

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—

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

(1) 2000 c. 7.

Status: This is the original version (as it was originally made).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

(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.”.