

Planning Appeal Check List

(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the –

- name of the appellant
(not care of agent)
- address of the appellant
(not care of agent)

TERENCE MURPHY
SHALLON LANE
THE WARD DUBLIN 11

3. If an agent is involved, state the –

- Name of the agent
- Address of the agent

4. State the Subject Matter of the Appeal *

- Brief description of the development DECISION ENCLOSED

PLANNING APPLICATION F20A/0668

- Location of the development DUBLIN AIRPORT

- Name of planning authority FINGAL

- Planning authority register reference number F20A/0688

* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.

6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).

7. Enclose/Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "Guide to fees Payable" under heading of Making an Appeal on Home Page of this website for current fees.

8. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed:

Date:

14/9/2022

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000 as amended.. Substitute 'observer' for 'appellant' and 'submission/ observation' for 'appeal' at each reference. Item 6 and that part of 7 concerning an oral hearing request are not applicable to the making of submissions or observations.

AN BORD PLEANALA	
LDG-	056917-22
ABP-	
05 SEP 2022	
Fee: €	270
Type:	Cash
Time:	
By:	hand

Notes (See Check List)

1. Rules for Making Appeals

You are advised to check the latest version of 'A Guide to Making a Planning Appeal' issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority.

A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet "Guide to Fees payable to the Board" is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time.

A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on a day the Board's offices are closed or where the appeal period falls over the Christmas/ New Year period. See calendar facility on the Board's home page.

A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1,*

Or,

- Deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m. on Monday to Friday, so that the appeal reaches the Board by the last day for making an appeal.

Do not place the appeal in the Board's letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a 'cover page' in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board's publications "Guide to Making a Planning Appeal under the 2000 Planning Act" and "Guide to Fees payable to the Board".

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals.

Terence Murphy,
Shallon Lane,
The Ward,

Dublin 11.
D11DX99

This is an appeal against the decision to change conditions 3D and 5, An Bord Pleanala decision ref no. PL06F.217429.

The original decision set down conditions to give some protection to severe noise which will have a very serious effect on the health and wellbeing of the residence and children of the areas affected. It is known that severe noise is damaging to children's health and wellbeing, so the lawful onus is on both the DAA and parents to protect children from adverse health problems.

This change to conditions is for now and there is no optimistic belief that planes will be significantly quieter in the future and should not be taken into account.

Tests carried out at Dublin Airport with two planes of the same type and size with the same load and at near the same time, one old plan and one (noise improved) plane these recorded same DB's. This indicates that these two planes that were used in this test, the noise levels have not improved. Reducing noise in airplanes in a very long process, even if a new plane design is improved it would not have any significant effect until all airlines change all of their fleet to all new planes and old planes are taken out of service, this process could take decades to achieve.

In reply to reasons conclusion for purposes of EIA of development consent:

Pages and pages of non-relevant print by the DAA will not reduce noise of planes flying over effected areas. You don't need to monitor planes to know they are too loud and will damage our health and wellbeing and that of our children which we have a lawful duty to protect at all times.

All the effects of the noisy planes on our health and wellbeing are been ignored by the DAA in search for profits as the service to the country can just as easily be achieved by leaving restrictions in and using the extra runway time available to achieve their target which is more than adequate with plenty of runway time to spare.

Noting the DAA will do would change the adverse conditions that we will face by allowing these conditions to be changed. Noting significant has changed since planning permission was allowed in 2007. To allow for changes to conditions that is the only small bit of protection to allow us some chance of a bit of sleep and to reduce the damage to our health and wellbeing which the new runway has caused.

We have lost the use of our gardens, the use of our windows to allow fresh air into our homes and now they want to take any chance of the small amount of sleep from us and our children who are lawfully bound to protect.

The experts can print pages and pages of possible future improvements but it will take a long long time before plane noise would not be a significant health hazard to people (as noted above) and especially children who we are lawfully bound to protect. So, the conditions set by An Bord Pleanala in 2007 should be kept to try and go somewhere towards protecting people's health and wellbeing.

The request to remove restrictions other than emergency flights and insert permission for planes needed an extra-long runway should not be allowed as it would open up this runway to be used all night. The DAA should not sell slots to airlines for this type of plane to use 10L28R runway at night at all. The restriction not to use runway 10L28R at night other than for emergencies should be strictly enforced so as to protect our right to some amount of sleep. This is not just a slight change of conditions as it would open up the runway for full time use and would mean that no restrictions would apply at all.

The powers to be are using a very lopsided approach to the balanced they brought this action under. No night-time flights should mean NO NIGHT TIME FLIGHTS.

