

Annex A5: Condition 1 Text (Verbatim)

Source

ABP Decision PL06F.217429 / Fingal Reg Ref F04A/1755, granted 2007. Page 4 of 13.

Condition 1 (verbatim)

1. 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.

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Reason: In the interest of clarity.

Context

The EIS (2004) and EIS Addendum (2005) assessed noise impacts based on a Noise Preferential Route of straight-ahead departure on runway heading (278 degrees) for 5 nautical miles to 3,000 feet before any turns. All noise modelling, population exposure assessments, and health impact calculations in the EIS used this straight-ahead departure as the baseline.

Condition 1 binds the development (including runway operations) to the EIS. Any material deviation from what was assessed in the EIS, including the flight path assumptions on which the noise assessment was based, constitutes a breach of Condition 1 and therefore a breach of the planning permission.

Fingal's Warning Letter

Fingal County Council acknowledged this breach in its Warning Letter of 21 September 2022 (see Annex F1), which identified: "Aircraft flight paths not in accordance with the permission," "Non-compliant mode of runway operation," and "Noise levels outside the permitted environmental impact."

Aarhus Relevance

Condition 1 is the mechanism by which the public participation process (the EIS assessment and oral hearing conducted between 2004 and 2007) was supposed to bind the operator to the assessed environmental impacts. The public participated in an assessment of straight-ahead departures over agricultural land. The operator implemented turning departures over residential areas. The condition that was supposed to give effect to the public's participation has not been enforced.