

*Draft Order laid before Parliament under section 9(4) of the Electronic Communications Act 2000 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**TOWN AND COUNTRY PLANNING, ENGLAND  
TRIBUNALS AND INQUIRIES, ENGLAND**

**The Town and Country Planning (Electronic  
Communications) (England) Order 2003**

*Made - - - - 2003*

*Coming into force in accordance with article 1(1)*

The Secretary of State (in relation to matters for which this Order provides other than rules under the Tribunals and Inquiries Act 1992), and the Lord Chancellor (in relation to such rules), each considering that the authorisation by him by this Order of the use of electronic communications for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(1), hereby make the following Order, of which a draft has been laid before, and approved by Resolution of, each House of Parliament:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (Electronic Communications) (England) Order 2003 and shall come into force on the day after that on which it is made.

(2) This Order applies to all land in England.

**Interpretation**

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(2);

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- (1) 2000 c. 7. For the purposes of sections 8 and 9, the First Secretary of State is the appropriate Minister in relation to matters under the Town and Country Planning Act 1990 (c. 8) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9), and the Lord Chancellor is the appropriate Minister in relation to matters under the Tribunals and Inquiries Act 1992 (c. 53).
- (2) 1990 c. 8, amended by the Planning and Compensation Act 1991 (c. 34), the Tribunals and Inquiries Act 1992 (c. 53), the Environment Act 1995 (c. 25), and by other enactments in respect of matters not relevant to this Order.

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(3).

### **Use of electronic communications for appealing against enforcement notices**

3. In section 174 of the 1990 Act(4) (appeal against enforcement notice), in subsection (3) repeal “either” and at the end add “; or

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.”.

### **Use of electronic communications for service of notices**

4.—(1) Section 329 of the 1990 Act(5) (service of notices) is amended as follows.

(2) In subsection (1), after paragraph (c) insert—

“(cc) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (3A), to that person at that address (subject to subsection (3B)); or”.

(3) After subsection (3), insert—

“(3A) The condition mentioned in subsection (1)(cc) is that the notice or other document shall be—

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(3B) Subsection (1)(cc) shall not apply to—

- (a) service of a planning contravention notice;
- (b) service of a copy of an enforcement notice by a local planning authority;
- (c) giving of notice under section 173A of the exercise of powers conferred by subsection (1) of that section;
- (d) service under section 181(4) of notice of a local planning authority’s intention to take steps required by an enforcement notice;
- (e) service of an enforcement notice issued by the Secretary of State;
- (f) service of a stop notice, or of notice of withdrawal of a stop notice, by a local planning authority;
- (g) service of a stop notice by the Secretary of State;
- (h) service of a breach of condition notice or of notice of withdrawal of a breach of condition notice;
- (i) giving of notice of the making of a tree preservation order, or service of a copy of such an order, in accordance with regulations under section 199;

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(3) 1990 c. 9, amended by the Planning and Compensation Act 1991, the Local Government (Wales) Act 1994 (c. 19), and by other enactments in respect of matters not relevant to this Order.

(4) Section 174 was amended, and in part repealed, by the Planning and Compensation Act 1991 (c. 34), sections 6(1), 32 and 84, Schedule 7 paragraphs 8 and 22, and Schedule 19, Part 1.

(5) Section 329 was amended by the Planning and Compensation Act 1991, section 32 and Schedule 7, paragraphs 8, 51.

- (j) service of a notice under section 215 requiring steps to be taken to remedy the condition of any land;
- (k) service of a notice under section 330 requiring information as to interests in land.”(6).

### **Postal addresses to be provided in response to certain notices requiring information**

5. In the following provisions of the 1990 Act—

- (a) paragraphs (c) and (e) of subsection (3) of section 171C(7) (power to require information about activities on land), and
- (b) paragraphs (b) and (e) of subsection (2) of section 330 (power to require information as to interests in land),

after “name and”, insert “postal”.

### **Insertion of definitions and interpretation provisions**

6.—(1) Section 336 of the 1990 Act (interpretation) is amended as follows.

(2) In subsection (1), insert the following definitions at the appropriate places—

“In this Order—

“address”, in relation to electronic communications, means any number or address used for the purposes of such communications;”

“In this Order—

“electronic communication” has the same meaning as in the Electronic Communications Act 2000;”.

(3) After subsection (4), insert—

“(4A) Where—

- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and
- (b) the communication is received by that person outside that person’s business hours, it shall be taken to have been received on the next working day, and in this subsection, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.”.

### **Use of electronic communications for appeals against listed building enforcement notices**

7. In section 39 of the Listed Buildings Act(8) (appeal against listed building enforcement notices), in subsection (2) repeal “either” and at the end add—

“; or

- (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.”.

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(6) Section 172 was substituted by the Planning and Compensation Act 1991, section 5. Section 183 was substituted in part by the Planning and Compensation Act 1991, section 9(1). Section 187A was inserted by section 2 of that Act. Section 207 was substituted in part by section 23(1) of that Act. Section 330 was amended by the Environment Act 1995, section 78 and Schedule 10, paragraph 32(1).

(7) Section 171C was inserted by the Planning and Compensation Act 1991 (c. 34), section 1.

(8) Section 39 was amended, and in part repealed, by the Planning and Compensation Act 1991, sections 25, 84(6), and Schedule 3.

