



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)

TERESA KAVANAGH
9 HILLCOURT
PORTMARNOCK CO. DUBLIN

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

EXTRA NIGHT FLIGHTS
(F20A/0668) AT DUBLIN AIRPORT (SEE COPY ENCLOSED)

- Location of the development

DUBLIN AIRPORT
Collinstown SWORDS Co. DUBLIN

- Name of planning authority

Fingal County Council

- Planning authority register reference number

F20A/0668

✓ * 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:

Teresa Kavanagh

Date:

2 September 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 PLEANÁLA	
LDG-	056 838-22
ABP-	
02 SEP 2022 GrB	
Fee: €	220 Type: Carel
Time: 12:09	By: Lard

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.



NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

Decision Order No. PF/1692/22	Decision Date 8 August, 2022
Register Ref. F20A/0668	Registered 21 September, 2021

Area: Swords

Applicant: daa plc

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 nighttime 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 public notices(SAI) received 21/09/21

Location: Dublin Airport, Co. Dublin.

Floor Area: 0 Sq Metres

Time extension(s) up to and including 18 November, 2021

Additional Information Requested / Received 19-Feb-2021, 15-Sep-2021 / 13-Sep-2021, 21-Sep-2021

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the reasons and considerations, and the (5) conditions on the attached Pages.

The Secretary An Bord Pleanála

9, Hillcourt, Portmarnock, Co Dublin

64, Marlborough St. Dublin 1

30-8-2022

Dear Sir/Madam,

I'm appealing FCC decision F20A/0668 granting permission to amend conditions 3D&5 of the Dublin Airport new runway Ref.n. PL 06F.217429.

It must be pointed out most strongly that FCC have granted permission on 8th August 2022 based on inaccurate & erroneously listed planning reference numbers. These inaccuracies first appeared in the Dublin Airport Authority's application for planning permission to FCC for to amend conditions 3D & 5 on 18th December 2020.

The errors have been repeated continuously on FCC website and on official FCC headed paper right up to the Grant of Permission in decision no. PF/1692/22. On 19th Feb. 2021 FCC corresponded with me (again using incorrect referencing) attaching details of additional information they had sought for a Revised Environmental Impact Report (EIAR) from DAA. In section 3 of this attachment the applicant (DAA) was asked to correct the planning register references where errors had been made in the EIAR report. This was " --- --- in the interest of ensuring accuracy of the particulars submitted with the planning application for the public file".

Section 3 states that "For clarity, an incorrect reference to An Bord Pleanála planning file number is repeated ". The incorrectly listed file number is ABP-305289-19, this is a planning file which pertains to a Solar Farm on 19h. near Arklow in Co. Wicklow !!! & has nothing to do with Dublin Airport.

An incorrect Register Reference is also made in respect to a Terminal 2 permission incorrectly listed as FO4A/1755. This reference number has no relevance to Terminal 2 but is actually the FCC Planning Register Reference Number on the new runway granted permission by ABP ref.PL 06F.217429.in 2007. So, at this stage FCC had been alerted by its own officials regarding these errors.

To make matters worse & compound the inaccuracy associated with this erroneous grant of permission, the recently established Aircraft Noise Competent Authority (ANCA) under FCC to engage in the process of aircraft noise regulation has in its Regulatory Decision of 20th June 2022 under the heading " Proposed Development " twice listed the ABP incorrect reference to The Solar Farm in Co. Wicklow see page 4 of The Regulatory Decision 20th June 2022. Again on page 5 under Matters Considered in the section dealing with relevant action the ABP reference is wrongly listed by ANCA using once more The Solar Farm in Co. Wicklow reference number. The record is not accurate or correct and serious and legal decisions are being made on the basis of these repeated un corrected inaccuracies by both FCC and their

subgroup ANCA with far reaching consequences for the health and welfare of people living and trying to sleep at night under flight-paths.

FCC in its decision of the 8th August 2022 state that as Planning Authority that they "did by Order dated as above make a decision to GRANT PERMISSION in respect of the above proposal." The "above proposal" was flawed. This granting of permission was based on inaccurate planning references submitted in DAA's application /proposal and ANCA's "Decision" using inaccurate references as I've already pointed out and therefore should be voided.

ABP imposed conditions 3D & 5 of the North Runway planning permission PL 06F. 217429 limiting the number of night flights & restricting the hours of operation in order to "protect residential amenity" and "to control the frequency of night flights".

Revoking condition 5 & replacing it with a Night-time Noise Quota Scheme means that there would be "an increase in aircraft activity at night" & "which may result in higher levels of human exposure to aircraft noise" page 9 ANCA Regulatory Decision. Aircraft will be allowed take-off and land later into the night and earlier in the morning adding 2 hours to operation time than ABP permitted in its 2007 decision. PL 06F.217429 thus causing sleep disturbance late at night and early in the morning (6am).

The Noise Quota Scheme is spurious & doesn't reflect existing noise. Noise levels are divided over the whole year diluting the impact of individual high noise instances, peak noise events and noise frequency. This obfuscates the true picture & how airport activity impacts on the lives of communities under flight-paths. Nor does it evaluate how aircraft emissions damage the health of communities. 2019, which was the noisiest year on record for the Airport, was set as a baseline, thus embedding excessive noise as a norm going forward. WHO guidelines recommend that noise should not exceed 40dB Lnight at night. A more robust assessment of the Health Impacts is needed to meet the requirements of SEA directive (2001/42/EC). Health impacts of noise must be given greater weighting than ANCA gave them in their decision.

DAA, through their barrister Mr. Michael O'Donnell, at the An Bord Pleanála oral hearing, came up with and agreed the 65 night flights and hours of operation restrictions (conditions 3D & 5) knowing their own development plans. DAA commenced construction of the North Runway in compliance with the conditions as set out in ABP ref.no.PL 06F.217429 & then when building was well underway sought to overturn them in their (incorrectly referenced) application to FCC. FCC, working in tandem with ANCA, granted permission on 8th August 2022 and the North Runway conveniently dovetailed with this FCC decision & commenced operating flights on 24th August 2022.

For the above reasons I consider this permission to be invalid and should therefore be rejected and overturned and conditions 3D & 5 as originally set out by ABP in PL 06F.217429 to be upheld.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Teresa Kavanagh', with a long, sweeping flourish extending to the right.

Teresa Kavanagh



MS Teresa Kavanagh
9 Hillcourt
Portmarnock
Co. Dublin

Date: 27 January, 2021

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME –

FINGAL COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. –

F20A/0668

A submission/observation in writing, has been received from MS Teresa Kavanagh, in relation to the above planning application.

The appropriate fee of €20.00 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

For Senior Executive Officer



Fingal County Council Stamp

