

SECTION 131 FORM

Appeal NO: ABP-314485-22

Defer Re O/H



TO:SEO

Having considered the contents of the submission ~~dated~~ received 12/10/22
fromShelagh Morris to the ES 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 raisedE.O.: CoverlyDate: 18/10/22

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

Appeal No: ABP - 314485-22

M S. McDermott

Please treat correspondence received on 12~~th~~/10/22 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 20

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐

3. Keep Copy of Board's letter ☐

Amendments/Comments

Sheelagh Morris + others response to appeals
✓ CT

4. Attach to file

(a) R/S ☐ (d) Screening ☐

(b) GIS Processing ☐ (e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☒

Carr

EO:

Carr

Plans Date Stamped ☐

Date Stamped Filled in ☐

AA:

Cara Teeling

Date:

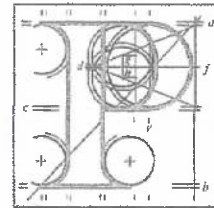
14/10/22

Date:

18/10/22

Our Case Number: ABP-314485-22

Planning Authority Reference Number: F20A/0668



An
Bord
Pleanála

Sheelagh Morris and Others
Millhead
St. Margarets
K67 A364

*Additional
information
to our appeal.
enclosed*

Date: 19 September 2022

Re: 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, which relates to the night-time use of the runway system at Dublin Airport
Dublin Airport, Co. Dublin

Dear Sir / Madam,

An Bord Pleanála has received your appeal and will consider it under the Planning and Development Act, 2000, (as amended). A receipt for the fee lodged is enclosed. Your request for an oral hearing has been noted. The Board has absolute discretion to hold an oral hearing and its decision in relation to your request will be notified to you as soon as possible.

You are reminded that section 127(3) of the Planning and Development Act, 2000, (as amended), provides that an appellant shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of appeal stated in the appeal or to submit further grounds of appeal unless requested to do so by An Bord Pleanála.

Also, enclosed are copies of other appeals received in relation to the planning authority's decision.

Any submission or observation you wish to make in relation to this appeal/these appeals should be made in writing to the Board within a period of 4 weeks beginning on the date of this letter. *17th Oct*

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Yours faithfully,

Yvonne McCormack

Yvonne McCormack
Administrative Assistant
Direct Line: 01-8737151

BP01HM

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
14 OCT 2022	
Fee: €	_____ Type: _____
Time: _____	By: <i>reg post</i>

19th Sept.

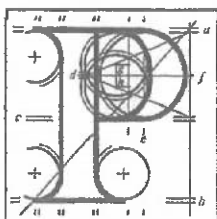
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An
Bord
Pleanála

Táille Reachtúil
Statutory Receipt

ABP-314485-22

Ainm an Chustaiméara: Name of Customer:	Sheelagh Morris and Others
Gníomhaire: Agent:	
Íocaíocht Faighte: Payment Received:	€270
Modh Íocaíochta: Payment Method:	Cheque
Uimh. Aitheantais Lóisteála: Lodgement ID:	LDG-056808-22
Cineál na Lóisteála: Lodgement Type:	Appeal
Iarratas ar éisteacht ó bhéal Oral Hearing Request:	Yes
Dáta Faighte: Date Received:	01/09/2022
Faighte ag: Received by:	Gillian Brogan

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Dublin 1
D01 V902

Additional submission for MFGM

- Ref: ABP 314485-22

In relation to F20A/0668

Sheelagh Morris & Others

Millhead, St Margarets, Co. Dublin K67 A364 Re: 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, which relates to the night time use of the runway system at Dublin Airport.

Comhairle Ceannas Párlaiminte
Fingal County Council

An Roinn um Pleanáil agus
Infrastruchtúr Traenála
Planning and Strategic
Infrastructure Department

Back F04A/1755

Your application search results

You can see below the application search results based on your search criteria.

