**Planning Enforcement Complaint Form**

**(Part VIII) of the Planning and Development Act 2000 (as amended)**

|  |  |  |
| --- | --- | --- |
| **Planning Enforcement - Notes**  **(Please read the notes before completing the form)**  The Planning Authority welcomes written Complaints from persons who are concerned about unauthorised developments. Such Complaints can and do serve a valuable role in the control of breaches of the Planning code. | | |
|  | | 1. The information requested in this form is the minimum necessary to enable the Planning Authority to decide whether the Complaint has substance and foundation and to enable a valid Warning Letter issue if considered appropriate. If incorrect addresses are given the issue of a valid Warning Letter will not be possible. | | |
|  | | 1. Please note that, the planning authority is precluded from pursuing any complaint/representation that is vexatious, frivolous or without substance or foundation. | | |
|  | | 1. It is important that as much information as possible is given so that a proper assessment of the Complaint may be made. If the space provided on the form is insufficient additional information may be given at the end of the form. Where information is inadequate the matter complained of may not be investigated and/or returned for further elaboration. | | |
|  | |  | | |
|  | | 1. Please note that a Warning Letter may be issued to the person(s) named by you in the Complaint Form based on the information given in the form. So, it is important that the information given is accurate and detailed. | | |
|  | | 1. A site location map must be attached, Google Map imagery is acceptable. If an application for planning permission has been made, please quote the Planning Register Reference number. Please provide photographic evidence with the Complaint form, where possible. | | |
|  | | 1. The Planning and Development Act 2000, as amended, places time limits on the taking of Enforcement action by the Council. Accordingly, should legal proceedings be instituted in this matter, the person making the complaint may be required to give evidence in court as to the date of commencement of the development. If this evidence is not forthcoming the Council may not be able to fully deal with this complaint. | | |
|  | | 1. Freedom of Information Act 2014 complaints regarding unauthorised development constitute part of the Council’s records for the purposes of the above acts. The Council will endeavour to maintain as confidential any complaints made to it in confidence and in good faith. The Council cannot, however, give absolute guarantees on this as requests under the Freedom of Information Act can be appealed by requesters to the Information Commissioner. 2. In certain circumstances it may be necessary to produce 3rd party evidence or information regarding the statute period in relation to the use or intensification of use. | | |
|  | | 1. In some cases, you may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise. | | |
|  | | 1. The Planning Authority will not investigate complaints of a civil nature, such as those relating to encroachment, private rights of way, trespass, private nuisance, civil boundary disputes etc. | | |
|  | | 1. Before making a complaint, you should ensure that the matter is one within the scope of planning control. Certain matters, such as complaints relating to roads, water, drainage, council housing, dangerous structures or environment may be within the remit of other Council departments and should be referred to those departments. | | |
|  | | 1. Please note, for your information, that under the provision of Section 160 of the Planning and Development Act 2000 that any person may apply to the Circuit Court/High Court for an injunction where an unauthorised development has been, is being or is likely to be carried out or continued. 2. Further information on the Planning Enforcement section can be found on our website by clicking: .[Planning and Development Enforcement | Fingal County Council](https://www.fingal.ie/council/service/planning-and-development-enforcement) 3. Please note there is a Planning Enforcement Register which contains Warning Letters, Enforcement Notices and Closure information available for viewing at the public counter at County Hall, Main Street, Swords. Opening hours are Monday to Thursday 09:00 to 17:00 and Fridays 09:00 to 16:30. 4. The planning authority may wish to clarify elements of your complaint and/or get advice on locating the development or the specifics of the case. For the planning authority to keep you advised as to the course of action that may be taken following investigation, it is important that the planning authority has your contact details. If you do not furnish contact details this may inhibit the planning authority’s investigation and progress on the case. Furthermore, if you do not provide appropriate contact details, the planning authority will not be able to notify you or furnish you with any decision in writing in relation to the course of action that may be taken in the case. | | |
|  | |  |

