

Annex F10: Fingal Enforcement Timeline (173+ Weeks)

Source

Compiled from Ombudsman correspondence (Phase 3), corporate enforcement campaign records, and publicly available documents.

Chronology

Date	Weeks	Event
24 August 2022	0	North Runway opens; flight paths immediately deviate from NPR
21 September 2022	4	Fingal issues Warning Letter (ENF 22/166B) acknowledging breach: "Aircraft flight paths not in accordance with the permission," "Non-compliant mode of runway operation," "Noise levels outside the permitted environmental impact"
October 2022	5	Enforcement file opened by Fingal
2022-2024	5-100+	No enforcement action taken; file remains "open"
24 April 2025	135	NRTG writes to Fingal asking: "Is Fingal County Council Planning Enforcement actively enforcing Condition 1?"
25 April 2025	135	Ombudsman complaint filed against Fingal
22 July 2025	148	Fingal provides legalistic report to Ombudsman arguing enforcement may not be required
8 October 2025	159	Ombudsman caseworker Ahmed El Baradie finds Fingal's response "not satisfactory"
14 November 2025	164	Ombudsman requests face-to-face meeting with Fingal (unusual escalation)
Late November 2025	166	Meeting takes place
December 2025	170	Fingal fails to meet promised deadline
14 January 2026	173	Fingal cites "unforeseen circumstances" for further delay
13 February 2026	177	Fingal cites "change in staff dealing with the matter"
19 February 2026	178	Case still unresolved

Key Facts

- 173+ weeks elapsed since the Warning Letter with no enforcement action
- The Planning and Development Act 2000 provides for a 12-week investigation period (aspirational per case law)
- Fingal's position evolved from acknowledging the breach (September 2022) to arguing that "there is no specific condition imposed in the North Runway Permission regarding flight paths" (July 2025)
- The Ombudsman investigator rejected Fingal's reports as unsatisfactory
- Every departure from Runway 28R during this period has been in breach of the conditions acknowledged in Fingal's own warning letter

Estimated Unauthorised Departures During Non-Enforcement Period

At approximately 300+ departures per day from Runway 28R during westerly operations (approximately 70% of the time):

- Approximately 210+ non-compliant departures per day
- Approximately 1,470 per week
- Over 178 weeks: approximately 261,000+ unauthorised departures

Aarhus Relevance

The 173+ week enforcement gap, during which the planning authority acknowledged a breach but took no action, represents a systemic failure to ensure that planning decisions reached through public participation are actually enforced. Under Article 9(3) of the Aarhus Convention, members of the public must have access to effective remedies when environmental law is breached. The pattern here, where the authority acknowledges the breach, opens a file, and then engages in years of delay while the breach continues daily, fails to meet this standard.