

Unauthorised Development Complaints Guidance.

To note: **Civil Matters** or matters that are addressed under other legislation and codes, are not valid Planning Enforcement issues and should not be submitted. Examples include:

| | |
|---|---|
| Encroachment including overhanging trees etc. | Property Ownership |
| Private Rights of Way | Trespass |
| Civil Boundary Disputes | Matters related to Private Drains |
| Structural Damage to private property resulting from construction works | * Noise Pollution (unless noise breaches conditions of a planning permission) |
| Other types of private nuisance | Other legal issues |

Noise* Pollution Complaint can be reported to the Environment Section at:
www.offaly.ie/noise-polution-complaint-reporting/

Exempted Development: Examples can be found at www.irishstatutebook.ie (Exempted Development-Part 2).

Planning Enforcement Frequently Asked Questions.

1.What information do I need to provide when making a complaint?

- Exact location of the site, Eircode and a site location map, if possible.
- Details (where known) of the property owner/occupier/developer.
- Details of the suspected breach/unauthorised development.
- Date the alleged unauthorised development commenced.
- Photographs where possible.
- Your own name, address, email and a daytime contact number.

2. What is Unauthorised Development?

Unauthorised development typically falls into one of three categories:

1. Where planning permission was required but not obtained.
2. Where a development was not finished in accordance with the conditions or planning permission that was approved for it.
3. Where a development does not comply with the conditions that allow it to be excluded from planning permission, e.g., a boundary wall constructed to a height more than 1.2m to the front of a property, or 2m to the side or rear.

3. How can I find out if a development has Planning Permission?

Search our online Planning Database to find out if the development has planning permission by clicking this [link](#)

4. What should I do if I think that there is a breach of the Planning Regulations?

You can complete and return a [Planning Enforcement Complaint Form](#) by email to planningenforcement@offalycoco.ie or by post to the address below:

Offaly County Council,
Planning Enforcement Section,
Planning Department,
Áras an Chontae,
Charleville Rd,
Tullamore, Co. Offaly, R35F893

N.B. The Planning Enforcement Team cannot review any alleged complaint until the [Planning Enforcement Complaint Form](#) has been completed and returned to us.

5. Will I be kept up to date on the status of my complaint?

Once a complaint is received you will receive an acknowledgement in writing. Offaly County Council is not permitted to provide updates of the process, as the disclosure of such information may prejudice future potential legal action which may be instigated by Offaly County Council.

However, should you become aware of significant further details / information on the case (e.g. regarding the identity of the developer / owner etc.) then please bring such information to our notice, in writing. Should Enforcement Notice be issued, you as the complainant, will be notified in writing.

6. What are the penalties for breaching planning laws?

The penalties for breaches of planning law depend on the nature of the offence but if found guilty, could result in a criminal prosecution and a fine and/or a prison sentence.

For more information, please click on the link to: [A Guide to Planning Enforcement](#).

Planning Enforcement Complaint Form.

Please Complete your details in BLOCK CAPITALS.

New Complaint: Yes: ☐ No: ☐

If 'No, please provide the UD File Reference Number, if known: **UD:** _____

If 'Yes', please complete the below form.

| 1. Location of Alleged Unauthorised Development | |
|---|--|
| Full Address / Location of alleged unauthorised development (include Eircode, attach a location map and photos or google pin). | |
| 2. Details of Alleged Unauthorised Development | |
| Detailed description of alleged unauthorised development. If it is unauthorised change of use, please state previous use. | |
| If related to a Planning Permission/Approval, quote Planning Reference No. and specify Conditions (drawing etc. not complied with). | |
| Date alleged unauthorised development / change of use commenced, including evidence: | |
| 3. Details, if known, of the landowner(s), occupier(s), developer(s): | |
| Name of Owner(s) / Occupier(s) | |
| Address (include Eircode) at which they normally reside: | |
| Phone Number(s) if known. | |

Please note that your complaint will not be reviewed unless the full contact details are provided and the form is dated and signed by you, the complainant.

For this complaint, do you wish your name to be kept confidential:

Yes ☐ No ☐

Please note that your details will be treated as confidential, if/as requested. It is the policy of Offaly County Council not to release these details under the Freedom of Information Act 2014, but the Council cannot, however, give absolute guarantees on this as a request under the Freedom of Information Act can be appealed by requesters to the Information Commissioner.

Checklist – please ensure you have (please tick):

Tick

- | | |
|--|-------|
| 1. Completed all sections of the Unauthorised Development Complaint Form | _____ |
| 2. Included site location maps and photographs | _____ |
| 3. Included your name and contact details | _____ |
| 4. Read and signed the complaint form declaration below | _____ |

I have read the guidance relating to making a complaint and I understand the implications of same.

Your contact details:

| | |
|----------------------------------|--|
| Name: | |
| Address including Eircode | |
| Email: | |
| Contact Number: | |

Signed: _____

Date: _____