

SCHEDULE 1

Article 11

Amendment of the Town and Country Planning (General Development Procedure) Order 1995

1. In paragraph (2) of article 1 (citation, commencement and interpretation)—
  - (a) after the definition of “dwellinghouse”, insert the following definition—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);”;
  - (b) for the definition of the expression “by local advertisement”, substitute—

““by local advertisement” means—

    - (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
    - (b) where the local planning authority maintain a website for the purpose of advertisement of applications, by publication of the notice on the website;”.
2. At the end of article 1, add—
  - “(3) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being effected electronically—
    - (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes 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 documents, maps, plans, drawings, certificates or other documents or to copies of such things, include references to such documents or copies of them in electronic form.
  - (4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the following purposes—
    - (a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or
    - (b) lodging an application, certificate or other document under article 20(3) with an authority mentioned in that article;

and, in those paragraphs, “the recipient” means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.

  - (5) The requirement shall not be taken to be fulfilled, or (as the case may be) the application or other document shall not be taken to have been lodged, unless the document transmitted by the 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.
  - (6) In paragraph (5), “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.
  - (7) 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;

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(1) 2000 c. 7.

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and for this purpose “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(8) A requirement in this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (5); and “written” and cognate expressions are to be construed accordingly.”.

3. In article 4 (applications for approval of reserved matters), in paragraph (c) after “required,” insert “or where the application is made using electronic communications,”.

4. In article 6 (notice of applications for planning permission),—

(a) after paragraph (3), insert—

“(3A) Where a local planning authority maintain a website for the purpose of advertisement of applications for planning permission, the notice required by paragraph (2) (c) shall (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice, and the place on the website where such documents may be accessed, and how they may be accessed.”;

(b) in paragraph (6), in the definition of “requisite notice” at the end, add—  
“, but shall not include notice served using electronic communications.”.

5. In article 23 (appeals), at the end, add—

“(5) The Secretary of State may provide, or arrange for the provision of, a website for use for such purposes as he thinks fit which—

- (a) relate to appeals under section 78 of the Act and this article, and
- (b) are capable of being effected electronically.

(6) Where a person gives notice of appeal to the Secretary of State using electronic communications, the person shall be taken to have agreed—

- (a) to the use of such communications for all purposes relating to his appeal which are capable of being carried out electronically,
- (b) that his address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, his notice of appeal, and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in accordance with article 27A that he wishes to revoke the agreement.”.

6. In article 25 (register of applications)—

(a) in paragraphs (3), (4) and (5), after “photographic”, in each place where it occurs, insert “or in electronic form”;

(b) at the end, insert—

“(12) Where the register kept by a local planning register authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.”.

7. After article 27 (directions), insert—

**“Withdrawal of consent to use of electronic communications**

**27A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, he shall give notice in writing—

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- (a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose, or
- (b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.”.

**8.** In Part 1 of Schedule 2 to the Order—

- (a) in the form of notice under article 6 of application for planning permission; and
- (b) in the first form of notice under articles 6 and 9(1) of appeal,

in the italicised words in brackets following the heading, after “newspaper” in each place, insert—  
“*and, where relevant, on a website*”.

**9.** In Schedule 3 to the Order, in both forms of notice under article 8, in the italicised words in brackets following the heading, after “newspaper” in each place, insert—  
“*and, where relevant, on a website*”.

## SCHEDULE 2

Article 12(1)

### Amendment of the Town and Country Planning (Applications) Regulations 1988

- 1.** In regulation 2 (interpretation), insert the following definitions at the appropriate places—  
““address”, in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, means any number or address used for the purpose of such communications;”  
““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);”.
- 2.** In regulation 3 (applications for planning permission), for paragraph (a), substitute—  
“(a) be made—
  - (i) on a form provided by the local planning authority; or
  - (ii) where the local planning authority has consented to applications being so made, on a form published electronically by the Secretary of State and provided by him to the applicant using electronic communications for that purpose.”.
- 3.** After regulation 4 (directions by the local planning authority), add—

#### “Use of electronic communications

- 5.—(1)** Where an application is made using electronic communications to transmit a form to the local planning authority—
  - (a) paragraph (1)(c) of regulation 3 shall not apply;
  - (b) references in these Regulations to forms, plans and drawings include references to such things in electronic form; and
  - (c) the applicant shall be taken to have agreed—

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(2) 2000 c. 7.

