
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

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

PART 3

PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

Appeal to the Scottish Ministers without an environmental statement

12.—(1) Where on consideration of an appeal under section 47 (right to appeal against planning decisions and failure to take such decisions) it appears to the Scottish Ministers that the application for planning permission to which the appeal relates is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, they must notify the appellant in writing that the submission of an environmental statement is required and send a copy of that notification to the planning authority.

(2) An appellant who receives a notification under paragraph (1) may within three weeks beginning with the date of the notification write to the Scottish Ministers stating that an environmental statement will be provided and may under regulation 15 ask the Scottish Ministers to make a scoping direction.

(3) If the appellant does not write in accordance with paragraph (2), the Scottish Ministers are under no duty to deal with the appeal and at the end of the three week period they must inform the appellant that no further action is being taken on the appeal.

(4) Where the Scottish Ministers have given a notification under paragraph (1), they are to determine the appeal only by refusing planning permission if the appellant does not submit an environmental statement.