Fergus O Connor

10 Monivea Road

Galway

H91 HK2C

Planning Department,

Galway City Council,

City Hall,

College Road, Galway,

H91 X4K8

GALWAY CITY COUNCIL

16 SEP 2026

PLANNING DEPARTMENT

Date: 16 September 2026

RE: Response to Further Information Request – Section 5 Declaration Application

Planning Reference: S5.35.26

Enforcement Reference: C/00170/26

Subject Property: 9 Monivea Road, Galway

Applicant / Third Party: Fergus O'Connor (Adjoining Owner, 10 Monivea Road, Galway)

A Chara,

I refer to the Planning Authority's Further Information (FI) Request dated 14 September 2026 regarding Section 5 Application Reference S5.35.26.

As an adjoining property owner seeking a statutory declaration regarding unapproved works at No. 9 Monivea Road, I am submitting this formal response structured strictly in accordance with the Planning and Development Act 2000 (as amended).

Part 1: Submission of External Mapping & Layout Plans (Items 1, 2, & 5)

Enclosed with this response are the official metric base maps within my possession:

- **Items 1 & 2 Site Location & Layout Plans (A4 Base & A3 Enlargement):**
  - **A4 Base Sheet:** An official Tailte Éireann / Ordnance Survey Ireland (OSi) base map printed at standard A4 size (1:1,000 scale).

- **A3 Enlarged Sheet:** The same official 1:1,000 OSi base map enlarged onto an A3 sheet to provide an expanded visual layout of the property and its immediate surroundings.
- **Boundary Outlines:** The statutory site boundary of No. 9 Monivea Road is clearly outlined in **Red**, and the adjoining boundary of No. 10 Monivea Road is outlined in **Blue** across the maps.
- **Scale Note:** The map margin contains the pre-printed label "Scale 1:1,000 at A4". On the enlarged A3 sheet, the true physical proportion is expanded (1cm approx 5 m visually).
-

- **Annotation of Map Reference Key (Points 1–5):** The enclosed maps have been annotated with a formal Map Reference Key and directional pointers corresponding directly to the physical locations along the boundary:
  - **Point 1:** Location of roof skylights + attic conversion.
  - **Point 2:** Footprint of single-storey rear extension.
  - **Point 3:** Waste pipe overhang mounted across/over the party line.
  - **Point 4:** Boundary wall removed (demolition of pre-existing block wall in July 2025, boundary overhang, and footing encroachment crossing statutory OSi line onto No. 10).
  - **Point 5:** Raised patio platform and retaining structure.

Part 2: Invocation of Section 5(2)(c) Regarding Internal Data (Items 3 & 4)

Items 3 and 4 of your FI request seek detailed internal floor plans, sectional drawings, ceiling heights, attic headroom calculations, and finished internal floor levels (mod) for No. 9 Monivea Road.

- **Absence of Legal Right of Access:** As an adjoining third-party citizen, I do not own, occupy, or possess a legal right of entry to No. 9 Monivea Road. Requiring a neighbouring objector to produce internal architectural surveys of a private home is a legal impossibility and an improper transfer of the statutory burden.
- **Statutory Duty under Section 5(2)(c):** Pursuant to Section 5(2)(c) of the Planning and Development Act 2000 (as amended), where a third party requests a declaration, the Planning Authority has the explicit statutory power and obligation to require the owner or occupier of the land to provide any internal plans, drawings, or structural details necessary to make a determination.
- **Formal Request to Issue Statutory Notice:** I hereby formally request that Galway City Council immediately exercise its statutory powers under Section 5(2)(c) to serve a formal request directly upon the owner/developer of No. 9 Monivea Road to produce internal floor plans, section drawings, and finished floor levels.

Part 3: Sufficiency of Existing Evidentiary Record

I draw the Planning Authority's attention to the extensive photographic exhibits (Exhibits A through I) already submitted on file under Reference S5.35.26 / C/00170/26.

These photographic exhibits independently establish visible breaches of statutory conditions under Class 1 (Extension & Drainage Set-backs) and Class 6 (Raised Terraces/Patios):

- High-level soil/waste pipework mounted directly on the party boundary line, failing mandatory set-back requirements.
- External construction exceeding height and volume thresholds, fully verifiable from external/boundary inspection without requiring internal entry.

Summary & Next Administrative Steps

I have fulfilled all statutory duties incumbent upon a third-party applicant under the Act.

The submission of this response unpauses the statutory 4-week decision clock. Should the Planning Authority fail to issue a declaration within the statutory period, or seek to deem the application invalid based on a third party's inability to supply private internal measurements, I reserve the immediate right under Section 5(3)(b) of the Act to refer the question directly to An Bord Pleanála (An Coimisiún Pleanála) for a *de novo* determination.

