



**HIGH COURT
PLANNING AND ENVIRONMENT**

**IN THE MATTER OF SECTION 160 OF THE PLANNING AND DEVELOPMENT
ACT 2000 AS AMENDED**

2024/

MCA

Between

**JOHN HEGARTY
and
EUGENE AND SYLVIA GLENDON
and
GEMMA DESMOND**

Applicants

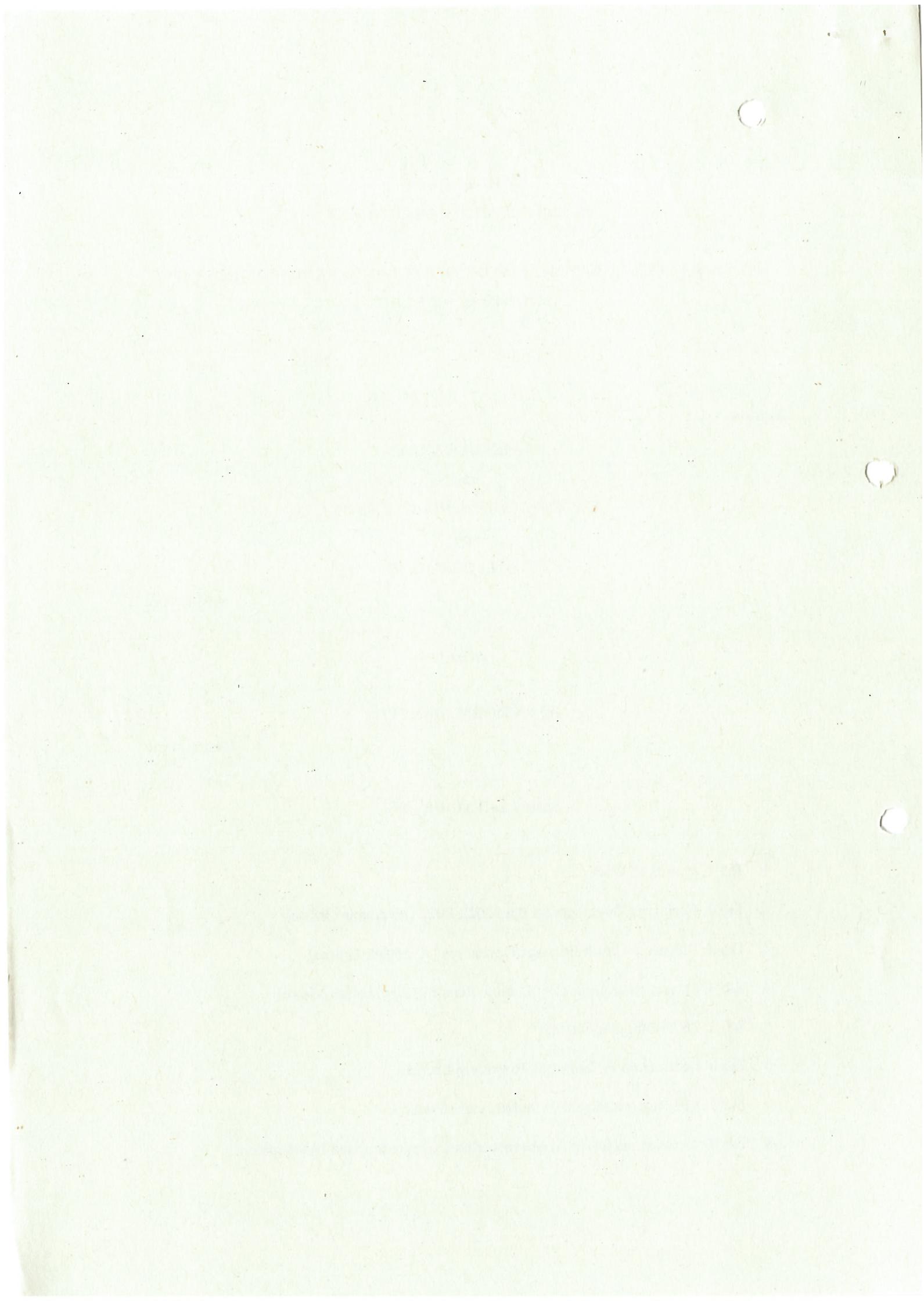
AND

TOWERCOM LIMITED

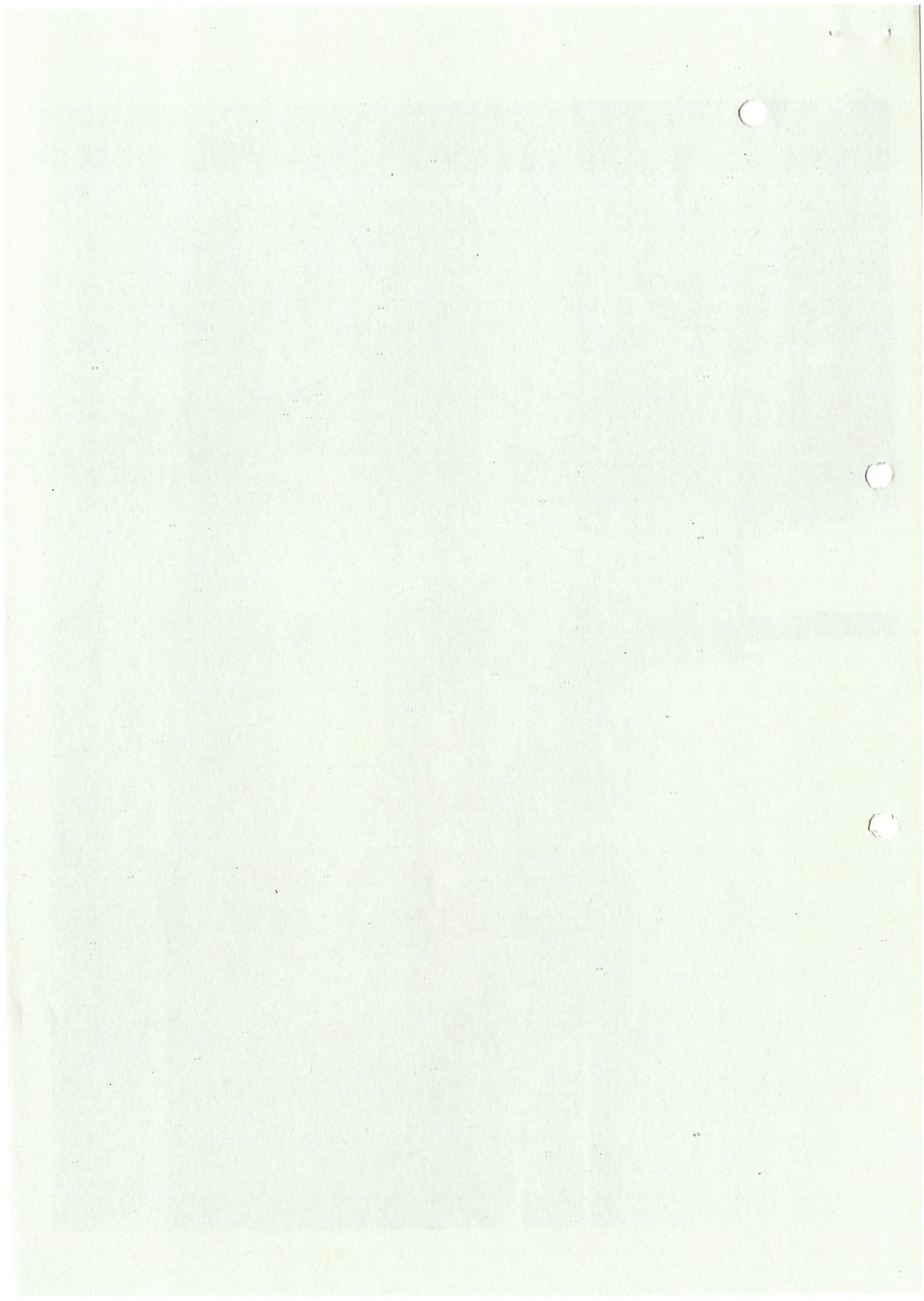
Respondent

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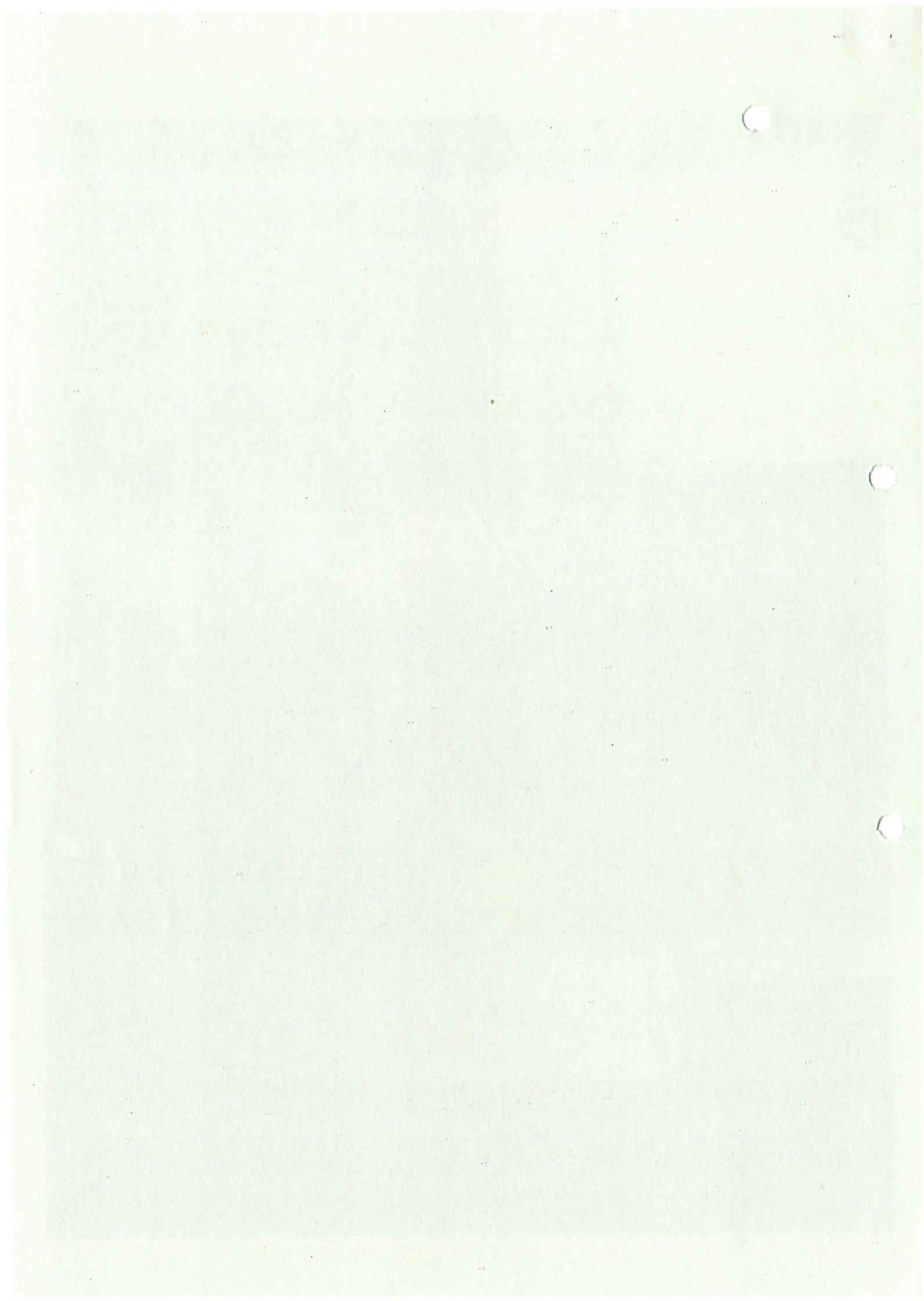
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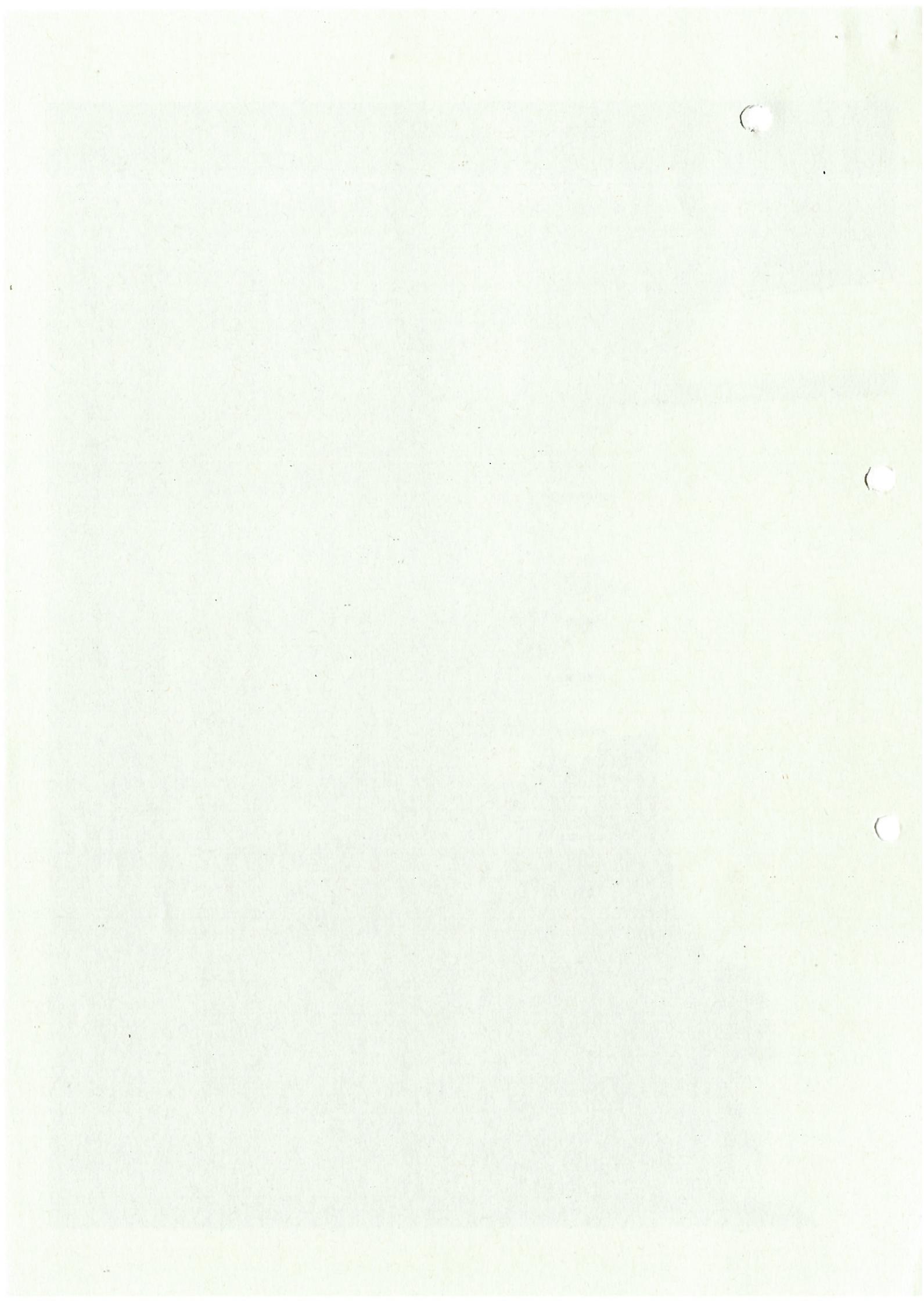






