
SHEEHAN & CO.

SOLICITORS

Your Ref:

Our Ref: PS/ CQ/ OFL004/0001/
74347

Date: 22 May 2026

An Coimisiún Pleanála
64 Marlborough Street,
Dublin 1,
D01 V902
Email: appeals@pleanala.ie

AN COIMISIÚN PLEANÁLA	
LDG-	_____
ACP-	_____
26 MAY 2026	
Fee: €	Type: _____
Time: 9.45	By: RST

Planning Application Ref. 2560320 – Kingston Stables Ltd

Lands at Folio GY48097 – Landowner: Jackie Flaherty

Dear Sir/ Madam,

We act on behalf of Ms. Jackie Flaherty, the registered owner of the lands comprised in Folio GY48097. We hereby lodge, on her behalf, a formal observation and objection to the above-referenced application. This objection is grounded on the fact that the underlying planning application was invalid at the time of lodgement, owing to the absence of active Landowner consent.

We set out the facts as follows-

1. By letter of 6 March 2024, Ms. Flaherty issued a letter permitting Kingston Stables Ltd to *engage with Galway City Council* regarding a potential development proposal including her lands. 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)
2. Although a potential sale of the lands was discussed, no contracts were ever issued, and Ms. Flaherty subsequently withdrew her agreement to sell.
3. On 30 May 2025, this office wrote on behalf of Ms. Flaherty to Heskin Auctioneers, agent for Kingston Stables Ltd (also referred to as Walter King, (In Trust)) expressly withdrawing consent for the use of her lands for *any* planning-related purpose. A copy of this correspondence is enclosed.
4. On the 16 October 2025, despite the above withdrawal, Kingston Stables Ltd, lodged Planning Application Ref. 2560320. The applicant relied on the earlier letter of 6 March 2024, while failing to disclose the subsequent withdrawal of consent.

Patrick Sheehan, Principal
Sean Acton
Karl O'Connor, Notary Public
Deirdre Boylan

Email: info@sheehansolicitors.ie
Tel: (091) 895250

2nd Floor
16 Merchants Road
Galway
H91T3CP
DX: 4559 Galway Mary Street

5. On the 18 November 2025, this office again wrote to Heskin Auctioneers, reaffirming that Ms. Flaherty had withdrawn all consent for the use of her lands in any planning application.
6. There were a number of meetings in the period prior to the application being lodged between this office and agents of the applicant, Kingston Stables Limited, in all of which it was repeated that Ms Flaherty did not under any circumstances agree to the inclusion of her lands in any planning application.
7. Accordingly, the letter relied upon by the applicant was not a consent to include her lands in any planning application and had been revoked well before the date of lodgement.

Under Section 50 of the Planning and Development Act 2000 and Article 22(2)(g) of the Planning and Development Regulations 2001–2004, an applicant must have: (a) a legal interest in the land, or (b) the written consent of the landowner, at the time the application is made.

Case law, including *Buckley & Grace v. An Bord Pleanála* [2015] IEHC 572, confirms that while consent withdrawn *after* a valid application does not invalidate it, the converse is equally true: where consent is withdrawn before lodgement, the application is invalid.

By submitting a consent letter that had been revoked, the applicant provided documentation that was no longer accurate, thereby breaching the obligations associated with the Statutory Declaration and undermining the validity of the application.

A planning authority or the Board is required to deem an application invalid where the mandatory requirements of Article 22 are not satisfied on the date of receipt. Any permission granted on foot of such an application is vulnerable to being quashed.

On behalf of our client, we respectfully request that the Board:

- Investigate validity of Application Ref. 25/60320 in light of the withdrawal of consent prior to lodgement.
- Declare the application invalid under Article 22 of the Planning and Development Regulations.
- Confirm lack of legal interest on the part of the applicant at the time of submission.

Enclosed is a copy of the correspondence issued by this office referred to above, clearly confirming that Ms. Flaherty did not at any time consent to the inclusion of her lands in any planning application.

The statutory fee of €50.00 has been paid by electronic transfer; proof of payment is attached.

