

CARLOW COUNTY COUNCIL

ENFORCEMENT REPRESENTATION FORM

(PLEASE READ THE NOTES ATTACHED BEFORE COMPLETING THIS FORM)

1 (a) Name of person carrying out alleged

Unauthorised development:

(b) Address at which this/these

Person(s) ordinarily reside:

2 (a) Name of Landowner(s):

(b) Address at which this/these
person(s) ordinarily reside:

3 (a) Name of Occupier(s):

(b) Address at which this/these
person(s) ordinarily reside:

4 Details of Representation: (nature
of alleged unauthorised
development). (Reverse side of this form
can be used to elaborate representation or draw
explanatory sketch).

5 Date Development Commenced:

(Specify how you can state this date with certainty
- See Note 8)

6 If an unauthorised use is alleged
State previous use:

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

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

8 Location of Alleged Unauthorised Development:
(See Note 6)

9 Name, Address and Telephone No. of Person making Representation:
(See Notes 10, 11 and 12)

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

Yes Please tick box

11 Do you have an objection to the disclosure of :
a. your identity
b. other information given in this form
(See Notes 10, 11 and 12)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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

12 **Signature**
N.B. Any representation will NOT be investigated unless name and address and Signature are given and form is signed:

Signed: _____

Date: _____

Explanatory Memorandum

Carlow Local Authorities – Planning Enforcement Section

Written Representations Regarding Alleged Unauthorised Developments

The Planning Authority welcomes written representations from persons who are concerned about unauthorised developments. Such representations can and do serve a valuable role in the control of breaches of the Planning code.

However, in order to ensure an orderly approach to both the receipt of and follow-up on such representations, persons making representations are asked to note the following points outlined below:

1. The representations must contain sufficient substance to enable the Planning Authority to issue a warning letter, if considered appropriate. Representations therefore should indicate:
 - (i) The name and address of the person(s) carrying out the alleged unauthorised development and/or
 - (ii) The name and 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 but is not obligatory.
 - (iv) A clear description of the alleged works/development in question.
 - (v) A clear indication of when the alleged unauthorised development commenced.

The above details are the minimum considered necessary by the Planning Authority in order for a written representation 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. Note that if a warning letter is issued it will be on the basis of the information and details supplied by you. An investigation by the Planning Authority will only be carried out subsequent to the warning letter being served.

The Planning Authority has a six week period, following receipt of written representations, within which to issue a warning letter (if considered appropriate in the circumstances concerned). Once representations 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 representations. It is our experience that when circumstances such as this occur, it inevitably delays enforcement action because staff time and resources, which are limited, tend to be consumed in multiple dealings with persons making representations. This situation is neither in the interests of those making representations nor the Planning Authority itself, and ultimately the general public.

We would therefore request that you allow the Planning Authority to process representations 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., or any escalation of the development) then please feel free to bring such information/details to our notice, in writing.

2. The information requested in this form is necessary to enable the Planning Authority to decide whether the representation has substance and foundation and to enable a valid Warning Letter issue, if considered appropriate. If incorrect addresses are given, the issue of a valid Warning Letter will not be possible.
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 provided on the form is insufficient additional information may be given at the end of the form. Where information is inadequate the matter complained of may not be investigated and/or returned for further elaboration.
4. Please note that a Warning Letter will be issued to the person(s) named by you in the Representation Form based on the information given in the form. So it is important that the information given is accurate and detailed.
5. All of the questions on the form must be fully answered.
6. A site location map must be attached if possible. Please ask to see the Planning Register Map at the main Planning Counter and identify the site thereon. Alternatively you may visit the local Council Office nearest to you to view the relevant map. If an application for Planning Permission has been made, please quote the Register Number.
7. The form must be fully completed with the name and address of the person making the representation or same will not be investigated.
8. The Planning and Development Act, 2000 places time limits on the taking of Enforcement action by the Council. Accordingly, should legal proceedings be instituted in this matter, the person making the representation may be required to give evidence in court as to the date of commencement of the development. If this evidence is not forthcoming the Council may not be able to fully deal with this representation.
9. 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.
10. In accordance with the legislation – representations regarding unauthorised development constitute part of the Council's records for the purposes of the above acts. The Council will endeavour to maintain, as confidential, any representations 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.

11. 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.
12. You may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise.
13. The Planning Authority does not investigate matters of a civil matter, such as those relating to private rights of way, trespass, private nuisance etc.
14. Before making a representation, you should ensure that the matter is one within the scope of planning control. Certain matters, such as complaints relating to roads, water, drainage, council housing, dangerous structures, environment may be within the remit of other Council departments and should be referred to those departments.
15. Please note, for your information, that under the provision of Section 160 of the Planning and Development Act 2000 that any person may apply to the Circuit Court/High Court for an injunction where an unauthorised development has been, is being or is likely to be carried out or continued.
16. Feedback from Planning Authority – Having processed a representation 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 issued, 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 legislation. 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,
Carlow County Council
Planning Department**