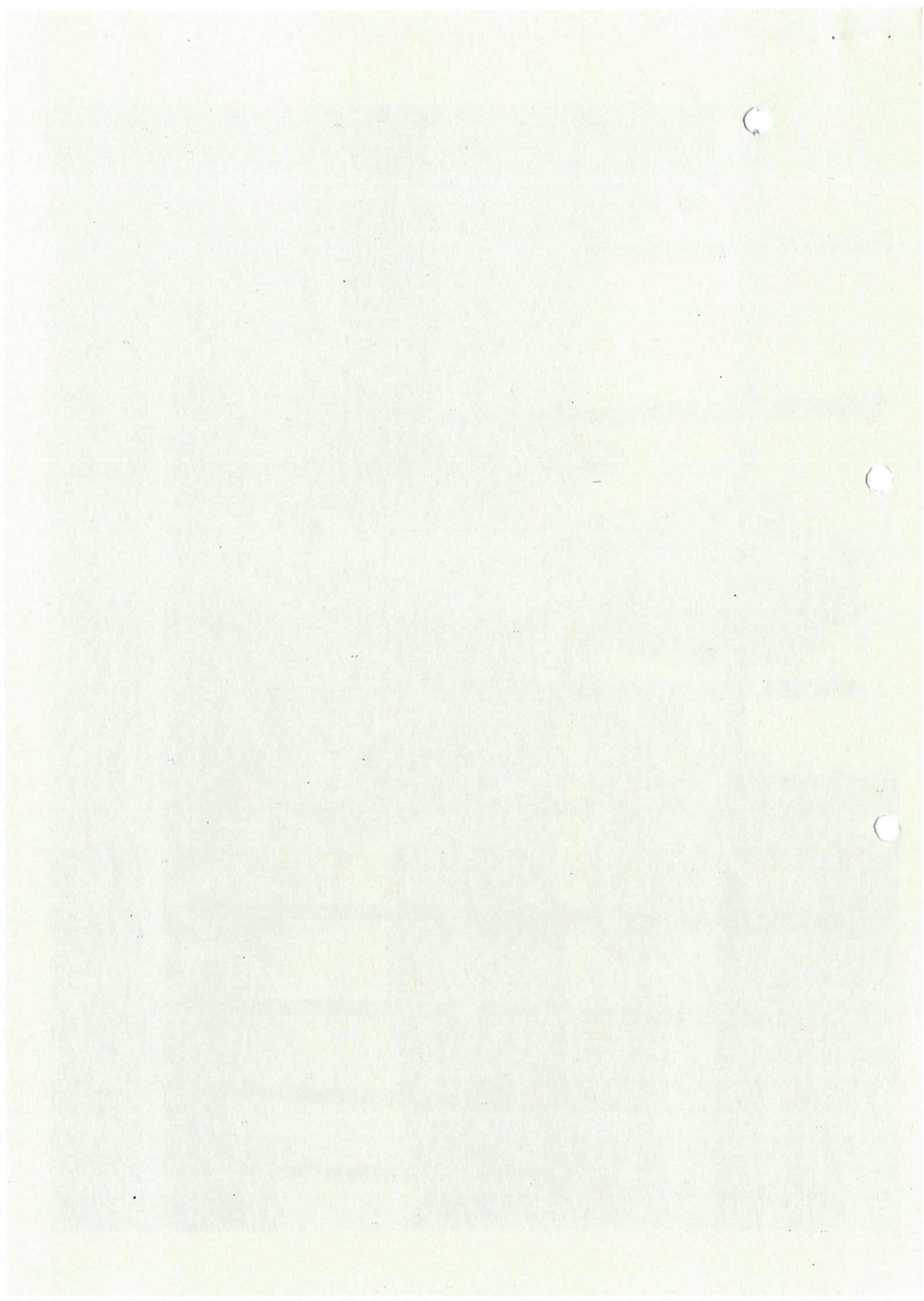




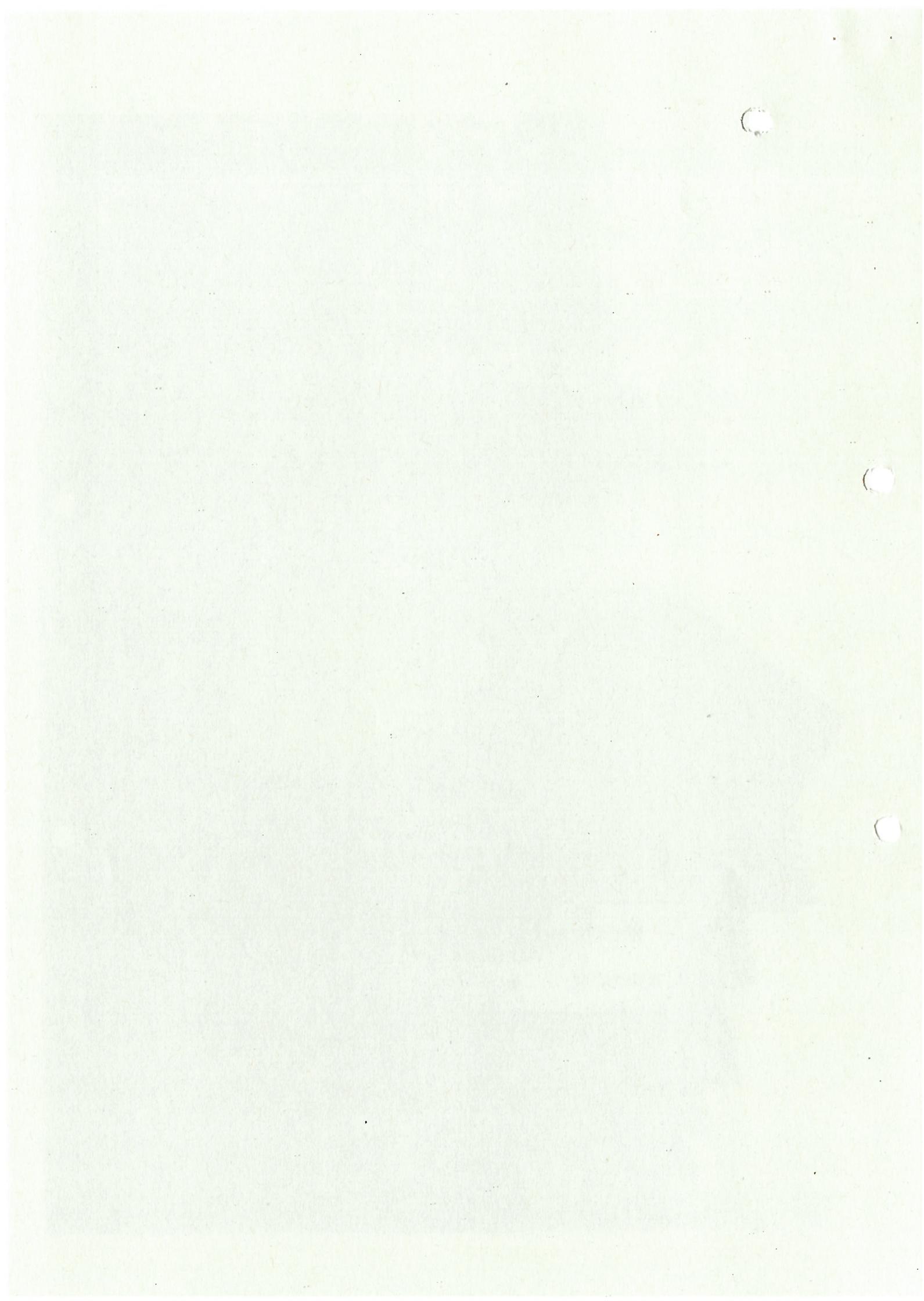




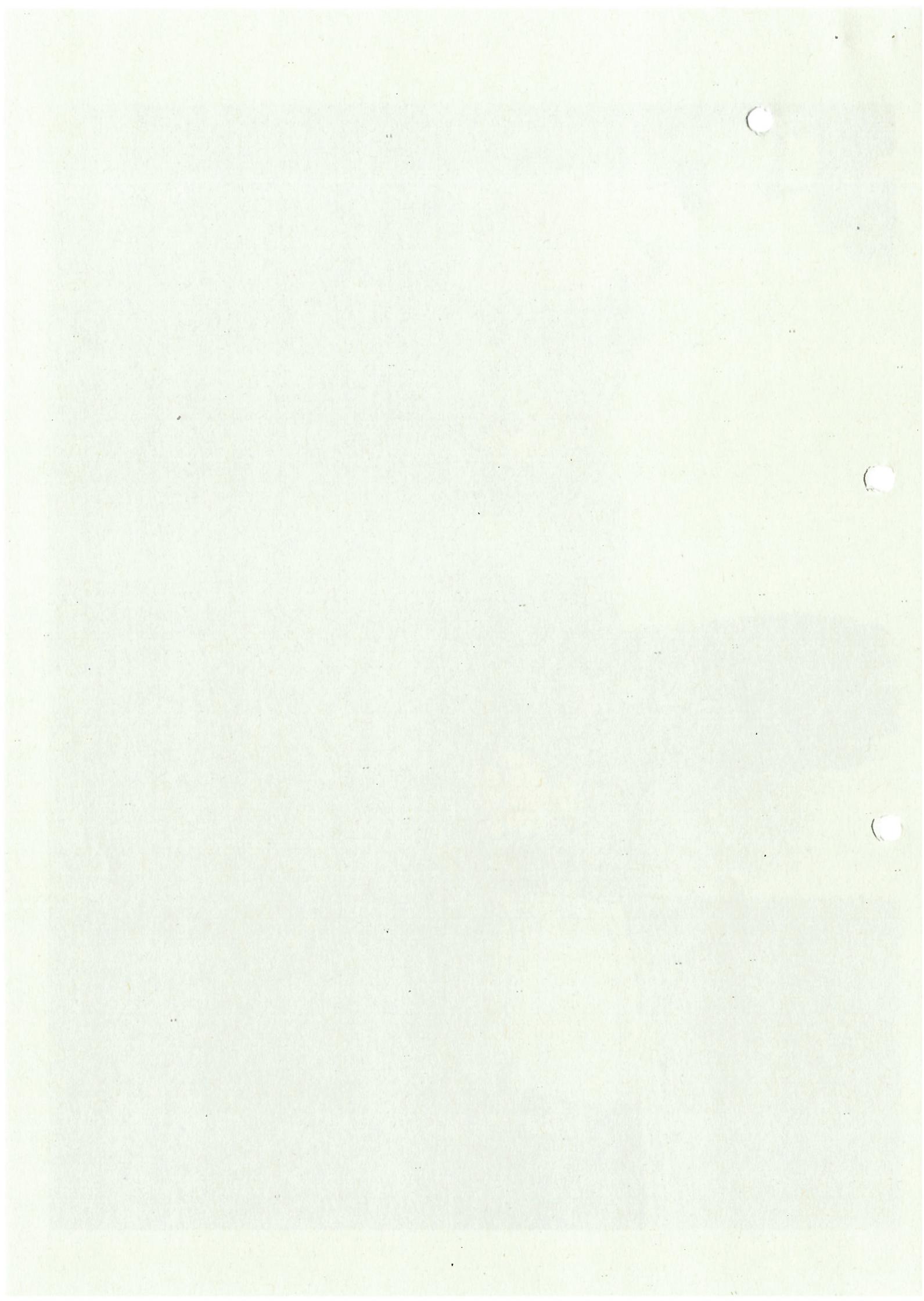




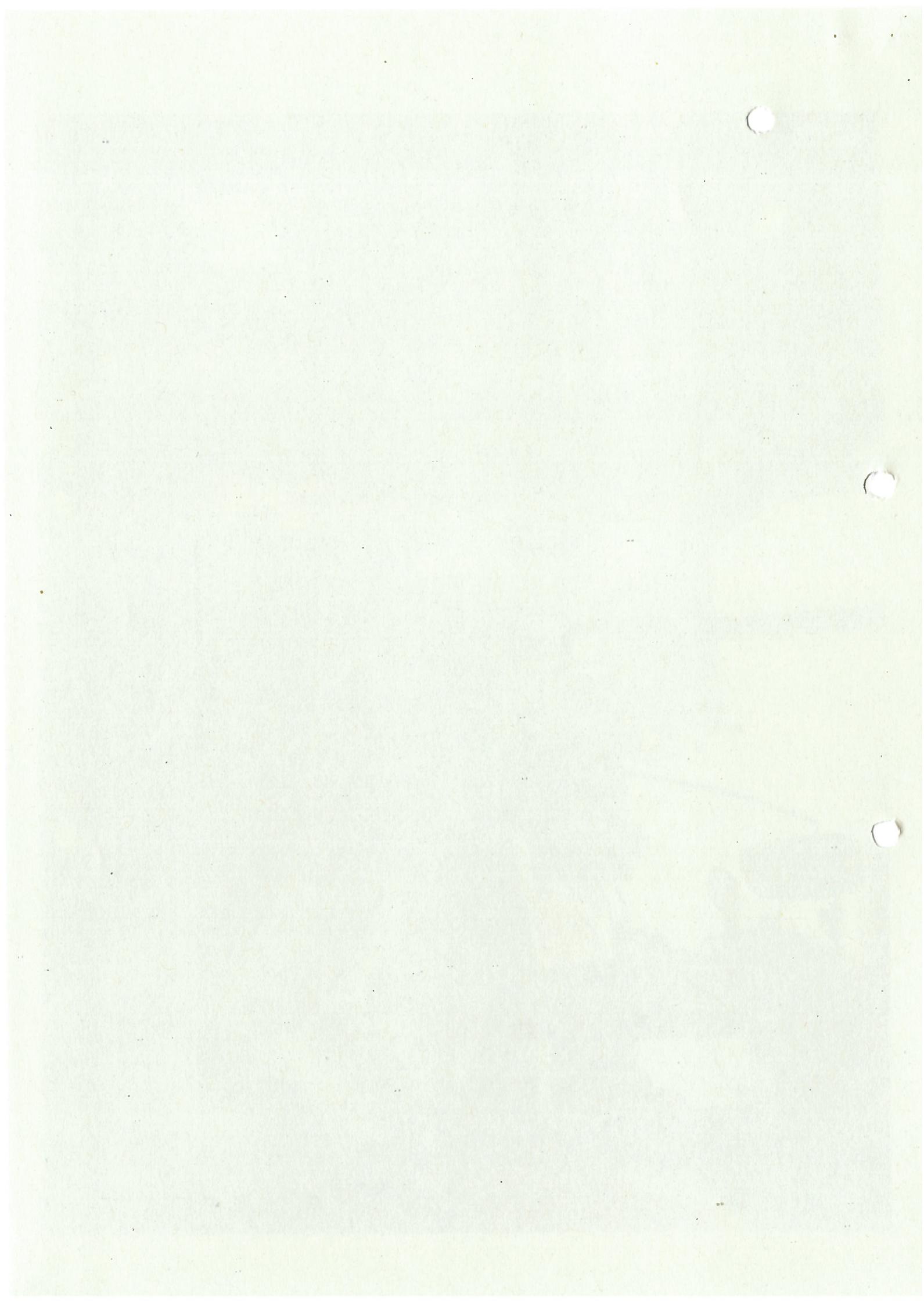


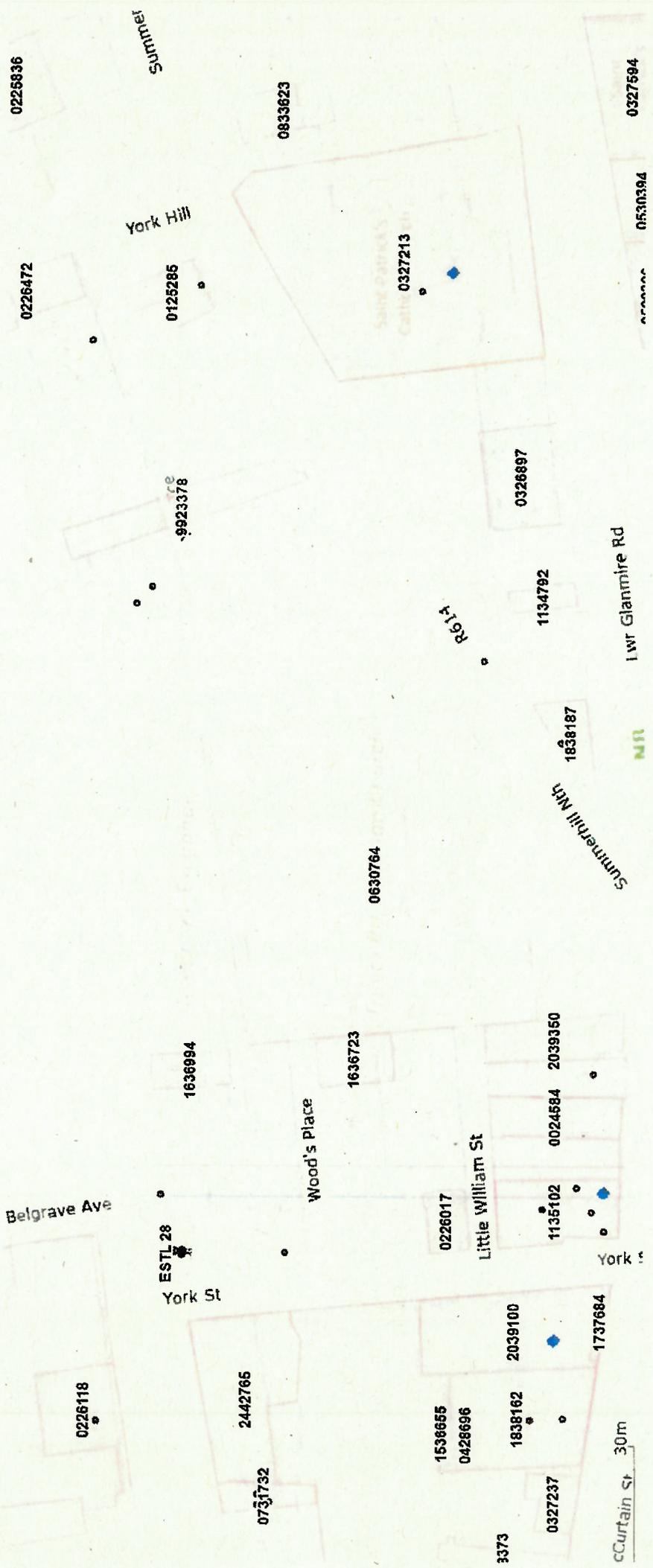












Belgrave Ave

ESTL 28
York St

Wood's Place

Little William St

York St

cCurtain St 30m

I Wt Glanmire Rd

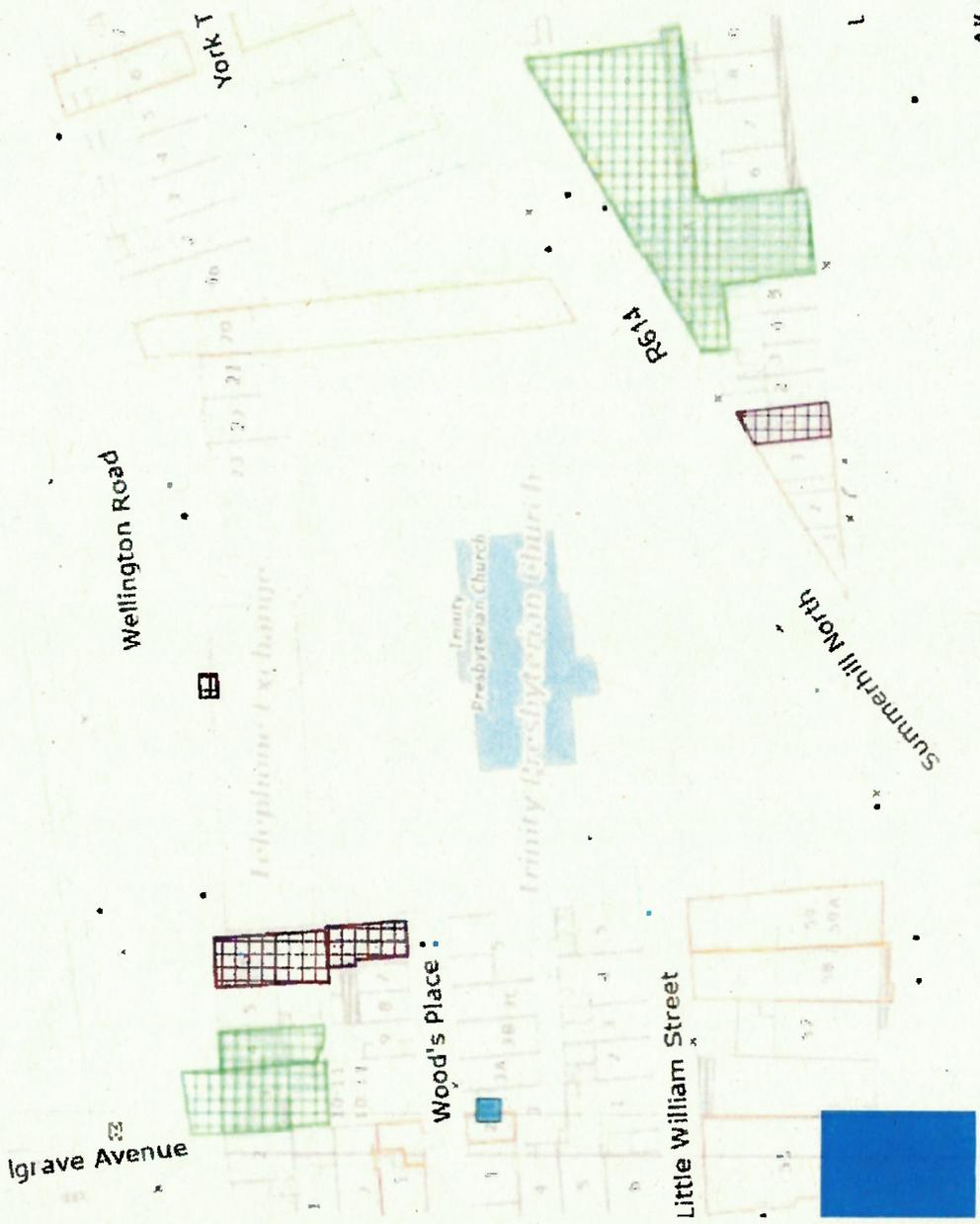
Summerhill Mth

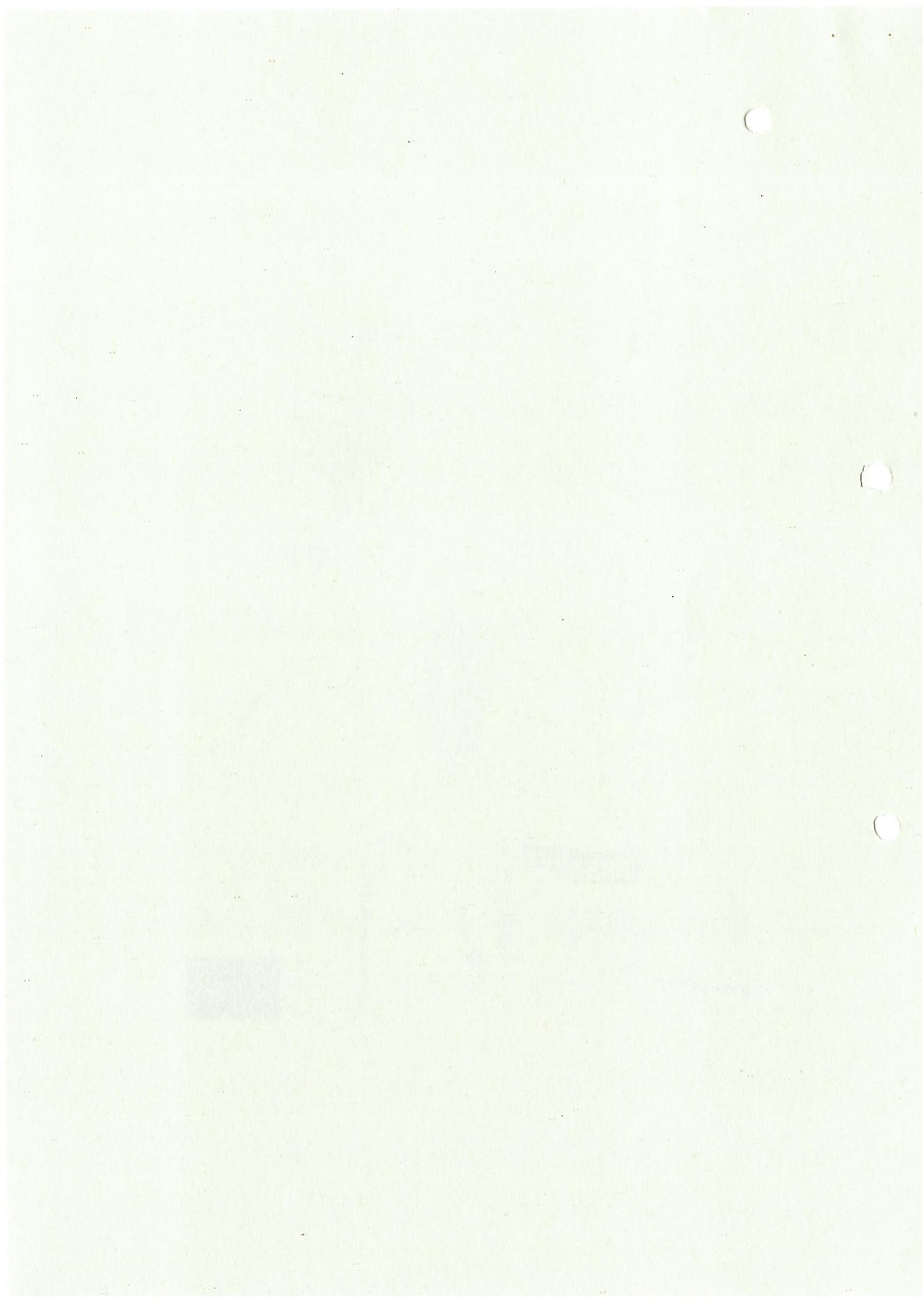
M1

Summer

York Hill

Saint Patrick's
Cath 0327213





FPLOGUE SOLICITORS

Our Reference: EJB
Your Reference:

6 November 2024

By email

Mr Ray Ryan
Property Manager
Towercom Limited
Usher House,
Main St,
Dundrum,
Dublin 14,

rryan@towercom.ie

info@towercom.ie

Our clients: John Hegarty

RE: Notice of Imminent Legal Proceedings

Ongoing Works at Eir Exchange, Wellington Road, Cork

A Chara,

We confirm that we act on behalf of Mr. John Hegarty, of 22 Connaught Place, Wellington Road, Cork City.

