

SCHEDULE 4

Article 13

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

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

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

(2) In these Regulations, in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to forms, plans, notices and other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

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

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the statement, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose and the purposes of paragraph (3) of regulation 8A, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

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

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.

(1) 2000 c. 7.

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(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;

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- (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).”