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Office of the Ombudsman
6 Earlsfort Terrace
Dublin 2, D02 W773
Email: complaints@ombudsman.ie

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: Complaint Regarding Fingal County Council's Failure to Enforce Planning Conditions
– North Runway at Dublin Airport

Dear Ombudsman,

I wish to make a formal complaint regarding Fingal County Council's ongoing failure to enforce Condition 1 of the planning permission granted to the Dublin Airport Authority (DAA) for the construction of the North Runway, under F04A/1755 / ABP Ref: PL06F.217429.

Background

The North Runway was granted planning permission by An Bord Pleanála in 2007, subject to a number of specific conditions. Condition 1 requires that the development be carried out in strict accordance with the Environmental Impact Statement (EIS) and supporting documentation submitted to both the planning authority and the Board, including further information and oral hearing submissions.

The departure routes presented in the EIS were not indicative — they were fixed and fundamental to the entire environmental assessment. The route data formed the basis of all noise contour modelling, mitigation plans, and conclusions about population impact. The permission granted by An Bord Pleanála was predicated on that defined routing.

Breach of Permission

Since the North Runway began operations in August 2022, aircraft departing to the west have consistently made an early right turn, diverging significantly from the departure route assessed in the EIS. This deviation was not disclosed, assessed, or approved, and results in aircraft flying immediately outside the EIS-defined noise zones.

This operational change is not a minor technical matter — it is a clear and material breach of Condition 1, undermining the very basis on which permission was granted.

This has been confirmed by two authoritative sources:

1. An Bord Pleanála Inspector Mary Henchy, in Section 12.6.75 of her Inspector's Report for ABP Ref: PL06F.249227, stated:

“As per my assessment below, and in the interest of clarity, the Board will note that the route 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 route 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.”

2. The Irish Aviation Authority (IAA), in a written submission to An Bord Pleanála, confirmed that it did not mandate the revised route. The departure path in use was a result of choices made by the operator, not required for aviation safety or regulatory compliance.

Fingal County Council's Refusal to Act

Despite these facts being clearly established, Fingal County Council has failed to confirm whether it is enforcing Condition 1. All direct inquiries from residents and public representatives are met with vague, non-committal statements referring to “ongoing enforcement matters,” without ever addressing the specific and obvious breach.

This is a failure of legal duty, and a denial of the public's right to enforcement under Irish planning law.

A Regulatory Void

There is no other authority empowered to act:

- An Bord Pleanála has no enforcement role.
- The IAA confirmed it did not mandate the route.
- The Department of Housing defers to the local authority.
- The DAA, as developer, continues to operate in breach.

Affected residents are now trapped in a regulatory vacuum, subjected to environmental impacts never assessed or approved, with no State body willing to intervene.

Grounds for Complaint

- Failure by Fingal County Council to carry out its statutory enforcement responsibilities;
- Lack of transparency, with ongoing refusal to answer direct questions;
- Failure of State oversight, allowing a major strategic infrastructure project to operate outside its lawful environmental parameters;
- Denial of due process and protection to affected communities, who have no effective route to redress.

Request for Ombudsman Intervention

I respectfully request that the Ombudsman investigate:

1. Whether Fingal County Council has failed in its statutory duty to enforce Condition 1 of permission F04A/1755;
2. Whether its pattern of avoidance and silence constitutes maladministration;
3. Whether the current situation amounts to a systemic failure of public administration and environmental justice.

I am happy to supply further documentation including planning permissions, route maps, noise contour data, Inspector's Reports, and correspondence with Fingal County Council.

Thank you for your attention to this matter.

Regards,

Gareth O'Brien BE (Civil) MSc
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