S.37

File With

SECTION 131 FORM

Appeal No
ABP— 314685

Defer Re O/H

Having considered the contents of the submission ~~dated~~/received 23/12/24
from Lilian Murtagh 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 LW 1st

Section 131 not to be invoked at this stage. ✓

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

Signed
EO

Date 30/12/24

Signed
SEO/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-004160

Online Observation Details

Contact Name	Lodgement Date	Case Number / Description
Lillian Murtagh	23/12/2024 16:29:17	314485

Payment Details

Payment Method	Cardholder Name	Payment Amount
Online Payment	Lillian Murtagh	€50.00

Processing Section

S.131 Consideration Required

☐ Yes — See attached 131 Form ☐ N/A — Invalid

Signed _____ **Date** _____

EO

Fee Refund Requisition

Please Arrange a Refund of Fee of € _____ **Lodgement No** LDG— _____

Reason for Refund _____

Documents Returned to Observer ☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval ☐ Yes ☐ No

Signed _____ **Date** _____

EO

Finance Section

Payment Reference ch_3QZEVNB1CW0EN5FC0hcRmZbL

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 _____

These are some key points to get across:

1. **Noise Modelling Discrepancies**: The noise modelling for Dublin Airport's North Runway operations shows inconsistencies. Westbound departures, expected to generate more noise due to lower climb efficiency, were modelled with less impact compared to eastbound departures, raising doubts about the model's validity.
2. **Deviation from Noise Preferential Route (NPR)**: Current flight paths deviate significantly from the original NPR approved in the 2007 Environmental Impact Statement (EIS), violating Condition 1 of the runway's planning permission and increasing noise exposure for 30,000 residents.
3. **Role of the IAA Misinterpreted**: The Inspector conflated the roles of the Irish Aviation Authority's Safety Regulation Division (IAA-SRD) and AirNav (the air traffic control service provider). The IAA-SRD's approval of flight paths does not mean they mandated specific routes.
4. **Vanguardia Report Inaccuracies**: The report incorrectly claims that flight path deviations are minor (15 degrees) and required for safety. In reality, deviations range from 30 to 86 degrees, and alternate compliant designs were ignored.
5. **Breaches in Planning Conditions**: The deviations from NPR and increased noise exposure were not assessed in a comparative Environmental Impact Assessment Report (EIAR), undermining the planning process and trust in regulatory compliance.
6. **Inadequate Consultation and Expertise**: AirNav, the contractor for flight path design, lacked the necessary qualifications to redesign the aerodrome's procedures, leading to poor design decisions focused on maximum operational capacity rather than compliance or safety optimization.
7. **Doubts on Safety Justifications**: Claims that deviations were necessary for safety are contested. Alternate designs, such as modifications to the missed approach paths, could achieve compliance without deviating from the NPR.
8. **Failure to Implement a Balanced Approach**: Noise abatement procedures and land-use planning to mitigate noise impacts were neglected, exacerbating the environmental impact on communities.
9. **Need for Independent Review**: The submission calls for an independent review of the noise modelling and flight path designs, alongside clarification from the IAA-SRD regarding the necessity of the current deviations.
10. **Recommendations for Redesign**: A qualified third-party firm should be engaged to redesign the flight paths, ensuring compliance with both ICAO safety regulations and the original planning permissions, to restore trust and minimize community impact.

Summary

This submission addresses the Inspector's report on Dublin Airport's North Runway (NR) and challenges the conclusions drawn regarding flight paths and noise modelling. The deviations from the original Environmental Impact Statement (EIS) have significant consequences, and the noise modelling provided by the applicant and its consultants contains discrepancies. We believe these issues undermine the draft decision and must be resolved before any further action is taken.

Flight Path Deviation

The Inspector acknowledges that current flight paths differ from those submitted in the 2007 EIS, which laid the foundation for planning permission. The approved departure route, known as the Noise Preferential Route (NPR), required aircraft to depart straight ahead for 5 nautical miles before turning. However, current flight paths deviate immediately on take-off, significantly affecting noise exposure in surrounding areas.

The Inspector incorrectly accepts the applicant's argument that these deviations were necessary for safety, citing guidance from the Irish Aviation Authority (IAA). However, this conflates the roles of two IAA divisions: the Safety Regulation Division (IAA-SRD) and the air traffic control service provider, AirNav. It is critical to clarify that the IAA-SRD's role is limited to approving or rejecting submissions for compliance with safety standards. AirNav, as a service provider, is not an authority on regulatory safety standards. This confusion has led to a flawed conclusion that current flight paths are essential for safe operations.

