STATUTORY RULES OF NORTHERN IRELAND

2006 No. 266

PLANNING

The Planning (Issue of Certificate) Rules (Northern Ireland) 2006

Made - - - -	*16th June 2006*
Laid before Parliament	*21st June 2006*
Coming into operation	*17th July 2006*

The Secretary of State makes the following Rules in exercise of powers conferred by Article 123B(3) of the Planning (Northern Ireland) Order 1991(**1**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Planning (Issue of Certificate) Rules (Northern Ireland) 2006 and shall come into operation on 17th July 2006.

(2) In these Rules—

"certificate" refers to a certification made by the Secretary of State under Article 123B(1) of the 1991 Order;

"electronic communication" has the meaning given by section 4 of the Electronic Communications Act (Northern Ireland) 2001(**2**);

"the Department" means the Department of the Environment;

"the 1991 Order" means the Planning (Northern Ireland) Order 1991.

(3) In these Rules and in relation to the use of electronic communications—

(a) the expression "address" includes any number or address used for the purposes of such communication; and

(b) references to notices, representations or other documents, or to copies of such documents, includes reference to such documents or copies of them in electronic form.

(4) A requirement in these Rules that any document be provided in writing is fulfilled in a case in which that document is transmitted electronically if it is—

(a) capable of being accessed by the recipient;

(**1**) S.I. 1991/1220 (N.I.11) as amended by S.I. 2003/430 (N.I.8) and S.I.2006/1252 (N.I.7). Article 123B was inserted by Article 22 of S.I. 2006/1252 (N.I 7)

(**2**) 2001 c. 9 (N.I.)

(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.

2.—(1) Where an application of a description falling within Article 123B(1) of the 1991 Order has been made, a request may be made to the Secretary of State for him to certify that the application is one to which Article 123B of the 1991 Order applies.

(2) A request may be made by either—

(a) the person who has made the application mentioned in paragraph (1); or

(b) a person who objects to that application.

(3) A request must contain the information required by paragraph (4) or (5) as the case may be.

(4) In the case of a request by a person falling within paragraph (2)(a), the required information is—

(a) a copy of the application referred to in paragraph (1);

(b) a written explanation of—

(i) the grounds on which he considers the certificate should be issued; and

(ii) the information relating to the matters described in Article 123B(1)(a) of the 1991 Order, public disclosure of which would, in his view, be contrary to the public interest.

(5) In the case of a request by a person falling within paragraph (2)(b), the required information is a written explanation of—

(a) the grounds on which he considers the certificate should be issued; and

(b) the information relating to the matters described in Article 123B(1)(a) of the 1991 Order, public disclosure of which would, in his view, be contrary to the public interest.

3.—(1) Following receipt of a request that conforms with the requirements of rule 2, the Secretary of State shall—

(a) acknowledge receipt of the request in writing; and

(b) notify the Department that he has received the request and inform it of the date by which any representations in relation to the request must be provided to him.

(2) Following that notification the Department must—

(a) in a case in which the request is made by a person falling within rule 2(2)(b)–

(i) notify the person who made the application that a request for a certificate has been made; and

(ii) inform him of the manner and time in which representations may be made in connection with that request;

(b) in all cases provide the Secretary of State by the date referred to in paragraph (1)(b) with documentation relevant to the request (including a copy of the application, and any representations).

(3) The time for provision of representations may be extended upon written request to the Secretary of State.

4.—(1) The Secretary of State shall inform—