

STATUTORY RULES OF NORTHERN IRELAND

2006 No. 276

PLANNING

**The Planning (Electronic Communications)
Order (Northern Ireland) 2006**

Made - - - - *22nd June 2006*
Coming into operation *1st August 2006*

^{F1}The Department of the Environment makes the following Order in exercise of the powers conferred by sections 1 and 2(6) of the Electronic Communications Act (Northern Ireland) 2001(1).

The Department is the appropriate department(2) for the purposes of the Planning (Northern Ireland) Order 1991(3).

In accordance with section 1(3) of that Act the Department considers that the authorisation of the use of electronic communications or electronic storage for any purpose is such that the extent (if any) to which records of such things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications or electronic storage than in other cases.

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\) and \(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Modifications etc. (not altering text)

C1 Order applied (1.4.2015) by [The Planning \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/74\)](#), **reg. 45(3)(4)(b)** (with [reg. 44](#))

Citation, commencement and interpretation

^{F1}1.

(1) [2001 c. 9 \(N.I.\)](#)

(2) See definition of “appropriate department” in section 2(1) of the Electronic Communications Act (Northern Ireland) 2001

(3) [S.I.1991/1220 \(N.I. 11\)](#) as amended by [S.I. 2003/430 \(N.I. 8\)](#) and [S.I.2006/1252 \(N.I.7\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Planning (Electronic Communications) Order (Northern Ireland) 2006. (See end of Document for details)

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Insertion of definitions and interpretation provisions

^{F1}**2.**

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Service of Notices and Documents

^{F1}**3.**

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Electronic publication of notices of applications

^{F1}**4.**

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Postal addresses to be provided in certain notices

^{F1}**5.**

Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988

^{F1}**6.**

Textual Amendments

- F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (Development Plans) Regulations (Northern Ireland) 1991

7. The Planning (Development Plans) Regulations (Northern Ireland) 1991(4) shall be amended in accordance with Schedule 2.

Commencement Information

- II [Art. 7](#) in operation at 1.8.2006, see **art. 1(1)**

Amendment of Planning (Listed Buildings) Regulations (Northern Ireland) 1992

^{F1}8.

Textual Amendments

- F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992

^{F1}9.

Textual Amendments

- F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993

^{F1}10.

Textual Amendments

- F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

^{F1}11.

(4) S.R. 1991 No. 119 as amended by S.R. 1994 No. 394, S.R. 2000 No. 101 and S.R. 2004 No. 438

Changes to legislation: There are currently no known outstanding effects for the The Planning (Electronic Communications) Order (Northern Ireland) 2006. (See end of Document for details)

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Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

^{F1}**12.**

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Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Amendment of the Planning (Trees) Regulations (Northern Ireland) 2003

^{F1}**13.**

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Textual Amendments

F1 Order revoked (except for art. 7, Sch. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\)](#) and [\(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(c)**

Sealed with the Official Seal of the Department of the Environment on 22nd June 2006.

L.S.

Marianne Fleming
A senior officer of the
Department

F¹SCHEDULE 1

Article 6

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SCHEDULE 2

Article 7

Amendment of the Planning (Development Plans) Regulations (Northern Ireland) 1991

- 1.—(1) Regulation 2 (interpretation) shall be amended as follows.
- (2) In paragraph (1)—
 - (a) after the definition of “the Directive” there shall be inserted the following definition—

““electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001.”;
 - (b) in the definition of “local advertisement”, after the words “replacement of a development plan;” there shall be inserted “and where the Department maintains a website for the purpose of advertisement, by publication of the notice on the website;”.
- (3) After paragraph (3) there shall be inserted the following paragraphs—
 - “(4) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being carried out electronically—
 - (a) the expression “address” includes any number or address used for the purpose of such communications;
 - (b) references to notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.
 - (5) Paragraphs (6) to (9) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any notice or other document to any other person (“the recipient”).
 - (6) The requirement shall be taken to be fulfilled where the notice or other document transmitted by means of electronic communication is—
 - (a) capable of being accessed by the recipient;
 - (b) legible in all material respects; and
 - (c) sufficiently permanent to be used for subsequent reference.
 - (7) In paragraph (6), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.
 - (8) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.
 - (9) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (6), and “written” and cognate expressions are to be construed accordingly.”.

