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Planning Department
Fingal County Council
County Hall
Main Street, Swords
Co. Dublin, K67 X8Y2

cc: Gillian Toole TD, Darren O'Rourke TD, Minister Helen McEntee, Minister Thomas Byrne
Louise O'Reilly TD, Robert O'Donoghue TD, Grace Boland TD

**Subject: Request for Specific Information Regarding Enforcement of Condition 1 – DAA
Permission F04A/1755 / PL06F.217429**

Dear Fingal Planning Enforcement,

I am requesting a clear and specific response to the following question—not a generalised or non-committal reply stating that "enforcement actions are in process" or similar.

Question:

Is Fingal County Council Planning Enforcement actively enforcing Condition 1 of the DAA's 2007 planning permission F04A/1755, as granted with conditions by An Bord Pleanála under reference PL06F.217429?

Condition 1 states:

The development shall be carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application as amended by the further plans and particulars received by the planning authority on the 9th day of August 2005, including the Environmental Impact Statement Addendum, and the 3rd day of March 2006 and received by An Bord Pleanála on the 30th day of August 2006, the 5th day of March 2007 and in the oral hearing, except as may otherwise be required in order to comply with the following conditions.

This condition makes it explicitly clear that the operation of the development must align with the Environmental Impact Statement (EIS) and associated documentation submitted during the planning process. It is important to recall that An Bord Pleanála granted permission based solely on the information in the EIS, as stated in its decision to overturn the Inspector's recommendation to refuse permission.

In particular, every take-off from the North Runway to the west immediately exits the noise zones defined in the EIS, due to a previously undisclosed and unjustified early right turn. This manoeuvre was not assessed in the EIS, nor presented in any of the indicative flight paths examined during the oral hearing.

Additionally, the Inspector provided the following clarification (Section 12.6.75 of the Inspector's Report):

“As per my assessment below, and in the interest of clarity, the Board will note that the flight patterns submitted in the applicant's supplementary information and included for the purpose of the proposed scenario of the EIAR, differ to those submitted in the original EIS for the NR application. The Board will note that the flight patterns submitted to the planning authority for the original Relevant Action also differed from those submitted with the original EIS for the NR application. The main difference between the revised EIAR and the amended supplementary EIAR is the divergence north from the NR, earlier than previously indicated in the revised EIAR permitted by the planning authority.”

This demonstrates a consistent pattern of deviation from the flight paths on which the original permission was predicated — deviations that materially affect noise exposure patterns for affected communities.

Furthermore, the Irish Aviation Authority (IAA), in a written submission to An Bord Pleanála, confirmed that it did not mandate the current departure routing. The revised Standard Instrument Departure (SID) was introduced by the DAA for airspace management and capacity reasons, specifically to facilitate independent parallel runway operations. It was not required for aviation safety, nor was it assessed in the EIS.

The implementation of a materially different departure route — which results in significant environmental effects not previously assessed — constitutes a material change to the approved development under the Planning and Development Act 2000 (as amended). As such, it qualifies as unauthorised development and is subject to enforcement action unless a fresh planning application or retention permission is made and approved. The failure to seek such permission, and the local authority's refusal to enforce compliance, is a direct breach of statutory planning obligations.

If Fingal County Council has decided not to enforce the clear breaches of Condition 1, particularly in relation to this consistent and material deviation from the approved noise preferential route, I ask that you provide a clear and reasoned explanation for this decision.

Given the significant and ongoing environmental and community impacts, it is essential that enforcement actions reflect the legal and planning obligations attached to this strategic infrastructure development.

Please acknowledge receipt of this letter and indicate a time within which a full response will be made.

Regards,

Gareth O'Brien BE (Civil) MSc
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