
STATUTORY INSTRUMENTS

1999 No. 293

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PART III

PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

Application referred to the Secretary of State without an environmental statement

8.—(1) Where it appears to the Secretary of State that an application for planning permission which has been referred to him for determination—

- (a) is a Schedule 1 application or Schedule 2 application; and
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 shall apply as if the referral of the application were a request made by the applicant pursuant to regulation 5(6).

(2) Where it appears to the Secretary of State that an application which has been referred to him for determination is an EIA application and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, he shall notify the applicant in writing that the submission of an environmental statement is required and shall send a copy of that notification to the relevant planning authority.

(3) The Secretary of State shall notify the applicant in accordance with paragraph (2) within three weeks beginning with the date he received the application or such longer period as he may reasonably require.

(4) An applicant who receives a notification under paragraph (2) may within three weeks beginning with the date of the notification write to the Secretary of State stating that he proposes to provide an environmental statement.

(5) If the applicant does not write in accordance with paragraph (4), the Secretary of State shall be under no duty to deal with the application; and at the end of the three week period he shall inform the applicant in writing that no further action is being taken on the application.

(6) Where the Secretary of State has given a notification under paragraph (2), he shall determine the relevant application only by refusing planning permission if the applicant does not submit an environmental statement and comply with regulation 14(5).