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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 Appeal to the Scottish Ministers without prior screening**

**13.**—(1) This regulation applies where it appears to the Scottish Ministers that—

- (a) an application for planning permission which is before them for determination by virtue of—
  - (i) a direction under section 46 (call-in of applications by the Scottish Ministers); or
  - (ii) an appeal under section 47 (right to appeal against planning decisions and failure to take such decisions),is a Schedule 1 application or 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 Scottish Ministers must make a screening direction in respect of the proposed development to which the application for planning permission relates.

(3) If it appears to the Scottish Ministers that the application for planning permission is a Schedule 2 application but the Scottish Ministers 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 Scottish Ministers 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 10(3)(b) and (4) to (6) apply in relation to the making of such a screening direction as they apply following a request made under regulation 9(5) as if references in regulation 10(4) and (5) to the 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 referred to the Scottish Ministers under section 46; or
  - (ii) the appeal 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 Scottish Ministers.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 13.