

**IMPORTANT Before completing this form please read the accompanying Guidance Notes.**

**Clare County Council**  
Enforcement Complaint Form

**Location of Unauthorised Development**

(Please give as much detail as possible & attach *site location map*-complaints that are not accompanied by a site map may not be followed up on)

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**Name, Address (include Eircode) of Developer/Owner/Occupier**

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**Nature of Unauthorised Development**

(Extra sheet may be used to submit additional information if necessary)

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| <b>Planning Reference no.</b> if known |
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**Name, Address (include Eircode) of Person making complaint**

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| <b>Contact Tel No.</b> |
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| <b>Signature</b> | <b>Date</b> |
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**Please return completed forms to Enforcement Section, Planning & Enterprise Development, Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare.**

## **Guidance to completing Enforcement Complaint Form**

### **1. What is Clare County Council's Planning Enforcement Section role regarding unauthorised development**

We receive and investigate alleged unauthorised development complaints and where necessary, take legal action against offenders. Before you make a complaint we ask you to read these guidelines carefully and ask us to explain anything that is not clear to you.

### **2. When should I fill out this Complaint Form**

If you are concerned about the following:-

- a) A development with no obvious planning permission or exemption
- b) A development that does not comply with the conditions of the planning permission
- c) A development that does not conform with the planning permission drawings
- d) A use not allowed under a planning permission or exemption

Important You should NOT fill out this form if you are concerned about civil matters.. We have no powers in these areas as these are outside the scope of Planning Legislation. You should contact your solicitor for advice in relation to:

- Land or Ownership disputes
- Trespass
- Private nuisance (noise, vandalism)

Please also contact other Council Departments if your complaint relates to any of the following:- environment, roads, housing etc.

### **3. I am satisfied that my complaint is about a planning breach. What do I need to do?**

We need as much detail as you can provide to help us carry out an investigation. You should fill out this form when you have all of the following information:-

- a) The person or company carrying out the alleged unauthorised development and their address (include Eircode). This enables us to send Warning Letters or other correspondence to the correct person or company.

- b) An accurate description of the alleged unauthorised development.
- c) Photographs of the alleged unauthorised development would also be helpful to show the matters which are of concern to you.
- d) A map showing the location of the alleged unauthorised development. This helps our staff to locate and investigate the development on the correct site. The Council's online Planning Enquiry System or Google maps can provide a suitable map.
- e) The planning permission reference number where relevant.
- f) The date the alleged unauthorised development started. This is necessary to determine if enforcement action can be taken.

**4. Are there occasions when a complaint/ issue will not be pursued?**

In accordance with Section 152 of the Planning and Development Act 2000, complaints received in writing by the Planning Authority in relation to an alleged unauthorised development must not be vexatious, frivolous or without substance or foundation. Such complaints shall be dismissed.

**5. What happens after I fill in the form and give it to you?**

We will do the following:-

- a) Decide if we need further information from you.
- b) Decide whether to send a Warning Letter to the developer based on information that you have given us. This letter should issue within six weeks of receipt of your valid complaint.
- c) Notify you of our decision to issue or not to issue a Warning Letter.
- d) Investigate whether an unauthorised development has occurred, taking into account the content of your complaint and any response to the Warning Letter issued.
- e) Further action depends on the result of the Planning Authority's investigation.

**6. Will we contact you after you have lodged the complaint?**

Yes. We will acknowledge your complaint and also notify you if we issue a Warning Letter or Enforcement Notice. You should write to us immediately if you become aware of new information or if new unauthorised development occurs on the site.

**7. Is there anything else that I need to know?**

Under the Planning & Development Act, 2000 as amended if it is found that the development, although unauthorised has been in existence for a period of 7 years or more, then the Planning Authority cannot take enforcement action as it is deemed to be "statute barred".

## **8. Which issues does Planning Enforcement not deal with?**

Planning Enforcement will not investigate matters which lie outside its scope including civil matters and matters to be address by other Directorates and Agencies such as:

### **Civil Matters**

Encroachment.

Private rights of way.

Trespass.

Civil boundary disputes.

Noise nuisance (unless the noise breaches a condition attached to a planning permission, otherwise please refer to noise information provided by ENFO).

Structural damage to private property resulting from construction works  
Matters related to 'private drains'.

Outlets associated with boilers and other gas appliances (unless same has a material visual impact from a public area).

Other types of private nuisance.

### **Matters Addressed by Other Directorates/Agencies**

Building Regulations (Building Control Division).

Hoardings, signage, table/chairs, and other structures in the public roadway or on footpaths (Roads Control Division).

Neglect/'Endangerment' of Protected Structures.

Parking complaints (except when such parking breaches a condition attached to planning permission or relates to an unauthorised carpark).

Illegal parking in a Disc Parking Area can be referred to the Transportation Division; other illegal parking (on double yellow lines, etc.) can be referred to the Gardai.

Blocked Public Sewers (Drainage Divison).

Litter/Illegal Dumping, Water Pollution, Other Environmental Matters (Environment Directorage).