

June 20<sup>th</sup> 2006

**Open letter regarding allegations by CAWA**

I refer to the publication of Liffey Champion on Saturday, 17<sup>th</sup> June 2006 and in particular to the comments of Hugh Collender, Combined Action Against Weston Aerodrome Group.

It is unfortunate that the title of this group includes the words “against Weston” which is indicative of all actions to date by the group opposing **all** planning applications other than one for an ESB sub station.

Invariably, the objections/appeals have related to either matters which are exempted development under the Planning and Development Regulations 2001, are related to an enhancement of safety or retention applications for which there is provision in the Planning and Development Act 2000.

For the information of the readers, Weston is a licensed airport established in 1939. An Aerodrome refers to the airside of an airport, the latter includes the entire Airport Licensed Area.

The issues referred to the High Court by the Planning Authority related to nine items and the High Court made an order on three items and directed South Dublin County Council to pay two days costs and the cost of the Court stenographer.

One item in the Enforcement Notice referred to work done by previous owner, another item referred to work done on derelict hangars which were subject to a planning application to demolish and which at the time were regarded as exempted development.

Another item referred to a small fuel store for daily samples of aviation fuel to comply with safety regulations, the previous store was semi – derelict, another item referred to the fuel tank which was never connected, another related to the water treatment plant to replace the previous extended septic tank system which had existed since early 1940.

Another related to taxiways which are exempted development, another related to car parking for which Planning Permission existed for a carpark adjacent to the Celbridge Road, and it was not possible to define the precise location or area of car park as the file was mislaid in the Planning Department, another related to security fencing which was exempted development.

The High Court order related to the temporary improvement works to the hangar, and extended viewing area to bungalow and the carpark.

The foregoing demonstrates quite clearly the nature and extent of alleged unauthorised development and the attendant adverse publicity which in equity was disproportionate.

In his letter Mr. Collender raises a number of issues and uses the words “deliberately misleading the public”. I totally reject such allegations which are not conducive to constructive dialogue, as essentially all works in compliance with the High Court order have been substantially completed for some time and are now fully compliant. The bungalow was never used since the date of the High Court order.

Works to the carpark were substantially complied with within the three month period as the tarmac and hardcore were removed. Topsoil was not applied as a Planning

Application had been submitted by consultants on behalf of the Ryder Cup Company for a temporary carpark at this location. It was reasonable not to apply the top soil pending the decision of the Planning Authority.

I have referred to the nine issues the subject to the High Court proceedings and in the case of the six no. orders were made and the Council was obliged to pay two days costs of the total and the stenographer's costs. The ruling of the High Court should therefore be interpreted in a more considered manner.

Bord Pleanala granted permission for clubhouse/ offices and hangar. The control tower in the clubhouse was originally located in the centre of the roof. During construction it became apparent that it was not possible to have a clear view of the entire runway/stopway.

It was therefore necessary to locate the control tower at the front elevation of clubhouse. The internal lift terminated at the control tower which was inappropriate for security reasons. It was necessary therefore to make consequential internal adjustments.

The hanger was built substantially in accordance with Planning Permission. Two dividing walls were built internally in the interest of safety and fire prevention. Rear doors were fitted to ensure maximum manoeuvrability in the event of fire.

The readers should note that alterations which affect only the interior of a structure or which do not materially affect the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures are exempted development. In any event the retention provisions in the Planning Authority provide for such unforeseen circumstances.

The normal practice would be for a Planning Authority to write initially addressing the matter. To portray matters of this nature in such an obviously subjective manner is unfair and inequitable.

Three enforcement notices were issued in Jan 2005 and two of these referred to works which "may be carried out". These notices resulted in the usual adverse publicity for Weston which again is deliberately referred to by Mr Collender in his letter for the sole purpose of ensuring the maximum adverse publicity for Weston.

In December 2003, Bord Pleanala granted Planning Permission to Weston for clubhouses / offices and hangar subject to 16 conditions, (not 13).

Mr Collender states "none have been complied with". This is totally inaccurate and to use Mr Collender's words "deliberately misleading the public". All conditions have been substantially complied with and any outstanding matters are subject to ongoing correspondence with the Planning Authority.

An example of this is a letter issued to the Planning Department dated 22<sup>nd</sup> November 2005 requesting agreement on location of fuel farm. Reminders issued on the 9<sup>th</sup> January 2006 and the 28<sup>th</sup> April 2006 but no reply has issued, notwithstanding the fact that An Bord Pleanala condition required the agreement of the Planning Authority.

Mr Collender refers to the fact that Weston "has applied to change the wording of two of them", No. 7 and No. 10. A Planning Application was made to retain the bungalow as a normal residence which existed since the early 1940s. It was considered unreasonable to demolish a habitable house.

