

Electronic Filing of Planning Register Documents – Town and Country Planning (General Development Procedure) Order 1995 (SI 1995 No. 419)



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Eich cyf . Your ref
Ein cyf . Our ref CL 01 05 A-PAA –56-06-016

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Dear Colleague

ELECTRONIC FILING OF PLANNING REGISTER DOCUMENTS – TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (SI 1995 No. 419)

To clarify a point raised at our meeting earlier this year, article 25 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) requires local planning authorities to keep a register, in two parts, of every planning application in their area. **I am not aware of any time limitation on retention of the information required to be contained in the register.**

The Planning and Compulsory Purchase Act 2004 amends the Town and Country Planning Act 1990, in relation to what should be placed on the planning register. Schedule 6(3) of the 2004 Act states:

3. For section 69 there is substituted the following section-

"69 Register of applications etc

1. The local planning authority must keep a register containing such information as is prescribed as to-
 - (a) applications for planning permission;

- (b) requests for statements of development principles (within the meaning of section 61E);
 - (c) local development orders;
 - (d) simplified planning zone schemes.
2. The register must contain-
 - (a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with;
 - (b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority's area.
 3. A development order may require the register to be kept in two or more parts.
 4. Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).
 5. A development order may also make provision-
 - (a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;
 - (b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.
 6. Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.
 7. The register must be kept in such manner as is prescribed.
 8. The register must be kept available for inspection by the public at all reasonable hours.
 9. Anything prescribed under this section must be prescribed by development order."

The Electronic Communications Act 2000 empowers the National Assembly to make orders which authorise or facilitate the use of electronic communications. Schedule 1, paragraph 6 of The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (SI 2004 No. 3156 (W.273)) amended article 25 of the Town and Country Planning (General Development Procedure) Order 1995. This amendment states:

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.".

This amendment enables local planning authorities in Wales to use electronic copies of documents to fulfil their obligations under article 25 of the 1995 Order.

However, you should note that schedule 1, paragraph 7 of the 2004 Order also contains provisions for

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.".

the withdrawal of consent to use electronic communications and states:

Should such notice be given then the local planning authorities should provide hard copies of documents for the uses specified in the 1995 Order. This amendment to the 1995 Order should be considered in conjunction with any proposed use of electronic format as a medium for storage.

The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 are both available online at www.hms0.gov.uk.

I hope this clarifies the position in Wales. If you wish to clarify or discuss the contents of this letter please contact Jeff Spear on 029 2082 3714.

Kay Powell

Head of Planning Division