



Comhairle Cathrach Chorcaí

Cork City Council

Strategic Planning & Economic Development Directorate

City Hall, Cork

ENFORCEMENT COMPLAINT FORM

PLEASE READ THE NOTES BEFORE COMPLETING THIS FORM

1(a)	Location of alleged unauthorised development: (see note 3)	
1(b)	Is the development to front, side or rear of the property:	
2(a)	Details of the complaint: (nature of the alleged unauthorised development – additional information and/or sketches may be provided on a separate sheet) (See notes 8 & 9)	
2(b)	Reasons for complaint:(specify particular issues which in your opinion might justify the issue of a Warning Letter)	
3	If related to a planning permission/approval, quote planning reference no. and specify conditions or term (drawings etc) not complied with: (see note 4)	

In relation to items 4, 5 and 6 below additional contact addresses and business addresses may be provided where known:

4(a)	Name of person(s) carrying out alleged unauthorised development: (see note 2)	
4(b)	Address at which this/these person(s) ordinarily reside:	
5(a)	Name of landowner(s)/Landlords(s): (see note 2)	

5(b)	Address at which this/these person(s) ordinarily reside:	
6(a)	Name of occupier(s): (see note 2)	
7	<u>Date development commenced:</u> Specify how you can state this date with certainty. (see note 5)	
8	If an unauthorised use/change of use is alleged, state previous use:	
9	In the event that court proceedings are considered necessary please confirm that you would be willing to give evidence in court on behalf of the Council: (see note 5 & 7)	Yes: <input type="checkbox"/> Please tick box
10	Do you have an objection to the disclosure of your identity: (see note 6)	Yes No
11	Name, address and telephone no.(s) of person making complaint: (see note 10)	
I HAVE READ THE NOTES RELATING TO THIS FORM AND UNDERSTAND THE IMPLICATIONS OF SAME		
12	<u>SIGNATURE:</u>	Signed:
	Note: Any complaint will <u>NOT</u> be investigated unless name and address are given and the form is signed. (see note 10)	Date:

Please return this form to: **Cork City Council**
Strategic Planning & Economic Development Directorate
City Hall
Cork

PLANNING COMPLAINT FORM NOTES

PLEASE READ CAREFULLY BEFORE COMPLETING FORM.

1. All of the questions on the form **must be fully answered** to enable the Planning Authority to decide whether the complaint has substance and foundation and to enable a valid Warning Letter to be issued, if considered appropriate. If incorrect/incomplete addresses are given, the issuing of a valid Warning Letter will not be possible. Where information is inadequate the matter complained of may not be investigated and/or returned for further elaboration.
2. Please note that a Warning Letter may issue to the person(s) named by you in the Planning Complaint Form based on the information given in the form. Therefore it is important that the information given is accurate and detailed.
3. Where possible a site location map should be attached.
4. If an application for Planning Permission has been applied for/granted you should quote relevant Planning Number. Please note that where the City Council's decision is appealed to An Bord Pleanála, the ABP decision supersedes that of the City Council. In such cases it is the conditions of the ABP decision that are relevant.
5. The Planning and Development Act, 2000 (as amended) places statutory time limits on the taking of Enforcement action by the Council. Therefore, 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 unauthorised development. If this evidence is not forthcoming the Council may not be able to fully deal with this complaint.
6. Freedom of Information Act, 2014 – Complaints regarding unauthorised development constitute part of the Council's records for the purposes of the above act. 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.
7. In the case of legal proceedings, it is possible that the nature of the complaint and your name/address may be requested by the Court or developer's solicitors and you may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise.
8. The Planning Authority will not investigate complaints of a civil nature, such as those relating to encroachment, private rights of way, trespass, private nuisance and civil boundary disputes etc.
9. Before making a written complaint, you should ensure that the matter is one within the scope of planning control. Certain matters, such as complaints relating to roads (parking), water, drainage, Council housing, dangerous structures, environment (litter, noise levels) may be within the remit of other Council Directorates and should be referred directly to same.
10. Unless the information furnished is decipherable, the form is signed and the name and address of the person making the complaint is given, the said complaint will not be investigated.

Explanatory Memorandum

Cork City Council – Planning Enforcement Section

Written Complaints regarding alleged unauthorised developments

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 identification and control of breaches of the Planning code.

Under Planning Legislation and due to possible criminal proceedings being initiated as a result of complaints received, the Planning Authority must ensure that all complaints are received in writing.

Where the Planning Authority determines that a written complaint is vexatious, frivolous, without substance/foundation, trivial or of a minor nature, further enforcement action will not proceed.

In order to ensure that effective action is taken on both the receipt and investigation of such complaints, persons making written complaints are required to fully comply with the following.

1. The complaint must contain sufficient substance to enable the Planning Authority to issue a Warning Letter, if considered appropriate. Complaints therefore should indicate:
 - (i) The name and address of the person(s) carrying out the alleged unauthorised development and/or
 - (ii) The name/address of the owner and/or occupier of the land in question, if different from the above.
 - (iii) A clear description of the address/location where the development is taking place. A map outlining the location of the site is usually helpful for this purpose.
 - (iv) A clear description of the alleged works/development in question.
 - (v) A clear indication of when the alleged unauthorised development commenced.
 - (vi) In the case of non-compliance with a Planning Permission, the relevant reference number (Planning Authority/An Bord Pleanála) and relevant condition(s).

The above details 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. Please note that if a Warning Letter is issued it will be on the basis of the information and details supplied by you.

If complaints received are incomplete, those making them will be asked for additional information and/or clarification, as appropriate to be furnished in writing. The case will then be considered for the issuing of a Warning Letter (in accordance with the general procedure outlined above) within the six weeks following receipt of such written further information details.

2. You are requested to refrain from ongoing complaints on the matter which is subject of the investigation – The Planning Authority has a six week period, following receipt of written complaints, within which to issue a Warning Letter and carry out an investigation subsequent to the service of the Warning Letter. Once complaints are acknowledged we would ask persons concerned to refrain, during this 6 week period from regularly calling to, phoning or writing to the Enforcement Section, regarding progress on the complaint. This inevitably delays enforcement action because finite staff time and resources 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.

We would therefore request that you allow the Planning Authority to process complaints within this six week period. 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.

3. Freedom of Information Act, 2014– Complaints regarding unauthorised development constitute part of the Council’s records for the purposes of the above act. 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.

Due to possible criminal proceedings being initiated as a result of complaints received, the Council would like to point out that where complaints transpire to have been made in bad faith or maliciously, then the person making such written complaints cannot expect that the record(s) of his/her complaint will be treated in confidence.

4. Feedback from Planning Authority – Having processed a complaint the Council may or may not decide to issue a Warning Letter and/or Enforcement Notice. Where it is decided not to issue an Enforcement Notice, you will be notified by the Planning Authority within two weeks of the decision.

Where an Enforcement Notice is served you will be notified of the fact.

Specific provision for the above notifications is provided for under the enforcement provisions of the Planning and Development Act 2000. The Planning Authority however, also undertakes to notify you if a Warning Letter is issued or if it is decided that a Warning Letter is not warranted.

Enforcement Section,
Cork City Council,
Strategic Planning & Economic
Development Directorate.
June, 2006.

