a subsequent application, documents or information relating to the planning permission granted for the development that are relevant to the application,

and paragraphs (2) to (5) of regulation 6 shall apply to a request under this regulation as they apply to a request made pursuant to regulation 5(7).