Our client lives in close proximity to the Eir Exchange Building located at 27 Wellington Road, Saint Luke's, Cork City ("the Site").

Our client instructs us that works for the erection of a telecommunications mast are underway at the Site, which have involved deep excavations resulting in significant ground vibrations. We are instructed that the works are being carried out by Towercom Limited.

The works are being carried out within the Wellington Road/St Luke's Architectural Conversation Area (ACA) the preservation of which is an objective of the Cork City Development Plan 2022-2028.

Our client is the owner of No. 22 Connaught Place, Wellington Road, Cork City which is located a number of meters from the ongoing work. No. 22 Connaught Place is listed in the Record of

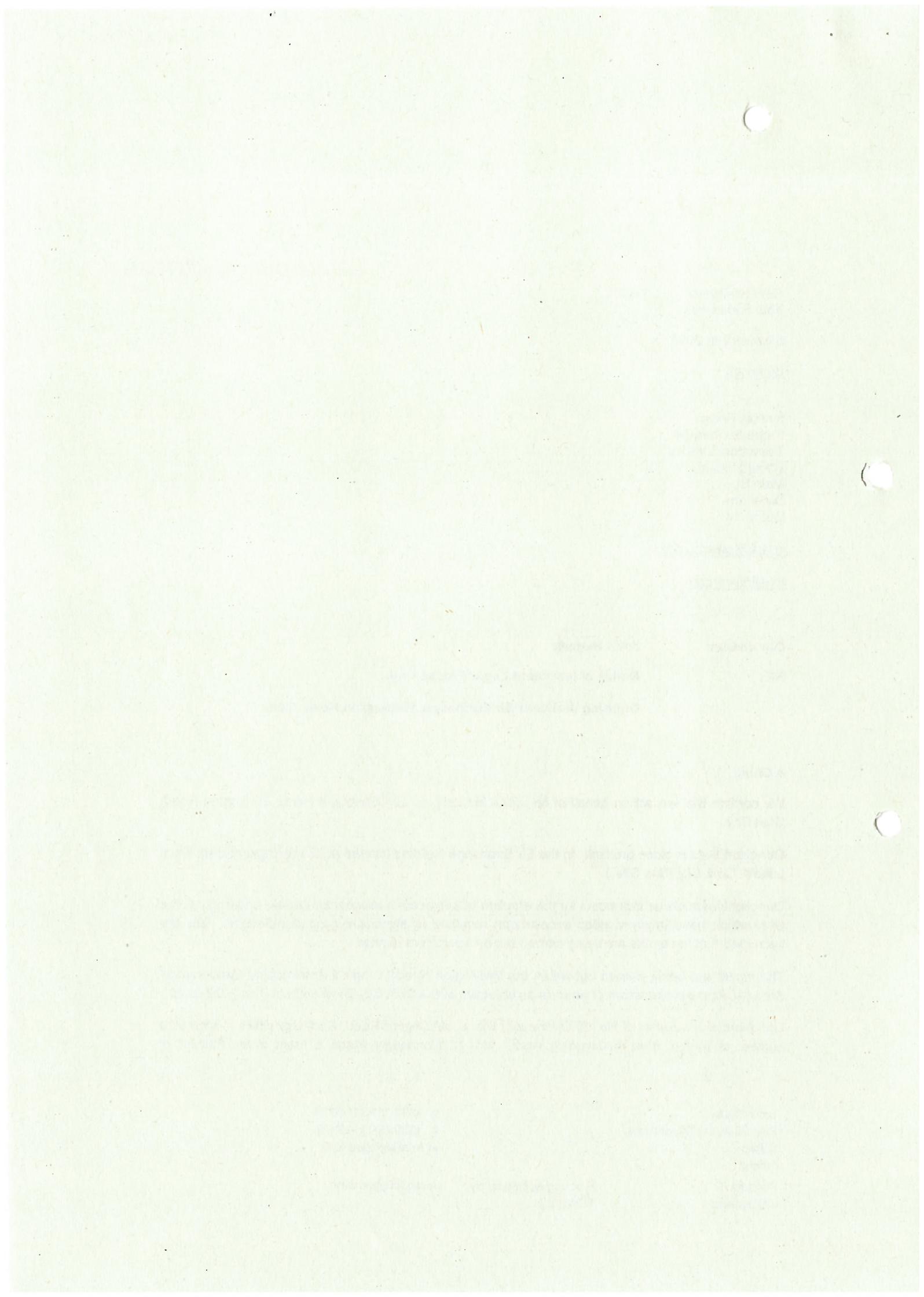
Lenin House,
Rear 25 Strand Street Great,
Dublin 1
Ireland

p: +353 (0)1 531 3510
f: +353 (0)1 531 3513
e: info@fplogue.com

Partners:
Consultant:

Fred Logue, Eoin Brady
TJ McIntyre

www.fplogue.com



Protected Structures contained within Volume III to the Cork City Development Plan 2022-2028, therein indicated as RPS No. PS456 ("the Protected Structure").

Our client considers that the ongoing works are potentially impacting on the structural integrity of his building, which he is under a legal duty to protect pursuant to Part IV of the Planning and Development Act 2000 ("PDA 2000"). There are a large number of other Protected Structures in the vicinity, and we are instructed that other owners of these properties are concerned about the works and the potential for impacts on the integrity of their buildings.

Moreover, we have consulted the Cork County Council records and can see no reference to a planning permission having been obtained for the works in question.

Class 31 of Schedule II to the Planning and Development Regulations 2001 (as amended) ("PDR") provides for certain categories of telecommunications masts to be exempted development, subject to conditions. It may have been assumed that a telecommunications mast could be erected at the Site pursuant to Class 31. However, we would draw your attention to Article 9(1)(vi) PDR which provides that no exemption is available where such a telecommunications mast would interfere with the character of a landscape of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed. Any such mast to be erected within the Wellington Road/St. Luke's ACA would undoubtedly interfere with the character of the ACA, and Class 31 is therefore not available.

Furthermore, we consider that these works may be part of a wider development of telecommunications masts being developed by Towercom which require Environmental Impact Assessment.

The works are therefore being carried out without the benefit of planning permission, or exemption from the same.

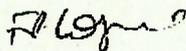
In light of our client's serious concerns for the integrity of the Protected Structure and the ACA, as well as compliance with the PDA 2000 generally, he has instructed us to issue injunction proceedings pursuant to Section 160 PDA 2000 to restrain the further carrying out of the works.

Accordingly, unless we hear from you by **2pm tomorrow Thursday 7th November 2024** that you will undertake to cease the works to erect the telecommunications mast pending a grant of planning permission authorising the same, our client will issue the said proceedings without further notice to you seeking interlocutory relief requiring the immediate cessation of the works. We are instructed that other residents of the area may join those proceedings as applicants.

In view of the urgency of this matter, we are copying your solicitors William Fry to this correspondence.

We therefore await hearing from you as a matter of urgency.

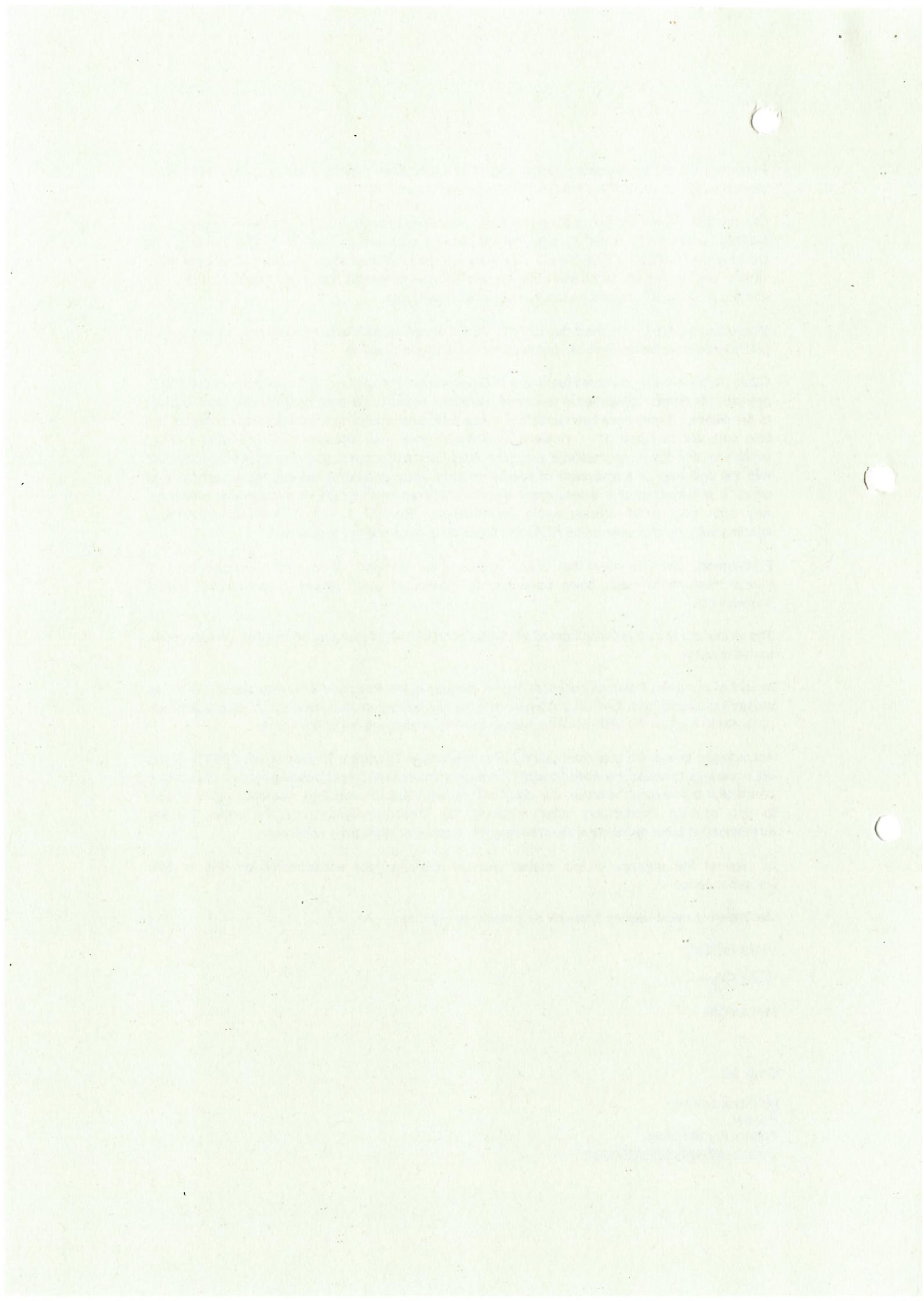
Yours faithfully



FP LOGUE

Copy to:

Mr Gerard James
Partner
William Fry Solicitors
Gerard.James@williamfry.com



From: FOI
To: Eoin Brady
Cc: FOI
Subject: RE: [Confidential] FOI 1160_ AIE Request
Date: Friday 7 October 2022 17:23:52
Attachments: [FOI 1160_Decision.pdf](#)

Dear Mr Brady

Please see attached the Decision in your below FOI Request.

Regards,
DerekC

Mr Derek C. O'Reilly
Information Access Executive

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

Aon Lárcheantar na nDugáí, Sráid na nGildeanna, Baile Átha Cliath 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9769
Ríomhpost | Email foi@comreg.ie
Suíomh | Website www.comreg.ie

From: FOI <FOI@comreg.ie>
Sent: Monday 26 September 2022 11:46
To: Eoin Brady <eoin.brady@fplogue.com>
Cc: FOI <FOI@comreg.ie>
Subject: [Confidential] FOI 1160_ AIE Request

Dear Mr Brady

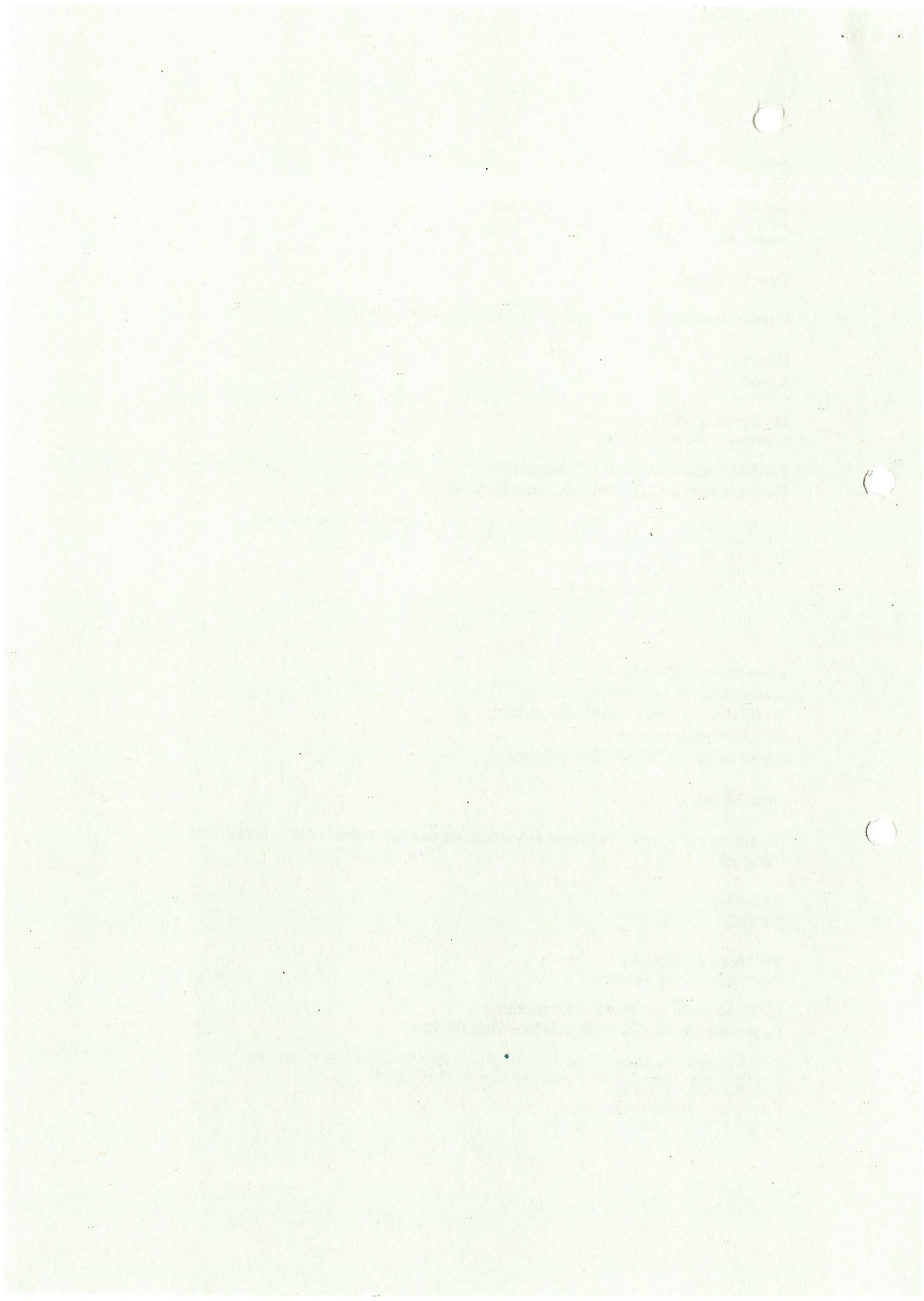
Please see attached the formal acknowledgement of receipt of your below FOI Request.

