

SCHEDULE 7

Article 12

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

- 1.—(1) Regulation 2 (interpretation) shall be amended as follows.
 - (2) In paragraph (1), after the definition of “EIA development”, 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;”.
 - (3) After paragraph (4) there shall be inserted the following paragraphs—
 - (5) In these Regulations, and in relation to the use of electronic communications or electronic storage for any purpose of these Regulations which is capable of being effected electronically—
 - (a) the expression “address” includes any number or address used for the purpose of such communications except that where these Regulations impose any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
 - (b) references to plans, notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.
 - (6) Paragraphs (7) to (10) 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 statement, notice or other document to any other person (“the recipient”).
 - (7) The requirement shall (except in the case of service of a notice under regulation 22) 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.
 - (8) In paragraph (7), “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.
 - (9) 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.
 - (10) A requirement in these Regulations that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (7), and “written” and cognate expressions are to be construed accordingly.”.
2. In regulation 12(c) (publicity where an environmental statement is submitted) for the word “an” there shall be substituted the words “a postal”.
3. After paragraph (3) of regulation 34 (availability of information in relation to determinations, opinions, decisions, etc.) there shall be inserted—
 - (4) Where the registers kept under this regulation are kept using electronic storage, the Department may make the registers available for inspection by the public on a website maintained by the Department for that purpose.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4. After regulation 36 (appeals to the Commission for developments for which an environmental statement is required), there shall be inserted—

“Use of electronic communications

36A.—(1) Paragraph (2) applies where a person uses electronic communications to make an application under regulation 6 (pre-application determination as to the need for environmental impact assessment and opinion as to content of environmental statement), and except where a contrary intention appears, the applicant shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application which is 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 application;
- (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.

(2) In paragraph (3)(a) of regulation 6 the requirement for the application to be accompanied by a plan sufficient to identify the land to which the application relates is satisfied where the applicant identifies the land on an electronic map provided by the Department and for this purpose a map is taken to be provided where the Department has published it on its website.”.