Noise Modelling Inconsistencies

Our analysis shows significant discrepancies in the noise modelling for eastbound and westbound departures. Aircraft departing westward (Runway 28R) make banked turns, reducing their climb efficiency and prolonging their proximity to the ground. This should result in higher noise levels for westbound departures compared to eastbound ones, where aircraft climb straight ahead. However, the models show the opposite—westbound noise zones extend significantly less than those for eastbound flights, which is illogical given the aerodynamics involved.

We raised this issue with Bickerdike Allen Partners (BAP), the consultants responsible for the noise modelling, but they declined to engage and directed us to the daa. The unexplained differences between eastbound and westbound noise contours cast doubt on the reliability of the noise models and, by extension, the conclusions based on them.

Vanguardia Report and Safety Justifications

The Vanguardia report, which the Inspector relies on, incorrectly asserts that the deviations from the NPR are necessary to comply with International Civil Aviation Organization (ICAO) safety requirements for parallel runways. Vanguardia claims these deviations are minor—limited to 15 degrees—when, in fact, the deviations are much larger, up to 86 degrees for westbound departures.

The ICAO requirement cited refers to a 30-degree separation between parallel runway departure and missed approach tracks, but this does not mandate turning off the NPR immediately. The applicant could achieve compliance with ICAO standards without such drastic deviations, such as by modifying the missed approach route from the adjacent south runway. This oversight suggests that the deviation was a design choice rather than a regulatory necessity, designed to maximize long-term future operational capacity rather than ensure compliance with planning conditions.

Confusion Over IAA's Role

A key issue is the conflation of AirNav's role as a service provider with that of the IAA-SRD, the safety regulator. AirNav designed the current flight paths under contract with the daa, but claims it is not responsible for ensuring these paths meet planning or environmental conditions. The IAA-SRD only verifies that procedures meet the minimum safety standards; it does not consult on, design, or recommend flight paths.

This confusion has led the Inspector to accept the applicant's assertion that the current deviations are a safety requirement imposed by the IAA. In reality, the IAA-SRD's role is limited to approving submissions without falling below minimum safety standards. It does not endorse specific flight paths or dictate how to achieve regulatory compliance. Thus, the decision to depart from the NPR remains entirely within the control of the applicant and AirNav, not the IAA-SRD.

Planning Condition 1 Breached

The deviations from the original NPR represent a clear breach of Condition 1 of the North Runway's planning permission, which required strict adherence to the noise zones central to the 2007 EIS. These deviations have led to significantly higher noise exposure for at least 30,000 residents, compared to the 400-500 estimated to live in the original EIS's westerly noise zones.

Despite this, the Inspector has dismissed the impact of these deviations as minor and operational. However, the deviation has resulted in a substantial change to the environmental impact of the North Runway, which should have required a differential Environmental Impact Assessment Report (EIAR). The failure to assess the effects of these altered flight paths as compared to the original permission violates the integrity of the planning process and undermines the basis for the decision.

Recommendations

Given the misunderstanding of the roles of AirNav and the IAA-SRD and the apparent inaccuracies in the noise modelling, we recommend the following actions:

- **Clarification from the IAA-SRD**: An Bord Pleanála (ABP) should request formal clarification from the IAA-SRD regarding whether the current flight paths were mandated by the safety regulator as the only compliant solution.
- **Independent Noise Modelling Review**: ABP should commission an independent review of the noise models produced by Bickerdike Allen to resolve the discrepancies between eastbound and westbound departures.
- **Redesign of Flight Paths**: A qualified third-party firm should be engaged to redesign the North Runway procedures, ensuring compliance with both ICAO safety regulations and the original planning permission.

Conclusion

The current flight paths for the North Runway deviate significantly from the approved NPR, resulting in vastly higher noise exposure for surrounding communities. These deviations, inaccurately justified as necessary for safety, have been designed by AirNav for daa without regard to planning conditions or environmental impacts. The noise modelling provided is inconsistent and appears to minimize the true impact of these deviations.

ABP must address these issues before finalizing the draft decision. We strongly urge a transparent review process that includes clarification from the IAA-SRD and independent analysis of the noise models. Only then can a fair and accurate decision be reached, one that respects both the planning process and the rights of affected residents.