Regards,
DerekC

Mr Derek C. O'Reilly
Information Access Executive

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

Aon Lárcheantar na nDugáí, Sráid na nGildeanna, Baile Átha Cliath 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9769
Ríomhpost | Email foi@comreg.ie
Suíomh | Website www.comreg.ie



From: Eoin Brady <eoin.brady@fplogue.com>
Sent: Monday 12 September 2022 17:14
To: FOI <FOI@comreg.ie>
Subject: RE: [Confidential] AIE Request

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and believe the content is safe.

Hi Derek,

Although it could be argued that it is an AIE request, I think on this occasion it would be in order to deal with it under the FOI Act, so please proceed to deal with it as an FOI.

Regards,

Eoin

From: FOI <FOI@comreg.ie>
Sent: Monday 12 September 2022 17:09
To: Eoin Brady <eoin.brady@fplogue.com>
Cc: FOI <FOI@comreg.ie>
Subject: RE: [Confidential] AIE Request

Dear Mr Brady

Thank you for your mail.

It would appear to us that your request does not fall within the ambit of the Access to Information on the Environment Regulations, and would be better made as an Freedom of Information request.

Are you happy for us to treat this as a request pursuant to the FOI Act 2014?

Kind regards,
DerekC

Mr Derek C. O'Reilly
Information Access Executive

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

Aon Lárcheantar na nDugáí, Sráid na nGildeanna, Baile Átha Cliath 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9769
Ríomhpost | Email foi@comreg.ie
Suíomh | Website www.comreg.ie

From: Eoin Brady <eoin.brady@fplogue.com>
Sent: Monday 12 September 2022 12:35
To: FOI <FOI@comreg.ie>

Subject: AIE Request

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and believe the content is safe.

A Chara,

I wish to make an AIE request as follows.

Under the Planning and Development Act 2000 ("the Act") certain rights are granted to 'Statutory Undertakers' as defined in the Act in relation to the provision of telecommunications infrastructure.

A "statutory undertaker" is defined as follows – "*means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—*

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,*
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or*
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking;"*

I wish to request a list of all those undertaking which are authorised by or under any enactment or instrument to provide telecommunications services within the State.

Please detail the particular enactment or instrument under which such undertakings are so authorised, and the date of their authorisation and their registered address, and any limitations or qualifications on the said authorisation(s).

Please provide the information in electronic format to eoibn.brady@fplogue.com

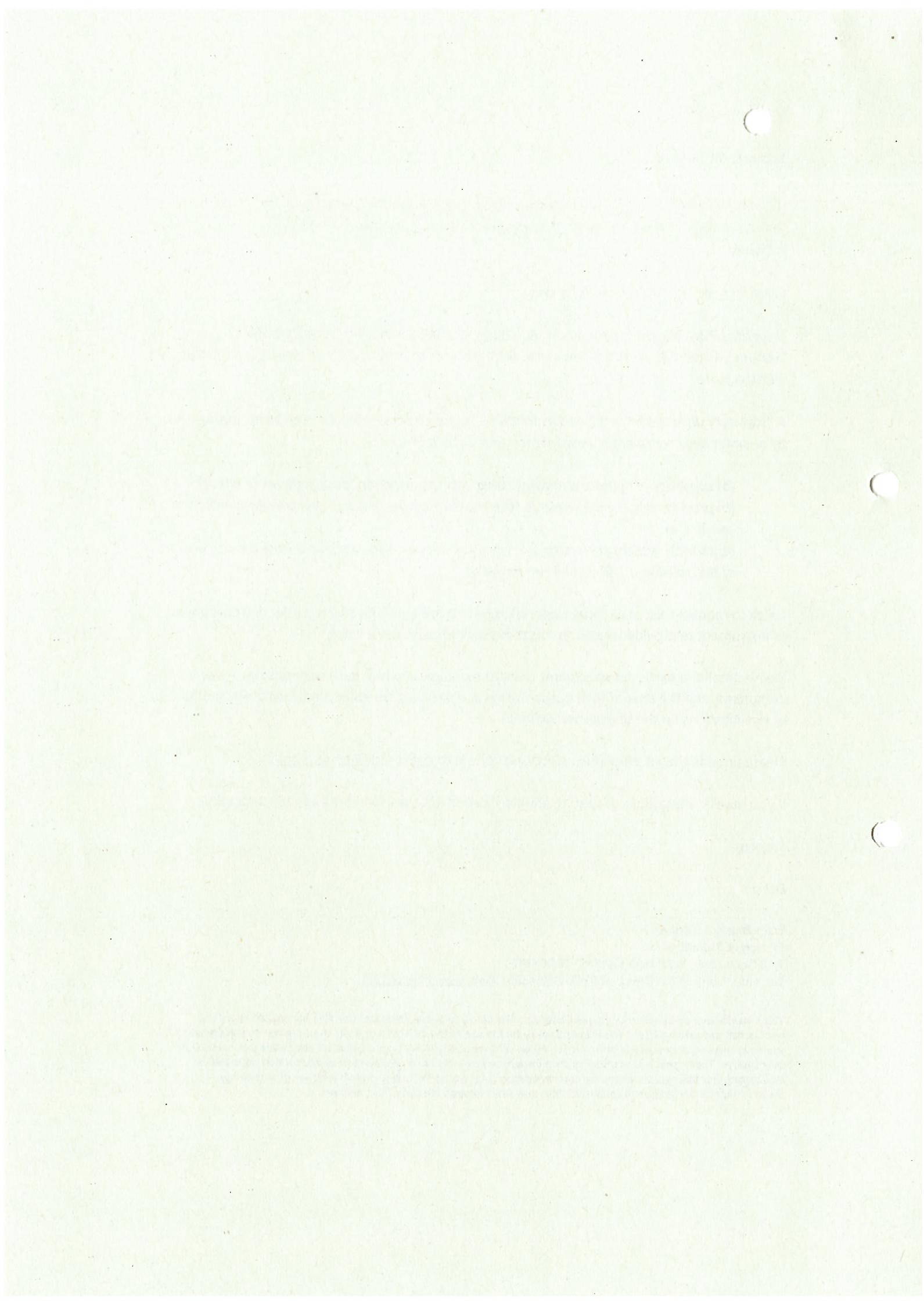
If you have any questions or require any clarification, please contact me as soon as possible.

Regards,

Eoin

Eoin Brady | Partner
FP Logue Solicitors
8-10 Coke Lane, Smithfield, Dublin 7, IRELAND
Tel: +353 1 531 3510 | Direct: +353 86 852 4598 | Web: www.fplogue.com

This email is sent on behalf of FP Logue Solicitors. The contents of this email and any files transmitted with it are confidential and privileged and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify us immediately at FP Logue Solicitors and delete this e-mail from your system. Thank you. It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is by e-mail, FP Logue Solicitors does not accept any responsibility for any breach of confidence that may arise through the use of this medium.



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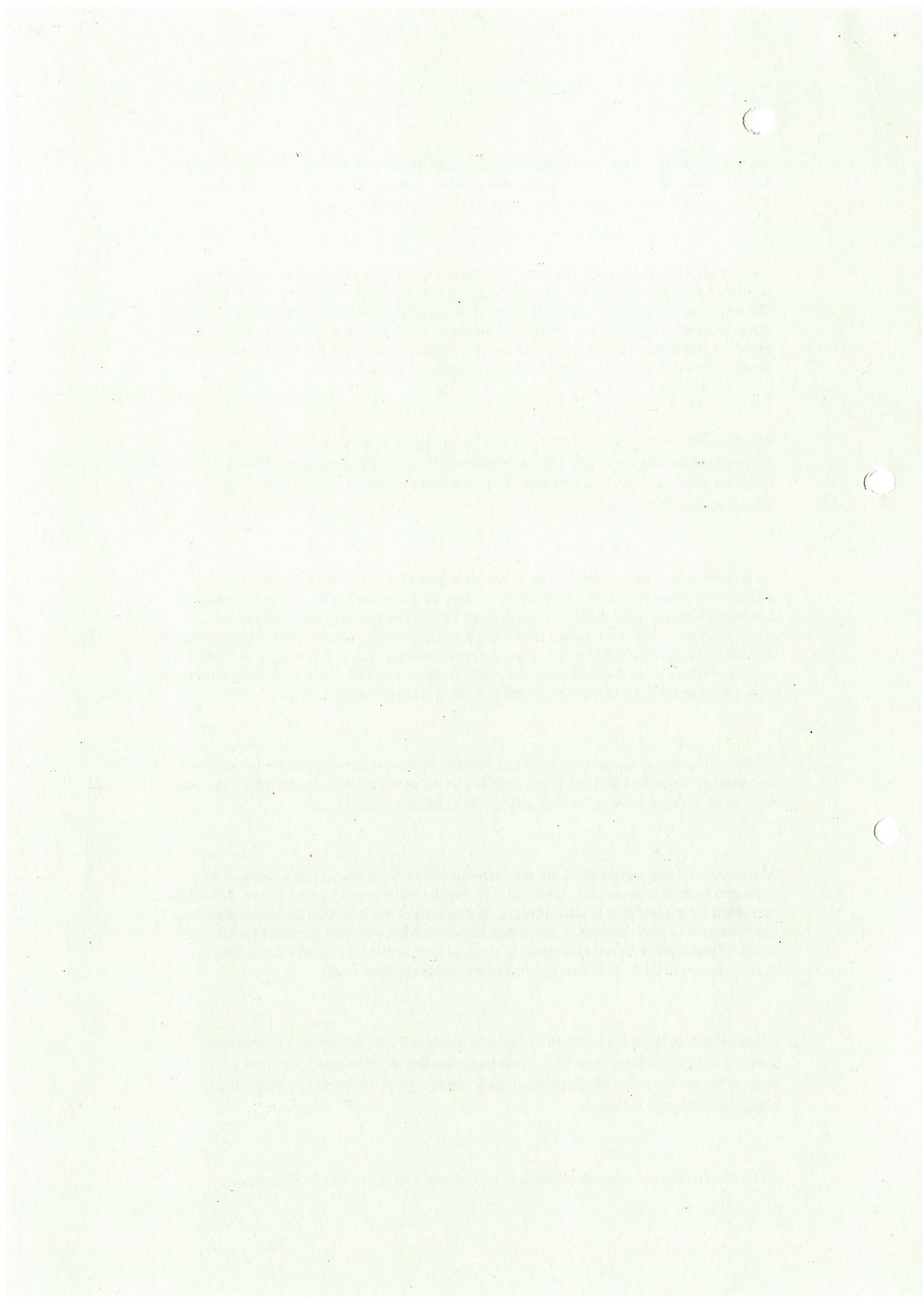
Tá an ríomhphost seo, chomh maith le haon iatáin a bhaineann leis faoi rún agus d'fhéadfadh leis a bheith faoi phribhléid nó cosanta ó aon nochtadh. Is don seolaí(aithe) ainmnithe thuas amháin é. Níl sé ceadaithe go mbeidh rochtain ag éinne eile ar an ríomhphost seo. Más rud é nach tusa an faighteoir ainmnithe, ná cló amach, léigh, cóipeáil, nocht d'éinne nó bain úsáid as an eolas sa ríomhphost seo in aon tslí eile, le do thoil. Más rud é go bhfuair tú an ríomhphost seo trí earráid, dean teagmháil leis an seoltóir láithreach agus scríos an t-ábhar ina iomlán, bíodh sé i gcóip leictreonach nó chrua.

GDPR information: we have updated our Privacy Notice, which explains what personal information we collect and use about individuals, what we do with it and why. Here is a link to our updated Privacy Notice: <https://www.comreg.ie/privacy/>

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Tá an ríomhphost seo, chomh maith le haon iatáin a bhaineann leis faoi rún agus



d'fhéadfadh leis a bheith faoi phribhléid nó cosanta ó aon nochtadh. Is don seolaí(aithe) ainmnithe thuas amháin é. Níl sé ceadaithe go mbeidh rochtain ag éinne eile ar an ríomhphost seo. Más rud é nach tusa an faighteoir ainmnithe, ná cló amach, léigh, cóipeáil, nocht d'éinne nó bain úsáid as an eolas sa ríomhphost seo in aon tslí eile, le do thoil. Más rud é go bhfuair tú an ríomhphost seo trí earráid, dean teagmháil leis an seoltóir láithreach agus scríos an t-ábhar ina iomlán, bíodh sé i gcóip leictreonach nó chrua.

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Tá an ríomhphost seo, chomh maith le haon iatáin a bhaineann leis faoi rún agus d'fhéadfadh leis a bheith faoi phribhléid nó cosanta ó aon nochtadh. Is don seolaí(aithe) ainmnithe thuas amháin é. Níl sé ceadaithe go mbeidh rochtain ag éinne eile ar an ríomhphost seo. Más rud é nach tusa an faighteoir ainmnithe, ná cló amach, léigh, cóipeáil, nocht d'éinne nó bain úsáid as an eolas sa ríomhphost seo in aon tslí eile, le do thoil. Más rud é go bhfuair tú an ríomhphost seo trí earráid, dean teagmháil leis an seoltóir láithreach agus scríos an t-ábhar ina iomlán, bíodh sé i gcóip leictreonach nó chrua.



