
STATUTORY INSTRUMENTS

2017 No. 571

**The Town and Country Planning (Environmental
Impact Assessment) Regulations 2017**

PART 3

Procedures relating to applications for planning permission

EIA applications made directly to the Secretary of State without an environmental statement

12.—(1) Where an application has been made directly to the Secretary of State under section 62A of the Act (When application may be made directly to the Secretary of State), and it appears to the Secretary of State that—

- (a) it 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 a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (2) to (8) of regulation 7 apply as if the application were a request made by the applicant pursuant to regulation 6(10).

(2) Where regulation 7(3) applies to an application made under section 62A of the Act (When application may be made directly to the Secretary of State) the Secretary of State must, where necessary to ensure that the developer has provided the information referred to in regulation 6(2), make a request for additional information before issuing a screening direction.

(3) Where the Secretary of State has determined that an application made under section 62A of the Act (When application may be made directly to the Secretary of State) is an EIA application and 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 must notify the applicant in writing that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(4) The Secretary of State must notify the applicant of a determination under paragraph (3) within 3 weeks beginning with the date the application was received or such longer period as may be agreed in writing with the applicant.

(5) 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 must notify the applicant of any such person.

(6) An applicant who receives a notification under paragraph (3) 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.

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

(8) Where—

- (a) a notification has been given under paragraph (3), and
- (b) the applicant does not submit an environmental statement and comply with regulation 20(6),

the Secretary of State must determine the relevant application only by refusing planning permission.

(9) In this regulation, “Schedule 1 application” and “Schedule 2 application” are to be taken to include subsequent applications.