### **Use of electronic communications for service of notices under the Listed Buildings Act**

**8.**—(1) Section 89 of the Listed Buildings Act<sup>(9)</sup> (application of certain general provisions of principal Act) is amended as follows.

(2) In subsection (1), for “Subject to subsection (2),” substitute “Subject to subsections (1A) and (2),”.

(3) After subsection (1), insert—

“(1A) Subsection (1)(cc) of section 329 of that Act shall not apply to—

- (a) service of a building preservation notice;
- (b) service of a copy of a listed building enforcement notice by a planning authority;
- (c) giving of notice under section 38 of this Act of the exercise of powers conferred by subsection (5) of that section; or
- (d) service of a listed building enforcement notice issued by the Secretary of State.”<sup>(10)</sup>.

### **Insertion of definitions and interpretation into the Listed Buildings Act**

**9.**—(1) Section 91 of the Listed Buildings Act<sup>(11)</sup> (interpretation) is amended as follows.

(2) In subsection (1), insert the following definitions at the appropriate places—

“In this Order—

“address”, in relation to electronic communications, means any number or address used for the purpose of such communications;”

“In this Order—

“electronic communication” has the same meaning as in the Electronic Communications Act 2000;”.

(3) After subsection (5), insert—

“(5A) Where—

- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and
- (b) the communication is received by that person outside that person’s business hours, it shall be taken to have been received on the next working day; and in this subsection “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.”.

### **Amendment of the Environment Act 1995 in relation to applications to the mineral planning authority**

**10.**—(1) The Environment Act 1995<sup>(12)</sup> is amended as follows.

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(9) Subsection (1) of section 89 was amended by the Planning and Compensation Act 1991, section 30(2). Subsection (3) was added by section 29(2) of that Act.

(10) Building preservation notices are served under section 3, which was amended by the Local Government (Wales) Act 1994 (c. 19), section 20(4)(b) and Part II of Schedule 6. Listed building enforcement notices are issued under section 38, which was amended, and in part repealed, by the Planning and Compensation Act 1991, sections 25 and 84(6), Schedule 3, and Part I of Schedule 19. Section 46 was amended by the Planning and Compensation Act 1991, section 25, and Part II of Schedule 3; and by the Local Government (Wales) Act 1994, section 20(4)(b) and Part II of Schedule 6.

(11) Section 91 is amended in respects not relevant to this Order.

(12) 1995 c. 25. Section 96 and Schedules 13 and 14 (mineral planning permissions) and the Town and Country Planning Act 1990 have effect as if those provisions of the Environment Act 1995 were included in Part III of the latter Act: see section 96(2) of

- (2) In Schedule 13 (review of old mineral planning permissions)—
- (a) in paragraph 1 (interpretation), at the end add—
- “(8) Where an electronic communication is used to make an application to a mineral planning authority under any of paragraphs 6, 7 or 9 below, the applicant shall be taken to have agreed—
- (a) to the use of electronic communications for all purposes relating to his application which are capable of being effected using such communications, unless he gives notice in writing to the mineral planning authority in accordance with sub-paragraph (9) below; and
- (b) that his address for the purposes of such communications is the address incorporated into, or otherwise logically associated with, his application (or such other address as he may notify in writing to the mineral planning authority).
- (9) An applicant may give notice that he is no longer to be taken to have agreed to the use of electronic communications for the purposes mentioned in paragraph (a) of sub-paragraph (8).
- (10) Any such notice shall take effect from the date specified in it being not less than seven days from the date on which it is given.”;
- (b) in paragraph 9 (applications for approval of conditions, and appeals where conditions approved are not as proposed) in sub-paragraph (2)(d), for “an address” substitute “a postal address”.
- (3) In Schedule 14 (periodic review of mineral planning permissions)—
- (a) in paragraph 2 (interpretation), at the end add—
- “(5) Where an electronic communication is used to make an application to a mineral planning authority under paragraph 5 or 6 below, the applicant shall be taken to have agreed—
- (a) to the use of electronic communications for all purposes relating to his application which are capable of being effected using such communications, unless he gives notice in writing to the mineral planning authority in accordance with sub-paragraph (6) below; and
- (b) that his address for the purposes of such communications is the address incorporated into, or otherwise logically associated with, his application (or such other address as he may notify in writing to the mineral planning authority).
- (6) An applicant may give notice that he is no longer to be taken to have agreed to the use of electronic communications for the purposes mentioned in paragraph (a) of sub-paragraph (5).
- (7) Any such notice shall take effect from the date specified in it being not less than seven days from the date on which it is given.”;
- (b) in paragraph 6 (application to determine conditions to which mineral permissions are to be subject) in sub-paragraph (2)(d), for “an address” substitute “a postal address”.

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

**11.** The Town and Country Planning (General Development Procedure) Order 1995(**13**) is amended in accordance with Schedule 1 to this Order.

### **Amendment of certain rules relating to planning inquiries**

**12.—**(1) The Town and Country Planning (Inquiries Procedure) (England) Rules 2000(**14**) are amended in accordance with Schedule 2 to this Order.

(2) The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(**15**) are amended in accordance with Schedule 3 to this Order.

(3) The Town and Country Planning (Hearings Procedure) (England) Rules 2000(**16**) are amended in accordance with Schedule 4 to this Order.

