

Daniel O'Connor

From: Katie Fleming <kfleming@mkofireland.ie>
Sent: Friday 28 August 2026 16:22
To: Appeals2
Cc: India Costello
Subject: 324237-26 Kingston Stables Limited LRD Knocknacarra - Response
Attachments: 324237-26 Kingston Stables LRD Knocknacarra ACP Response - 28.08.2026.pdf

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Afternoon Daniel,

On behalf of our client, Kingston Stables Limited, of First Floor, Technology House Galway, Technology Park, Parkmore, Galway (the Applicant), MKO are submitting the attached response to your letter dated 12th August 2026.

Should you require any further information, please do not hesitate to contact this office.

Kind regards,
Katie.

Katie Fleming
Planner

MKO
Tuam Road, Galway, H91 VW84

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An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Our ref: 240142

Your ref: ACP-
324237-26

Date: 28th August 2026

Re: ACP-324237-26 – Large Scale Residential Development on lands at Ragoon, Knocknacarra,
Galway

Dear Sir/Madam,

On behalf of our client, Kingston Stables Limited, of First Floor, Technology House Galway, Technology Park, Parkmore, Galway (the Applicant), MKO are responding to the letter issued by An Coimisiún Pleanála dated 12th August 2026.

As outlined in the letter, we are required to submit on or before 1st September 2026 the following information:

1. *Confirmation that you have and retain all necessary consents to make the application in accordance with Article 22 of the Planning and Development Regulations 2001 (as amended).*

Please see attached response as prepared by Kilfeather & Company Solicitors.

We trust that the information provided meets the Commission's requirements and we look forward to hearing from the Commission in due course.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sean McCarthy', is written over a horizontal line.

Sean McCarthy
Project Director
MKO

Enclosed

- Response as prepared by Kilfeather & Company Solicitors

Galway - MKO, Tuam Road, Galway, H91 VW84 (**Correspondence address**)
Dublin - MKO, 9C Beckett Way, Park West Business Park, Dublin, D12 XN9W

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An Coimisiún Pleanála

BY EMAIL ONLY:

appeals@pleanala.ie

Dermot Kilfeather

Trevor Collins

OUR REFERENCE

YOUR REFERENCE

DATE

TC.AJ.8688

ACP-324237-26

28 August 2026

RE: OUR CLIENT/APPLICANT: KINGSTON STABLES LIMITED
CASE REFERENCE: ACP-324237-26
PLANNING AUTHORITY REFERENCE: 2560320
PROPOSED DEVELOPMENT: LARGE SCALE RESIDENTIAL DEVELOPMENT
COMPRISING 362 RESIDENTIAL UNITS AND A CHILDCARE FACILITY AT RAHOON,
KNOCKNACARRA, GALWAY

Dear Sir / Madam,

We act on behalf of Kingston Stables Limited (the "Applicant"). We refer to the Commission's letter dated 12 August 2026 addressed to the Applicant's Agent, MKO Planning & Environmental Consultants seeking information in accordance with Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended).

Please find enclosed the formal written response to your letter submitted on the Applicant's behalf for your consideration. We have provided the relevant information and explanations in relation to the matters raised and respectfully ask that our written submission be taken into consideration as part of your review.

Thank you for your attention to this matter. If you require further information or documentation please contact us or MKO.

Yours faithfully,

**Bears no signature as sent by email*

TREVOR COLLINS
KILFEATHER & COMPANY

APPLICANT'S WRITTEN SUBMISSION IN RESPONSE TO AN COIMISIÚN
PLEANÁLA NOTICE DATED 12 AUGUST 2026

CASE REFERENCE:	ACP-324237-26
PLANNING AUTHORITY REFERENCE:	2560320
PROPOSED DEVELOPMENT:	LARGE SCALE RESIDENTIAL DEVELOPMENT COMPRISING 362 RESIDENTIAL UNITS AND A CHILDCARE FACILITY AT RAHOON, KNOCKNACARRA, GALWAY
APPLICANT:	KINGSTON STABLES LIMITED

