



Comhairle Contae Chill Dara Kildare County Council

Planning Enforcement Frequently Asked Questions **Please read prior to submitting a Complaint Form**

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,
- Date the development commenced,
- Photographs where possible,
- Your own name, address, email and a daytime contact number.

2. 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](#).

3. 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](#).

4. 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.

5. 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](#).

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](#).

6. 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.

7. 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](#)