### **Amendment of order and regulations relating to planning applications**

**13.—**(1) The Town and Country Planning (Applications) Regulations 1988(**17**) are amended in accordance with Schedule 5 to this Order.

(2) The Town and Country Planning (General Permitted Development) Order 1995(**18**) is amended in accordance with Schedule 6 to this Order.

### **Amendment of regulations relating to planning appeals**

**14.** The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000(**19**) are amended in accordance with Schedule 7 to this Order.

### **Amendment of regulations relating to listed buildings and conservation areas**

**15.** The Planning (Listed Buildings and Conservation Areas) Regulations 1990(**20**) are amended in accordance with Schedule 8 to this Order.

### **Amendment of regulations and rules relating to enforcement appeals**

**16.—**(1) The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002(**21**) are amended in accordance with Schedule 9 to this Order.

(2) The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002(**22**) are amended in accordance with Schedule 10 to this Order.

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(13) S.I.1995/419; amended by the Town and Country Planning (General Development Procedure) Order 1996 (S.I. 1996/1817), the Town and Country Planning (General Development Procedure) Order 1997 (S.I. 1997/85) and, as respects England, by the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000 (S.I. 2000/1627) and the Town and Country Planning (General Development Procedure)(Amendment)(England) Order 2002 (S.I. 2002/828). There are other amendments not relevant to this Order.

(14) S.I. 2000/1624. These rules, and those next mentioned in article 12(2) and (3), are made under section 9 of the Tribunals and Inquiries Act 1992 (1992 c. 53).

(15) S.I. 2000/1625.

(16) S.I. 2000/1626.

(17) S.I. 1988/1812. By virtue of the Planning (Consequential Provisions) Act 1990, these regulations now have effect as if made under sections 62 and 333 of the 1990 Act.

(18) S.I. 1995/418, to which there are amendments not relevant to this Order. Schedule 2 to the Order is amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 (S.I. 2001/2718).

(19) S.I. 2000/1628.

(20) S.I. 1990/1519.

(21) S.I.2002/2682.

(22) S.I.2002/2686.

(3) The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002(**23**) are amended in accordance with Schedule 11 to this Order.

(4) The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002(**24**) are amended in accordance with Schedule 12 to this Order.

(5) The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002(**25**) are amended in accordance with Schedule 13 to this Order.

Signed by authority of the First Secretary of State

2003

Parliamentary Under Secretary of State,  
Office of the Deputy Prime Minister

2003

Parliamentary Under Secretary of State,  
Lord Chancellor's Department

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(23) S.I. [2002/2685](#).

(24) S.I. [2002/2684](#).

(25) S.I.[2002/2683](#).

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—

“In this Order—  
“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(26);”;
  - (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 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 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.

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(26) 2000 c. 7.



(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; 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 carried out 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—

- (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 first 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 (Inquiries Procedure) (England) Rules 2000**

**1.** The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

- (a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(27);”;

- (b) in the definition of “questionnaire”, after the word “Rules” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed;”.

**2.** After rule 2(1), add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

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(27) 2000 c. 7.

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules 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 statements, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

(4) 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.

(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 “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Rules 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.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or other document in question.”.

**3. In rule 6 (receipt of statements of case etc.)—**

- (a) for sub-paragraph (a)(i) of paragraph (2), substitute—

“(i) details of the time and place where the opportunity to inspect and take copies described in paragraph (13) below shall be afforded (including, in any case in which the local planning authority rely on paragraph (13A), the details mentioned in that paragraph);”;

- (b) after paragraph (13), insert—

“(13A) For the purposes of the previous paragraph an opportunity is to be taken to have been afforded to a person where the person is notified of—

- (a) publication on a website of the documents mentioned in that paragraph;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

**4. In rule 10 (date and notification of inquiry)—**

- (a) after paragraph (3), insert—

“(3A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (3) where he and any person entitled to appear at the inquiry

have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—

- (a) the notice is a notice to which that agreement applies;
- (b) the Secretary of State has published that notice on the website;
- (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
  - (i) the publication of the notice on a website,
  - (ii) the address of the website, and
  - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;

(b) in paragraph (4), for the words “paragraph (3)” substitute “paragraphs (3) and (3A)”.

5. In rule 13 (proofs of evidence), at the end add—

“(8) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified of—

- (a) publication of the relevant document on a website,
- (b) the address of the website,
- (c) the place on the website where the document may be accessed, and how it may be accessed.”.

6. In rule 14 (statement of common ground), at the end add—

“(3) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified of—

- (a) publication of the statement of common ground on a website,
- (b) the address of the website,
- (c) the place on the website where the document may be accessed, and how it may be accessed.”.

7. In rule 18 (notification of decision)—

(a) after paragraph (1), insert—

“(1A) Notification in writing of a decision and reasons shall be taken to have been given to a person for the purposes of this rule where—

- (a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person on a website;
- (b) the decision and reasons are a decision and reasons to which that agreement applies;
- (c) the Secretary of State has published the decision and reasons on a website;
- (d) the person is notified, in a manner for the time being agreed between him and the Secretary of State, of—
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website;
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;

(b) after paragraph (3), insert—

“(3A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

8. For rule 22 (notices by post), substitute—

**“Sending of notices etc.**

**22.** Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

9. After rule 22, insert—

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

**22A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of these Rules which is capable of being effected electronically, he shall give notice in writing—

- (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 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.”.

