

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

To

SEO

Having considered the contents of the submission dated/received 2/10/2022
 from MAHARIDE COMMUNITY FORUM I 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 raised

Signed

[Signature]

EO

Date

14/10/22

To

EO

Section 131 not to be invoked at this stage.

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

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☐

Signed

SEO

Date

Signed

SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

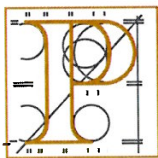
EO

Date

Signed

AA

Date



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001340

Online Observation Details

Contact Name
Gerry Duggan

Lodgement Date
02/10/2022 13:47:26

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Gerard Duggan

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☐

Yes — P.T.O.

☐

N/A — Invalid

Signed

Malahide Community Forum (MCF)

The collective voice of Malahide Residents' Associations

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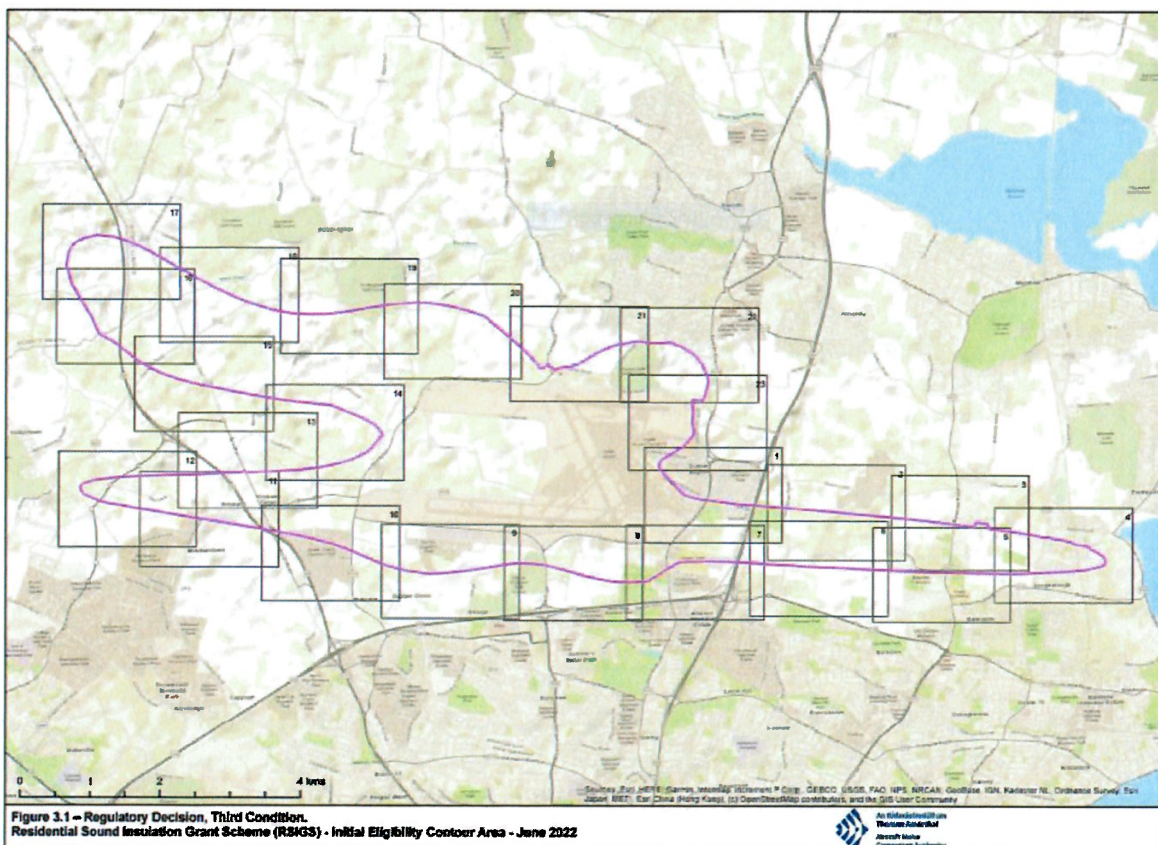
Observation in relation to appeal against the decision of Fingal County Council in relation Planning Application F20A/0668

An Bord Pleanála Case Number 314485

Malahide Community Forum makes the following observations in relation to this appeal

The basis for this appeal is that in reaching its decision Fingal County Council followed the views of the Airport Noise Competent Authority (ANCA), which in its Public Consultation Report p30 stated that *"The noise assessment informing the making of the Regulatory Decision (RD) incorporated the future flight paths of the air navigation service provider as contained within the Application. ANCA does not have a role in establishing flight paths, including matters relating to straight out or divergent routes"*

It is clear from Fig 3.1 of the RD that the use of divergent flight paths, exclusively, was the basis for establishing the noise contours for the north parallel runway as shown below.