The second Planning Application related to retention of existing access for emergency purposes only. Obviously, Mr Collender is anxious to portray these two items in a manner to cause adverse maximum publicity. Also he refers to condition no. 6 which related to the extinguishment of a public right of way which is entirely a matter for the Council as a Roads Authority as Weston has no legal authority to extinguish a public right of way.

Furthermore Cooldrinagh Lane was realigned at the request of an adjoining neighbour and at additional cost to Weston. If Mr. Collender would only communicate and ascertain the facts he might be more appreciative and knowledgeable as to why Cooldrinagh Lane was realigned.

The names of all airports in Ireland are identified by an appropriate sign which is also a navigational aid and exempt development.

The legal framework of the planning code provides for Judicial Review. Why does Mr Collender consider it necessary to highlight Judicial Review proceedings on behalf of Weston.

Bord Pleanala has ruled that the VOR/DME is exempt development as the Bord considered it was a visual navigational aid. The reference in my letter was to the propensity of Mr. Collender to object / appeal matters related to safety and exempted development. The Irish Aviation Authority is the regulatory Authority and it is incorrect to state that consultations were necessary with Air Traffic Control Dublin and Air Traffic Control, Baldonnel. In fact the VOR/DME is now fully operational.

Mr Collender refers to the “retention application for the widening of the runway in SDCC and the widening of the stopway/ clearway in Kildare. Mr Collender again is factually incorrect. The Planning Applications related to the hard shoulder at either side of the runway or stopway/ clearway. It is not acceptable to me that there appears to be no onus on Mr Collender to adhere to the facts and obviously I have no alternative but to address this matter as a separate legal issue.

Mr Collender refers to “the stopway / clearway being longer than what was granted permission”. At the end of the stopway/ clearway there is a taxiway which again is exempted development. It is not clear to me why Mr Collender will not accept matters which are stated to be exempted development in the Regulations.

The reference to waste from Weston House should be viewed in the context of 1.2million cubic metres of top soil and sub soil which arose as a result of the Galway Road Improvement scheme and was deposited on Weston lands by agents of the Council. It was considered that the manner in which the topsoil was placed was a hazard to aircraft using Weston and it was necessary to level this topsoil, subsoil at substantial cost to Weston and restore the land to its original condition.

It is a matter for the Planning Authority, (not Mr Collender) to decide what is or is not acceptable development in Weston in the context of proper planning and development. I have clarified the distinction between Airport and Aerodrome. An Aerodrome cannot exist in isolation without appropriate ancillary development. An Bord Pleanala has never stated that an Airport is not an acceptable development. In any event the licensed Airport as already stated was established in 1939.

In the context of Egan’s farm, Kildare County Council issued Planning Permission for a stopway / clearway in 1998 and the Irish Aviation Authority extended the licensed Airport area. Mr Collender appears to have an issue with these facts.

Mr Collender expresses concern regarding safety of aircraft operating out of Weston and refers to two alleged near accidents. Incidents, (not accidents) occur in all airports worldwide. I have placed a tremendous emphasis on enhancement of safety since acquisition.

I have built a new Control Tower fully equipped, appointed Air Traffic controllers, provided VOR/DME, (i.e. a directional aid for approaching aircraft), security fencing, provision of fire tenders and training of staff in the event of an emergency, communication telephone lines to adjoining Air Traffic control units and systems interface. Hopefully, controlled airspace over Weston will apply in the near future.

Weston will continue to have one of the best comparative safety records in the world.

However, it would be impossible for instance to provide safety measures to ensure the prevention of illegal and unauthorised flying of kites in the path of a twin engine plane making an emergency landing at the request of Dublin Airport.

Mr Collender refers to a “near accident” over Kew Park and Weston Park on the 31<sup>st</sup> May 2006 involving a twin engine jet and a light aircraft from Weston. I can confirm that an aircraft approaching from the North East was directed to join the Weston circuit which is not unusual. There was no near accident as claimed.

In the other incident it is incorrect to state that the landing gear of a twin engine aircraft failed. Following completion of a normal training detail, the aircraft landed safely. The landing gear worked normally.

Finally I cannot allow Mr Collender and others to continue issuing statements which are at variance with the facts, are stated in a context to cause maximum adverse publicity and to discredit the name of Weston Executive Airport.

I repeat that is unfortunate that the Liaison Group was abandoned and I now issue an invitation to reconvene the group or alternatively to meet Mr. Collender. I can be contacted at 4010500 or 087-9551111.

Yours sincerely,

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Jim Mansfield