SCHEDULE 3

Article 12(2)

**Amendment of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000**

1. The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

- (a) after the definition of “document” insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(28);”;

- (b) in the definition of “questionnaire” after the word “Rules” insert—

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(28) 2000 c. 7.

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority, in a manner for the time being agreed between the Secretary of State and the authority for that purpose, of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed;”.

**2.** After rule 2(1), add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules 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 statements, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the 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 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, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Rules 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.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or other document in question.”.

**3.** In rule 6 (receipt of statements of case etc.)—

- (a) for sub-paragraph (a)(i) of paragraph (2), substitute—

“(i) details of the time and place where the opportunity to inspect and take copies described in paragraph 13 below shall be afforded (including, in any case in which the local planning authority rely on paragraph 13A, the details mentioned in that paragraph);”;

- (b) after paragraph (13), insert—
- “(13A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified of—
- (a) publication on a website of the documents mentioned in that paragraph;
  - (b) the address of the website;
  - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

4. In rule 10 (date and notification of inquiry)—

(a) after paragraph (2), insert—

“(2A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (2) where he and any person entitled to appear at the inquiry have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person on a website, and —

    - (a) the notice is a notice to which that agreement applies;
    - (b) the Secretary of State has published that notice on a website;
    - (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
      - (i) the publication of the notice on a website,
      - (ii) the address of the website, and
      - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;

(b) in paragraph (3), for the words “paragraph (2)” substitute “paragraphs (2) to (2A)”.

5. In rule 14 (proofs of evidence), at the end add—

“(8) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified, in a manner for the time being agreed between him and the local planning authority for that purpose, of—

    - (a) publication of the relevant document on a website,
    - (b) the address of the website,
    - (c) the place on the website where the document may be accessed, and how it may be accessed.”.

6. In rule 15 (statement of common ground), at the end add—

“(3) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified, in a manner for the time being agreed between him and the local planning authority for that purpose, of—

      - (a) publication of the statement of common ground on a website,
      - (b) the address of the website,
      - (c) the place on the website where the document may be accessed, and how it may be accessed.”.

7. In rule 19 (notification of decision)—

(a) after paragraph (1), insert—

“(1A) Notification in writing of a decision and reasons shall be taken to have been given to a person for the purposes of this rule where—

- (a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person via a website;
  - (b) the decision and reasons are a decision and reasons to which that agreement applies;
  - (c) the Secretary of State has published the decision and reasons on a website;
  - (d) the person is notified, in a manner for the time being agreed between him and the Secretary of State, of—
    - (i) the publication of the decision and reasons on a website;
    - (ii) the address of the website;
    - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
- (b) after paragraph (2), insert—
- “(2A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—
- (a) publication of the relevant documents on a website;
  - (b) the address of the website;
  - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

**8.** For rule 23 (notices by post) substitute—

**“Sending of notices etc.**

**23.** Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

**9.** After rule 23, insert—

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

**23A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Rules, is capable of being carried out using such communications, he shall give notice in writing—

- (a) withdrawing any address notified to the Secretary of State or (as the case may be) to a local planning authority for that purpose, or
- (b) revoking any agreement entered into with the Secretary of State or (as the case may be) 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.”.



SCHEDULE 4

Article 12(3)

**Amendment of the Town and Country Planning (Hearings Procedure) (England) Rules 2000**

1. The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

(a) before the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(29);”;

(b) in the definition of “questionnaire”, after the word “Rules” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed;”.

2. After rule 2(1) add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules 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 Rules 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 statements, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the 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 “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

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(29) 2000 c. 7.

(7) A requirement in these Rules 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.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or other document in question.”.

3. In rule 6 (receipt of hearing statements etc.), after paragraph (6) insert—

“(6A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified of—

- (a) publication on a website of any document mentioned in sub-paragraph (a) or (b) of the previous paragraph;
- (b) the address of the website;
- (c) the place on the website where the document may be accessed, and how it may be accessed.”.

4. In rule 7 (date and notification of hearing)—

(a) after paragraph (2), insert—

“(2A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (2) where he and any person entitled to appear at the hearing have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—

- (a) the notice is a notice to which that agreement applies;
- (b) the Secretary of State has published the notice on a website;
- (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
  - (i) the publication of the notice on a website,
  - (ii) the address of the website, and
  - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;

(b) in paragraph (3), for the words “paragraph (2)” substitute “paragraphs (2) and (2A)”.

5. Rule 15 (notification of decision—non-transferred appeals) is amended as follows—

(a) after paragraph (2), insert—

“(2A) Notification in writing of a decision and reasons shall also be taken to have been given to a person for the purposes of this rule where—

- (a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person on a website;
- (b) the decision and reasons are a decision and reasons to which that agreement applies;
- (c) the Secretary of State has published the decision and reasons on a website;
- (d) the person is notified of—
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website;
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;

(b) after paragraph (4), insert—

“(4A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

6. In rule 16 (notification of decision—transferred appeals) after paragraph (3), insert—

“(4A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

7. For rule 19 (notices by post) substitute—

**“Sending of notices etc.**

**19.** Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

8. After rule 19, insert—

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

**19A.** Where a person is no longer willing to accept the use of electronic communications for any purpose under these Rules which is capable of being effected electronically, the person shall give notice in writing—

- (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 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.”.