1. Introduction and relief sought

1. This submission is furnished on behalf of Kingston Stables Limited in response to the Commission's notice dated 12 August 2026 issued under Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended) (the Regulations). The notice asks the Applicant to confirm that it has and retains all necessary consents to make the application in accordance with Article 22 of the Regulations.
2. The Applicant confirms that it held all necessary consents when the application was made on 16 October 2025. In particular:
 - (a) the Applicant was the legal owner of the greater part of the application site, including the lands in Folios GY127308F and GY65981F and lands conveyed to it by Paul Cairns, as appears from the title material enclosed with the application response; When the application was lodged on 16 October 2025, Kingston Stables Limited was the legal owner of the greater part of the site (Folios GY127308F and GY65981F, and the unregistered lands conveyed to it by Paul Cairns).

(b) the Applicant held Cedarglade Limited's written consent dated 11 February 2025 to lodge an application including lands owned by Cedarglade Limited; and

(c) the Applicant held Ms Jackie Flaherty's signed written consent dated 6 March 2024 in respect of Folio GY48097.

3. The two consent letters were furnished with the application and were received by Galway City Council on 16 October 2025. The Applicant accordingly submits that the Article 22 requirement was satisfied upon lodgement and that the application was validly made as validated by Galway City Council.

4. The Commission is respectfully requested to accept this as a full response to the notice, reject the contention in the observation submitted by letter from Sheehan & Company Solicitors dated 22 May 2026 on behalf of Ms Flaherty that the application was invalid when lodged, and determine the appeal on its planning merits.

2. Article 22 and the relevant question

5. Article 22(2)(g) requires that, where an applicant is not the legal owner of land or a structure concerned, the planning application be accompanied by the written consent of the owner to make the application. The relevant issue is therefore whether the Applicant had Ms Flaherty's written consent to make the application on 16 October 2025.

6. The High Court's decision in Buckley & Grace v Bord Pleanála and Others [2015] IEHC 572 is directly applicable. The Court held that Article 22(2)(g) requires consent to make the application, not consent to the grant of permission or to the later implementation of any permission. Once an application supported by the requisite consent is made, a subsequent withdrawal cannot render it invalid.

7. *Buckley* also distinguishes a question about the validity of an application from questions about the ability to implement a permission. A landowner's later refusal to allow works on

their land may bear upon implementation and private law rights, but it does not retrospectively undo a properly made planning application.

8. The Applicant accepts that the converse is also true: if written consent had been clearly withdrawn before 16 October 2025, the Article 22 requirement would not have been met. On the documents, however, no such withdrawal occurred.

3. Written consents held at lodgement

9. Ms Flaherty's signed letter dated 6 March 2024 was addressed to the Planning Section, Galway City Council, City Hall, College Road, Galway H91 X4K8. It identifies the relevant lands as Folio GY48097 and records her consent to Kingston Stables Limited engaging with Galway City Council in relation to a proposed residential development on the specified lands at Kingston Road and Knocknacarra, Galway.
10. Read objectively and in its context, the letter is written consent to the Applicant pursuing the planning process for the identified residential development. The letter is signed by Ms Flaherty personally, identifies the owner, the folio, the Applicant, the relevant planning authority and the proposed development. It contains no express condition, temporal limitation, or statement making the consent contingent upon a sale.
11. The decision in McCallig v an Bord Pleanála and Others [2013] IEHC 60 confirms the importance of clear, owner specific written consent. The 6 March 2024 letter satisfies that requirement as it is a signed consent by the identified owner concerning the identified land and Applicant. It is materially distinct from a case where the owner has never granted written consent.
12. The Applicant also held the signed consent of Cedarglade Limited dated 11 February 2025, addressed to Kingston Stables Limited registered office authorising Kingston Stables Limited to lodge an application with Galway City Council for a residential development that includes Cedarglade's lands. This consent was received by Galway City Council on 16 October 2025 and is not challenged in the observation.

