



KILKENNY COUNTY COUNCIL

Planning Department, County Hall, John Street, Kilkenny.

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<u>COMPLAINT FORM</u> <u>PLANNING ENFORCEMENT</u>	
Please print in BLOCK CAPITALS (Essential Information*)	
<u>Site Location:</u>	
<u>Full Address of Subject Site:</u> * (Include Eircode, if available)	
Nature of Subject Site: (i.e. building/site/field/private residence/etc)	
Please ensure that you comply with the following:	
<ul style="list-style-type: none">- Attach an accurate location map of site *- Outline the site boundaries in colour *- Submit photograph(s) if available	
<u>Developer(s) Details:</u>	
<u>Name(s)</u> *	
<u>Address(es)</u> * (Include Eircode, if available)	
<u>Detailed Description of the development /activity and how it impacts on you.</u> * (This should be clear and concise as it may result in the issue of a Warning Letter on the alleged offender)	
Date and time of commencement of the development/activity (or when first noticed)	
<u>Site Owner(s):</u>	
<u>Name(s)</u> *	
<u>Address(es)</u> * (Include Eircode, if available)	

Have you established whether or not the development is **exempted development**? * YES NO

(Refer to Council Website for details of commonly constructed exempted developments)

<http://www.Kilkennycoco.ie/eng/services/planning-applications/Exempted-Development>

Booklets on doing work around the house and in relation to Agriculture and Farm Development are available from the Department of Housing, Planning, Community & Local Government at:-

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload.1586.en.pdf>

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Protected Structures and Architectural Conservation Areas:

It is important to note that most exemptions do not apply to structures which are Protected Structures, Proposed Protected Structures or situated in an Architectural Conservation Area (ACA).

<p>Have you carried out a planning search on the site to check if the development is the subject of a Planning Permission? *</p> <p><u>This can be done on-line at:-</u> www.kilkennycoco.ie using IPlan or by visiting the Planning Office, County Hall, John Street, Kilkenny - Opening hours 9am-1pm and 2-4pm Monday to Friday (excluding Bank Holidays)</p>	
<p>Please give planning application reference number of any planning application(s) on site</p>	
Your Details:	
<p><u>Name</u>: *</p>	
<p><u>Address</u>: * (Include Eircode, if available)</p>	
<p><u>Phone Number</u>: *</p>	
<p><u>E-mail Address</u>:</p>	
<p>Do you want your Identity Withheld?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p>If requested, are you prepared to swear an affidavit, and/or attend at court, to give evidence pursuant to this complaint.</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>

- The above information is correct to the best of my knowledge at the date of this complaint.

SIGNED: _____

DATE: _____

You should note that your complaint will not be treated as **VALID** until all the above essential information has been provided and you have signed this Complaint Form. Your identity can be withheld if requested subject to compliance with the Freedom of Information Act, 1997.

PLANNING ENFORCEMENT

Where unauthorised development comes to the attention of the Planning Authority, the Planning Authority may conduct a site visit, examine the planning history of the site and may serve a 'Warning Letter' or an 'Enforcement Notice'.

Please note that the information provided herein is for guidance only. It does not purport to provide a legal interpretation of the legislative provisions referred to nor can it be regarded as definitive or having any legal effect.

What is an Unauthorised Development?

All development carried out requires planning permission unless it is exempted development as set out in the Planning and Development Regulations 2001-2020.

Equally, any development carried out on foot of planning permission must comply with the planning conditions set down in the permission granted. Care should be taken to ensure that each condition of a permission is fully complied with in order to avoid incurring enforcement action and also to avoid difficulties when the property is being sold at later date.

In summary, any development that does not have the benefit of exempted development status, or is not being carried out in accordance with the planning permission granted, constitutes unauthorised development. The Planning Authority has the power to stop unauthorised development.

Who Enforces Planning Decisions?

The enforcement of unauthorised development is the responsibility of the Planning Authority which has wide enforcement powers to ensure that either a development is carried out in conformity with planning permission, or in accordance with the exempted development thresholds as set out in the Planning and Development Regulations 2001-2020.

PLANNING ENFORCEMENT PROCEDURES

On receipt of a valid complaint a Planning Enforcement Officer carries out an inspection at the location of the alleged unauthorised development and a course of action is decided upon. Every effort is made by the Planning Department to encourage compliance with planning legislation without having to resort to enforcement action. However, if sufficient compliance measures are not undertaken and the unauthorised development is continued, enforcement action commences.

There are a number of steps which are followed:-

- After an initial inspection, if it is deemed necessary, a 'Warning Letter' is issued to the individual/s in question. The letter allows the developer time to respond to the alleged unauthorised development.
- Having carried out the necessary investigation and considering any submissions received, the Planning Authority may decide to issue an 'Enforcement Notice'.
- Should such an 'Enforcement Notice' be served, such a notice will require the developer to remove the unauthorised development and also to refund the costs of the Council's time and resources expended on the enforcement file.
- Any outstanding works which are not carried out or costs unpaid will result in non-compliance with the Enforcement Notice.
- The Planning Authority can take court proceedings for non-compliance with an 'Enforcement Notice' and if found guilty, could result in a criminal prosecution and a fine and/or a prison sentence.

MAKING A COMPLAINT

If you wish to make a complaint regarding possible unauthorised development **you must complete a Complaint Form**. The following should be noted:

- Anonymous Complaint Forms will not be accepted.
- All questions on the form must be answered in full to enable the Planning Authority to decide whether the complaint has **substance and foundation**.
- A Warning Letter will be issued to the person(s) named by you on the Enforcement Complaint Form based on the information submitted in the form. Therefore, it is important that the information given is **accurate and detailed**.
- The planning reference number, site location map and photographs should be included where possible. The Council's on-line Planning Enquiry System or Google maps can provide a suitable map.
- Should legal proceedings be instituted, the person making the complaint may be required to give evidence in court as to the date of commencement of the unauthorised development. Kilkenny County Council will endeavour to maintain as confidential, any complaints made to it in confidence and in good faith. However, this information is subject to the provisions of the Freedom of Information Act, 1997-2003 and accordingly, may be subject to disclosure.
- The information given must be clear, must be signed and must include the name and address of the person making the complaint. Otherwise, the complaint **will not** be investigated by Kilkenny County Council. Civil matters will not be adjudicated by the Planning Authority and therefore issues such as encroachment, private rights of way, trespass, private nuisance and civil boundary disputes will not be investigated.