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<b>REPORT TO:</b>	<b>Environmental and Development Services Committee</b>	<b>AGENDA ITEM:</b> 8
<b>DATE OF MEETING:</b>	<b>27 January 2005</b>	<b>CATEGORY:</b> <b>RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>Deputy Chief Executive</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Tony Sylvester (5743)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Authorisation for officers to enter land pursuant to the Town and Country Planning Act 1990 and other relevant legislation</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: ES13</b>

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### **1.0 Recommendation**

1.1 That the committee confirm the Scheme of Delegation which grants the Head of Planning delegated powers to authorise nominated officers the 'Authority to enter land' as set out in the detail below.

### **2.0 Purpose of Report**

2.1 To confirm the authorisation of nominated officers the right to enter land in performance of their duties under the Town and Country Planning Act 1990 (and under subordinate legislation (as may be amended from time to time)) the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning (Consequential Provisions) Act 1990, Planning (Hazardous Substances) Act 1990 and the Hedgerow Regulations 1997.

### **3.0 Detail**

3.1 The principal rights to enter land are set out in Section 324 of the Town and Country Planning Act 1990. That is that reasons for entry are stated, giving notice of 24 hours, the cost of obstruction, not to divulge information obtained; the payment of compensation in the event of damage.

3.2 The relevant sections of the 1990 act in this regard are as follows (all subject to the requirements of Section 325:

Section 196(A) – Enforcement – right to enter without warrant

196(B) – Enforcement – right to enter under warrant

196(C) – Enforcement – rights of entry supplementary provisions

Section 324 (1) (a) Entry for purposes of preparing Local or other Plan

(b) Entry for purposes of determining applications under Part III (sections 198 to 200, 220, 221 and regulations made under these sections)

(c) Entry to make, issue or serve any notice under part III (excl. sections 94 and 96, Part VII or Chapters 2 and 3 of Part 8)

(2) Entry for purposes of enforcing tree work under sections 208 and 209 (enforcement and appeals against a Section 207 Notice)

(3) Entry for purposes of Section 225 works (remove or obliterate placards or posters)

(7) Entry to ensure that notices have been complied with.

3.3 Planning (Consequential Provisions) Act 1990 – Section 2.

3.4 Town and Country Planning (Listed Buildings and Conservation Areas) 1990 – Section 88.

3.5 Planning (Hazardous Substances) Act 1990 – Section 36

3.6 Hedgerow Regulations 1997 – Sections 12,13,14.

3.7 Nominated officers are:

J. Birkett, A. Sylvester, A. Burdett, T. Denning, A. Young, A. Briggs, N. Toon, K. Parkes, G. Hague, M. Hallard, P. Heath, I. Bowen, R. Groves, I. Taylor, R. Shirley, L. Thornewell, T Turner, C. Payne, and A. Spencer and P. Wood (as consultants operating on behalf of the Council).

#### **4.0 Financial Implications**

None

#### **5.0 Corporate Implications**

None

#### **6.0 Community Implications**

6.1 None

#### **7.0 Conclusions**

7.1 The report seeks confirmation of the authorisation of nominated officers the right to enter land in performance of their duties under the Town and Country Planning Act 1990 (and under subordinate legislation (as may be amended from time to time)) and other legislation as listed.

#### **8.0 Background Papers**

Statutes and Regulations.