SCHEDULE 5

Article 13(1)

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

1. In regulation 2 (interpretation) insert the following definitions at the appropriate places—

“In this Order—

“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<sup>(30)</sup>;

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), at the end 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—
  - (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 6

Article 13(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—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(31)</sup>;

2. At the end of article 1, add—

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<sup>(30)</sup> 2000 c. 7.

<sup>(31)</sup> 2000, c. 7.

“(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—

- (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 7

Article 14

**Amendment of the Town and Country Planning (Appeals)  
(Written Representations Procedure)(England) Regulations 2000**

**1.** The existing provisions of regulation 2 (interpretation) shall become paragraph (1) of that regulation, and in that paragraph—

- (a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(32);”;

(b) in the definition of “questionnaire” after the word “Regulations” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed”.

2. After regulation 2(1), add—

“(2) In these Regulations, and 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 notices, representations or 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 statement, notice or other document to any other person (“the recipient”).

(4) 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.

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

3. In regulation 3 (application), after paragraph (2) insert—

“(2A) Where an appellant (or, as the case may be, the appellant and the local planning authority) so informs the Secretary of State using electronic communications, the appellant shall be taken to have agreed—

- (a) to the use of such communications for all purposes of these Regulations 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 communication so informing the Secretary of State; and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in accordance with regulation 11A that he wishes to revoke the agreement;

and the references in paragraphs (1) and (2) of this regulation to an appeal being disposed of on the basis of written representations shall not be taken to preclude the use of electronic communications in accordance with this paragraph and regulation 2.”.

4. In regulation 7 (representations) at the end add—

“(9) Where a party to which this regulation applies elects to use electronic communications for submitting, sending, copying, or sending a copy of any representations, questionnaire or other document, this regulation shall have effect subject to the following modifications—

- (a) where the party so electing is the local planning authority, paragraphs (3) and (7) shall apply to them as if the words “2 copies of” were omitted;
- (b) where the party so electing is the appellant, paragraphs (4) and (7) shall apply to him as if the words “2 copies of” were omitted;
- (c) where the party so electing is, by virtue of the application of regulation 11, the Mayor of London, paragraph (4A) shall apply as if the words “3 copies of” were omitted.”.

5. After regulation 11, insert—

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

**11A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, the person shall give notice in writing—

- (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 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.”.

SCHEDULE 8

Article 15

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

1. The existing provisions of regulation 2 (interpretation) shall become paragraph (1) of that regulation, 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(33).

(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—

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(33) 2000 c. 7.

- (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.”.

**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.
- (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).”.

## SCHEDULE 9

Article 16(1)

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

1. In regulation 3 (interpretation) before the definition of “enforcement notice” insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(34);”.

2. In regulation 5 (explanatory note to accompany copy of enforcement notice), in subparagraph (a)(ii) at the end insert—

“, or (where electronic communications are used to send such notice to the Secretary of State) by sending the notice to him at such time that, in the ordinary course of transmission, it would be delivered to him before that date.”.

3. After regulation 10 (notice of receipt of all required documents) insert—

**“Use of electronic communications**

**10A.**—(1) Paragraphs (2) to (7) of this regulation apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in Part 3 of these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(2) The requirement shall be taken to be fulfilled where the 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.

(3) In paragraph (2), “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.

(4) 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.

(5) A requirement that any notice or other document should be in writing is fulfilled where that document meets the criteria in paragraph (2), and “written” and cognate expressions are to be construed accordingly.

(6) Where a person makes an appeal to the Secretary of State under regulation 6 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 statement of appeal;
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in accordance with paragraph (7) that he wishes to revoke the agreement.

(7) Where a person is no longer willing to accept the use of electronic communications for the purposes of an appeal under these Regulations, he shall give notice in writing—

- (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 with the Secretary of State or with a local planning authority for that purpose,

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(34) 2000 c. 7.

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.”.

SCHEDULE 10

Article 16(2)

**Amendment of the Town and Country Planning  
(Enforcement) (Inquiries Procedure)(England) Rules 2002**

1. The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

(a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(35);”;

(b) in the definition of “questionnaire”, after the word “Rules” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed;”.

2. After rule 2(1), add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules 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 statements, notices, summaries, applications, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules that an application, notice, or other document should be made, sent or given to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the application, notice, or other document or (in the case of an agreement) the text concluding the agreement which is 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.

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(35) 2000 c. 7.

(5) In paragraph (4), “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 notice or 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 “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

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

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or document in question.”.

**3. In rule 8 (service of statements of case etc.)—**

(a) in paragraph (2), at the end add—

“(and including, in any case in which the local planning authority rely on paragraph (13A), the details mentioned in that paragraph)”;

(b) after paragraph (13), insert—

“(13A) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where the person is notified of—

- (a) publication on a website of the documents mentioned in that paragraph;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

**4. In rule 11 (date and notification of inquiry)—**

(a) after paragraph (3), insert—

“(3A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (3) where he and any person entitled to appear at the inquiry have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—

- (a) the notice is a notice to which that agreement applies;
- (b) the Secretary of State has published that notice on the website;
- (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
  - (i) the publication of the notice on a website,
  - (ii) the address of the website, and
  - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;

(b) in paragraph (4), for the words “paragraph (3)” substitute “paragraphs (3) and (3A)”.