4. The May 2025 correspondence did not withdraw planning consent

13. The observation contends that Sheehan & Company's letter dated 30 May 2025 withdrew Ms Flaherty's consent for planning purposes before lodgement. That characterisation is not supported by the letter itself.
14. The 30 May 2025 letter addressed Shane Heskin of Heskin Auctioneers is expressly concerned with a proposed transaction for the purchase of a portion of Ms Flaherty's property at Kingston, Galway by Walter King (In trust) and the complaint arising from unauthorised site investigations. Its operative statement is that Ms Flaherty "*withdraws from any proposed agreement*" for the proposed transaction. The letter makes no reference to the consent letter dated 6 March 2024, to a planning application, to Article 22, or to a withdrawal of planning consent.
15. In contrast, when Sheehan & Company later intended to communicate a position about the planning application, it did so expressly. Its letter dated 18 November 2025 addressed to The Secretary, Kingston Stables Limited identified Planning Application Reference 2560320 and stated that Ms Flaherty did not consent to a planning application being made over all or part of Folio GY48097.
16. That express communication post dates the lodgement date of 16 October 2025. It is accordingly incapable, on the principle in *Buckley*, of retrospectively invalidating the application.

5. Response to the observation dated 22 May 2026

17. The observation letter dated 22 May 2026 states that the relevant legal question is whether the requisite written consent existed when the application was made. This element of the observation is correct as this is the question to be asked. The observation letter then asserts that the 6 March 2024 letter was confined to engagement with Galway City Council and was predicated on a potential sale, and that planning consent had been withdrawn on 30 May 2025. The letter says "*...This letter did not constitute consent to*

include her lands in any future planning application. It was clearly limited to "engage" only. This was predicated on a potential sale of the lands to Kingston Stables Limited/Walter King (In Trust)."

18. Neither proposition is borne out by the actual text of the 6 March 2024 or the 30 May 2025 letters. The 6 March 2024 letter is a signed communication by Ms Flaherty to the Planning Section of Galway City Council concerning a proposed residential development on the stated folio. The 30 May 2025 letter is letter from Sheehan & Company to Shane Heskin of Heskin Auctioneers withdrawing from a proposed sale agreement with Walter King (In trust) and dealt with a separate site investigation complaint. It did not revoke, or purport to revoke, the 6 March 2024 planning related consent.
19. The observation also refers to the post lodgement Sheehan & Company letter dated 18 November 2025 address to The Secretary, Kingston Stables Limited. That letter may establish Ms Flaherty's present opposition to the inclusion of her land and the implementation of works on it. It cannot, however, alter the fact that, as at 16 October 2025, the Applicant held the signed 6 March 2024 letter and no express pre lodgement withdrawal of that consent had been communicated.
20. The Applicant does not invite the Commission to resolve any disputed private law rights or to treat a grant of permission as authorising entry onto, or development of, land without the owner's consent. Those are separate matters. The narrow Article 22 question is whether the application was validly made. For the reasons set out above, it was.

6. Formal confirmation

21. Kingston Stables Limited formally confirms that it had and retains all necessary Article 22 consents to make the application. At the date of lodgement, 16 October 2025, it was the legal owner of the substantial part of the application site referred to at paragraph 2(a), and it held the written consents of the two other owners whose lands fell within the application boundary specifically Cedarglade Limited's letter dated 11 February 2025 and Ms Flaherty's letter dated 6 March 2024.

22. The Applicant retains the benefit of those consents for the only purpose required by Article 22 demonstrating that the application was validly made and validated by Galway City Council. Ms Flaherty's subsequent opposition is not disputed, but does not retrospectively displace the consent held when the application was lodged on 16 October 2025 or undermine the Commission's jurisdiction to determine the appeal.

23. The Applicant respectfully requests that the Commission:

- (a) accept this submission as a full response to its notice dated 12 August 2026,
- (b) find that the Article 22 requirement was satisfied when the application was lodged on 16 October 2025 and validated by Galway City Council;
- (c) reject the submission that the 30 May 2025 letter withdrew Ms Flaherty's Article 22 consent before lodgement; and
- (d) proceed to determine the appeal on its planning merits.

Dated: 28 August 2026

**Submitted for and on behalf of Kingston Stables Limited by
Kilfeather & Company Solicitors
The Halls,
Quay Street,
Galway,
H91 H2RC**