Yours faithfully,



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Your Ref:

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Date: 30 May 2025

Shane Heskin
Heskin Auctioneers
BY EMAIL

RE: **Your client:** Walter King (In trust)
 Our Client: Jackie O'Flaherty
 Lands at Kingston Road, Galway

Dear Sir,

We note that you are the acting Agent on behalf of Walter King and his related Companies in relation to a proposed transaction regarding the purchase of portion of our client's property at Kingston, Co. Galway.

Please be advised that we are writing to advise that our client formally confirms that she withdraws from any proposed agreement for same.

It has been brought to our client's attention that while she is in Spain on holidays, your client, their servants or agents have illegally trespassed onto our client's property, broken the boundaries and carried out excavations and testing without any agreement or consent.

A number of matters arise. Firstly, any information gathered or obtained as a result of these investigations are our client's property and all data regarding same are to be immediately furnished to this office on behalf of our client.

Secondly, we require confirmation that our client's property will be immediately reinstated to its previous condition to be fully certified by our client's Engineers.

Thirdly, all costs incurred by our client relating to this matter to be discharged in full.

In default of hearing with confirmation of these matters being addressed forthwith we have instructions to issue the relevant Injunctive Proceedings in relation to this matter.

Our client is arranging for a formal inspection to be carried out and further matters may arise as a result of same. Our client reserves her position in this regard.

Our client is outraged at the manner in which your client has invaded her property and invaded her privacy. Your client is fully aware that our client is on holidays and yet took this unilateral action. There is in blatant disregard to our clients' rights. These actions are

Patrick Sheehan, Principal
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outrageous to say the least. Finally, under no circumstances is any party to make any contact with our client. Any correspondence or otherwise is to be via this office.

You might advise your client accordingly.

Yours faithfully,

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SOLICITORS

Your Ref:

Our Ref: PS/ CQ/ OFL004/0001/
74347

Date: 18 November
2025

The Secretary
Kingston Stables Ltd
First Floor Technology House
Galway Technology Park
Parkmore
Galway

RE: **Our client:** Jackie O'Flaherty of Marlena, 29 Kingston Road, Galway
Proposed Planning Application reference number 2560320

Dear Sir/ Madam,

We are instructed by Jackie O'Flaherty of the above address.

Our client has instructed us that without permission, consultation or any contact whatsoever, you, your servants or agents have illegally placed a Planning Notice in respect of the above Planning Application on our client's lands. For the avoidance of doubt, our client has at no stage ever consented to the placing of the said Site Notice on her property. This Notice will be forthwith removed from our client's property.

Further, our client has not consented to nor given any indication that she has or will allow her lands to be included in the above Planning Application. These are the lands comprised in Folio 48097 County Galway.

A number of matters to advise: _

1. Our client will be immediately removing the Site Notice from her lands. It is open to you, your Servants or Agents to place same at any other location on any other property but not that of our client.
2. Our client does not consent to any Planning Application being made over all or part of her property.
3. The Planning Application references a proposed upgrade to the existing access at Kingston Road. This would clearly be a development over our client's property. Again, for record purposes, our client does not consent to any such upgrade development or otherwise.

Please be advised that in respect of any further interference with our client's property this will be met with the appropriate legal proceedings including Injunctive Proceedings if required. We trust there will be no necessity for further correspondence herein.

Patrick Sheehan, Principal
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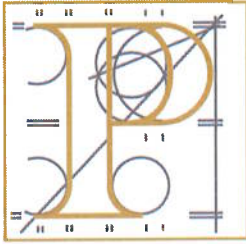
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Please note that we will be copying the Planning Authority in respect of this matter. We trust there will be no necessity for further correspondence herein.

Yours faithfully,

SHEEHAN & CO.

**C.c The Chief Planning Office, The Planning Office, Galway City Council, City Hall,
College Road, Galway**



An
Coimisiún
Pleanála

Observation on a Large-scale Residential Development (LRD) Appeal: Online Uploader Facility

✓ ——— ✓ ——— ✓ ——— ✓ ——— 5

Before... Add the Detail... Please Enter ... Pay ... Conf...

Confirmation

Thank you for submitting your observation to An Coimisiún Pleanála. We have sent you a confirmation email to the email address you gave us. This email is to confirm that we have received your observation.

What happens next?

Our staff will process your observation. This will take about five to seven working days. We will send a letter in the post to tell you if your observation is valid — or not.

Further information

You can get further information on Large-scale Residential Developments on the [An Coimisiún Pleanála website](#).