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

7 October 2022

Mr Eoin Brady
FP Logue Solicitors
8-10 Coke Lane
Smithfield
Dublin 7

By email – eoin.brady@fplogue.com

Re: FOI Request 1160

Dear Mr Brady

I refer to your request for records held by the Commission for Communications Regulation which you agreed should be treated as a request made under the Freedom of Information Act 2014 on 12 September 2022.

Your request was in the following terms:

“Under the Planning and Development Act 2000 (“the Act”) certain rights are granted to ‘Statutory Undertakers’ as defined in the Act in relation to the provision of telecommunications infrastructure.

A “statutory undertaker” is defined as follows – “means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

*(a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
(b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.”*

I wish to request a list of all those undertaking which are authorised by or under any enactment or instrument to provide telecommunications services within the State.

Please detail the particular enactment or instrument under which such undertakings are so authorised, and the date of their authorisation and their registered address, and any limitations or qualifications on the said authorisation(s).”

As a designated Decision Maker for ComReg, I have made a decision to refuse your request, that is, to refuse to provide access to the relevant records pursuant to the FOI Act, but please note that, as set out below, this is simply a technical matter, because the information that you seek is already publicly available on the ComReg website.

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation
1 Lárcheantar na nDugáí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 Suíomh | Web www.comreg.ie



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

I have decided to refuse your FOI request pursuant to Section 15(1)(d), which provides for the refusal of a request (or part thereof) where the information sought is already in the public domain.

Section 15 of the 2014 Act provides, so far as is material:

- "(1) A head to whom an FOI request is made may refuse to grant the request where—
- (a) ...
 - (b) ...
 - (c) ...
 - (d) the information is already in the public domain"

I am refusing your request pursuant to this section because the records which you have sought in your request are freely available in the public domain. The explanation below will hopefully provide the information that you do in fact require.

Any undertaking that wishes to provide an electronic communications network or service in Ireland is required (unless it falls into an exempt category, which for present purposes is not relevant) to notify ComReg of its intention to do so (pursuant to Regulation 4 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. No. 335 of 2011)). This is the relevant "*particular enactment or instrument*" you seek by your request. Details (including date of authorisation and registered address) of all undertakings that are authorised to provide an electronic communications network or service in Ireland are maintained on an Electronic Register of Authorised Undertakings, which is available here:

[Electronic Register of Authorised Undertakings \(ERAU\) | Commission for Communications Regulation \(comreg.ie\)](http://comreg.ie)

Once an undertaking has notified ComReg, it is then free to provide an electronic communications network or service, subject only to the conditions of a General Authorisation. These are the "limitations and qualifications" to which you refer.

The current version of the General Authorisation is revision 6, published on 1 June 2018, and available here: [General Authorisation for the Provision of Electronic Communications Networks and Services | Commission for Communications Regulation \(comreg.ie\)](#).

I wish to advise you that details of all non-personal FOI requests, and any documents released in response to such requests will be recorded on an FOI disclosure log which will be published on the ComReg website in due course.

In the event that you are unhappy with this decision you may apply, in the first instance for an internal review of this decision. You can do so by writing to ComReg at the address below. Your correspondence should include a fee of €30 (€10 for medical card holders) for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to The Commission for Communications Regulation.

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation
1 Lárcheantar na nDugáí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 Suíomh | Web www.comreg.ie



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

If you wish to make payment by electronic means, ComReg's bank details are as follows:
Account Number 17806887, IBAN IE62 BOFI 9000 3317 8068 87, BIC BOFIE2D.

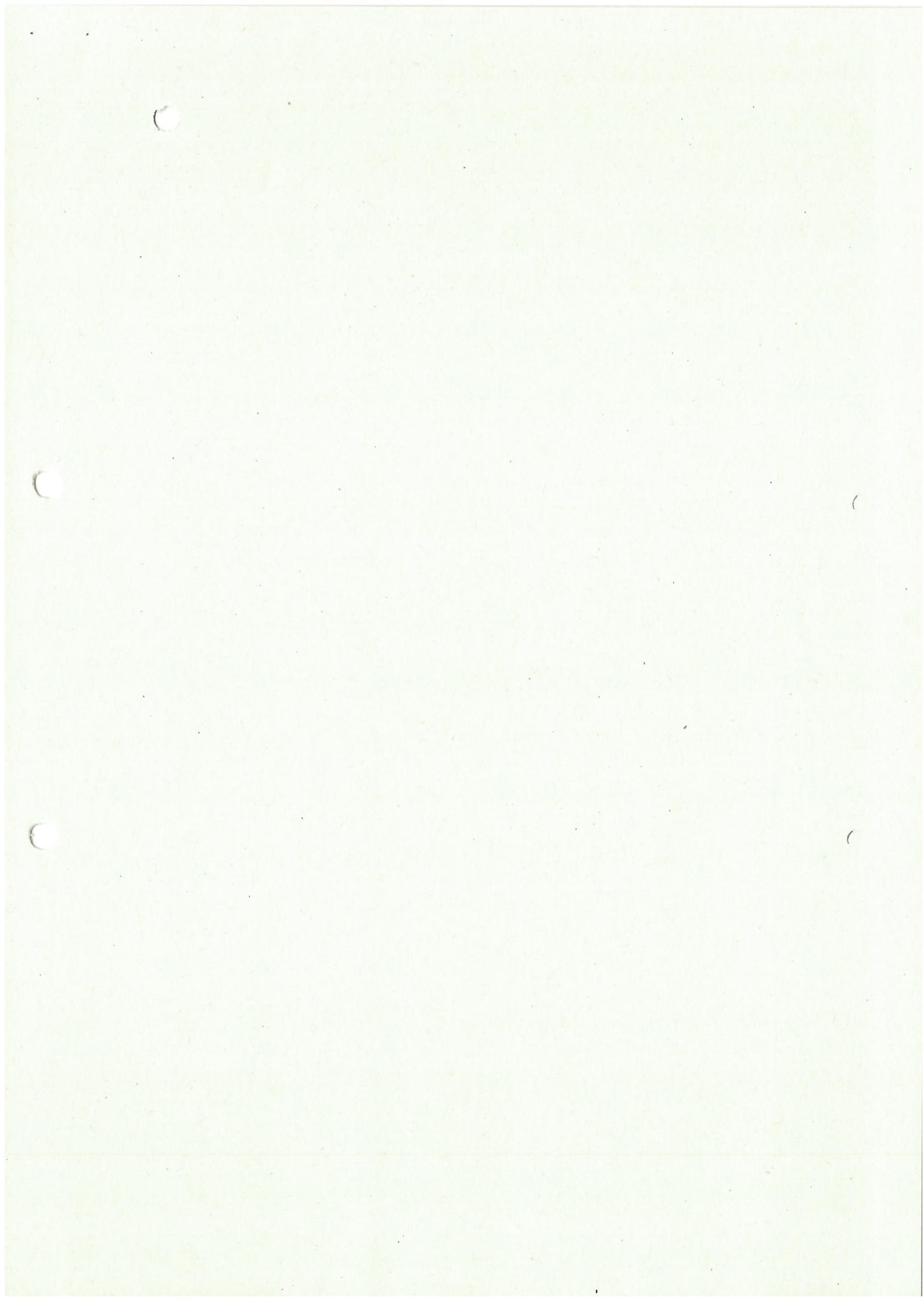
Information Access Executive
Commission for Communications Regulation
One Dockland Central
Guild Street
Dublin 1
D01 E4X0

You should make such application within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. Any such review will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you wish to discuss the above, please contact me at 01-804-9769 or foi@comreg.ie.

Yours sincerely,

Derek C. O'Reilly
Information Access Executive



----- Forwarded message -----

From: **Gemma Desmond** <gemmadesmond@gmail.com>

Date: Mon, Aug 26, 2024 at 12:11 PM

Subject:

To: <planningenforcement@corkcity.ie>

Cc: E&S G. <glendoncork@gmail.com>

Dear Alex/ Ria

I just spoke with your colleague John Sommers in planning.

I am emailing to inform you of unauthorised development that is taking place today at the Eir Building which is located next door to my property- 23 Connaught Place , Wellington Road Cork.T23K2P5

I am seriously concerned about my property being structurally undermined by this excavation drilling. This is unauthorised drilling and as confirmed by your colleague John Sommers, there has been no planning permission sought for such excavation and or erection of a mast.

I am asking for you to enforce a cessation to this drilling and planned erection of a mast immediately.

Yours sincerely,

Gemma Desmond



Comhairle Cathrach Chorcaí

Cork City Council

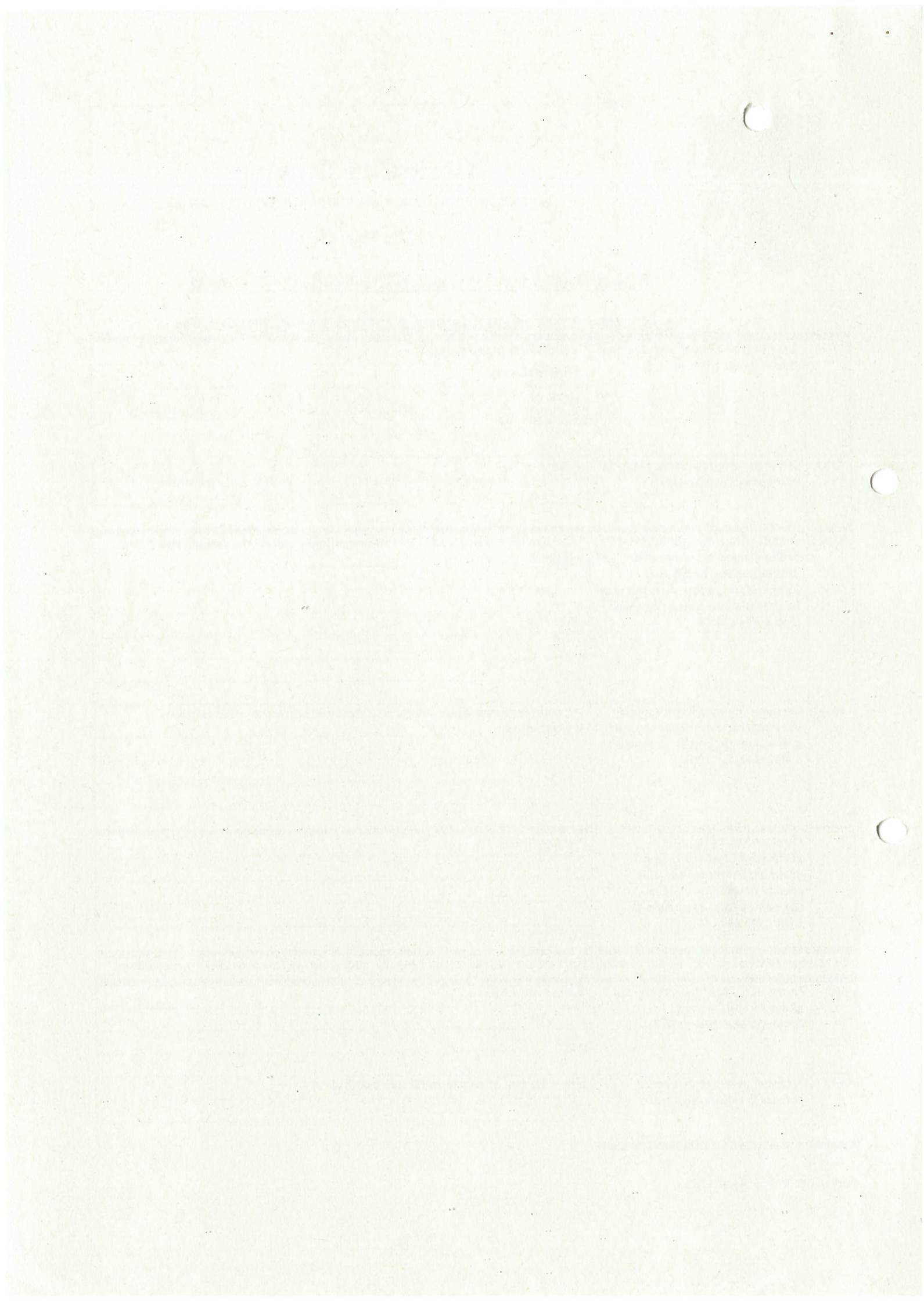
Community, Culture & Placemaking Directorate

City Hall, Cork

PLANNING ENFORCEMENT COMPLAINT FORM

PLEASE READ THE NOTES BEFORE COMPLETING THIS FORM

1(a)	Location of alleged unauthorised development: (see note 3)	EIR Telephone Exchange Wellington Road Cork T23 E302
1(b)	Is the development to front, side or rear of the property:	Side
2(a)	Details of the complaint: (nature of the alleged unauthorised development – additional information and/or sketches may be provided on a separate sheet) (See notes 8 & 9)	Construction of a second telecommunications mast on the eastern side of the property
2(b)	Reasons for complaint:(specify particular issues which in your opinion might justify the issue of a Warning Letter)	No planning permission sought and does not appear to be an exempt development
3	If related to a planning permission/approval, quote planning reference no. and specify conditions or term (drawings etc) not complied with: (see note 4)	Not applicable
In relation to items 4, 5 and 6 below additional contact addresses and business addresses may be provided where known:		
4(a)	Name of person(s) carrying out alleged unauthorised development: (see note 2)	Towercom Limited
4(b)	Address at which this/these person(s) ordinarily reside:	Usher House, Main Street, Dundrum, Dublin 14

