
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

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

PART 5

**PUBLICITY AND PROCEDURES ON SUBMISSION
OF ENVIRONMENTAL STATEMENTS**

Notification of environmental statement

17.—(1) In an EIA application, when the applicant or appellant submits to the Scottish Ministers or the planning authority a statement which that person refers to as an environmental statement for the purposes of these Regulations, the authority to whom the statement is submitted must give notice in accordance with this regulation.

(2) Notice under paragraph (1) is to be given in the form set out in Schedule 5 (or in a form substantially to the like effect) and is to include the following information—

- (a) a description of the location of the development to which the statement relates;
- (b) how the statement and other documents submitted with the application may be inspected or copies obtained;
- (c) the address at which copies of the statement may be obtained;
- (d) the cost of a copy of the statement; and
- (e) how representations may be made.

(3) Notice under paragraph (1) is to be given where there are premises situated on the neighbouring land to which the notice can be sent to the owner, lessee or occupier of such premises, by sending a notice addressed to “the Owner, Lessee or Occupier” to such premises.

(4) For the purposes of this regulation, “neighbouring land” has the same meaning as in regulation 3(1) of the Development Management Procedure Regulations.

Publication of environmental statement

18.—(1) When a statement such as is referred to in regulation 17(1) is submitted, the planning authority or the Scottish Ministers, as the case may be, must publish as soon as possible a notice containing the information specified in regulation 17(2) in—

- (a) The Edinburgh Gazette; and
- (b) a newspaper circulating in the locality in which the development to which the statement relates is situated.

(2) Where the Scottish Ministers or the planning authority are required to publish a notice in a newspaper in accordance with paragraph (1), the applicant must pay the cost to be incurred by the Scottish Ministers or the planning authority in arranging such advertisement at the time of submitting the statement.

(3) The planning authority are to make copies of the statement and other documents submitted with the application available for inspection at an office of the planning authority where the register may be inspected for the period of four weeks from the date on which notice is given under regulation 17(1).

Consultation where environmental statement received by planning authority

19.—(1) Where a planning authority receive in connection with an EIA application (including an EIA application under consideration on review under section 43A(8) (right to require review of planning decisions and failure to take such decisions)) a statement which the applicant refers to as an environmental statement for the purposes of these Regulations, they must—

- (a) place a copy of the statement in Part I of the register together with a copy of the related application;
- (b) send to the Scottish Ministers a copy of the application, and of any plans and other documents sent with it, and three copies of the statement;
- (c) send a copy of the statement to each consultation body, consult them about it and inform them that they may make representations; and
- (d) send a copy of the statement to the Health and Safety Executive where they would be required to be consulted under paragraph 3 or 4 of Schedule 5 to the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development and consult them about it and inform them that they may make representations

(2) Where a statement such as is referred to in paragraph (1) is submitted to the planning authority in relation to an application for planning permission, the applicant must let the planning authority have enough copies of the environmental statement or parts thereof to enable them to comply with paragraph (1)(c) and five additional copies.

(3) Where under this regulation a planning authority consult any person about any statement, they—

- (a) must give not less than four weeks' notice to such person that environmental information is to be taken into consideration; and
- (b) must not take the environmental information into consideration until after the expiration of the period of such notice.

(4) Where any person whom a planning authority are required to consult under this regulation considers that consultation with that person is not required in respect of any statement relating to any case or class of case or relating to any specified area and so inform the planning authority in writing then the planning authority are not required to consult that person under this regulation.

Copies of environmental statement for the Scottish Ministers

20. Where a statement which the applicant or appellant refers to as an environmental statement for the purposes of these Regulations is provided in relation to an application for planning permission which is directed to be referred to the Scottish Ministers for determination, or is to be the subject of an appeal to them, the applicant or appellant must provide the Scottish Ministers with three copies of the statement and, where relevant, any additional information unless (in the case of a referred application) the planning authority have already forwarded three copies when referring the application.

Consultation where environmental statement received by the Scottish Ministers

21.—(1) This regulation applies where the Scottish Ministers are taking into consideration environmental information relating to an EIA application which is being determined by them by virtue of section 46 or 47 and the environmental statement has not previously been submitted to the planning authority.

(2) The provisions of regulation 19(1)(c) and (d), (2), (3) and (4) apply to the Scottish Ministers as they apply to the planning authority, as if references to the applicant include, where the case requires, references to the appellant.

(3) The Scottish Ministers must consult the planning authority for the area in which is situated the land to which the application relates about the statement and must send them two copies of it.

(4) When the planning authority receive two copies of the statement under paragraph (3), they must place one copy in Part I of the register together with a copy of the related application.

Copies of environmental statement for the public

22.—(1) Where a statement which the applicant refers to as an environmental statement for the purposes of these Regulations is provided in relation to an application for planning permission, the applicant or appellant must ensure that a reasonable number of copies of the statement are available at the address named in the notices under regulation 17(1) as the address at which copies may be obtained.

(2) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with paragraph (1).