

Guidelines to completing Enforcement Complaint Form

1. What is Cork 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 development with no obvious planning permission or exemption.
- A development that does not comply with the conditions of the planning permission
- A development that does not conform with the planning permission drawings.
- A use not allowed under a planning permission or exemption.

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)

We may also advise you to contact other Council Departments to investigate issues relating to the following matters:- for example, environment, roads, housing, dangerous structures, derelict buildings.

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:-

- The person or company carrying out the alleged unauthorised development and their address. This enables us to send Warning Letters or other correspondence to the correct person or company.
- An accurate description of the alleged unauthorised development.
- Photographs of the alleged unauthorised development would also be helpful to show the matters which are of concern to you.
- 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. Ask us if you have difficulty in obtaining a map.
- The planning permission reference number where relevant.
- The date the alleged unauthorised development started. This is necessary to determine if enforcement action can be taken.

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

We will do the following:-

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

5. 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.

6. Are there any other options open to me?

You may apply to the Circuit Court or High Court for an injunction where an unauthorised development or use has been, is being or about to be carried out or continued. This course of action must be taken under Section 160 of the Planning and Development Act 2000. Your solicitor may be able to advise you further.

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

- Your personal information will not be divulged due to Data Protection and Freedom of Information legislation. Your identity will also not be divulged under Freedom of Information legislation unless the Planning Authority is compelled to release this information to comply with statutory or legal obligations.
- If the Planning Authority begins legal action, the Courts or Cork County Council may ask you to give evidence in court about the unauthorised development start date or its impact on you. Your evidence may be crucial if a court case is to succeed.
- We will not follow up complaints made in a fraudulent or malicious manner and we cannot guarantee to hold records of such complaints in confidence.

ENFORCEMENT COMPLAINT FORM

PLEASE READ THE GUIDELINES ATTACHED BEFORE COMPLETING THIS FORM.

1(a). Name of Person(s) or Company carrying out alleged unauthorised development:

(b). Person(s) or Company's address:

2(a). Name of Landowner(s):

(b). Landowner(s) address:

3(a). Name of Occupier(s):

(b). Occupier(s) address:

4. Describe the alleged unauthorised development

5(a). Location of alleged unauthorised development:

5(b). Have you included a map with your complaint?

6(a). Quote Planning Register No., if relevant

6(b). Specify which conditions or terms (drawings etc.) that are not complied with

7. When did the alleged unauthorised development start? (please be as specific as possible) _____
8. If an unauthorised use is alleged state previous use: _____
9. Reasons for complaint:
(State how this unauthorised development impacts on you). _____
10. Your name and address: _____
11. Contact Information:
Landline Number: _____
Mobile Number: _____
E-mail Address: (optional) _____
12. Please confirm that you would be willing to give evidence on behalf of the Planning Authority in the event of Court Proceedings, (if considered necessary by our Legal Department). Yes **Please tick box**

13. **I HAVE READ AND UNDERSTOOD THE GUIDELINES RELATING TO THIS FORM**
- NAME (Please write in **Block Capitals**) _____
- SIGNATURE **Signed:** _____
- Date:** _____

**The personal information submitted by you and your identity will be held in confidence by the Planning Authority.
Data held by Cork County Council is subject to Freedom of Information and Data Protection Legislation.**