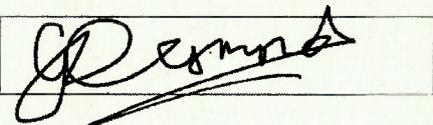


5(a)	Name of landowner(s)/Landlords(s): (see note 2)	Eircom Limited
5(b)	Address at which this/these person(s) ordinarily reside:	1 Heuston South Quarter, St John's Road, Dublin 8
6(a)	Name of occupier(s): (see note 2)	Eircom Limited
7	Date development commenced: Specify how you can state this date with certainty. (see note 5)	06.11.2024
8	If an unauthorised use/change of use is alleged, state previous use:	Car park
9	In the event that court proceedings are considered necessary please confirm that you would be willing to give evidence in court on behalf of the Council: (see note 5 & 7)	Yes: <input checked="" type="checkbox"/> Please tick box
10	Do you have an objection to the disclosure of your identity: (see note 6)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11	Name, address and telephone no.(s) of person making complaint: (see note 10)	Gemma Desmond 23 Connaught Place, Wellington Road, Cork T23K2P5

I HAVE READ THE NOTES RELATING TO THIS FORM AND UNDERSTAND THE IMPLICATIONS OF SAME

12 SIGNATURE:

Signed:



Note: Any complaint will **NOT** be investigated unless name and address are given and the form is signed. (see note 10)

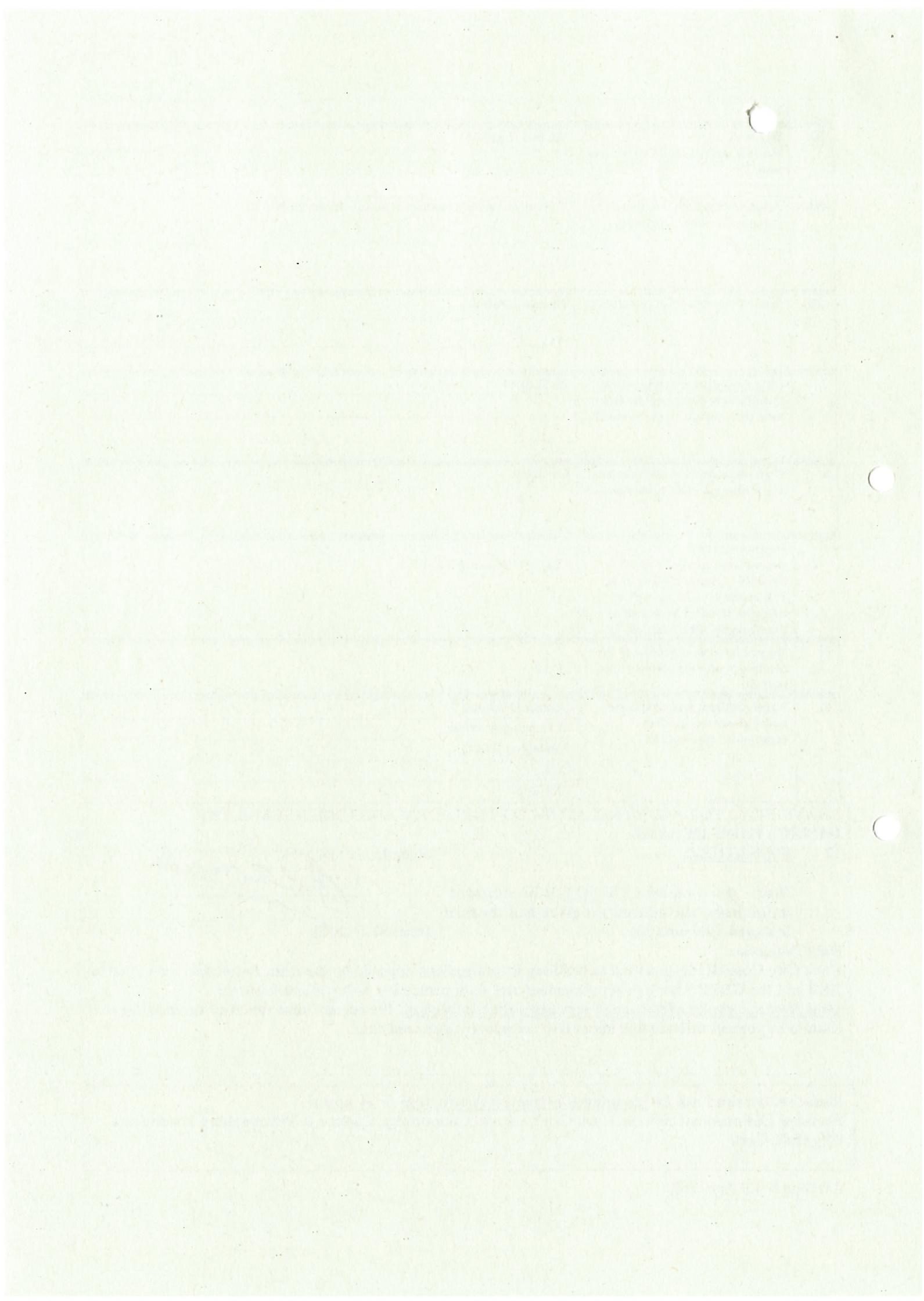
Date: 07.11.2024

Data Protection

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<https://www.corkcity.ie/en/council-services/public-info/gdpr/>. We request that you read these as they contain important information about how we process personal data.

Please return this form to: planningenforcement@corkcity.ie or by post to Planning Enforcement Section, Cork City Council, Community, Culture & Placemaking Directorate City Hall, Cork



PLANNING COMPLAINT FORM NOTES

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2. Please note that a Warning Letter may issue to the person(s) named by you in the Planning Complaint Form based on the information given in the form. Therefore it is important that the information given is accurate and detailed.
3. Where possible a site location map should be attached.
4. If an application for Planning Permission has been applied for/granted you should quote relevant Planning Number. Please note that where the City Council's decision is appealed to An Bord Pleanála, the ABP decision supersedes that of the City Council. In such cases it is the conditions of the ABP decision that are relevant.
5. The Planning and Development Act, 2000 (as amended) places statutory time limits on the taking of Enforcement action by the Council. Therefore, should legal proceedings be instituted in this matter, the person making the complaint may be required to give evidence in court as to the date of commencement of the unauthorised development. If this evidence is not forthcoming the Council may not be able to fully deal with this complaint.
6. Freedom of Information Act, 2014 – Complaints regarding unauthorised development constitute part of the Council's records for the purposes of the above act. The Council will endeavour to maintain as confidential the identity of the complainants in relation to any complaints made in confidence and 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.
7. 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 and you may be required to appear in Court to give evidence in support of any enforcement proceedings which may arise.
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 and civil boundary disputes etc.
9. Before making a written complaint, you should ensure that the matter is one within the scope of planning control. Certain matters, such as complaints relating to roads (parking), water, drainage, Council housing, dangerous structures, environment (litter, noise levels) may be within the remit of other Council Directorates and should be referred directly to same.
10. Unless the information furnished is decipherable, the form is signed and the name and address of the person making the complaint is given, the said complaint will not be investigated.

Explanatory Memorandum

Cork City Council – Planning Enforcement Section

Written Complaints regarding alleged unauthorised developments

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

Under Planning Legislation and due to possible criminal proceedings being initiated as a result of complaints received, the Planning Authority must ensure that all complaints are received in writing.

Where the Planning Authority determines that a written complaint is vexatious, frivolous, without substance/foundation, trivial or of a minor nature, further enforcement action will not proceed.

In order to ensure that effective action is taken on both the receipt and investigation of such complaints, persons making written complaints are required to fully comply with the following.

1. The complaint must contain sufficient substance to enable the Planning Authority to issue a Warning Letter, if considered appropriate. Complaints therefore should indicate:
 - (i) The name and address of the person(s) carrying out the alleged unauthorised development and/or
 - (ii) The name/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.
 - (iv) A clear description of the alleged works/development in question.
 - (v) A clear indication of when the alleged unauthorised development commenced.
 - (vi) In the case of non-compliance with a Planning Permission, the relevant reference number (Planning Authority/An Bord Pleanála) and relevant condition(s).

The above details are the minimum considered necessary by the Planning Authority in order for a written complaint 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. Please note that if a Warning Letter is issued it will be on the basis of the information and details supplied by you.

If complaints received are incomplete, those making them will be asked for additional information and/or clarification, as appropriate to be furnished in writing. The case will then be considered for the issuing of a Warning Letter (in accordance with the general procedure outlined above) within the six weeks following receipt of such written further information details.

2. You are requested to refrain from ongoing complaints on the matter which is subject of the investigation – The Planning Authority has a six week period, following receipt of written complaints, within which to issue a Warning Letter and carry out an investigation subsequent to the service of the Warning Letter. Once complaints 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 complaint. This inevitably delays enforcement action because finite staff time and resources tend to be consumed in multiple dealings with persons making complaints. This situation is neither in the interests of those making complaints nor the Planning Authority itself, and ultimately the general public.

We would therefore request that you allow the Planning Authority to process complaints 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.) then please feel free to bring such information to our notice, in writing.

3. Freedom of Information Act, 2014– Complaints regarding unauthorised development constitute part of the Council’s records for the purposes of the above act. The Council will endeavour to maintain as confidential any complaints 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.

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4. Feedback from Planning Authority – Having processed a complaint 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.

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Specific provision for the above notifications is provided for under the enforcement provisions of the Planning and Development Act 2000. 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.

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Enforcement Section,
Cork City Council,
Community, Culture & Placemaking Directorate



Comhairle Cathrach Chorcaí

Cork City Council

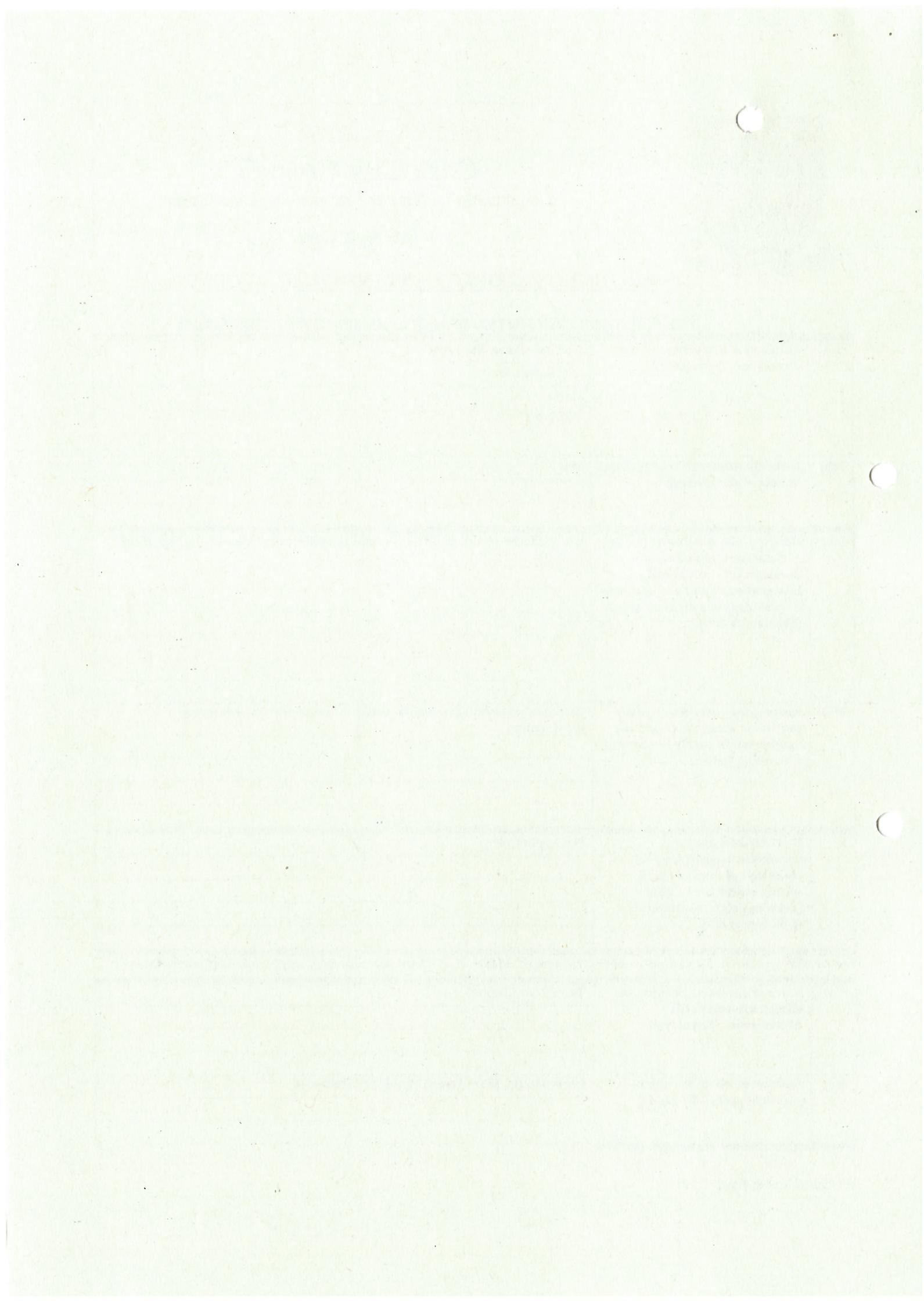
Community, Culture & Placemaking Directorate

City Hall, Cork

PLANNING ENFORCEMENT COMPLAINT FORM

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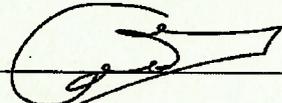