**Please Complete this Checklist Prior to Submitting a Complaint Form:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Have you answered all questions in the complaint form in full?** | YES NO   |  |  | | --- | --- | |  |  | |
| **Have you included all enclosures (Maps, Photographs, relevant documents images)** | YES NO   |  |  | | --- | --- | |  |  | |
| **Have you supplied up to date contact information?** | YES NO   |  |  | | --- | --- | |  |  | |
| **Have you signed the completed complaint form?** | YES NO   |  |  | | --- | --- | |  |  | |

**Planning Enforcement**

**Complaint Form Regarding Alleged Unauthorised Development**

**(Please read the notes before completing this form)**

|  |  |
| --- | --- |
| 1. **Location of alleged unauthorised development (Address and Eircode (if known)** |  |

|  |  |
| --- | --- |
| 1. **Nature of the alleged unauthorised development:**   **(In your own words, please outline in detail why you consider the development is unauthorised. Please attach any supplementary material you consider may be of assistance to the planning authority in investigating your complaint e.g., photographs, drawings, maps.)** |  |

|  |  |
| --- | --- |
| 1. **If this complaint is accompanied by additional documents (photographs, drawings, maps etc please indicate.** |  |

In order for the planning authority to open an enforcement file, it is not essential to provide responses to the questions below. Nonetheless, in the interest of efficiency the planning authority would appreciate if you would share any information that may be relevant.

|  |  |
| --- | --- |
| 1. **Date work/use commenced:** |  |

|  |  |
| --- | --- |
| 1. **Name, Address and Eircode of Property Owner/Occupier:** |  |

|  |  |
| --- | --- |
| 1. **Name, Address and Eircode of person carrying out the alleged unauthorised development.** |  |

|  |  |
| --- | --- |
| 1. **Any other relevant information regarding the location, previous use, etc.** |  |

|  |  |
| --- | --- |
| 1. **Building/ housing development Planning Permission Register Reference number if known** |  |

|  |  |
| --- | --- |
| 1. **Is there a specific condition of the permission that you consider has not been complied with?** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| 1. **Court Proceedings: if court proceedings are considered necessary, are you willing to give evidence to support the planning authority’s case?** | **YES NO**   |  |  | | --- | --- | |  |  | |

|  |  |
| --- | --- |
| **11. Your name and address (this information will be kept confidential):** |  |

|  |  |
| --- | --- |
| **12. Your telephone number (this information will be kept confidential):** |  |

|  |  |
| --- | --- |
| **13. Your email address (this information will be kept confidential):** |  |

|  |
| --- |
| **I HAVE READ THE NOTES RELATING TO THIS FORM AND UNDERSTAND THE IMPLICATIONS OF SAME**  **Signature:**    **Date:**  **Note:** Complaints will not be investigated unless name and address are given & the form is signed. |

**PLEASE COMPLETE THIS FORM AND EMAIL TO:** [**planning.enforcement@fingal.ie**](mailto:planning.enforcement@fingal.ie)

**OR POST TO ADDRESS:**

**Fingal County Council, Planning Enforcement, County Hall, Main Street, Swords, Co Dublin, K67 X8Y2**

**Feedback from the Planning Authority:**

During the course of an investigation due process must be observed and we would ask persons concerned to refrain, from regularly calling to, phoning or writing to the Enforcement Section, regarding progress on the complaint.

This inevitably delays enforcement action because staff time and resources, which are limited, tend to be consumed in multiple dealings with persons making complaints.

This situation is neither in the interests of those making complaints nor the planning authority itself, and ultimately the public. The enforcement section will not provide any additional information to you until the conclusion of the investigation.

If, however, during this period of processing the case, you become aware of significant **further** details/information on the case (e.g. in regard to identity of developers/owners etc.) then please feel free to bring such information to our notice, in writing.