6 of 6 results Export Print current page Reset

Planning reference	Proposal	Location/Address/Circode	Registration date	Decision date	Final grant date	Applicant name
<input type="text" value="Enter reference to filter"/>	<input type="text" value="Enter proposal to filter"/>	<input type="text" value="Enter location to filter"/>	<input type="text" value="Enter registration date"/>	<input type="text" value="Enter decision date to filter"/>	<input type="text" value="Enter final grant date to filter"/>	<input type="text" value="Enter applicant name to filter"/>
F04A/0668	This is a test application	This is a test application	01 Jun 2022			test
F20A/0668	A proposed development comprising the taking of a relevant action only within	Dublin Airport, Co. Dublin	21 Sep 2021	08 Aug 2022		See plc
F23A/0023	Amend the North Parallel Runway (North Runway) permitted under 40C Reg Ref	North Runway, Dublin Airport, Co. Dublin	19 Jul 2019	09 Aug 2019	18 Mar 2020	DPA
F18A/0190	The provision of an ancillary vehicle parking facility to provide access for 200	Thurstonstown, Fingal, Co. Dublin	16 Apr 2018	08 Jan 2018	16 Jul 2018	Dea
F04A/1755-01	To construct on airport lands a runway, 3285m in length and 75m in width. The	Dublin Airport, Co. Dublin	11 Jan 2017	03 May 2017		Dublin Airport Authority Reg Head Office
F04A/1755	To construct on airport lands a runway, 3115m in length and 75m in width. The	Dublin Airport, Co. Dublin	09 Mar 2006	12 Apr 2006		Dublin Airport Authority Reg Head Office

We see 5 additional planning applications in relation to the original – ref: F04A/1755

What does the most recent one mean – with no documentation?

Prework/001	This is a test application	This is a test application	01 Jun 2022	test
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MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

Previewflow1 ???

We were informed ANCA agreed to F20A/0668 in the form of the NAO , coming into affect , on 16th June 2022 so was this the permission granted for removing the night time restrictions imposed by ABP in August 2007

This was a test???

Extracts from Chief Executives Report. On grant of planning permission F20A/0668 - 8th August 2022

In Section 3.3.1 of the submitted EIAR current night movements are stated as being 113 in summer 2019 during the 23.00-07.00 period. It is stated that *"Short haul scheduled services make up the bulk of these night flights, with departures between 06.00-07.00 and arrivals after 23.00. There are 17 long haul night arrivals in the early morning. The night cargo operations are primarily flights by the package integrators, DHL, FedEx, TNT and UPS operating to their main sortation hubs. These operations are very time critical to connect at these hubs and to achieve an overnight package delivery service."*

It is considered that the application relates to proposed amendments to operating restrictions in respect to a permission granted for development at the airport and the provisions under Section 34C are applicable.

Rationale for the proposed relevant

Chapter 3 of the EIAR sets out the need for the project as follows:

"The result of the permitted/constrained scenario coming into effect when North Runway becomes operational in 2022, is a loss of air traffic movements and associated loss of 1.1m passengers per year (-3.5%) and a cumulative loss over the 4-year period 2022-2025 of 4.3m passengers. The net effect of the proposed Relevant Action would be to facilitate an increase in the number of flights permitted to take off from, or land at, Dublin Airport at night, which would enable the lost 1.1 million passengers to be regained annually in the post-COVID-19 recovery period."

Chapters 2 and 3 sets out the description of, and need for the project. In this chapter, and elsewhere, the EIAR states that the Relevant Action is required to offset the effect of Covid-19 restrictions. For example:

'The net effect of the proposed Relevant Action would be to facilitate an increase in the number of flights permitted to take off from, or land at, Dublin Airport at night, which would enable the lost 1.1million passengers to be regained annually in the post-COVID-19 recovery period.'
(Section 2.1.1, page 2-3 of EIAR)

Despite continuous requests in writing to DAA by Email, prior to the opening of Runway 10L-28R on 24th August last , DAA have failed to answer us to date, whether Condition 5 is being complied to or not. We simply requested a yes or no.

We see from the above extract from the CE report on F20A/0668 :

113 ATMs in summer 2019 from 2300 to 0700 hours

17 Long Haul Flight (Category of Noisier Aircraft)

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

Night Cargo Operations primarily flights by DHL, Fedex TNT UPS operating to the main sortation hubs. Operations are very time critical to connect at these hubs to achieve the overnight package delivery service.

