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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 3**

**PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION**

**Application or request to review made to a planning authority without prior screening**

**11.**—(1) This regulation applies where it appears to the planning authority that—

- (a) an application for planning permission which is—
  - (i) before them for determination is a Schedule 1 application or Schedule 2 application;  
or
  - (ii) subject to review under section 43A(8) (right to require review of planning decisions and failure to take such decisions) is a Schedule 2 application;
- (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 an EIA report.

(2) Where this regulation applies the planning authority must, unless a screening direction is made by the Scottish Ministers, adopt a screening opinion in respect of the proposed development to which the application for planning permission relates.

(3) If it appears to the planning authority that the application for planning permission is a Schedule 2 application but the planning authority do not consider that the information submitted by the developer in connection with the application for planning permission includes all the information referred to in regulation 8(2), the planning authority must seek from the developer such information as they consider remains to be provided by giving notice to the developer describing that information.

(4) The provisions of regulation 9(1) to (6) apply in relation to the adoption of a screening opinion under paragraph (2) as they apply following a request made under regulation 8(1) as if—

- (a) the making of the application for planning permission or the request for review, as the case may be, were a request made under regulation 8(1);
- (b) references to date of receipt of the request were references to the relevant date.

(5) For the purposes of paragraph (4) the relevant date is the later of—

- (a) the date on which, as the case may be—
  - (i) the application for planning permission is taken to have been made in terms of regulation 14 of the Development Management Procedure Regulations; or
  - (ii) the request for review is made in respect of the application for planning permission;  
or
- (b) where notice is given to the developer under paragraph (3), the date on which the last of the items or information sought by such notice is received by the planning authority.