**5. In rule 16 (proofs of evidence) at the end add—**

“(8) For the purposes of the previous paragraph an opportunity is to be taken to have been given to a person where the person is notified of—

- (a) publication of the relevant document on a website,
- (b) the address of the website,

- (c) the place on the website where the document may be accessed, and how it may be accessed.”.
- 6. In rule 17 (statement of common ground), after paragraph (2) add—
  - “(3) For the purposes of the previous paragraph an opportunity is to be taken to have been given to a person where the person is notified of—
    - (a) publication of the statement of common ground on a website,
    - (b) the address of the website,
    - (c) the place on the website where the document may be accessed, and how it may be accessed.”.
- 7. In rule 21 (notification of decision)—
  - (a) after paragraph (1), insert—
    - “(1A) Notification of a decision and reasons is to be taken to have been given to a person for the purposes of this rule where—
      - (a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person on a website;
      - (b) the decision and reasons are a decision and reasons to which that agreement applies;
      - (c) the Secretary of State has published the decision and reasons on a website;
      - (d) the person is notified, in a manner for the time being agreed between him and the Secretary of State, of—
        - (i) the publication of the decision and reasons on a website;
        - (ii) the address of the website;
        - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
  - (b) in paragraph (2), after “decision” in the first place in which it occurs, insert “or published on a website in accordance with paragraph (1A)”;
  - (c) after paragraph (3), insert—
    - “(3A) For the purposes of the previous paragraph an opportunity is to be taken to have been afforded to a person where that person is notified of—
      - (a) publication of the relevant documents on a website;
      - (b) the address of the website;
      - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.
- 8. For rule 25 (service of notices by post), substitute—

**“Sending of notices etc.**

- 25.** Notices or documents required or authorised to be served, sent or supplied under these Rules may be served, sent or supplied—
- (a) by post; or
  - (b) by using electronic communications to serve, send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

9. After rule 25, insert—

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

**25A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of these Rules which is capable of being effected electronically, he shall give notice in writing—

- (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 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.”.

SCHEDULE 11

Article 16(3)

**Amendment of the Town and Country Planning (Enforcement)  
(Determination by Inspectors)(Inquiries Procedure) (England) Rules 2002**

1. The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

- (a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(36)</sup>”;

- (b) in the definition of “questionnaire” after the word “Rules” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority, in a manner for the time being agreed between the Secretary of State and the authority for that purpose, of—

- (i) publication of the form on the website,
- (ii) the address of the website, and
- (iii) the place on the website where the form may be accessed, and how it may be accessed”.

2. After rule 2(1), add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules 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;

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(36) 2000 c. 7.

(b) references to statements, notices, applications, or other documents, or to copies of such documents include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules that a statement or other document should be sent or given to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the statement or other document which is 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 notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a notice or 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 “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Rules that any notice or 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.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or document in question.”.

**3. In rule 6 (service of statements of case etc.)—**

(a) in paragraph (2), at the end add—

“(and including, in any case in which the local planning authority rely on paragraph (13A), the details mentioned in that paragraph)”;

(b) after paragraph (13), insert—

“(13A) For the purposes of the previous paragraph an opportunity is to be taken to have been given to a person where the person is notified of—

- (a) publication on a website of the documents mentioned in that paragraph;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

**4. In rule 9 (date and notification of inquiry)—**

(a) after paragraph (3), insert—

“(3A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (3) where he and any person entitled to appear at the inquiry have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—

- (a) the notice is a notice to which that agreement applies;
- (b) the Secretary of State has published that notice on the website;
- (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—

- (i) the publication of the notice on a website,
    - (ii) the address of the website, and
    - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;
  - (b) in paragraph (4), for the words “paragraph (3)” substitute “paragraphs (3) and (3A)”.
5. In rule 15 (proofs of evidence), at the end add—
- “(8) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where the person is notified of—
- (a) publication of the relevant document on a website,
  - (b) the address of the website,
  - (c) the place on the website where the document may be accessed, and how it may be accessed.”.
6. In rule 16 (statement of common ground), at the end add—
- “(3) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where the person is notified of—
- (a) publication of the statement of common ground on a website,
  - (b) the address of the website,
  - (c) the place on the website where the document may be accessed, and how it may be accessed.”.
7. In rule 20 (notification of decision)—
- (a) after paragraph (1), insert—
- “(1A) Notification in writing of a decision and reasons shall be taken to have been given to a person for the purposes of this rule where—
- (a) the Secretary of State and the person have agreed that decisions, reasons, and copies of reports required under this rule to be given in writing may instead be accessed by that person on a website;
  - (b) the decision and reasons are a decision and reasons to which that agreement applies;
  - (c) the Secretary of State has published the decision and reasons on a website;
  - (d) the person is notified, in a manner for the time being agreed between him and the Secretary of State, of—
- (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website;
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
- (b) after paragraph (2), insert—
- “(2A) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where that person is notified of—
- (a) publication of the relevant documents on a website;
  - (b) the address of the website;
  - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.



8. For rule 24 (service of notices by post), substitute—

**“Sending of notices etc.**

**24.** Notices or documents required or authorised to be served, sent or supplied under these Rules may be served, sent or supplied—

- (a) by post; or
- (b) by using electronic communications to serve, send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

9. After rule 24, insert—

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

**24A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically, he shall give notice in writing—

- (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 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.”.

