



**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

WARNING LETTER

WL 1

SECTION 152 OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED

Lands at: Dublin Airport, Co. Dublin

Dear Sir/Madam,

It has come to the attention of the Planning Authority that unauthorised development may be ongoing at the above lands. This alleged unauthorised development consists of non-compliance with planning permission Register Ref. F04A/1755 / ABP Ref: PL 06F.217429 as extended under FCC Reg. Ref: F04A/1755/E1 and amended under FCC Reg. Ref: F19A/0023 / ABP Ref: ABP-305298-19 relating to the following:

- **Development is not being carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application;**
- **Development is not operating in accordance with the conditions of planning permission;**
- **Aircraft flight paths are not operating in accordance with the permitted flight paths;**
- **The runways are not operating in accordance with permitted mode of operation - Option 7b;**
- **Noise generated by aircraft movements is not in accordance with planning permission;**
- **Non-compliance with the scheme for voluntary noise insulation of schools arising from non-compliance with the permitted development.**



- **Non-compliance with the scheme for voluntary noise insulation of existing dwellings arising from non-compliance with the permitted development.**
- **Non-compliance with the scheme for voluntary purchase of dwellings arising from non-compliance with the permitted development.**
- **Non-compliance with compliance submission relating to Condition 7 of ABP Order PL06F.217429, Register Ref. F04A/1755 which requires that "Certificate of completion under the Building Regulations" and "Opinion on compliance with the Project Specification" be provided by daa.**

The matter is now under investigation by the planning authority. Any person served with this warning letter may make submissions or observations in writing to the planning authority with regard to the purported offence **not later than four weeks from the date of service of this letter**. Submissions or observations should be made to the address below.

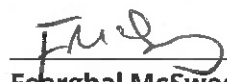
If following investigation, the planning authority considers that unauthorised development has been carried out, it may decide to issue an Enforcement Notice under Sections 153 & 154 of the Planning and Development Act 2000, as amended, or make an application to the High Court or the Circuit Court for an injunction under Section 160 of the Planning and Development Act 2000, as amended, without further communication to you.

Officials of the planning authority may at all reasonable times enter on the above land for the purposes of inspection in the course of the planning authority's investigation.

Under Section 151 of the Planning and Development Act 2000, as amended, it is an offence to carry out unauthorised development. In this regard, your attention is drawn to Section 156 of the aforementioned Act, which sets out details of the penalties involved (copy enclosed).

Any costs reasonably incurred by the planning authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. Such costs include the costs and expenses relating to the issue of this Warning Letter, and to the issue of any Enforcement Notice, together with the costs of investigation and detection including costs incurred in respect of remuneration and other expenses of employees, consultants and advisers including legal advisers.

Yours faithfully,



Fearghal McSweeney
Authorised Officer
Planning Enforcement

Planning and Development Act 2000, as amended,

Forfheidhmiú Pleanála, Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath
Planning Enforcement Section, P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin K67
X8Y2 t: (01) 890 5000 e: planningenforcement@fingal.ie w: www.fingal.ie

(1) A person who is guilty of an offence under sections 58 (4), 63, 151, 154, 205, 230 (3), 239 and 247 shall be liable -

- (a)** on conviction on indictment, to a fine not exceeding €12,697,381 or to imprisonment for a term not exceeding 2 years, or to both, or
- (b)** on summary conviction, to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both.

(2) Where a person is convicted of an offence referred to in subsection (1) and there is a continuation by him or her of the offence after his or her conviction, he or she shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable -

- (a)** on conviction on indictment, to a fine not exceeding €12,697 for each day on which the offence is so continued, or to imprisonment for a term not exceeding 2 years, or to both, provided that if a person is convicted in the same proceedings of 2 or more such further offences the aggregate term of imprisonment to which he or she shall be liable shall not exceed 2 years, or
- (b)** on summary conviction, to a fine not exceeding €1,500 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both, provided that if a person is convicted in the same proceedings of 2 or more such further offences the aggregate term of imprisonment to which he or she shall be liable shall not exceed 6 months.

(3) Where a person is convicted of an offence referred to in subsection (1) involving the construction of an unauthorised structure, the minimum fine shall be -

- (a)** on conviction on indictment, the estimated cost of the construction of the structure or €12,697 whichever is less, or
- (b)** on summary conviction, the estimated cost of the construction of the structure or €2,500, whichever is less,

except where the person convicted can show to the court's satisfaction that he or she does not have the necessary financial means to pay the minimum fine.

(4) Any person guilty of an offence under this Act other than an offence referred to in subsection (1) (or a further offence under subsection (2)) shall be liable, on summary conviction, to a fine not exceeding €5,000 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both,

(5) If the contravention in respect of which a person is convicted under section 46(11), 208(2) (b) or 252(9) is continued after the conviction, that person shall be guilty of a further offence on every day on which the contravention continues and for each such offence he or she shall be liable on summary conviction to a fine not exceeding €1,500

(6) In a prosecution for an offence under sections 151 and 154 it shall not be necessary for the prosecution to show, and it shall be assumed until the contrary is shown by the defendant, that the subject matter of the prosecution was development and was not exempted development.

(7) Where an enforcement notice has been served under section 154, it shall be a defence to a prosecution under section 151 or 154 if the defendant proves that he or she took all reasonable steps to secure compliance with the enforcement notice.

(8) On conviction of an offence under section 154, the court may, in addition to imposing the penalties specified in subsections (1) and (2), order the person convicted to take all or any steps specified in the relevant enforcement notice within such period as the Court consider appropriate.