So this tells us in 2019 – there was 113 ATMs between the hours of 11pm and 07.00 am inclusive of the most important hours 11pm – 12 midnight as 2 hours before 12 is considered worth 4 hours in sleep and rest terms. **At 6am - 7am , this is also a very critical time to finish off a good restful nights sleep to function well in daily living and maintain consistent health and well being**

We see the landscape change at the end of runway 10R-28L with warehousing and logistics for the Cargo companies, which is an indicator that the number of freight carriers is set to rise to an unknown entity.

So, the question in conjunction with our attached emails to DAA, IAA , Dept of Transport, ANCA, Minister For Housing, Commission for Aviation Regulation, Fingal County Council is :

What is the number of ATMS (Air Transport movements) currently being operated on runway 10R-28L

If this condition is being complied with, then there would be a reduction of the 113 ATMS that had slots already , prior to 24th August last, when North runway came into operation.

We have failed to receive a direct yes or no on this issue, with the following being used

Following a defined process of engagement with a range of parties (NOT US) the Commission for Aviation Regulation, as the Competent authority for slot allocation, issued its declaration for summer 22 and winter 22 and the application of a limit on capacity at Dublin Airport for summer and winter 2022 was not deemed necessary.

So the DAA , the applicant responsible for the compliance of Condition 5 (65 ATMs total amount - from 11pm – 7 am) have simply ignored and dismissed the conditions of ABP.

We see from the extract following :

- 1.3 This Decision is in line with our Draft Decision. In arriving at our Decision, we have examined and relied on a large body of evidence. We commissioned fast time simulation modelling of the airfield to assess a range of scenarios relating to potential increases in the runway limits. This work was carried out by Egis. The assessment of these scenarios takes the form of a comparison of a range of airfield metrics. The results from this assessment were shared with the Coordination Committee, and the final report is published alongside this document.
- 1.4 We currently make no changes to the R60 runway parameters in the night hours, meaning that no more night flights (between 2200z and 0600z) would be possible on the pre-existing Southern Runway than was possible before the Northern Runway was complete. We also assume that the North Runway is itself unavailable during this period, and the single runway capacity is available only. These issues and our overview of potential Operating Restrictions to take account of is in Section 3.
- 1.5 We have considered other evidence with which we have been presented, or which we sought. This evidence includes modelling work conducted by Dublin Airport, and its consultants.
- 1.6 Our Decision follows the advice received from the Coordination Committee, when voting

¹ See Aviation Regulation Act, 2001 and the Slot Allocation Regulations – Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports as amended by Regulation (EC) No 793/2004.

² As per the worldwide slot calendar: <https://www.iata.org/contentassets/4edc2aafcc14e55919e468054d714fe/calendar-coordination-activities.pdf>

³ See also the Worldwide Airport Slot Guidelines - <https://www.iata.org/en/policy/slots/slot-guidelines>

Taken from the Commission of Aviation Declaration

Decision on Summer 2023 Coordination Parameters at Dublin Airport

rights are assigned in line with the Coordination Committee constitution. The Coordination Committee comprises Dublin Airport, the Air Navigation Service Provider (the IAA), and is open to all airlines operating at Dublin Airport.

- 1.7 We received 12 responses to our Draft Decision, from Aer Lingus, DHL, Dublin Airport, FEDEX, FTAI, Liam O' Gradaigh, Michael O' Rourke, Dr. Niamh Maher, Pearse Sutton, Ryanair, Stephen Smyth, and UPS. These responses are published alongside this document and were considered in reaching this decision.

The Coordination Committee comprises DAA and the IAA as members of CAR . ANCA is funded by DAA . As a result

DAA have control and monopolise their position as the controller of all these bodies to achieve their objectives . The various bodies are used as a camouflage to justify the blatant breach of planning conditions to disregard those communities directly impacted.

The Airlines are part of the CAR . So the interpretation of the complex issues was simply fast forwarded to the next stage of the process, the allocation and maintenance of slots, flightpaths, while totally dismissing the responsibility for complying with An Bord Pleanala and Fingal County Council, (the Enforcement Body overseeing compliance)

So Condition 5 has been dismissed in the planning permission with transfer to all the other bodies, including the airlines, for the purpose of breaching the night time restrictions.