Page 21 | Regulatory Decision

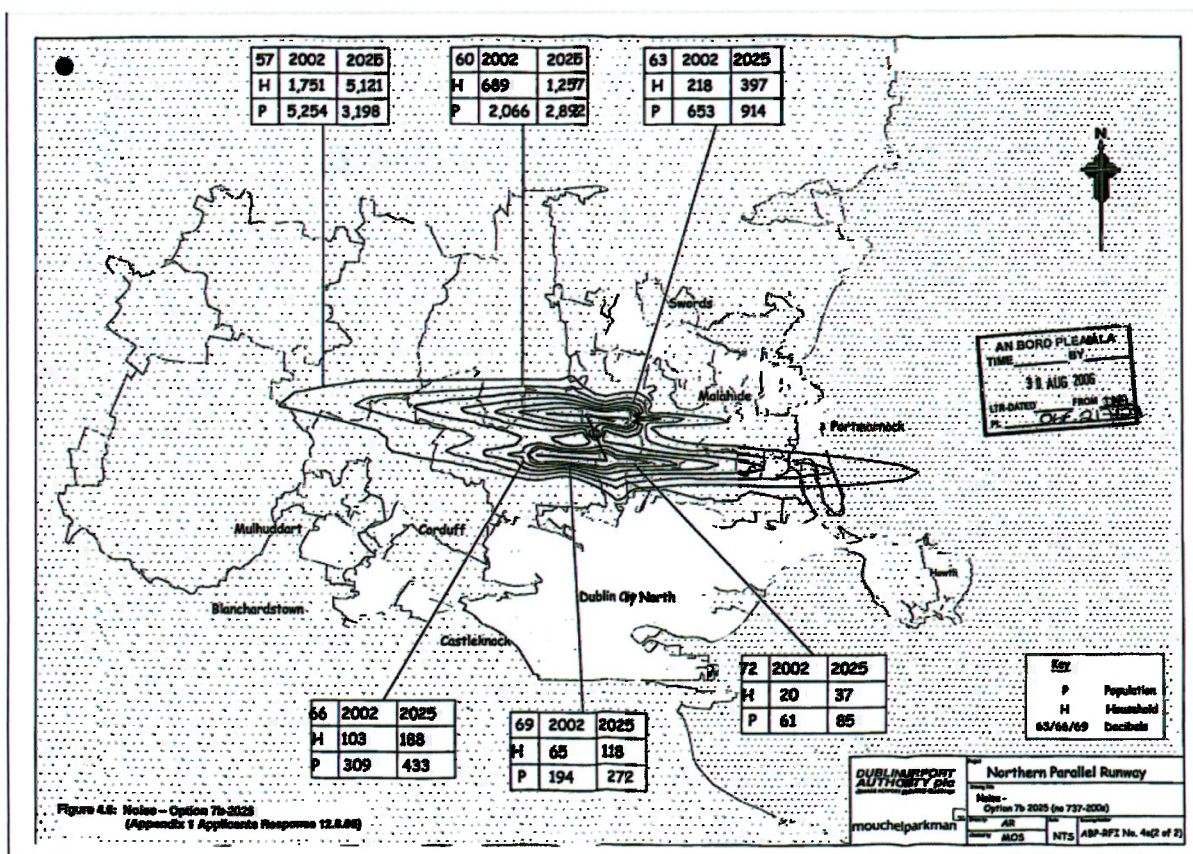
But the in their current application daa explicitly states that the only changes sought to planning decision F04A/1755: ABP Ref No PL 06F.217429 is to amend conditions no. 3(d) and condition no.5, in relation to night flight restrictions.

Executive Committee Members: Gerry Duggan (Chairperson), Hazel Bolton (Vice-Chairperson), John Shirey (Hon. Treasurer), Peter Hynes (Hon. Secretary)

In the decision by ABP in relation to the original application by Aer Rianta for planning approval to develop the north parallel runway Condition 1 stated that