You will be updated in the form of:

* An acknowledgement of receipt of your complaint/ correspondence.
* An update should a decision be made to issue a Warning Letter under the Planning and Development Act 2000 (as amended).
* An update should a decision be made to issue an Enforcement Notice under the Planning and Development Act 2000 (as amended).
* An advisory e-mail or letter in circumstances where it is deemed that the subject matter of your complaint is resolved, and the file is closed.
* You will be informed in writing of the outcome of the investigation in due course.

***A list of frequently ask questions and answers can be found here: “FAQ’s”*** [Planning Enforcement Frequently Asked Questions and Answers | Fingal County Council](https://www.fingal.ie/planning-enforcement-frequently-asked-questions-and-answers)

Planning Enforcement Frequently Asked Questions and Answers

· When is a development unauthorised?

· What is exempt development?

· How can I find out if a development has Planning Permission?

· What information do I need to provide when making a Complaint?

· What are the statutory time limits for taking Enforcement Action?

· How can I be of assistance during the investigation?

· If I breach the Planning Laws unintentionally, what should I do?

**When is a development unauthorised?**

A development is unauthorised when: -

• Planning Permission is required and has not been obtained

• Planning Permission has been obtained but the development has not been carried out in accordance with the approved plans and/or conditions attached to the Planning Permission

• It does not comply with all the conditions and limitations to qualify as exempt development

**What is exempt development?**

Exempt development is development for which Planning Permission is not required. It generally relates to developments of a minor nature such as: -

* Works of improvement, maintenance or other alterations that affect only the interior of a structure
* Works that do not materially affect the external appearance of a structure
* Building of an extension, shed, garage, boundary walls, etc. within the curtilage of a house subject to conditions and limitations
* Certain changes of use of commercial premises
* Full details of exempted development may be found in Section 4 of the Planning & Development Act 2000, Articles 6 – 10 and Schedule 2 of the Planning & Development Regulations, 2001.
* It is important to note that most exemptions do not apply to structures that are included on the Council's Register of Protected Structures or that are situated in an architectural conservation area.

**How can I find out if a development has Planning Permission?**

You can inspect the Planning Register in the Planning Department. This can be done in person by calling to the public counter in the County Hall. You can also perform a search using our online Planning Applications search and view by clicking here. [Planning Portal (agileapplications.ie)](https://planning.agileapplications.ie/fingal/search-applications/)

What should I do if I think that there is a breach of the Planning Regulations? You should submit a Planning Enforcement Complaint Form to the Planning Enforcement Section.

Contact details are: Planning Enforcement Section, Fingal County Council, County Hall, Main Street, Swords, Co Dublin or by E-mail: [planning.enforcement@fingal.ie](mailto:planning.enforcement@fingal.ie)

**What information do I need to provide when making a Complaint?**

You should provide the exact location of the site (a site location map if possible), details of the suspected breach, details (where known) of the property owner/occupier/developer, the date the development began, your own name & address and a daytime contact number. Be assured, complainant’s details are treated with the greatest confidence and are not released to any third party and are not included in the Council’s Planning Register.

**How can I be of assistance during the investigation?**

* By supplying as much relevant and accurate information as possible
* By keeping a log of dates, times, and other relevant information in cases where an unauthorised use is intermittent
* By agreeing to give evidence and/or to sign a sworn affidavit, if required

**What are the statutory time limits for taking Enforcement Action?**

Under the Planning & Development Act 2000, as amended enforcement action must be taken within seven years of commencement for development. However, it is important to note that proceedings may be commenced at any time in respect of any condition concerning the use of land to which the permission is subject.

**If I breach the Planning Laws unintentionally, what should I do?**

If you think that you are in breach of the planning laws, you should contact the Council’s Planning Department to discuss rectifying the situation. Even if the development is outside the time frame for taking enforcement action, it remains unauthorised and could have a negative impact on the value of the property. In addition, further works that may normally be considered exempt (such as alteration, repair, or renewal) may not be carried out to an unauthorised structure or a structure whose use is unauthorised. It is in the interest of every property owner to ensure that any unauthorised development is regularised.

**END**