This information on the slots unchanged and increasing with additional increased air traffic , is a direct breach by DAA , a prominent member of CAR as the was a matter for DAA only, as DAA accepted the conditions as imposed by ABP. We as those directly impacted also had to accept the conditions.

We note DAA did attempt to overturn Condition 3(d) and Condition 5 by way of an SID application which was rejected.

We also had concerns on the wording of Condition 7 Condition 8 and Condition 9 in relation to the lack of clarity in the wording of the conditions, leading to interpretation to suit DAA and The planning Authority. ABP did not permit us to meet or discuss the wording, thus leaving the ambiguous wording to the total benefit of DAA and the Local Authority.

DAA use their artistic skills to draw circles called contours and move them around to suit their needs.

A circle is easy to scrawl.
 Or is it? I'm not sure at all.
 I cannot decide:
 Does it have just one side,
 or tons that are crazily small?



DAA collaborated with FCC to formulate the NAP with FCC for 2019 to 2023 (overlapping with the opening of Runway 10L-28R)

Use the setting up of ANCA to supply the information to set up the NAO, so that this excludes those relevant conditions, presenting Noise Quota Counts as the way forward to reduce aircraft noise and include their submission as a valid process *to dismiss and abdicate their responsibility of compliance.*

So what we are seeing now, is organised confusion and abdication of responsibility at any cost, to breach Condition 5 and justify changing condition 3(d) as permitted by FCC, the Planning Authority.

There is a direct conflict of interest between all these bodies, all now used as one big body to take the focus away from the legal planning conditions from ABP, in August 2007.

This hides the naked truth – Condition 5 and Condition 3(D) are being dismissed.

In February 2019, at the turning of the sod, to pave the way for construction of the runway North, Dalton Philips (CEO of DAA at that time) stated the following:

Whether it is one household or 200 households under the flightpath, I am really sorry for them, I really am, but that is a matter for them.

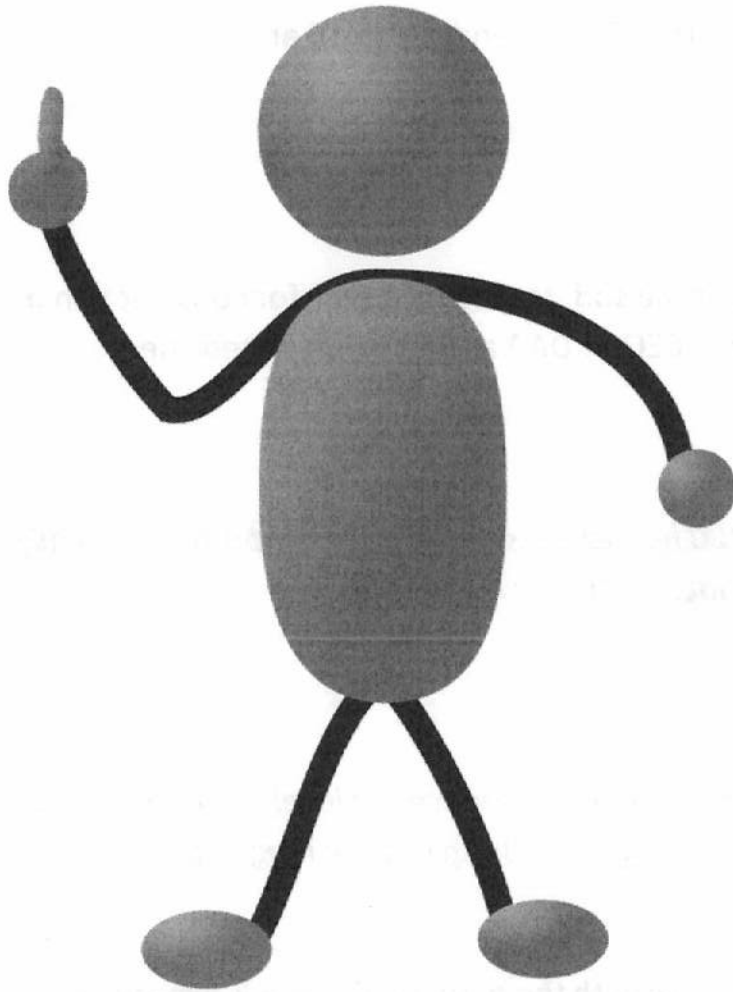
So more air traffic at Dublin airport is going to reduce the level of aircraft noise and fumes and harmful emissions - Right - Bring out the magician -



This does not compare with the actual noise levels experienced by those adversely affected, disowned and amputated in the process.