Please issue a date-stamped receipt confirming delivery of this response and the accompanying A4 and A3 map sheets.

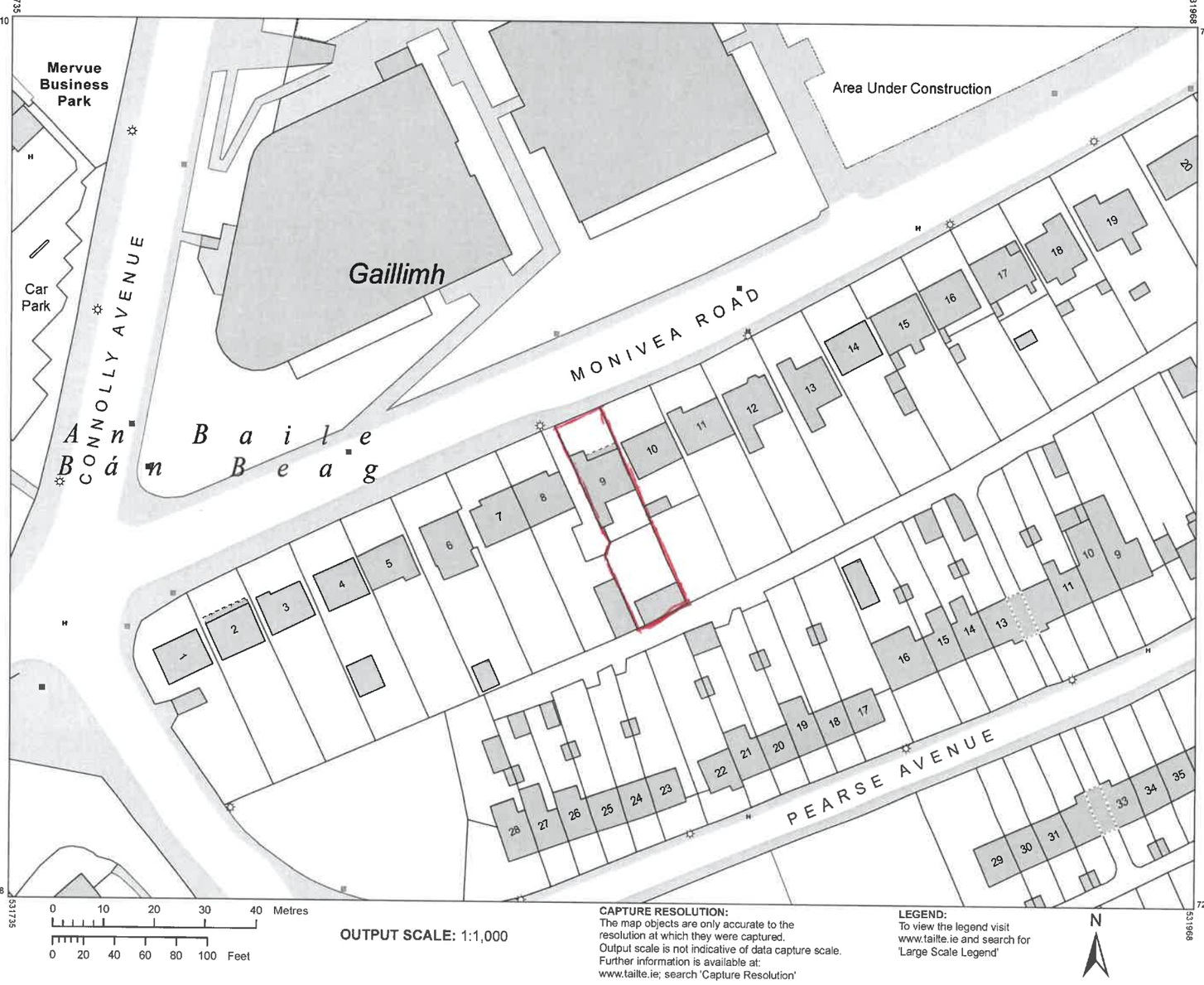
Is mise le meas,

Fergus O'Connor

10 Monivea Road, Galway

Encl: A4 OSi Base Map (1:1,000) & A3 Annotated OSi Layout Plan

Planning Pack Map



0 10 20 30 40 Metres

0 20 40 60 80 100 Feet

OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
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ITM 531852,726724

