

**PLANNING DEPARTMENT**

**UNAUTHORISED DEVELOPMENT COMPLAINT FORM**

**Please complete this form in BLOCK CAPITALS**

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

1. In the event that Court proceedings are considered necessary

please confirm that you would be willing to make a statement Yes No

and / or give evidence to support Kildare County Council’s case

Please note this situation seldom arises and that you are not bound by your response, however, in certain circumstances where there is lack of evidence, independent witness can greatly assist the Council in achieving a successful outcome to enforcement proceedings.

1. **Confidentiality**

I request Kildare County Council not to disclose my identity

in its investigation of this matter and this information is given (please tick if applicable)

in confidence by me.

1. Contact details of person making complaint. Please note that complaints will **NOT** be investigated unless full name and address are given and the form is signed

Name: Telephone No:

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Eircode: \_\_\_\_\_\_\_\_\_\_\_

Email address:

**DECLARATION**

**I have read the notes relating to this form and understand the implications of same**

Signed: Dated:

Please return completed form to:

**Planning Enforcement Section,**

**Kildare County Council,**

**Aras Chill Dara,**

**Devoy Park,**

**Naas,**

**Co Kildare**

**Checklist – please ensure you have:**

Completed all sections of the Unauthorised Development Complaint Form

Included site location maps and photographs

Included your name and contact details

Read and signed the complaint form declaration

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**Planning Enforcement Frequently Asked Questions**

**Please read prior to submitting a Complaint Form**

#### 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,
* Date the development commenced,
* Photographs where possible,
* Your own name, address, email and a daytime contact number.
1. **What is Unauthorised Development?**

Unauthorised developments typically fall into 3 categories:

* Where planning permission was required but not obtained.
* Where a development was not finished in accordance with the conditions or planning permission that was approved for it.
* 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 in excess of 1.2m to the front of a property, or 2m to the side or rear.

Unauthorised development does not include civil matters or matters that are addressed under other legislation and codes, including but not limited to the following:

**Civil Matters:**

* encroachment
* property ownership or other legal issues
* private rights of way
* trespass
* civil boundary disputes
* noise nuisance (unless noise breaches a condition attached to a planning permission) In relation to noise please refer to the Environment Section (environ@kildarecoco.ie) for details on options available to you under law
* structural damage to private property resulting from construction works
* matters related to private drains
* other types of private nuisance

A list of requirements for exempted development can be found under the Planning & Development Regulations, 2001 (as amended), which can be found [here](https://kildarecocoie-my.sharepoint.com/personal/oharvey_kildarecoco_ie/Documents/Enforcement%20Files/gov.ie%20-%20Planning%20%26%20development%20regulations%202001%20%28www.gov.ie%29.).

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

Search our online Planning database or check the Planning Register to find out if the development has planning permission or not by clicking [here](https://webgeo.kildarecoco.ie/planningenquiry).

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

You should complete and submit a Planning Enforcement Complaint Form to:

Kildare County Council,

Planning Department,

Aras Chill Dara,

Devoy Park,

Naas, Co Kildare

Email: planningcontrol@kildarecoco.ie

**N.B.** The Planning Enforcement Section cannot act on a complaint until the Planning Enforcement Complaint form has been received.

1. **What is the procedure following receipt of a complaint?**

The Planning Authority Enforcement Section endeavours to carry out its enforcement functions in accordance with the provisions of Part VIII of The Planning & Development Act 2000 as amended.  The Planning & Development Act 2000 as amended may be consulted [here](https://www.gov.ie/pdf/?file=https://assets.gov.ie/118297/b65e91a5-ea82-460a-9f8c-cc6bb8c754f5.pdf#page=null).

Addition information on Planning Enforcement is available from the Practice Notes on Planning Enforcement (PN05) published by the Office of the Planning Regulator in October 2023, please refer to [this link](https://publications.opr.ie/view-file/144?_gl=1*czzjts*_ga*MTA2NTkxNzYzMS4xNzMwOTgzOTQ2*_ga_J58VT3XFH2*MTczMDk4Mzk0NS4xLjAuMTczMDk4Mzk0NS42MC4wLjA.).

1. **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. While an investigation is continuing, Kildare County Council is not permitted to provide updates of that investigation such as findings following inspections or possible action to be taken, as to do so could prejudice the case and interfere with the administration of justice and planning enforcement.

Please therefore refrain from contacting the Enforcement Section to request updates as this inevitably ties up resources and delays enforcement action. However, should you become aware of significant further details / information on the case (e.g. in regard to the identity of the developer / owner etc.) then please bring such information to our notice, in writing. Should a Warning Letter or Enforcement Notice be issued the complainant will be notified in writing.