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- (i) to the use of such communications by the local planning authority for the purpose of giving directions to him under regulation 4;
- (ii) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and
- (iii) that his deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement (and such revocation shall be final and shall take effect on a date specified by the applicant but not less than seven days after the date on which the notice is given).”.

### SCHEDULE 3

Article 12(2)

#### Amendment of the Town and Country Planning (General Permitted Development) Order 1995

1. In article 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “dwellinghouse”, insert the following definition—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(3);”.

2. At the end of article 1, add—

“(7) Paragraphs (8) to (12) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order or in any Schedule to this Order to give or send any statement, notice or other document to any other person (“the recipient”).

(8) The requirement shall be taken to be fulfilled where the notice or other document transmitted by means of the 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.

(9) In paragraph (8), “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.

(10) 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, Bank Holiday or other public holiday.

(11) A requirement in this Order or in any Schedule to this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (8), and “written” and cognate expressions are to be construed accordingly.

(12) References in this Order or in any Schedule to this Order to plans, drawings, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.”.

3. In article 3 (permitted development), at the end, add—

“(13) Where a person uses electronic communications for making any application required to be made under any of Parts 6, 7, 22, 23, 24, 30 or 31 of Schedule 2, that person shall be taken to have agreed—

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(3) 2000 c. 7.

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

#### SCHEDULE 4

Article 13

#### Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

1. Renumber regulation 2 (interpretation) as regulation 2(1) and, at the end of that paragraph, add—

“and “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(4).

(2) In these Regulations, in relation to the use of electronic communications 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 purposes of such communications, except that where these Regulations impose an 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 forms, plans, notices and other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) 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 form, plan, notice or other document to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the form, plan, notice or other document transmitted by means of the 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.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the statement, 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.

(6) 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 and the purposes of paragraph (3) of regulation 8A, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and “written” and cognate expressions are to be construed accordingly.”.

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(4) 2000 c. 7.

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2. After regulation 8 (appeals), insert—

**“Use of electronic communications**

**8A.—(1)** Paragraphs (2) and (3) of this regulation apply where an electronic communication is used for the purpose of making an application—

- (a) under regulation 3, for listed building consent or conservation area consent, or
- (b) under regulation 4, for the variation or discharge of conditions attached to a listed building consent or conservation area consent.

(2) Paragraph (1) of regulation 3 or (as the case may be) of regulation 4 shall apply as if for the words “two further copies of the form,” there were substituted the words “any related”.

(3) The reference in paragraph (4) of regulation 3 to the date when the form and certificate were lodged with the local planning authority shall be construed as a reference to the date when the form and certificate are transmitted to the authority by means of the electronic communication; but where the communication is received outside the authority’s business hours, it shall be taken to have been received on the authority’s next working day.

(4) Where a local planning authority maintain a website for the purpose of advertisement of applications, regulation 5 applies with the modifications in paragraph (5) of this regulation.

(5) In regulation 5—

(a) for sub-paragraph (a) of paragraph (1), substitute—

“(a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and—

- (i) naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
- (ii) stating the address of a website where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; and”;

(b) in paragraph (2), omit “both of” in both places in which it occurs, and in sub-paragraph (a) after “sub-paragraph (a)” insert “(i) or (ii)”.

(6) Paragraph (7) of this regulation applies where a person uses electronic communications for any of the following purposes—

- (a) making an application under regulation 3, for listed building consent or conservation area consent;
- (b) making an application under regulation 4, for the variation or discharge of conditions attached to a listed building consent or conservation area consent;
- (c) giving notice of appeal to the Secretary of State under regulation 8;
- (d) making a claim under regulation 9 for compensation, or serving a listed building purchase notice under that regulation.

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(7) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application or claim or giving or serving the notice shall be taken to have agreed—

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