

File, BURG

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 314685

Defer Re O/H

Having considered the contents of the submission dated/received

from

David Kelly

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 w lssns

Section 131 not to be invoked at this stage.

☒

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

Signed

[Signature]

Date

19/12/24

EO

Signed

Date

SEO/SAO

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

BP40



Planning Appeal Online Observation

Online Reference
NPA-OBS-004080

Online Observation Details

Contact Name
David Kelly

Lodgement Date
15/12/2024 18:38:41

Case Number / Description
31448 5

Payment Details

Payment Method
Online Payment

Cardholder Name
David Kelly

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed


EO

Date

19/12/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 076 786-24

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3QWMiDB1CW0EN5FC1oQuKzA2

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

An Bord Pleanála,
64 Marlborough St.
Dublin 1

D01 V902

15th December 2024

RE: Case Number ABP- 314485-22 Relevant Action Application Dublin Airport

Dear Sir/Madam

Further to your correspondence to us on the above case we wish to make the following observations/submissions:

1. We have been regularly subjected to substantial environmental noise pollution from the overflight of aircraft departing from Dublin airports northerly Runway 28R. We note that there was no notice of this fact in any of the planning notices for this application to date. Many of our Neighbours who thought they were not affected by this application are now inside these contours but yet were never publicly notified until they attended a public meeting held by St Margarets /The Ward residents' group who explained this to all of us. None of the newspaper or site notices informed the public. Secondly, the people who now know they are within the contours have not been given the opportunity to make a submission/observation as they do not qualify because they did not make a submission previously as they thought they were unaffected. An Bord Pleanála did not give a public notice of this significant additional information. The above is totally unacceptable and unjust to the communities affected.
2. We note that the correspondence from Tom Phillips & Associates refers to the ANCA Regulatory Decision regarding eligibility to the noise insulation scheme and suggest that the change in contours is as a result of their assessing that the increased area is as a result of them considering this new area which contains dwellings to having "very significant" effects. We note that the DAA have never carried out significant test criteria within any of the EIAR they have submitted and therefore they have not met with the EIA directive. This is a fundamental flaw in the assessment as the EIA directive is clear, all significant impact on environment must be identified, quantified and mitigation proposed. That has not happened to date. For areas under the North Runway this involves comparing the scenario with no flights from the North Runway to a scenario where there will be night flights. This has not been done.

3. Tom Phillips refers continuously to the regulatory decision by ANCA in his correspondence. However, what is not contained in his correspondence but is within the EIAR relating to these noise contours is that the proposal does NOT meet the Noise Abatement Objective of ANCA in future years. The proposed 2025 Scenario will fail the NAO when compared to 2019 when the total of the existing population, permitted developments and zoned developments are summed together. "2025 exceeds 2019 by 4,541 people (1533 v 6074).
4. Why have the noise contours grown. St Margarets The Ward residents carried out noise monitoring on the north runway flight path and found the noise levels to be far beyond those PREDICTED by DAA. it has also extended into east County Meath townlands of Ashbourne and Ratoath. Their noise predictions are not accurate or in some cases nonexistent and unfounded and they are trying to obtain permission by manipulating numbers. Why can they not submit actual noise results along the flight path which has been in operation since August 2022. The community could.
5. Reference is made to the noise zones on Fingal development plan. These noise zones must now be revised due to the proposed flight path over our area. Fingal County Council consider that there should be no residential development allowed in noise zone A as it is considered harmful to health or otherwise considered unacceptable due to the high levels of aircraft noise. However, the flight path now being operated by DAA is putting many existing residences in Noise Zone A and B which is just not acceptable from a health point of view. In addition, other towns are also affected due to the profile of the aircraft operating from Dublin Airport, particularly heavy USA bound aircraft.
6. The noise insulation grant as proposed is not fit for purpose and is totally insufficient to protect for night or day noise. Measurements of noise in bedrooms of housing already insulated indicate that the noise levels exceed the recommendation in Fingal Development Plan are not sufficient to protect human health.
7. In summary planning is an afterthought for DAA with scant disregard for their environmental, social and governance responsibilities to the communities around and affected by the operation of aircraft from Dublin airport. Their actions show that they do not respect planning legislation or decisions of An Bord Pleanála. This application must be refused.
8. I also note that the planning and application of procedures employed by the DAA and the Irish aviation authority at the time of designing the flightpaths from Dublin airport is contrary to the regulations set out in EU 598/2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC

Yours Sincerely,

David R. Kelly

10 Brownstown,

Ratoath,

County Meath