
STATUTORY INSTRUMENTS

2011 No. 1824

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

PART 3

Procedures Concerning Applications for Planning Permission

Application referred to the Secretary of State without an environmental statement

11.—(1) Where an application has been referred to the Secretary of State for determination, and it appears to the Secretary of State that—

- (a) it is an EIA application; and
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; 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(7).

(2) Where an application has been referred to the Secretary of State for determination, and it appears to the Secretary of State that—

- (a) it is an EIA application, and
- (b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Secretary of State 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 3 weeks beginning with the date the application was received or such longer period as may be reasonably required.

(4) Where the Secretary of State 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 Secretary of State shall notify the applicant of any such person.

(5) An applicant who receives a notification under paragraph (2) may, within 3 weeks beginning with the date of the notification, confirm in writing to the Secretary of State that an environmental statement will be provided.

(6) If the applicant does not write in accordance with paragraph (5), the Secretary of State shall be under no duty to deal with the application; and at the end of the 3 week period shall inform the applicant in writing that no further action is being taken on the application.

(7) Where—

(a) a notification has been given under paragraph (2), and

(b) the applicant does not submit an environmental statement and comply with regulation 17(6),

the Secretary of State shall determine the relevant application only by refusing planning permission or subsequent consent.