

An  
Coimisiún  
Pleanála

## Memorandum 324237-26

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**To:** Daire McDevitt, Assistant Director of Planning  
**CC:** Sorcha Skelly, Senior Executive Officer  
**From:** Lucy Roche, Planning Inspector  
**Re:** 324237-26 Large Scale Residential Development consisting of 362 no residential units, a childcare facility and all associated site works.  
**Date:** 27<sup>th</sup> July 2026

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The Commission notes that an issue has arisen regarding landowner consent.

The Observation submitted on behalf of Ms. Jackie Flaherty contends, with reference to Article 22 of the Planning and Development Regulations 2001 (as amended) and Case Law (*Buckley & Grace v An Bord Pleanála [2015] IEHC 572*), that the application lodged with the planning authority on 16<sup>th</sup> October 2025, was invalid. The basis for this contention is that the applicant's, Kingston Stables Ltd, did not have the written consent of Ms. Flaherty, as part landowner of the proposed development site, to make the application at the time of lodgement.

Article 22 of the Planning and Development Regulations 2001 as amended sets out requirements for the content of planning applications generally. Article 22(2)(g)

provides that where the applicant for permission is not the legal owner of the land or structure concerned, the application shall be accompanied by '(i) the written consent of the owner to make the application.

The planning application (*GCC Pl. Ref: No: 2560320*) was received by the planning authority on the 16<sup>th</sup> of October 2025. Section 10 of the applicants planning application form acknowledges Jackie Flaherty as the owner of lands within Folio GY48097 and indicates that the applicant for development had supplied with the application a letter from the landowner of consent to make the application.

The purported letter of consent is the correspondence of 6 March 2024. This states that the landowner gives consent 'to engage with Galway City Council in relation to a proposed residential development on the above lands', notably, it does not give consent to the making of a planning application. In accordance with the Observation received, the landowner in question has not given consent for the inclusion of the folio as part of this application. There is insufficient evidence that the landowner has given consent to this application.

Section 73(A) of the Planning and Development Regulations 2001 (as amended) allows for the Commission to require the applicant to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land), which the Board considers necessary to enable it to deal with the application.

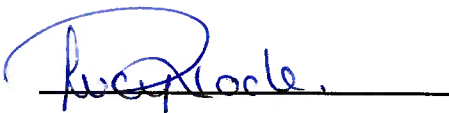
Accordingly, to enable the Commission to deal with this appeal, the applicant is requested to provide the following further information as detailed below:

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

**Note:**

Please:

1. Include, with the request, a copy of the observation of Ms. Jackie Flaherty (including enclosures).
2. Allow 21 days for a response to this request.



Lucy Roche

Planning Inspector



Daire McDevitt

Assistant Director of Planning