

T: 0131-244 7589 F: 0131-244 7555
E: planning.decisions@gov.scot

Julie Hayward
Lead Planning Officer

Jhayward2@scotborders.gov.uk



Your ref: 15/00100/FUL & 16/00005/RREF
Our ref: NA-SBD-049
17 June 2016

Dear Ms Hayward

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009 - ERECTION OF CLASS 1 RETAIL FOODSTORE AT
WILTON MILLS 31-32 COMMERCIAL ROAD HAWICK**

I refer to our letter of 31 May 2016 which acknowledged receipt of your e-mail of 30 May 2016 relating to the above development, which was notified to Scottish Ministers in accordance with category 2 to the Schedule of the above Direction. This letter confirmed the start of our 28 day consideration period of the application.

As you will be aware, paragraphs 32-37 of circular 3/2011, the Environmental Impact Assessment (Scotland) Regulations 2011, refer to identifying Schedule 2 Development and paragraph 2(b) of Annex A of circular 3/2009 – Notification of Planning Applications refers to the information to be submitted to Scottish Ministers about environmental statements.

Paragraph 1(b) goes on to say that, where an environmental statement has not been prepared, a copy of any screening opinion given by the planning authority in respect of any Schedule 2 development (as defined in the 2011 Regulations) will be submitted along with the other documents required where an authority notify a planning application to Scottish Ministers for their consideration.

Having considered the information before them, including your e-mail of 13 June 2016, Scottish Ministers are of the view that the proposal falls within the description given in Schedule 2, Column 1, paragraph 10 (b) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and since the proposal exceeds the relevant threshold stated in Column 2 of that table, is schedule 2 development. In the circumstances, before Scottish Ministers can give further consideration to this notified application, they will require the Council to adopt a screening opinion and to submit this to Ministers' for their consideration as part of the notified planning application process.

Given that it has not been possible to reach a decision on this case, Scottish Ministers have decided, in terms of Regulation 32 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, to indefinitely suspend their consideration of the case. Scottish Ministers, therefore, direct that your authority may not grant planning permission for the above-mentioned development until further information, as described above, is received and fully considered by Scottish Ministers.

Yours sincerely

IAIN McLEOD

Copied to Laura Wemyss at PlanningAppeals@scotborders.gov.uk