PUBLISHED:	**ORDER NO.:**
15/09/2026	50559284_1

MAP SERIES:	**MAP SHEETS:**
1:1,000	3345-20
1:1,000	3346-16

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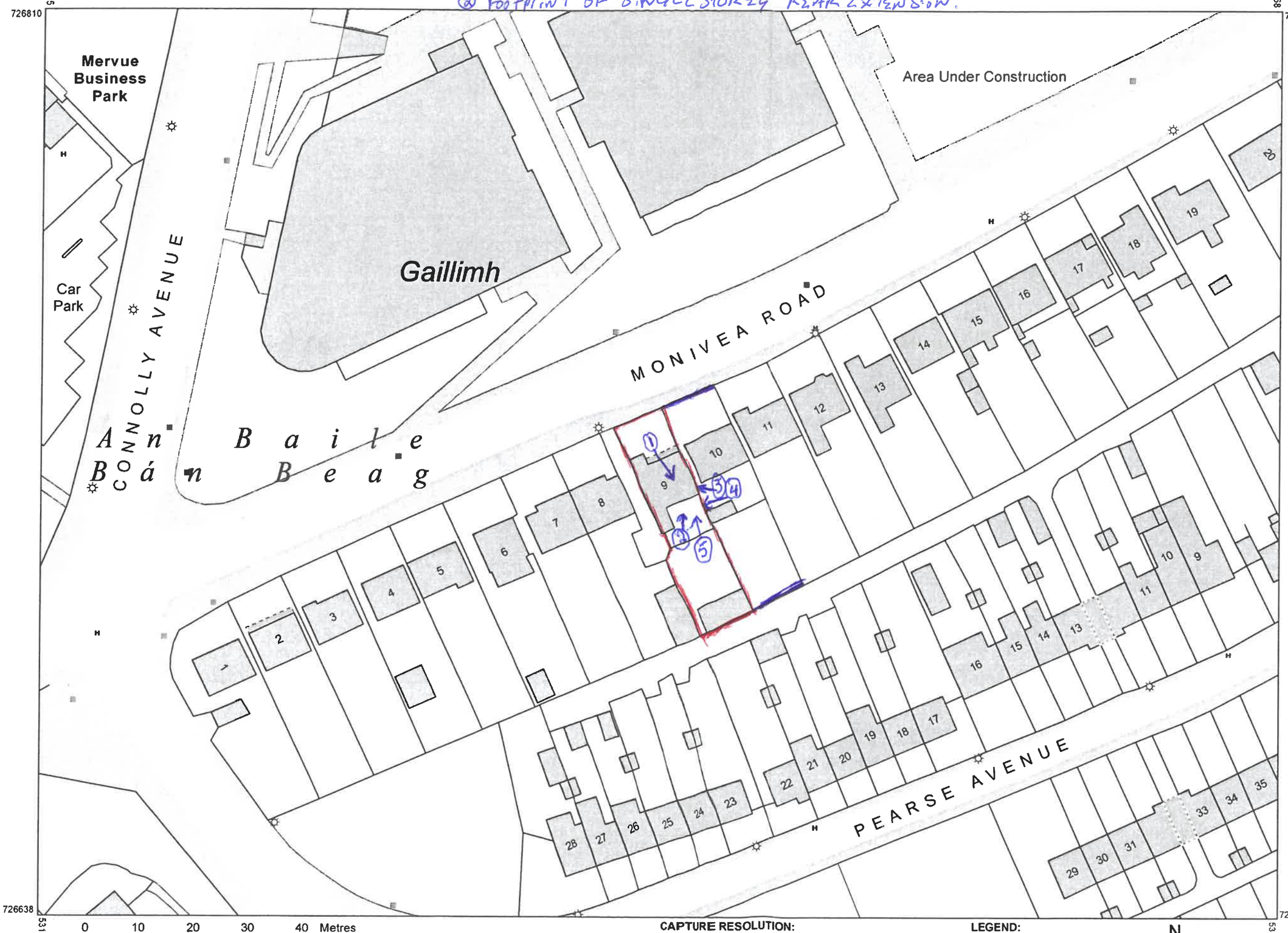
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Planning Pack Map

MAP REFERENCE RZ4 (Ref: 35.35.26/C/00170/26
- RED OUTLINE: Statutory OSI Site Boundary (9 MONIVEA ROAD)
- BLUE OUTLINE: ADJOINING PROPERTY (10 MONIVEA ROAD)

① LOCATION OF ROOF SKYLIGHTS + ATTIC CONVERSION.
② FOOTPRINT OF SINGLE STOREY REAR EXTENSION.
③ WATER PIPE OVERHANG.
④ BOUNDARY WALL REMOVED
⑤ RAISED PATIO PLATFORM



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
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