All the other bodies, IAA, ANCA and CAR are taking the queue from DAA as instructed to dismiss the compliance and health issues of Condition 3(d) and Condition 5 as if they did not exist, to justify their decision .

BUT THEY DO EXIST AND ARE A CRITICAL PART OF THE PLANNING PERMISSION



This is DAA - the BODY and HEAD – responsible to Fingal County Council and An Bord Pleanala All the other various aviation Bodies, are part of a process , directed by DAA solely.

At the Oral hearing in 2006, DAA and Fingal County Council were the participants with the communities and individuals appealing the decision to construct a new runway at Dublin Airport. The Commission for Aviation Regulation , the Airlines and the IAA and ANCA were not present and were not part of the appeal process. This is solely a matter for DAA .

Whether it is one household or 200 households under the flightpath, I am really sorry for them, I really am, but that is a matter for them.

THIS IS NOT A MATTER FOR US AS DAA MUST COMPLY WITH THE CONDITIONS IN TOTAL as the Conditions are in place as stated in the reason for imposing and enshrining within the planning permission PL06F.217429

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

The consequences of the operation and process to operate the runway must include the communities and those in the flightpaths and in the Longitudinal corridor and between the runways .

DAA have breached their planning conditions on three occasions with F04A/1775 and also in the Construction of T2.

During the construction of T2 , DAA applied to have a compound opened next to the ALSAA complex. This was to be returned to green space on completion of T2. This compound is still there. Due to the time limit , no enforcement can now be applied and the breach is permitted.

We see the perception , using ANCA, CAR and IAA that the relevant conditions, on night time restrictions now dismissed, as OK.

IT is not OK and totally unacceptable.

Currently the North Runway is used from 9am to 1300 daily. No flights have taken off from 28R and only 10L is being used – why - is this to protect a more dense population until this appeal is heard and decided upon.

The people of St Margarets, Dunbro, Millhead, and the wider area as far as Ashbourne and into Co Meath , over Garristown are now disturbed by Aircraft noise and emissions. The flightpaths are totally changed and disregard those in the western end, subjecting homes to aircraft nuisance and aviation emissions in the immediate atmosphere of the surrounds of the runways.

Since the new runway opened, one of the residents on Kilreesk Lane, has reported a change in the behaviour of his laying hens, with a sharp reduction in the supply of free range eggs.

Our dogs remain indoors now and don't like being outside, with the aircraft overhead. I am awake very early in the morning with flights taking off, so we do not get a night sleep, feeling refreshed and ready to start a new day.

Dublin Airport Coordination Parameters – Summer 2023 Season

The Commission for Aviation Regulation has declared the following limits for the IATA Summer 2023 scheduling season at Dublin Airport.

Runway Scheduling Parameters:

Runway Hourly Limits			
Time UTC	Arrivals Limit	Departures Limit	Total Limit
0000	23	25	32
0100	23	25	32
0200	23	25	32
0300	23	25	32
0400	23	25	32
0500	23	36	40
0600	20	<u>37</u>	<u>46</u>
0700	25	25	41
0800	25	25	45
0900	25	24	<u>48</u>
1000	27	27	<u>48</u>
1100	<u>29</u>	28	<u>51</u>
1200	<u>24</u>	27	<u>49</u>
1300	27	<u>26</u>	<u>50</u>
1400	23	27	<u>47</u>
1500	26	25	47
1600	<u>27</u>	29	<u>52</u>
1700	23	27	<u>47</u>
1800	23	26	<u>43</u>
1900	23	22	39
2000	25	22	38
2100	30	25	<u>42</u>
2200	28	25	32
2300	23	25	32
Totals	<u>591</u>	<u>633</u>	<u>997</u>

Maximum number of movements per 10 minute period	
Maximum Total	13
Maximum Arrivals	6
Maximum Departures	7

Slot Allocation declared for summer 2023

The Planning condition no 5 is clearly being breached and non-compliance agreed by airlines, IAA and CAR and the authority with full responsibility DAA. – the applicant

This is the same scenario for Winter 2022 - so DAA have willingly and purposely disregarded this condition, in relation to their compliance responsibilities.

