

Causeway Coast & Glens Borough Council

To: Planning Committee

Date: 26th August 2015

Section 176 of the Planning Act (Northern Ireland) 2011 -
Consultation on Departmental authorisation of persons to enter
land without warrant

For Decision

Linkage to Corporate Plan	
Strategic Priority	Planning - Enforcement
Objective	Consultation by Department
Lead Officer	Denise Dickson
Cost: (If applicable)	None

1.0 Introduction

- 1.1 Section 176 of the Planning Act (Northern Ireland) 2011 sets out the legislative requirements for rights to entry for enforcement purposes.
- 1.2 Section 176 (2) relates to the authorisation of persons by the Department to enter any land to determine whether an enforcement notice, a stop notice or a listed building enforcement notice should be issued in relation to the land or any other land, if there are reasonable grounds for entering for that purpose.
- 1.3 Section 176 (3) states that the Department must not so authorise any person without consulting the council.

2.0 Details

- 2.1 Planning staff within Causeway Coast and Glens Borough Council are authorised under Section 176 (1) of the Planning Act (Northern Ireland) 2011 to enter land for enforcement purposes without warrant.
- 2.2 Mr Eamon Lynch from the Chief Planner's Office within the Department has written to Council (letter attached at Annex 1) asking if we have any comments to make in relation to their intention to authorise certain persons, being officers of the Department, for the purposes of Section 176 (2).

3.0 Recommendation

- 3.1 **It is recommended** that the Planning Committee agree that the Head of Planning writes to Mr Lynch advising that Council has no objection to the Department

authorising certain persons, being officers of the Department, to enter land without warrant for the purposes of enforcement.

Your ref:
Our ref:
Date: 21 July 2015



Mr David Jackson
Chief Executive
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
BT52 1EY

Chief Planner's Office
71 Ebrington Square
Derry-Londonderry
BT47 6FA
Tel No: 02871314136

Dear Mr Jackson

SECTION 176 PLANNING ACT (NORTHERN IRELAND) 2011 – RIGHTS TO ENTER WITHOUT WARRANT

In accordance with Section 176 of the Planning Act (Northern Ireland) 2011 the Department intends to authorise certain persons, being officers of the Department, for the purposes of Section 176, sub-section (2). In accordance with Section 176, sub-section (3), the Department is consulting Council before the persons are duly authorised.

I would be grateful if you would provide us with any comments you may have on our proposal within three weeks of the date of receipt of this letter including nil responses.

Yours sincerely

EAMON LYNCH
Principal Planning Officer

CORRESPONDENCE DIRECTION

FROM: Chief Executive

DATE: 23/7/15

TO: Head of Planning

ACTION

File	<input type="checkbox"/>	Note & Return	<input type="checkbox"/>
Approval	<input type="checkbox"/>	See Me	<input type="checkbox"/>
Circulate	<input type="checkbox"/>	Comment & Return	<input type="checkbox"/>
For Council	<input type="checkbox"/>	For Committee	<input type="checkbox"/>
Investigate	<input checked="" type="checkbox"/>		

REMARKS

And Advise if requirement to go to Council/Committee