
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 3

Procedures relating to applications for planning permission

EIA applications made to a relevant planning authority without an environmental statement

11.—(1) Where an EIA application which is before a relevant 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 relevant planning authority must 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 must notify the applicant of any such person.

(3) A relevant planning authority must 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 relevant planning authority must so notify the applicant within 7 days beginning with the date the relevant planning 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 relevant planning authority stating—

- (a) that the applicant accepts the view of the relevant planning authority 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; or
- (b) if the application referred to in paragraph (1) is a subsequent application, that the Secretary of State has made a screening direction in respect of the development on a date after the subsequent application was submitted.

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

- (a) must be treated as a decision of the relevant planning authority for the purposes of article 40(4)(c) (register of applications) of the Order; but
 - (b) must not give rise to an appeal to the Secretary of State under section 78(1) of the Act (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; or
 - (b) if the application referred to in paragraph (1) is a subsequent application, that the Secretary of State has made a screening direction to the effect that the development is not EIA development on a date after the subsequent application was submitted.
- (8) A relevant planning authority which has given a notification in accordance with paragraph (1) must, 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 20(6).
- (9) A person who requests a screening direction pursuant to paragraph (4)(b) must send the request to the Secretary of State together with copies of—
- (a) the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;
 - (b) any notification made under regulation 6(5) and any response sent by that person to the relevant planning authority;
 - (c) the application;
 - (d) all documents sent to the relevant planning authority as part of the application;
 - (e) all correspondence between the applicant and the relevant planning authority relating to the proposed development;
 - (f) a copy of any planning permission granted for the development; and
 - (g) in the case of a subsequent application, documents or information relating to the planning permission granted for the development to which the subsequent application relates,
- and paragraphs (2) to (8) of regulation 7 apply to a request under this regulation as they apply to a request made pursuant to regulation 6(10).

(1) Section 78 has been amended by section 17 of the 1991 Act; section 43 of the Planning and Compulsory Purchase Act 2004; sections 196 and 197 of, paragraphs 1 and 3 of Schedule 10 to, and paragraphs 1 and 2 of Schedule 11 to, the Planning Act 2008; sections 121 and 123 of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act 2011; section 1 of, and paragraphs 1 and 8 of Schedule 1 to, the Growth and Infrastructure Act 2013; article 3 of, and paragraphs 1 and 3 of Schedule 1 to, [S.I. 2014/2773](#); section 30 of, and paragraphs 2 and 12 of Part 2 of Schedule 4 to, the Infrastructure Act 2015; and section 150 of, and paragraphs 1 and 21 of Schedule 12 to, the Housing and Planning Act 2016.