Issues with slots and flight paths are a matter for the CAR and IAA - DAA are responsible for the compliance with 65 movements from 11pm to 7am 365 days a year.

Between 12 midnight – 7am – 246 ATMs are permitted and from 11pm to 12midnight 32 are permitted by CAR - total 298 ATM. There was no consultation on the impacts and consequences with those communities, disregarded in this declaration.

We declare that this is a breach of compliance on behalf of the applicant DAA and ANCA have disregarded the "imbalance" caused by creating a health hazard for those in the vicinity of the flight paths – which have totally changed from the original grant of planning permission, on commencement of operation, 24th August 2022.

The limits declared by the Commission of Aviation in their document will far exceed the increased Noise Quota counts awarded by ANCA for payment of services satisfactorily rendered. (by DAA)

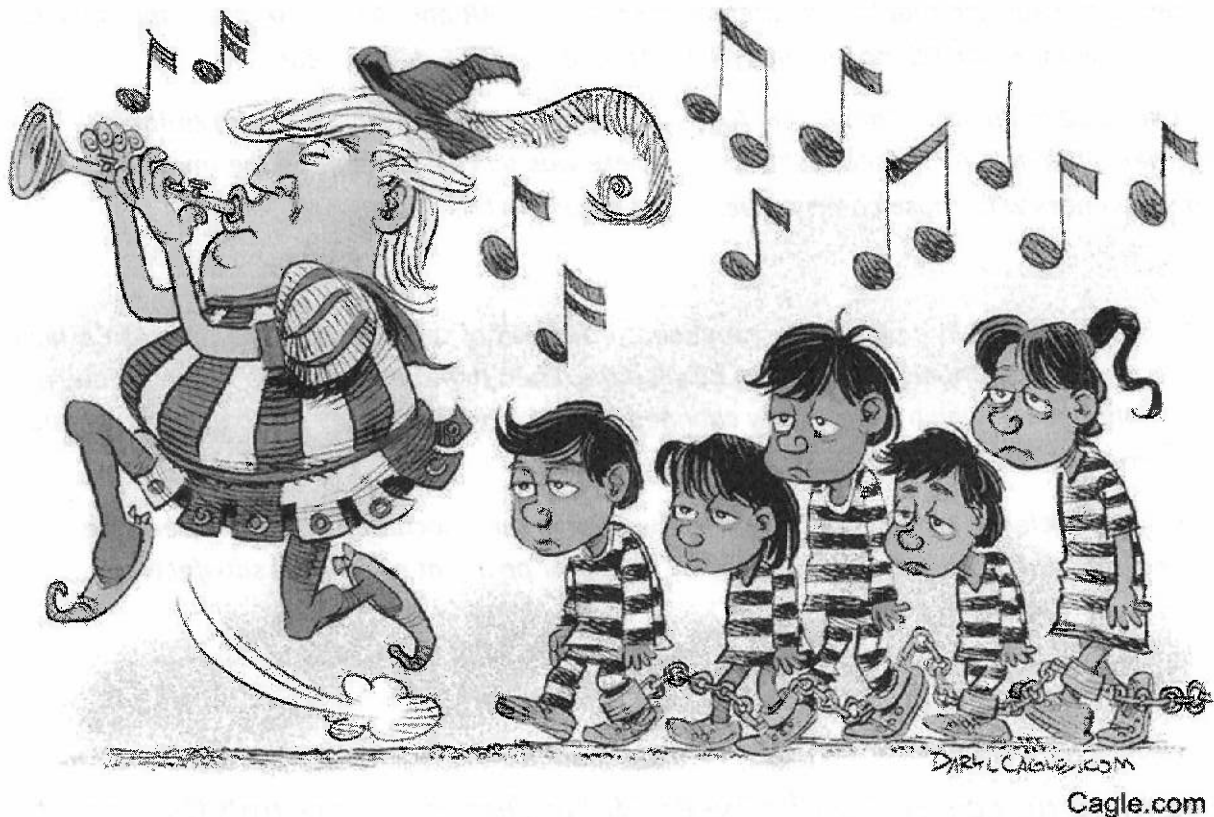
We have no correlation between Noise Quota Counts and the use of slots. There is no clear comparison fact sheet to review. Just like the Circles called contours drawn from information from the INL System - no direct connection to the decibel level to the human ear and human mental and physical health. Our view is that this is deliberate, to disregard the naked truth of the Decibel levels experienced by the human ear and impact on mental health.

