



Planning Enforcement Fingal County Council
Complaint Form Regarding Alleged Unauthorised Development

(Please read the notes before completing this form)

1. Address of where the alleged unauthorised development is being carried out:	
2. Full description of the alleged unauthorised development:	
3. Date work/use commenced:	
4. Name and Address of Property Owner/Occupier:	
5. Name and Address of person carrying out alleged unauthorised development:	
6. Name and Address of Developer:	
7. Any other relevant information regarding the location, previous use, etc.	
8. Your name and address (this information will be kept confidential):	
9. Your telephone number:	

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

PLEASE COMPLETE THIS FORM AND EMAIL TO: planningenforcement@fingal.ie
OR POST TO ADDRESS BELOW

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

ADDITIONAL INFORMATION

Signature: _____

Date: _____

Block Capitals: _____

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.

The details requested are the minimum considered necessary by the Planning Authority in order for a written complaint to be deemed to have substance. Such details will allow the Planning Authority (if considered necessary/appropriate in the circumstances) to issue a warning letter within the six week period required by Planning Legislation. Note that if a warning letter is issued it will be on the basis of the information and details supplied by you. An investigation by the Planning Authority will only be carried out subsequent to the warning letter being served. It is important therefore that the information/details provided by you be as accurate as is reasonably possible.

1. The information requested in this form is 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.
2. 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.
3. Please note that a Warning Letter will 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.
4. A site location map must be attached. You may visit the local Council Office nearest to you to view the relevant map. If an application for Planning Permission has been made please quote Register Number.
5. Unless the form is signed and name and address of person making a complaint is given the said complaint will not be investigated.
6. 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.
7. Freedom of Information Act, 1997-2014 – 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.

The Council would like to point out however, that where complaints transpire to have been made in bad faith or maliciously, then the person making such complaints cannot have an expectation that the record(s) of his/her complaint will be treated in confidence.

8. 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.

9. In some cases you may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise.
10. 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.
11. 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.
12. 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.

Feedback from 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 general public.

If however, during this period 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

Having processed a complaint the Council may or may not decide to issue a warning letter and/or enforcement notice. You will be informed of the Council's decision within 2 weeks of that decision.

A list of frequently ask questions and answers can be found here: "FAQ"

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 of 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 utility by [clicking here](#).

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.

E-mail: planningenforcement@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 that commenced on or after 11 March 2002. Action must be taken within five years for development that began before that date. Therefore the Council is now precluded from taking enforcement action in respect of development that occurred before 11 March 2002.

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.