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James Browne, TD
Minister for Housing, Local Government and Heritage
Custom House
Dublin 1, D01 W6X0
Email: minister@housing.gov.ie

Subject: Urgent Need for Ministerial Oversight – Breach of North Runway Planning Permission and Failure of Enforcement

cc: Minister Darragh O'Brien (Transport & Environment)
Gillian Toole TD, Darren O'Rourke TD, Minister Helen McEntee, Minister Thomas Byrne
Louise O'Reilly TD, Robert O'Donoghue TD, Grace Boland TD

Dear Minister,

I am writing to you in your capacity as the Minister responsible for planning policy and oversight of the planning system in Ireland. This letter concerns a serious failure in the implementation and enforcement of a major piece of strategic infrastructure — the North Runway at Dublin Airport — which now raises fundamental questions about the credibility and integrity of the planning system itself.

Planning Permission and Condition 1

As you are aware, the North Runway was granted permission in 2007 under ABP Ref: PL06F.217429 / Fingal Ref: F04A/1755. Condition 1 of that permission required the development to be carried out in strict accordance with the Environmental Impact Statement (EIS) and the supporting documentation submitted during the application and oral hearing process.

The departure routes contained in the EIS were not indicative. They were fixed, modelled, and formed the foundation of the noise impact assessment that underpinned An Bord Pleanála's decision. The Board granted permission explicitly on the basis that these routes, and their associated environmental effects, had been fully assessed.

Breach of Permission

Since the runway became operational in August 2022, aircraft departing west have consistently executed an early right turn that brings them immediately outside the EIS noise

zones, exposing previously unaffected communities to high levels of unassessed aircraft noise. This routing was never disclosed or assessed during the planning process and clearly violates Condition 1.

This breach has been independently confirmed by:

1. An Bord Pleanála's own Inspector, who in Section 12.6.75 of her report for a related application (ABP Ref: PL06F.249227), wrote:

"... 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, stated that it did not mandate this revised route, and that its design was determined by the operator — the Dublin Airport Authority (DAA).

Enforcement Failure

Despite this clear and material breach of planning permission, Fingal County Council has refused to confirm whether it is enforcing Condition 1. Repeated public and political queries have been met only with generic references to "ongoing enforcement," without addressing the core issue: Is the Council taking action to uphold the original planning conditions?

This non-response leaves residents who are directly impacted by the breach with no access to justice or effective recourse under the planning system.

Ministerial Responsibility and Policy Breakdown

While Fingal County Council is the enforcing authority, your Department is ultimately responsible for:

- Planning system policy and integrity;
- Oversight of local authority performance in carrying out statutory duties;
- Safeguarding the credibility of national planning decisions, especially those made by An Bord Pleanála in the public interest.

When a development as significant as the North Runway is allowed to operate in breach of its environmental approval, and no authority intervenes, this is no longer a local issue — it becomes a matter of national planning governance failure.

Your Department cannot stand aside while:

- A developer operates in open breach of the planning system;

- A local authority fails to enforce a core planning condition;
- Residents are exposed to environmental harm without remedy.

Request for Action

I am calling on you, as Minister, to:

1. Publicly clarify whether your Department accepts that the current routing breaches Condition 1 of the 2007 permission;
2. Initiate an immediate review of Fingal County Council's failure to act, and use your powers under the Planning and Development Acts to intervene if necessary;
3. Ensure that the planning system does not permit unapproved environmental impacts to occur without consequence;
4. Restore public trust by ensuring that strategic permissions are enforced, not just granted.

The current situation sends a dangerous message: that once a development is operational, planning conditions no longer matter. That outcome is wholly incompatible with your responsibilities as Minister and with the purpose of the planning system itself.

Thank you for your attention to this matter. I would welcome a response addressing the specific concerns outlined above.

Regards,

Gareth O'Brien BE (Civil) MSc
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