This runway must be closed and a new AA and EIA is completed

In the words of Michelle Molloy from DAA :

"The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that

time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.



So the DAA play the tune and all the bodies , FCC , IAA, CAR, ATC , Dept of Transport, Dept of Health, Dept of Housing and any other body that may support the bugle call .

There is deliberate disconnect and abdication of responsibility by the applicant DAA as the issue of flight paths was not dealt with ,or the slot allocation , prior to the opening and operation of North Runway. A new population of people are now affected by aircraft noise , not in the so called noise contours.

DAA claim entitlement to operate runway 10R-28L in breach of the planning permission PL06F.217429.

The Environmental Health Officer notes that the NAP 2019-2023 did not include the WHO guidance "Environmental Noise Guidelines for the European Region" as it was not published at the time of writing. The guidelines summarise the research into the impact on health of environmental noise. The critical health outcomes investigated were: Cardiovascular disease, Effects on sleep, Annoyance, Cognitive Impairment, Hearing Impairment and tinnitus.

The WHO Environmental Noise Guidelines for the European Region state that "for night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below 40 dBLnight, as night time aircraft noise above this level is associated with adverse effects on sleep".

WHO guidance which states that "for average noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft below 45 dBLden, as aircraft noise above this level is associated with adverse health effects."

Identification of the Noise Problem was received by the Planning Authority on the 10th February 2021 advising that ANCA will now proceed to apply the Balanced Approach of the International Civil Aviation Organisation in accordance with the provision of the Aircraft Noise Regulation (EU 598/2014), the Act of 2019 and Section 34C of the Act of 2000. As part of this process, ANCA as required under Section 9(2) of the Aircraft Noise Regulation Act 2019, shall ensure that the Noise Abatement Objective is, as appropriate, defined, restated or amended taking into account as appropriate, Article 8 of, Annex V to, the Environmental Noise Directive.

As set out in Section 9.0 the Planning Authority shall neither decide to refuse the relevant application nor grant the relevant application subject to or without conditions until it receives a notice under subsection 34C (5) or 34C (15) (a) (ii) from the competent authority (i.e. ANCA).

Note : The Environmental Health Officer notes that the NAP 2019-2023 did not include the WHO guidance " Environmental Noise Guidelines for the European Region" as it was not published at time of writing.

THIS DEMONSTRATES WE NOW HAVE AN INVALID NAP (DUE FOR RENEWAL 2023) AND COUPLED WITH AN NAO ISSUED BY ANCA – AND WE DON'T KNOW WHAT CRITERIA DUBLIN AIRPORT IS FOLLOWING.

IS THE NAO CURRENTLY IN PLACE AND OPERATED IN WITHING THE PARAMITORS OF ANCA?

IS THE QUOTAT SYSTEM BEING USED NOW AS THIS IS PART OF THE NAO?

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
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AFTER EVERY THREE MONTHS , DAA ARE OBLIGED TO SUBMIT A REPORT ON QUOTA COUNTS TO ANCA FOR REPORTING BACK TO THE COMMUNITIES TO ENSURE COMPLIANCE

BUT WHAT IS COMPLIANCE – WHAT WAY IS DUBLIN AIRPORT OPERATING CURRENTLY - WE DON'T KNOW – IAA WON'T ANSWER OUR QUESTIONS, WE CAN'T GET AN ANSWER FROM ANCA

SO IT IS NOW UP TO THIS APPEAL PROCESS TO INVESTIGATE AND STOP THIS DISREGARD OF THE PLANNING CONDITIONS PER PL06f. 217429. We as a community and individuals sandwiched in between runways and flightpaths are considered collateral damage by DAA and other bodies.

