



COMHAIRLE
CONTAE
CHEATHARLACH

CARLOW
COUNTY COUNCIL

PLANNING ENFORCEMENT Representation Form

Guidance for Applicant

Please read the notes before completing the form

Carlow County Council welcomes written representations from individuals concerned about unauthorised developments. Such representations can and do serve a valuable role in the control of breaches of the Planning code.

However, to ensure an orderly process for receiving and following up on such representations, individuals are asked to observe the following points:

1. The information requested in the attached Enforcement Representation Form is the **minimum** required to allow the Planning Authority to assess whether the complaint is valid and, if considered necessary/appropriate in the circumstances, to issue a warning letter. A Warning Letter may be issued to the person(s) named by you in the Representation Form based on the information given in the form. Therefore, it is important that the information given is accurate and detailed.
2. Please note that the planning authority is precluded from pursuing any complaint/representation that is **vexatious, frivolous or without substance or foundation**.
3. It is important that as much information as possible is given so that a proper assessment of the representation may be made. If the space on the form is insufficient, additional details may be included at the end. Incomplete or inadequate information may result in the matter not being investigated or being returned for further clarification.
4. A site location map **must** be attached, Google Map imagery is acceptable. If an application for planning permission has been made, please quote the Planning Register Reference number. Where possible, please also provide photographic evidence with the Complaint Form.
5. The form **must** be fully completed with the name and address of the person making the representation or same will not be investigated.
6. The Planning and Development Act 2000, as amended, sets time limits for enforcement action by the Council. If legal proceedings are initiated, the complainant may be required to provide evidence of the development's start date in court. Without this evidence, the Council may be unable to fully address the representation.
7. The Council would like to point out however, that where representations transpire to have been made in bad faith or maliciously, then the person making such representations cannot have an expectation that the record(s) of his/her representation will be treated in confidence.
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, civil boundary disputes etc.

9. Before submitting a complaint, please ensure the issue falls within the scope of planning control. Matters relating to roads, water, drainage, council housing, dangerous structures, or environmental concerns may fall under the responsibility of other Council Departments and should be referred accordingly.
10. Complaints about Unauthorised Development are part of the Council's records under the Freedom of Information Act 2014. While the Council will strive to keep complaints made in confidence and good faith confidential, it cannot guarantee this absolutely, as Freedom of Information requests may be appealed to the Information Commissioner.
11. You may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise.
12. Please note that under Section 160 of the Planning and Development Act 2000, any person may apply to the Circuit Court or High Court for an injunction where Unauthorised Development has occurred, is occurring, or is likely to occur or continue.
13. Further information on the Planning Enforcement section can be found on our website by clicking <https://carlow.ie/planning-and-building/planning-enforcement/planning-and-development-enforcement>
14. The Enforcement Section will acknowledge receipt of your Representation Form. Carlow County Council will then investigate the matter to determine whether enforcement action is warranted. You will be informed of any significant planning or enforcement activity related to your complaint; however, please note that the Council cannot provide updates on every action taken.

If, during this time, you become aware of any significant new information, such as the identity of the developer/owner or an escalation of the development, please submit this in writing. Please note that all representations must be made in writing and cannot be accepted by phone.

Carlow County Council Planning Enforcement Representation Form

1. Details, if known, of the landowner(s), occupiers, developers or person with an interest in the subject development:

Address/Location of alleged breach:
(Please include Eircode and attached location map)

Name of the person(s) carrying out the alleged unauthorised development

Name & Address of the landowner(s) and/or landlord(s)

Name and address of the occupier(s) of the lands/building

2. Nature of the alleged unauthorised development: In your own words, please outline why you consider the development is unauthorised.

3. Reason for complaint:

Date Development Commenced/Change of Use:
(Specify how you can state this date with
certainty) (See Guidance Notes No. 6)

If an unauthorised use is alleged State previous
use:

Reasons for Representation: (Specify particular
issues which in your opinion might justify the
issue of a Warning Letter).

If related to a Planning Permission/Approval
quote Register Number and specify conditions
or terms (drawing etc.) not complied with:

4. Contact Details of Person(s) Making Representation: This information will be kept confidential

Name:

Address:

Email:

Telephone No.:

Please confirm that you would be willing to give evidence on behalf of the Council in the
event of Yes Please tick box Court Proceedings if considered necessary by our legal
department:

yes ☐ no ☐

Do you have an objection to the disclosure of:

a. your identity

Yes ☐ no ☐

b. other information given in this form (See Guidance Notes No. 10, 11, 12)

yes ☐ no ☐

Please note that all information will be treated as confidential. Representation which are deemed to be
vexatious, frivolous, without substance or foundation will not be investigated.

Any representation will **NOT** be investigated unless name and address are given, and form is signed.

I have read the guidance notes relating to this form and understand the implication of
same.

Signature:

Date:

Check List

Have you answered all questions in the Representation Form in full?	yes <input type="radio"/>	no <input type="radio"/>
Have you included all enclosures (Maps, Photographs, relevant documents images)	yes <input type="radio"/>	no <input type="radio"/>
Have you supplied up to date contact information?	yes <input type="radio"/>	no <input type="radio"/>
Have you signed the completed Representation Form?	yes <input type="radio"/>	no <input type="radio"/>