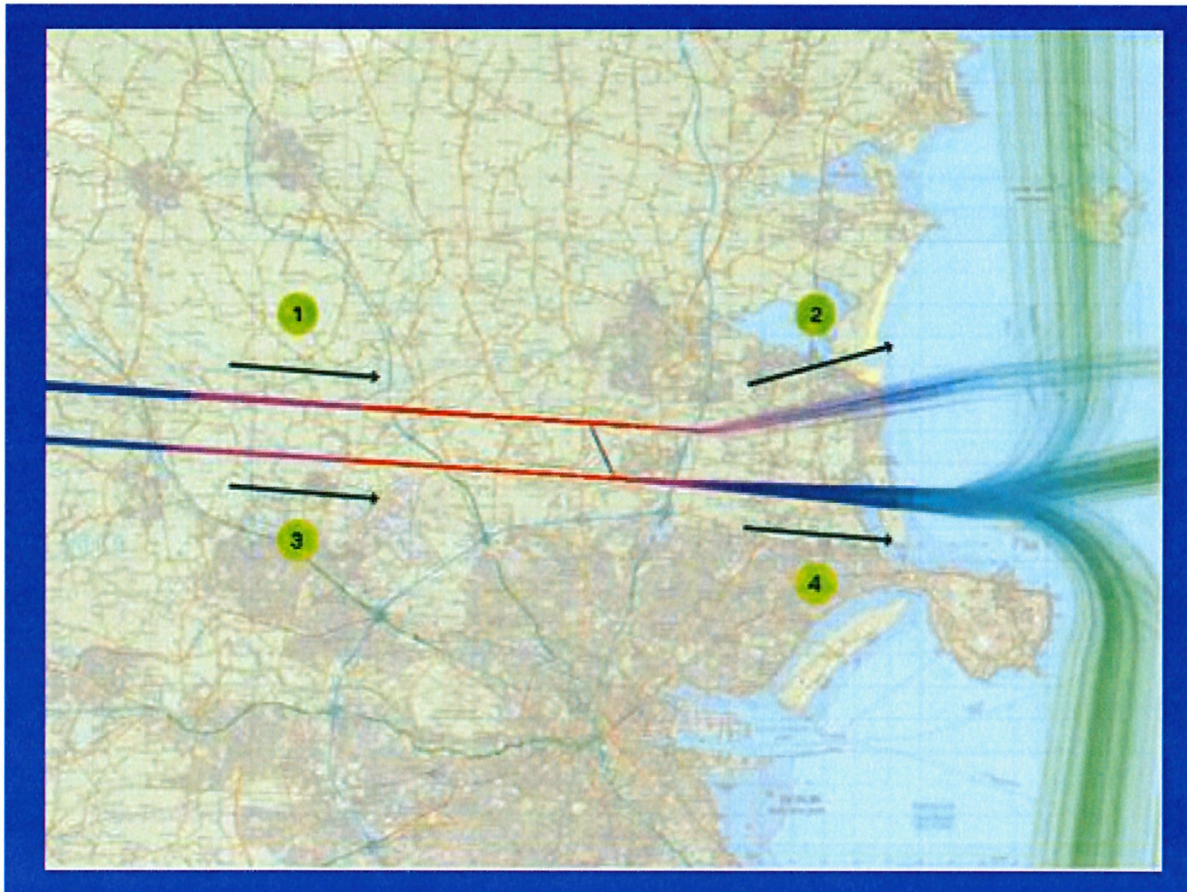
"The development shall be carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application as amended by the further plans and particulars received by the planning authority on the 9th day of August 2005, including the Environmental Impact Statement Addendum, and the 3rd of March 2006 and received by An Bord Pleanála on the 30th day of August 2006, the 5th day of March, 2007 and in the oral hearing , except as may otherwise be required in order to comply with the following conditions."

Fig 4.6 of RPS' submission of 30th of Aug 2006, shown below, in response to ABP's request for Additional Information, clearly shows that the employment of straight out flight paths was the basis for the 2004 Planning Application, as is clear also from the voluminous body of objections submitted to ABP by Portmarnock Residents.



In contrast there were almost no objections submitted by Malahide residents as it was only in Oct 2016 that daa stated that "Securing the optimum use of runway system will require the examination of a divergence in departure flight paths from "straight out" for the North Runway"

At the same time daa illustrated the impact of this on Malahide in the following figure, as part of their consultation process leading up to the current application



MCF is very conscious of the fact that many of the residents of Malahide work or have worked at the airport, thus MCF has no objection in principal to the operation of the north parallel runway, but is insistent that the proper planning procedures are followed, to protect residents interests for the reasons set down in the following.

The County Development Plan adopted by Dublin Co. Co. in the early 1970's made provision for the development of the north parallel runway at Dublin Airport.

Following that decision the many housing developments planned in the North Portmarnock area at that time, i.e. directly under the projected flight path, were required to provide additional sound insulation measures as a condition of the development. In contrast no such provision was required for the significant volume of housing planned for development in East Malahide at the same time.

All succeeding County Development Plans incorporated provision for the second parallel runway, but all provided that the noise and safety zones were determined assuming straight out departures from both runways.

The current Fingal County Development Plan made similar provision but was subsequently amended, in Sept 2019 to facilitate divergent flight paths on departure, a concept daa and their consultants Bickerdike Allen Partners initially put forward in the mid 2010's.

Divergent flight path are a requirement if the parallel runways are to be operated as "Independent Parallel Runways", which is possible at Dublin Airport as the separation between the parallel runways is sufficient to allow this mode of operation. But Independent Parallel



Runway operation is not a requirement under international regulations, but can be employed by the airport operator to achieve an increase in the number of aircraft movements per hour that can be handled..

While the employment of divergent flight paths was clearly envisaged in the future the current application did not seek the required planning approval for this mode of operation, which was clearly not sought in the original application.

As no planning application has been made for approval of this mode of operation, and its consequent adverse impact on Malahide residents, any decision by ABP implying approval for a mode of operation, for which no planning approval was sought or obtained, would clearly be in breach of the planning laws.

Thus MCF requests that ABP in making a determination in relation to this appeal make it explicitly clear that any approval by ABP is based on the original application by the airport authority for planning permission for the North Parallel Runway, together with the additional information received by ABP on 30th Aug 2006, which only provided for straightout departures.

Gerry Duggan

Chair MCF