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Date: 07.11.2024

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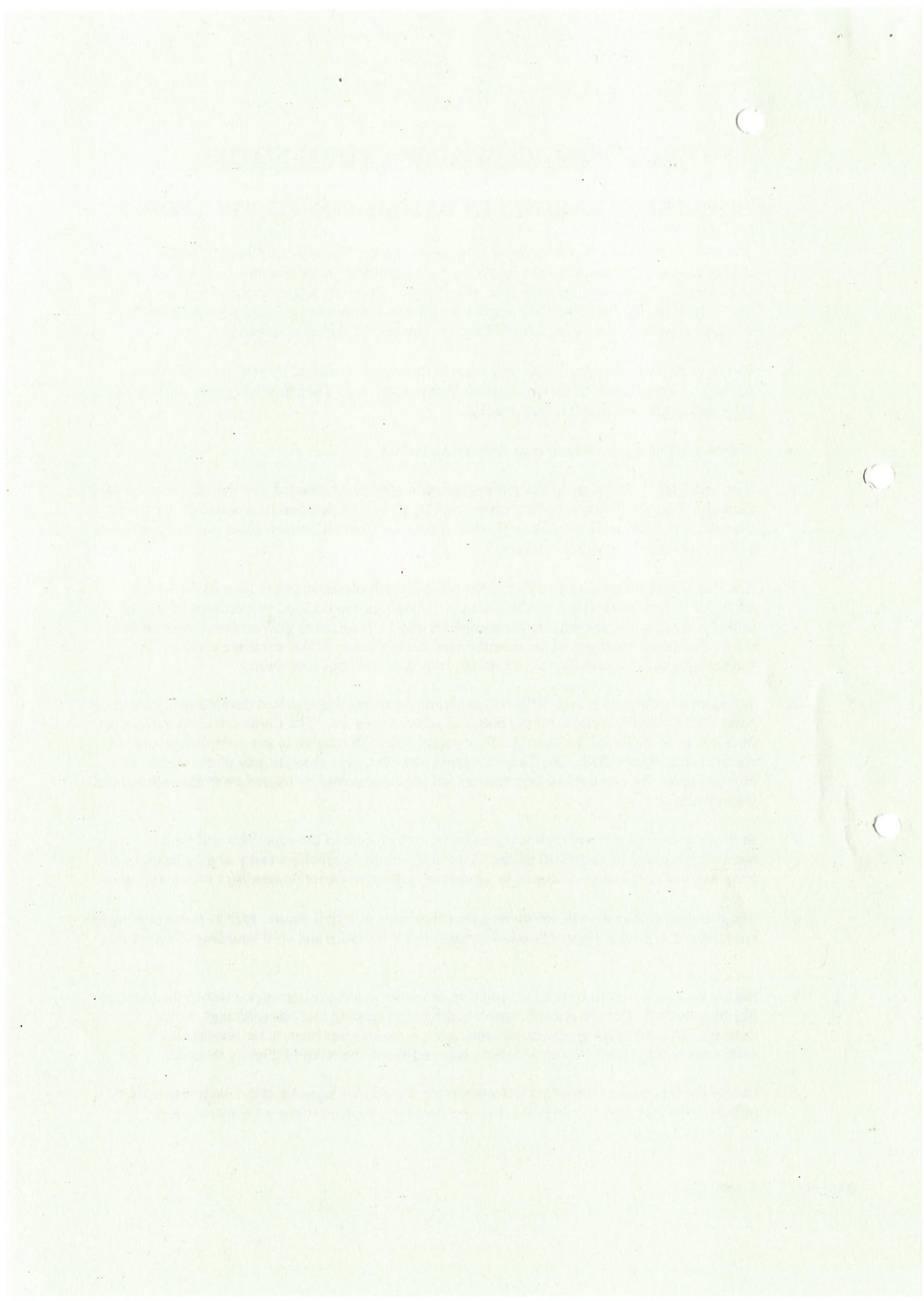
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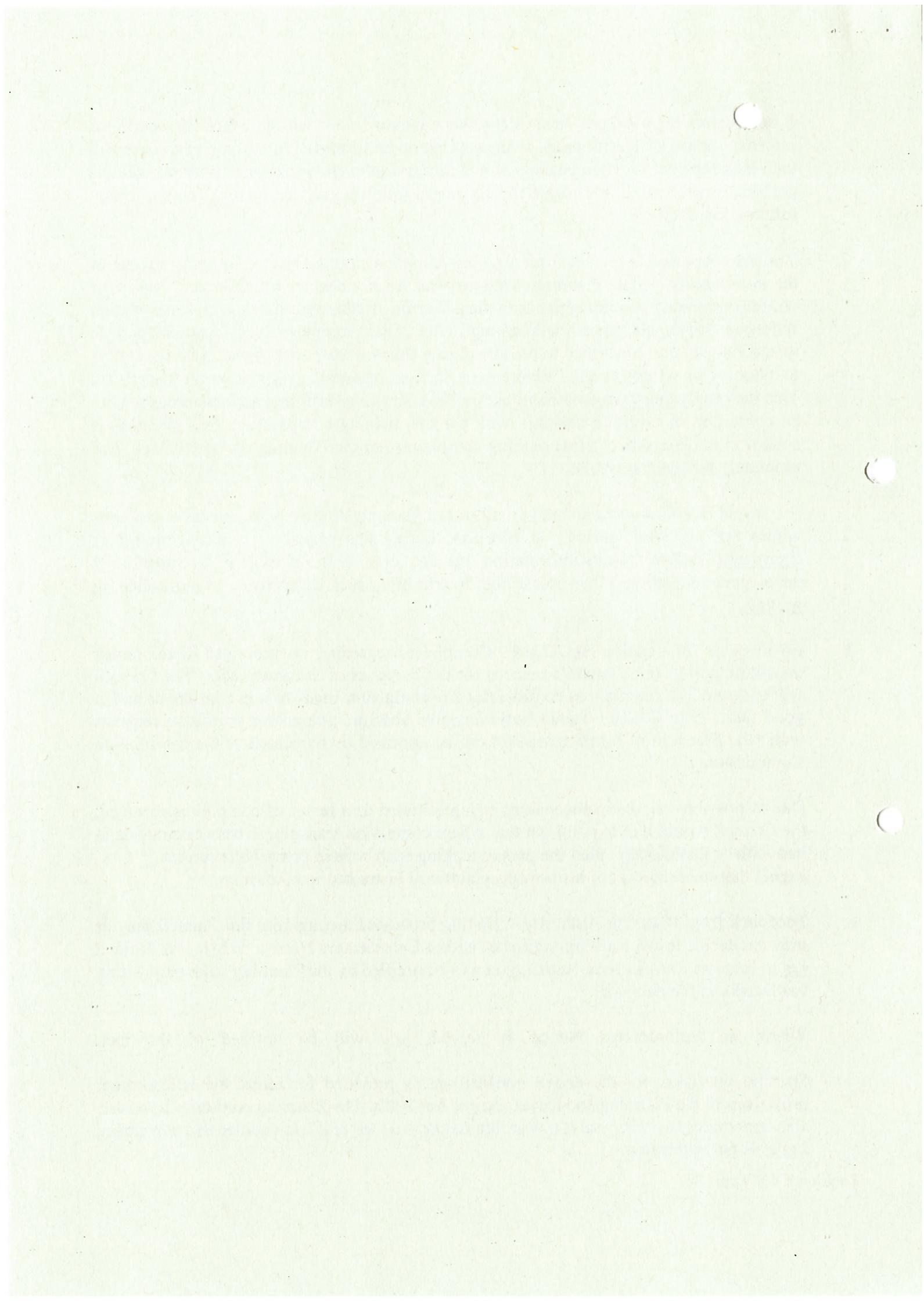
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Enforcement Section,
Cork City Council,
Community, Culture & Placemaking Directorate

From: E&S Glendon <glendoncork@gmail.com>
Sent: Monday, August 26, 2024 2:19 PM
To: planningenforcement@corkcity.ie <planningenforcement@corkcity.ie>
Cc: Gemma Desmond <gemmadesmond@gmail.com>
Subject: Unauthorised development at the Eir building on Wellington Road

Dear Sir/Madam,

We wish to make a formal complaint in relation the above development which we understand relates to the proposed construction of a tele mast on the Eir property at Wellington Road.

My wife and I live at No. 21 Connaught Place ,Wellington Road,Cork.T23 W2X0 and were alarmed to discover that this development had commenced today without any permission being sought or granted by the City Council.

We were kindly copied on an email sent to you today by our neighbour Gemma Desmond (see email below) and we fully endorse the contents of that email and request that you take such steps as are necessary to ensure that this unauthorised development ceases forthwith.

Your sincerely,

Eugene and Sylvia Glendon.

From: Gemma Desmond <gemmadesmond@gmail.com>
Sent: Monday, August 26, 2024 12:11 PM
To: planningenforcement@corkcity.ie <planningenforcement@corkcity.ie>
Cc: E&S G. <glendoncork@gmail.com>
Subject:

Dear Alex/ Ria

I just spoke with your colleague John Sommers in planning.

I am emailing to inform you of unauthorised development that is taking place today at the

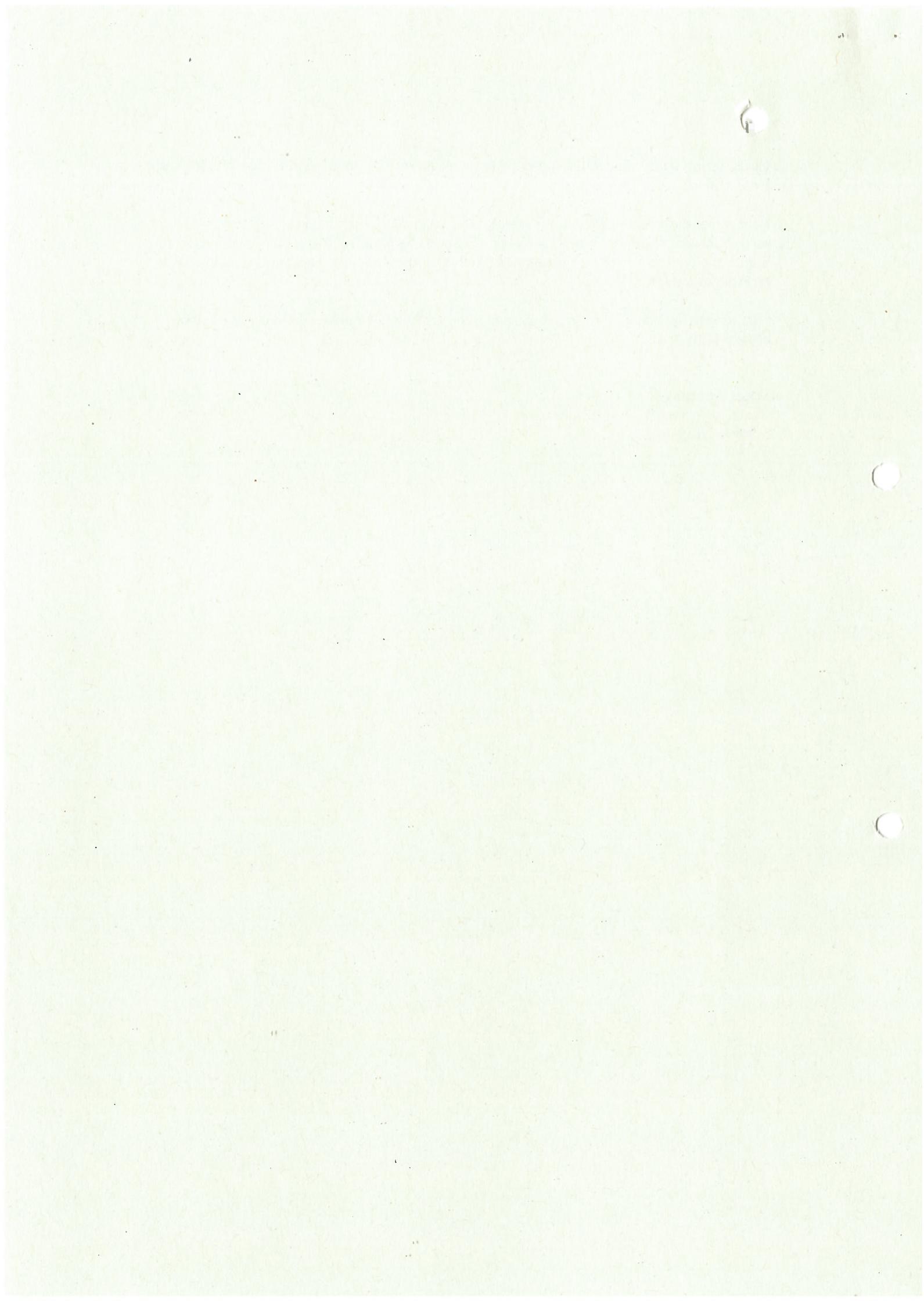
Eir Building which is located next door to my property- 23 Connaught Place , Wellington Road Cork.T23K2P5

I am seriously concerned about my property being structurally undermined by this excavation drilling.This is unauthorised drilling and as confirmed by your colleague John Sommers, there has been no planning permission sought for such excavation and or erection of a mast.

I am asking for you to enforce a cessation to this drilling and planned erection of a mast immediately.

Yours sincerely,

Gemma Desmond





Comhairle Cathrach Chorcaí

Cork City Council

Community, Culture & Placemaking Directorate

City Hall, Cork

PLANNING ENFORCEMENT COMPLAINT FORM

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2(b)	Reasons for complaint:(specify particular issues which in your opinion might justify the issue of a Warning Letter)	No planning permission whatsoever and does not appear to be an exempt development
3	If related to a planning permission/approval, quote planning reference no. and specify conditions or term (drawings etc) not complied with: (see note 4)	Not applicable.
In relation to items 4, 5 and 6 below additional contact addresses and business addresses may be provided where known:		
4(a)	Name of person(s) carrying out alleged unauthorised development: (see note 2)	Towercom Limited
4(b)	Address at which this/these person(s) ordinarily reside:	Usher House, Main Street ,Dundrum, Dublin 14



5(a)	Name of landowner(s)/Landlords(s): (see note 2)	Eircom Limited
5(b)	Address at which this/these person(s) ordinarily reside:	1 Heuston South Quarter, St John's Road, Dublin 8
6(a)	Name of occupier(s): (see note 2)	Eircom Limited
7	Date development commenced: Specify how you can state this date with certainty. (see note 5)	06.11.2024
8	If an unauthorised use/change of use is alleged, state previous use:	Car park area
9	In the event that court proceedings are considered necessary please confirm that you would be willing to give evidence in court on behalf of the Council: (see note 5 & 7)	Yes: <input checked="" type="checkbox"/> Please tick box
10	Do you have an objection to the disclosure of your identity: (see note 6)	Yes No <input checked="" type="checkbox"/>
11	Name, address and telephone no.(s) of person making complaint: (see note 10)	Eugene & Sylvia Glendon 21 Connaught Place, Wellington Road, Cork T23 W2X0

I HAVE READ THE NOTES RELATING TO THIS FORM AND UNDERSTAND THE IMPLICATIONS OF SAME

12 **SIGNATURE:** Signed: *Eugene Glendon*
Sylvia Glendon
Date: 7th November 2024.

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