

SCHEDULE 1

Article 11

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

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

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

““by local advertisement” means—

 - (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
 - (b) where the local planning authority maintain a website for the purpose of advertisement of applications, by publication of the notice on the website;”.
2. At the end of article 1, add—
 - (3) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being effected electronically—
 - (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
 - (b) references to documents, maps, plans, drawings, certificates or other documents or to copies of such things, include references to such documents or copies of them in electronic form.
 - (4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the following purposes—
 - (a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or
 - (b) lodging an application, certificate or other document under article 20(3) with an authority mentioned in that article;and, in those paragraphs, “the recipient” means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.
 - (5) The requirement shall not be taken to be fulfilled, or (as the case may be) the application or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—
 - (a) capable of being accessed by the recipient,
 - (b) legible in all material respects, and
 - (c) sufficiently permanent to be used for subsequent reference.
 - (6) In paragraph (5), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.
 - (7) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day;

(1) 2000 c. 7.

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

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

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

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

(a) after paragraph (3), insert—

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

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

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

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

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

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

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

6. In article 25 (register of applications)—

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

(b) at the end, insert—

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

7. After article 27 (directions), insert—

“Withdrawal of consent to use of electronic communications

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

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

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

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

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

in the italicised words in brackets following the heading, after “newspaper” in each place, insert—

“and, where relevant, on a website”.

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

“and, where relevant, on a website”.