

S

SECTION 131 FORM

File With \_\_\_\_\_

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 22/12/24  
from

Michael Conneally recommend that section 131 of the Planning and Development Act, 2000  
be/not be invoked at this stage for the following reason(s): no new issues

E.O.: [Signature]

Date: 31/12/24

To EO: \_\_\_\_\_

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached  
submission

to: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

S. 37

File With \_\_\_\_\_

**CORRESPONDENCE FORM**Appeal No: ABP 314485Please treat correspondence received on 22/12/24 as follows:

. Update database with new agent for Applicant/Appellant \_\_\_\_\_

. Acknowledge with BP 23. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP \_\_\_\_\_

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

Resp Recd

## 4. Attach to file

(a) R/S ☐(b) GIS Processing ☒(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>F. Khodjhas</u>
Date: <u>31/12/24</u>	Date: <u>21/12/25</u>

## David Behan

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**From:** mick conneally <mickconneally@hotmail.com>  
**Sent:** Sunday 22 December 2024 13:02  
**To:** Appeals2  
**Subject:** ABP-314485-22  
**Attachments:** Conneally Observation 2.pdf

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam,

Further to your invitation to comment dated 16th September 2024, Please find attached our observation on the proposed decision in the above case.

Please feel free to contact me if there are any issues.

Regards,

Michael Conneally.

Our Ref : Conneally Family Observation 2  
Your Ref : PL06F.314485  
E-mail : [mickconneally@hotmail.com](mailto:mickconneally@hotmail.com)  
Postal : Ashlawn, Oldtown,  
Co. Dublin. A45 H421.  
Phone : 087-3221482  
Date : 22-12-2024

An Bord Pleanála  
64 Marlborough St,  
Rotunda,  
Dublin 1.  
D01 V902.

Re : **Bord Pleanála Case Reference: PL06F.314485.**  
**Observation on Draft Decision of 'Relevant Action' application.**

Dear Sirs,

We are Residents of Oldtown, Co Dublin. A community subject to immense and unjust suffering at the hands of the Dublin Airport Authority, the applicant in the above case.

In relation to the correspondence received by An Bord outlining the Draft Decision on the above application. We make the following observation.

An Bord has been made aware through ours and multiple other observations on the matter that the Applicant is in gross breach of the conditions of PL06F.217429/F04A/1755. This is now firmly established and the beyond reasonable dispute.

An Bord proposes to attach Condition 2 to the 'Relevant Action' application reading;

*Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and condition of the permissions, under An Bord Pleanála PL06F.217429 (Planning Authority register reference number F04A/1755) and as extended under Planning Authority register reference number F04A1755/E1 and further amended under An Bord Pleanála reference ABP-305298-19 (Planning Authority register reference number 19A/0023)(the amending permission), and any agreements entered into thereunder.*

Should An Bord proceed with this condition in its current wording they are reiterating their requirement for compliance with a condition they know is being wilfully and consistently breached and that the Applicant has made no meaningful attempt to address.

An Bord, now abundantly aware of this state of affairs would make itself complicit in the ongoing breach of its own conditions should they use this condition without the clarification necessary given the deliberate flouting of this condition by the Applicant. This remains the case should An Bord remove the proposed Condition 2 from their decision – An Bord are none the less well aware of the ongoing non-compliance with the parent conditions based on manufactured ambiguity, which obliges action on their part.

An Bord, in reaching any decision relating to the Applicant in the context of ongoing non-compliance, is already in breach of due process on the matter and is therefore liable to Judicial Review of its decision on the matter. Such a review would include interrogation of An Bord's requirement to act outside of

Commercial and Political influence which is openly queried by those subject to the brutal effects of this Applicant's operations and would be of great interest in this jurisdiction.

To address this blatant breach of procedure we believe the proposed Condition 2 must be worded to remove all ambiguity from the condition as it applies to the parent condition. We acknowledge that that this would not be necessary had the Applicant behaved with decency and integrity, however that has not been the case and clarifications to the point of spoon feeding are now necessary. Clarification which it is incumbent on An Bord to provide.

The proposed Condition 2 should be worded to address each ongoing breach of the parent condition. For example, below is the level of clarification that is necessary to ensure there can be no ambiguity in relation to just one of the multiple breach items (flight paths);

*Prior to the implementation of any departures specifically authorised by this permission, the development shall be carried out and completed in full and strict accordance with all the terms and condition of the permissions, under An Bord Pleanála PL06F.217429 (Planning Authority register reference number F04A/1755) and as extended under Planning Authority register reference number F04A1755/E1 and further amended under An Bord Pleanála reference ABP-305298-19 (Planning Authority register reference number 19A/0023)(the amending permission), and any agreements entered into thereunder. This will require compliance with conditions currently being breached on an ongoing basis including (but not limited too);*

- *Operation of flight paths: The applicant must ensure full and continued compliance with the flight paths proposed in the application F04A/1755 Environmental Impact Assessment report, which prescribes what is colloquially known as the '5 miles straight out' departure routh. For the avoidance of doubt the Applicant is advised that no other routes have a valid planning and the flight paths currently being operated for westerly take-off with northerly turning operations immediately at the perimeter barrier are non-compliant and no planning permission for these routes exists. For the further avoidance of doubt, the requirements for planning take precedent to all others and should the departure operations not be possible within the strict requirements of the grant of planning then no planning exists and these routes cannot be operated.*
- *(FULL list of established compliance measures addressing all points of non-compliance to issue with any decision).*

We note that this is the level of clarification required for just one of the many points of clarification required a full list will run to many pages. While it may seem unreasonable that An Bord must provide such detailed clarifications to an organisation more than capable of correctly interpreting their operating parameters, the fact is that this Applicant is acting in bad faith with all parties - the Local Authorities, Residence Groups, Government and indeed An Bord.

An Board is therefore legally and ethically obliged to take actions to clarify, protect and reinforce its position on the parent application. To safeguard its own integrity and to fulfil its moral obligations to the people of Ireland absolute clarity must be provided at this point in relation to the implementation of PL06F.217429/F04A/1755.

As we have discovered to our great detriment; reasonableness, transparency and decency on the part of this Applicant cannot be assumed.

Inaction on this matter by An Bord is not an acceptable option.

Please feel free to contact the undersigned if there is anything further you need.

Yours sincerely,



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Michael Conneally  
CEng, IntPE, RConsEI, MIEI.  
Ashlawn, Oldtown, Co. Dublin. A45 H421.