

Policy on Enforcement

Introduction

The Planning Authority, in accordance with the statutory requirements under Sections 151-164 of the Planning and Development Acts 2000-2010, will seek to prevent unauthorised development.

What is “ Unauthorised” development?

- A development that is constructed without the benefit of planning permission.
- A development not constructed in accordance with planning permission granted.
- A development that does not comply with a condition attached to a planning permission.

Enforcement Procedure

On receipt of a complaint, the details are recorded and referred to a Planning Officer to carry out a site inspection.

The Planning Officer may recommend **one** of the following:

- That no action be taken by the Planning Authority as the complaint relates to a trivial matter.
- That an Advisory letter be issued to the owner/occupier/developer, if the development is not of a serious nature, requesting him/her to regularise the situation within a period of time.
- That a Warning letter be issued under Section 152 of the Planning and Development Act 2000 to the owner/occupier/developer allowing four weeks to make a submission or regularise the situation. A Warning letter shall be issued no later than six weeks after receipt of the complaint.
If no response is received by the Planning Authority in respect of the Warning Letter as issued, an Enforcement Notice will be issued under Section 154 of the Planning and Development Act 2000.
On failure to comply with the Enforcement Notice, the Planning Officer will determine whether to initiate legal proceedings.
- That an Enforcement Notice is issued under Section 155 of the Planning and Development Act 2000 to the owner/occupier/developer, in a case of urgency.
- That the Planning Authority seek an Injunction under Section 160.

Penalties for offences

- (a) On conviction in the District Court, fines of up to €5,000 can be imposed, together with fines of up to €1,500 per day for continuing offences or to a term of imprisonment of six months. On conviction in the higher courts, the maximum fine is €2,700,000 (€2,700 per day for continuing offences) and up to two years imprisonment, or both.

It is the Council’s policy to recover it’s costs (legal and administration) from the person/s responsible for the unauthorised development.

A User friendly guide to Planning Enforcement in Ireland was launched by the Minister for Housing & Planning in November 2012. Visit their website at www.environ.ie for more details.