Changes to legislation: There are currently no known outstanding effects for the *The Planning (Electronic Communications) Order (Northern Ireland) 2006*. (See end of Document for details)

Commencement Information

I2 Sch. 2 para. 1 in operation at 1.8.2006, see **art. 1(1)**

2. After regulation 14 (notice of adoption of a development plan), insert—

“Use of electronic communications

14A.—(1) Paragraph (2) applies where a person uses electronic communications for any of the following purposes—

- (a) making representations about proposals under regulation 3;
- (b) making objections to the making, alteration, etc. of a development plan under regulation 4;
- (c) making representations about an objection under regulation 4A.

(2) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the objection or representation shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the objection or representation (as the case may be) which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the objection or representation;
- (c) that the person’s deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by him in the notice but not less than seven days after the date on which the notice is given.”.

Commencement Information

I3 Sch. 2 para. 2 in operation at 1.8.2006, see **art. 1(1)**

^{F1}SCHEDULE 3 Article 8

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^{F1}SCHEDULE 4 Article 9

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^{F1}SCHEDULE 5 Article 10

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F¹SCHEDULE 6

Article 11

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F¹SCHEDULE 7

Article 12

Amendment of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

- F¹1.
- F¹2.
- F¹3.
- F¹4.

F¹SCHEDULE 8

Article 13

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EXPLANATORY NOTE

(This note is not part of the Order)

Section 1 of the Electronic Communications Act (Northern Ireland) 2001 empowers the appropriate department (defined in section 2 of that Act) by order to modify any statutory provision for the purpose of authorising or facilitating the use of electronic communications. This Order modifies legislation relating to planning.

Articles 2 to 5 modify certain provisions of the Planning (Northern Ireland) Order 1991 (“the 1991 Order”).

Article 2 inserts definitions relating to electronic communication into Article 2 (interpretation) of the 1991 Order. Consequential upon the insertion of a new definition of “address”, *Article 5* makes minor amendments to Articles 22(3), 67C and 125 of the 1991 Order, to ensure that requirements in those Articles to give an address can be fulfilled only by giving a postal, and not an electronic, address. Article 2 also amends Article 2 of the 1991 Order to make provision as to when electronic communications are deemed to have been received and authorises the use of electronic communications for the general purpose of giving or serving of notices (including notices of appeal to the planning appeals commission) or other documents under the 1991 Order where certain conditions are fulfilled, and subject to exceptions in cases where criminal sanctions attach to failure to comply with certain types of notice.

Changes to legislation: There are currently no known outstanding effects for the The Planning (Electronic Communications) Order (Northern Ireland) 2006. (See end of Document for details)

Article 4 amends Article 21(1) and Schedule 1 of the 1991 Order to facilitate the use of a website by the Department for the purpose of advertisement of planning applications and applications for listed building consent, respectively.

Articles 6 to 13 give effect to the Schedules to this Order.

Schedule 1 amends the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988 to facilitate the use of electronic communications for making certain applications and claims, under those Regulations, subject to specified conditions.

Schedule 2 amends the Planning (Development Plans) Regulations (Northern Ireland) 1991 to facilitate the use of electronic communications for making representations about proposals to make, alter, repeal or replace development plans, the making of objections to such plans, and the making of objections about those representations, subject to specified conditions. Schedule 2 also amends the definition of the phrase “local advertisement” to facilitate the use of a website by the Department for the purpose of advertisement of development plans and the holding of public local inquiries to consider objections and representations about objections to a development plan.

Schedule 3 amends the Planning (Listed Buildings) Regulations (Northern Ireland) 1992 to authorise the use of electronic communications for making certain applications and claims, under those Regulations, subject to specified conditions.

Schedule 4 amends the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 to authorise the use of electronic communications for making applications and sending certain notices under those Regulations, subject to specified conditions.

Schedule 5 amends the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 to authorise the use of electronic communications for making applications, claims and sending certain notices under those Regulations, subject to specified conditions.

Schedule 6 amends the Planning (General Development) Order (Northern Ireland) 1993 to authorise the use of electronic communications for making applications and sending certain notices and other documents under that Order, subject to specified conditions, and facilitates the use of an electronic planning register by the Department.

Schedule 7 amends the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 to authorise the use of electronic communications for making applications and sending certain notices and other documents under those Regulations, subject to specified conditions. The amendments, where electronic communications are used for certain purposes, facilitate the use of an electronic register by the Department.

Schedule 8 amends the Planning (Trees) Regulations (Northern Ireland) 2003 to authorise the use of electronic communications for making applications and sending certain notices and other documents under those Regulations, subject to specified conditions.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Electronic Communications) Order (Northern Ireland) 2006.