#### 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 refer to: [Planning Leaflet 6- A Guide to Planning Enforcement, Ireland, Office of the Planning Regulator, Department of Housing, Local Government and Heritage](https://www.opr.ie/wp-content/uploads/2021/01/Planning-Leaflet-6-A-Guide-to-Planning-Enforcement-in-Ireland.pdf)

**Updated: November 2024**



Data Protection Act 2018

**PRIVACY STATEMENT**

**Who are we?**Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include ‘personal data’ as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest.

 **Why do we have a Privacy Statement?**This privacy statement has been created to demonstrate the Council’s commitment that personal data you may be required to supply to us, to enable us to provide services, is;

* Obtained lawfully, fairly and in a transparent manner
* Obtained for only specified, identified and legitimate purposes
* Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
* Adequate, relevant and limited to what is necessary for purpose for which it was obtained
* Personal data collected and processed must be accurate and (where necessary) kept up to-date.
* Kept only for as long as is necessary for the purposes for which it was obtained.
* Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy at <https://kildarecoco.ie/YourCouncil/GovernanceandCompliance/DataProtection/> or you can request a hard copy at 045 980 200.

**What is the activity referred to in this Privacy Statement?**
Kildare County Council performs the role of Planning Authority for the County. The planning application process is a statutory requirement which allows for the relevant parties and public to participate in the proper development of the lands in the County.



**What is the basis for making the processing of this personal data lawful?**Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation,2016. Specifically the lawful basis for this process is the Planning & Development Acts 2000- 2017 and the Planning and Development Regulations 2001 - 2017. In addition there are also certain delegated functions under the local Government Reform Act 2014.

**We require contact details**In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details may also be used to verify your identity.

 **What other types of personal data do we need to undertake this activity?**(a) Data subject - Name, address, contact number, copy of payment receipt, local needs information & supporting documentation which may include documents such as birth certificate, baptismal certificate, credit union details, copy of driving licence, copy of passport, school documentation etc.
(b) Third parties related to the land - name, address, land ownership
(c) Third parties - information related to submissions made to the Planning Authority (Elected Representatives)

Medical records and potentially other sensitive data can be processed under the rural housing local need aspect of this activity. This information is not requested; however it may be voluntarily submitted as part of the application.

 **What will happen if the personal data is not provided?
All information requested as part of the application process, (excluding the rural housing local need information) is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed. If the local need information is not submitted, the planner may refuse or request further information on the file in order to satisfy the Planning Authority that the applicant is compliant with the Rural Housing policy of the Kildare County Development Plan 2017-2023**

 **Am I the only source of this personal data?**In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This **may apply** to this activity.



Data may be sourced during the planning application process from public sources such as the Property Registration Authority and other publically available information that Kildare County Council may hold.

 **Is personal data submitted as part of this activity shared with other organisations?**The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

As part of this process, the planning application data which is publicly available may be forwarded to external agencies/consultees such as ESB, Irish Rail, etc. to review and make a submission if they wish. If an application is to be appealed Kildare County Council are required under the Planning and Development Acts to give all details submitted as part of the planning application to An Bord Pleanála, who then become the joint data controller for the information they hold.

Data **IS NOT** transferred to another country.

Data is transferred to (if there are no countries listed, it is not intended to transfer the personal data abroad)

 **How long is my data kept for?**The Council has a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. A copy of Record Retention Policy can be accessed via the following link: <https://www.lgma.ie/en/publications/corporate/national-retention-policy-for-local-authority-records.pdf>

**Do you need to update your records?**

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.

In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this.
If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:



**Writing to us at**: Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

**Emailing us at** customercare@kildarecoco.ie

When making a request to update your record please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc.

**Your rights:**You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.

If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.
To exercise these rights logon to <https://kildarecoco.ie/YourCouncil/GovernanceandCompliance/DataProtection/>, use one of the forms at our Counter or contact us.

**Kildare County Council - Access to Information Officer**

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| **Phone** | 045 982 200 |   |
| **E-mail** | dataprotection@kildarecoco.ie or customercare@kildarecoco.ie |  |
| **Postal Address** | Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F. |  |

**Right of Complaint to the Data Protection Commissioner**
If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.  The Data Protection Commissioner’s website is [**www.dataprotection.ie**](http://www.dataprotection.ie/)or you can contact their Office at:



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| **Lo Call Number** | 1890 252 231 |   |
| **E-mail** | info@dataprotection.ie |  |
| **Postal Address** | Data Protection Commissioner Canal HouseStation RoadPortarlington, Co. Laois. R32 AP23. |  |

 **Changes to Privacy Statement**We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the “Last Updated” date below.

Privacy Statement Last Updated 18th April 2024