SCHEDULE 12

Article 16(4)

**Amendment of the Town and Country Planning  
(Enforcement) (Hearings Procedure)(England) Rules 2002**

1. The existing provisions of rule 2 (interpretation) shall become paragraph (1) of that rule, and in that paragraph—

- (a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(37);”;

- (b) in the definition of “questionnaire” after the word “Rules” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority, in a manner for the time being agreed between the Secretary of State and the authority for that purpose, of—

- (i) publication of the form on the website,
- (ii) the address of the website, and

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(37) 2000 c. 7.

(iii) the place on the website where the form may be accessed, and how it may be accessed”.

**2.** After rule 2(1), add—

“(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules 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 statements, notices, applications, or other documents or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules that a statement or other document should be sent or given to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the 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 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 “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Rules that any notice or 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.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or document in question.

**3.** In rule 5 (hearing statements), after paragraph (6) insert—

“(6A) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where the person is notified of—

- (a) publication on a website of any document mentioned in sub-paragraph (a) or (b) of the previous paragraph;
- (b) the address of the website;
- (c) the place on the website where the document may be accessed, and how it may be accessed.”.

**4.** In rule 6 (date and notification of hearing)—

(a) after paragraph (2), insert—

“(2A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (2) where he and any person entitled to appear

- at the hearing have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person on a website and—
- (a) the notice is a notice to which that agreement applies;
  - (b) the Secretary of State has published the notice on a website;
  - (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
    - (i) the publication of the notice on a website,
    - (ii) the address of the website, and
    - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;
  - (b) in paragraph (3), for the words “paragraph (2)” substitute “paragraphs (2) and (2A)”.
5. Rule 15 (notification of decision—non-transferred appeals) is amended as follows—
- (a) after paragraph (2), insert—

“(2A) Notification in writing of a decision and reasons shall be taken to have been given to a person for the purposes of this rule where—

    - (a) the Secretary of State and the person have agreed that decisions, reasons, and copies of reports required under this rule to be given in writing may instead be accessed by that person on a website;
    - (b) the decision and reasons are a decision and reasons to which that agreement applies;
    - (c) the Secretary of State has published the decision and reasons on a website;
    - (d) the person is notified of—
      - (i) the publication of the decision and reasons on a website;
      - (ii) the address of the website;
      - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
  - (b) in paragraph (3), after “decision” in the first place in which it occurs, insert “or published on a website in accordance with paragraph (2A)”;
  - (c) after paragraph (4), insert—

“(4A) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where that person is notified of—

    - (a) publication of the relevant documents on a website;
    - (b) the address of the website;
    - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.
6. In rule 16 (notification of decision—transferred appeals) after paragraph (3), insert—
- “(3A) For the purposes of the previous paragraph an opportunity shall be taken to have been given to a person where that person is notified of—
- (a) publication of the relevant documents on a website;
  - (b) the address of the website;

- (c) the place on the website where the documents may be accessed, and how they may be accessed.”.

7. For rule 19 (notices by post), substitute—

**“Sending of notices etc.**

**19.** Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

8. After rule 19, add—

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

**20.** Where a person is no longer willing to accept the use of electronic communications for any purpose which under these Rules is capable of being carried out electronically, the person shall give notice in writing—

- (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 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.”.

SCHEDULE 13

Article 16(5)

**Amendment of the Town and Country Planning (Enforcement)  
(Written Representations Procedure) (England) Regulations 2002**

**1.** The existing provisions of regulation 2 (interpretation) shall become paragraph (1) of that regulation, and in that paragraph—

- (a) after the definition of “document”, insert the following definition—

“In this Order—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(38);”;

- (b) in the definition of “questionnaire” after the word “Regulations” insert—

“, and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified a local planning authority of—

- (i) publication of the form on the website,
- (ii) the address of the website, and

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(38) 2000 c. 7.

(iii) the place on the website where the form may be accessed, and how it may be accessed.”.

2. After regulation 2(1), add—

“(2) 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 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 notices, representations, or 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 regulations 4 to 8 of these Regulations that representations or other documents should be sent or submitted to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the 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 (5), “legible in all material respects” means that the information contained in the 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 “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 notice or document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and (except in regulation 5) “written” and cognate expressions are to be construed accordingly.”.

3. In regulation 3 (application), after paragraph (2 ) insert—

“(2A) Where an appellant (or, as the case may be, the appellant and the local planning authority) so informs the Secretary of State using electronic communications, the appellant shall be taken to have agreed—

- (a) to the use of such communications for all purposes of these Regulations 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 communication so informing the Secretary of State; and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in accordance with regulation 10A that he wishes to revoke the agreement;

and the references in paragraphs (1) and (2) of this regulation to an appeal being disposed of on the basis of written representations shall not be taken to preclude the use of electronic communications in accordance with this paragraph and regulation 2.”.

4. In regulation 7 (representations) at the end add—

“(9) Where a party to which this regulation applies elects to use electronic communications for submitting, sending, copying, or sending a copy of any representations, questionnaire or other document, this regulation shall have effect subject to the following modifications—

- (a) where the party so electing is the appellant, in paragraphs (3) and (7) omit the words “2 copies of”;
- (b) where the party so electing is the local planning authority, in paragraphs (4) and (7) omit the words “2 copies of”.