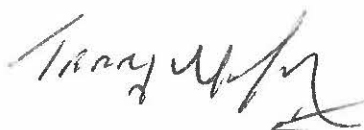
The DAA supplied flight paths with their planning application in 2007 which they are not adhering to, which means thousands of people who thought that they would not be affected did not take part in the planning process. With the new introduced flight paths they find they are now more affected than anybody. The planes are now flying over their houses and causing them health and wellbeing problems. They did not get a proper chance to take part in the planning process as they were lead to believe by the DAA's insertion of original flight paths would prevail. A lot of these people would not have settled in the areas of the new flight paths, if they had not be misled by the DAA. They should have been told that planes would be flying over their homes.

The conditions set down by An Bord Pleanala which is no light flights between 23:00hrs and 07:00hrs, expect for emergencies should not be changed as to do so would deprived us and our children of any chance to sleep. As it is we only have this window (small timeframe) of time to have a sleep, changing it would mean the only time of day or night we could sleep would be between 00:00hr and 05:59am. This is just a six hr window of time which is not regarded as a sufficient amount of time sleeping each night. The DAA say they need to remove these restrictions to regain flight numbers which would be lost by restrictions. This is not so as, any shortfall caused by restrictions can easily be made up. The DAA handled over 32M people using 18hrs of runway time, they know have 32hrs of runway time with these restrictions in place. At this time they only have planning for 32M passengers.

The idea that people need to fly very early in the morning or late at night should have more rights that the thousands of people who are severely affected by this is absurde to say the least.

I would like to apply for an oral hearing.

Yours Sincerely,
Terence Murphy.

A handwritten signature in black ink, appearing to read 'Terence Murphy', with a stylized flourish at the end.



Terence Murphy
Shallon Lane
St Margarets
Co Dublin

Date: 8 August, 2022

Re: Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority

Dear Sir/ Madam,

On 18 December 2020, daa as airport authority for Dublin Airport submitted a planning application seeking changes to planning conditions attached to the grant of planning permission for the new north runway. This application (planning reference F20A/0668) was referred to the Aircraft Noise Competent Authority (ANCA) for an assessment of the aircraft noise impacts of the application.

Following a process of public consultation between 11 November 2021 and 28 February 2022, ANCA made a regulatory decision on 20 June 2022 containing the noise mitigation measure and operating restrictions to be included in the decision of the planning authority.

On 8th August, 2022, the Planning Authority made a decision to GRANT permission (with conditions). These conditions include the regulatory decision by ANCA. This decision of the planning authority, containing the regulatory decision of ANCA, may be appealed to An Bord Pleanála.

You are receiving this correspondence because you made a submission to ANCA during the above public consultation. For the purposes of an appeal under Section 37 of the Planning and Development Act as read with Section 37R, any person that made a submission or observation to the ANCA public consultation on the draft regulatory decision is entitled to appeal the decision of the planning authority.

Yours faithfully,

Caroline Kelly

for **Senior Executive Officer**

Location: Dublin Airport, County Dublin.
Applicant: daa PLC
App Type: Permission
Date Recd: 18th December, 2020

Dear Sir/Madam

I wish to inform you that a DECISION to GRANT PERMISSION was made by Order dated 8th August, 2022 for the above proposal. Details of the Planning Authority's conditions and reasons are attached.

It should be noted that valid objectors, applicants or prescribed bodies may appeal to An Bord Pleanala against the decision or any conditions attached to the Council's decision **within four weeks** beginning on the date of the Council's decision.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. (Tel.01-8588100). **Any appeal made to An Bord Pleanala will be invalid unless it is fully complete and the correct fee is received by An Bord Pleanala within the statutory appeal period.**

The fee for a third party appeal is €220, to request an Oral Hearing is a further €50, which must also be done within the statutory appeal period. For full details please refer to 'Making a Planning Appeal under the 2000 Planning Act' and 'Guide to Fees payable to the Board', which can be viewed on www.pleanala.ie.

Submissions or observations made to An Bord Pleanala by or on behalf of a person other than the applicant must be accompanied by a fee of €50 and must be received within **four weeks** from the receipt of the appeal by An Bord Pleanala. Please see details of Conditions attached to Decision to **GRANT PERMISSION.**

Yours faithfully

Caroline Kelly

for **Senior Executive Officer**



Terence Murphy
Shallon Lane
St Margarets
Co Dublin

DATE: 8th August, 2022.

Register Ref: F20A/0668

Area: Swords

Development:

A proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000, as amended, at Dublin Airport, Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha.

The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning Permission, in accordance with the annual night time noise quota.

The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.' Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic

control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to night time use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.

AI RECEIVED 13/09/21

AI deemed significant

Revised (SAI) Public Notices received 21/09/21

