

SCHEDULE 6

Article 11

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

1.—(1) Article 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 (3) there shall be inserted the following paragraphs—

“(4) 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 carried out 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 applications, forms, 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.

(5) Paragraphs (6) to (9) 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 (“the recipient”); or
- (b) lodging an application, certificate or other document under Article 11(3) with the Department.

(6) 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.

(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 this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6), and “written” and cognate expressions are to be construed accordingly.”.

2. In Article 5(2) (notices relating to article 4 directions) after the word “situate” 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 Article 22 (register of orders and directions) there shall be inserted—

Status: This is the original version (as it was originally made).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

“Registers held using electronic storage

22A. Where registers held under Articles 18 to 22 are kept using electronic storage, the Department may make the registers available in each case for inspection by the public on a website maintained by the Department for that purpose.

Use of electronic communications

22B.—(1) Paragraphs (2) to (4) apply where a person uses electronic communications for any of the following purposes—

- (a) serving the required notice under a relevant condition to a class of development permitted under Article 3 and set out in Part 1 of Schedule 1;
- (b) making an application for planning permission under Article 7;
- (c) making an application for approval of reserved matters under Article 9;
- (d) making an application for a certificate of lawfulness of existing use or development or a certificate of lawfulness of proposed use or development under Article 10;
- (e) making a claim for compensation or serving a purchase notice under Article 17.

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

- (a) to the use of electronic communications for all purposes relating to the application, claim or notice (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 application, claim or notice;
- (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.

(3) In Article 7(1)—

- (a) in paragraph (b) the requirement that an application for planning permission shall be accompanied by a plan which identifies the land to which it relates shall be 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;
- (b) in paragraph (c) the requirement to submit 6 additional copies of the form, plans and drawings shall not apply.

(4) In Article 9(c) the requirement to submit 6 additional copies of the form, plans and drawings shall not apply.”.