5. After regulation 10, insert—

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

**10A.** Where a person is no longer willing to accept the use of electronic communications for any purpose under these Regulations which is capable of being carried out electronically, the person shall give notice in writing—

- (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 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.”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 8 of the Electronic Communications Act 2000 empowers the appropriate Minister (defined in section 9 of that Act) by order to modify any enactment or subordinate legislation for the purpose of authorising or facilitating the use of electronic communications. This Order modifies legislation relating to planning.

Articles 3 to 6 modify certain provisions of the Town and Country Planning Act 1990 (“the 1990 Act”).

*Article 3* authorises the use of electronic communications for the specific purpose of sending notices of appeal against planning enforcement notices to the Secretary of State.

*Article 4* amends section 329 of the 1990 Act to authorise the use of electronic communications for the general purpose of sending or giving notices or other documents under the Act, where certain conditions are fulfilled, and subject to exceptions in cases where criminal sanctions attach to failure to comply with certain types of notice. Section 329 applies for the purposes of other planning enactments, and so the modifications made to that section by this Order have effect, with further modifications as noted below, also for the Planning (Listed Buildings and Conservation Areas)

Act 1990 (see section 89(1)); the Planning (Hazardous Substances) Act 1990 (see section 37); and Schedules 13 and 14 of the Environment Act 1995 (see section 96(2)).

*Article 6* inserts definitions relating to electronic communication into section 336 (interpretation) of the 1990 Act. Consequential upon the insertion of a new definition of “address”, article 5 makes minor amendments to sections 171C and 330 of the 1990 Act, to ensure that requirements in those sections to give an address can be fulfilled only by giving a postal, and not an electronic, address. Article 6 also makes provision as to when electronic communications are deemed to have been received.

Articles 7 to 9 modify certain provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).

*Article 7* makes parallel provision, in relation to section 39 of that Act, to that made by article 3 in relation to section 174 of the 1990 Act.

*Article 8* makes amendments to section 89 of the Listed Buildings Act, consequential upon the amendments to section 329 of the 1990 Act. In particular it disapplies the use of electronic communications for service of certain notices, where criminal sanctions attach to failure to comply with those notices.

*Article 9* makes amendments to section 91 (the interpretation section) of the Listed Buildings Act which are parallel to those made by article 6 in relation to the equivalent section in the 1990 Act.

*Article 10* makes amendments to Schedules 13 and 14 to the Environment Act 1995, in relation to the use of electronic communications for the purpose of making certain applications under those Schedules to a mineral planning authority.

Articles 11 to 15 give effect to the Schedules to this Order.

*Schedule 1* makes provision amending the Town and Country Planning (General Development Procedure) Order 1995, so as to facilitate the use of electronic communications for making certain applications and appeals under the 1990 Act; to authorise the use of a website by the Secretary of State in relation to appeals under section 78 of that Act; and to facilitate the use of websites and electronic storage by local planning authorities.

Schedules 2, 3, and 4 amend rules made by the Lord Chancellor and governing the procedure for the conduct of certain inquiries under the 1990 Act. *Schedule 2* amends the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. *Schedule 3* amends the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000. *Schedule 4* amends the Town and Country Planning (Hearings Procedure) (England) Rules 2000. In each case, the amendments facilitate the use of electronic communications for service of notices and other documents, subject to conditions; authorise the supply of certain forms electronically by the Secretary of State; facilitate the use of websites for publication of certain documents and notices, again subject to certain specified conditions; authorise the use of electronic communications for notification of certain decisions, where the person to whom notification is to be given has consented; and, where electronic communications are used for certain purposes, relax the requirements for multiple copies of documents to be supplied.

*Schedule 5* amends the Town and Country Planning (Applications) Regulations 1988, to authorise the electronic publication of forms of application for planning permission by the Secretary of State, and the use of electronic communications to transmit forms to the local planning authority, subject to specified conditions.

*Schedule 6* amends to the Town and Country Planning (General Permitted Development) Order 1995, to authorise the use of electronic communications for the purpose of certain applications under that Order, subject to specified conditions.

*Schedule 7* amends the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000, to authorise the use of electronic communications for giving statements or notices under those Regulations, subject to specified conditions.

*Schedule 8* amends the Planning (Listed Buildings and Conservation Areas) Regulations 1990, made under the Listed Buildings Act, to authorise the use of electronic communications for making certain applications, or giving notice of appeal to the Secretary of State, under the Regulations, again subject to specified conditions; and to facilitate the use of websites by local planning authorities for certain purposes of those Regulations.

Schedules 9 to 13 amend regulations and rules (in the latter case, made by the Lord Chancellor) under the 1990 Act relating to planning enforcement appeals. *Schedule 9* amends the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, to authorise the use of electronic communications for sending certain notices etc., and for making certain appeals to the Secretary of State, subject in each case to specified conditions. *Schedule 10* amends the Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002. *Schedule 11* amends the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002. *Schedule 12* amends the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002. *Schedule 13* amends the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Rules 2002. In each of the four latter cases, the amendments made are similar to those made in relation to planning appeals by Schedules 2 to 4, and Schedule 7, as described above.

A Regulatory Impact Assessment has been prepared in relation to the Order. It has been placed in the Library of each House of Parliament and copies may be obtained from the Office of the Deputy Prime Minister, Planning Development Control Directorate Branch A, Zone 4/J2, Eland House, Bressenden Place, London SW1E 5DU.