This critical information was not given the due diligence , given the issue of human health and the consequences of disregarding same.

The DAA have the mindset, once operational , the issue is now one to be passed on and shared with all other bodies, ANCA, CAR, FCC, ATC, IAA, EPA, Dept of Enterprise, etc which is not the case and has never been. If we look at the Planning application for F04A/1755 and the decision by ABP in August 2007. **It is very clear the full responsibility was placed on DAA and Fingal County Council as custodians of the citizens of Fingal in all the conditions.** The NAP was set up prior to the new runway, and therefore the realtime aircraft noise today and going forward, is null and void . Therefore the Runway should be closed until a full EIS and detailed independent analysis and report is commissioned , to include the communities and individuals affected.

The reason given in respect to condition 3 was to ensure the operation of the runways were in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of amenities of the surrounding area. Condition no. 5 was attached 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.

The submission received by An Taisce outlines that: *"The intended effect of conditions 3(d) and 5 was to limit the frequency of night flights arriving and departing the airport during the night, to ensure that the communities close to the Airport would not suffer unduly from noise disturbance at night. In particular, the conditions provided for 8 hours of relative calm – between 11pm and 7am, no flights would be permitted to arrive or depart via the new North Runway, and a total of 65 aircraft movements would be permitted across the Airport as a whole in that timeframe. These conditions were accepted by the DAA, and first phase construction of the new runway commenced in December 2016 on the basis of application of those conditions".* A number of other submissions raise concerns that the relevant action seeks to modify conditions of a grant of permission.

Supplementary provisions relating to operating restriction included in planning permission provided under amending section 34C of the Planning and Development Act (as amended) facilitates the person in whose favour a relevant permission operates to make an application for a relevant action.

Supplementary provisions relating to operating restriction included in planning permission provided under amending section 34C of the Planning and Development Act (as Amended) FACILITATES THE PERSON in whose FAVOUR a Relevant Permission operates to make an application for a RA.

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
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DAA > FCC

- IAA – ATC – CAR – Dept of Transport – Airlines - Freight companies – anyone else to cling to .

So this amendment has been made in favour of DAA, who now use the IAA, The CAR , ATC to fob off the breaching of these conditions totally disregarding the St Margarets Community and those in the Longitudinal Flight path corridor

This is like watching , STARTREK with all the cling on -s

TOTALLY DISREGARDED following 23 years of committed time and input with the FDPs and Planning application for Runway North, cost incurred to attend oral hearing in 2006 and challenge breach of planning conditions and extension of time in the high court.

It is very clear what that applicant views those in the vicinity of the flight paths as

“Insignificant” in terms of their health and well being, for 23 years, now and to be removed from any future collaboration or meaning consultation, in the interest of profiteering and overriding authority.

As Individual European States are permitted to set up their own NAO under their elected ANCA to provide a balanced approach on Aircraft noise.

It asks a very significant and critical question of the interpretation of “ Balanced Approach and what is their interpretation to best suit

For ANCA and DAA – it means excluding human life , ignoring and limiting the costs in their false procedures, real time data, and cost limitation to enhance profits and power .

The approach taken

Just do it and deal with the consequences afterwards – is both unacceptably immoral and unethical in the democratic island of Ireland . In every other sector, we see human health to the fore, and this was demonstrated in the Covid Pandemic, where the country was closed to same ALL lives. - Airport communities matter.

I ask the question , what is different about the lives and health of those directly affected and disregarded in this case.

Dear CAR, I wish to respond to the daft S23 declaration of coordination parameters. This relates to the relevant action surrounding conditions 3(d) and 5 of the planning permission for the north runway. The change of these conditions are under appeal and therefore the proposed operations of the night time flights should remain as under the original planning from 2007. Also the intention was for the restrictions to be present for the whole year and not just the 92 day summer period. Regards, Dr Niamh Maher

The above was submitted to the CAR on the 2022 allocation – so the overlap from summer to winter has been used to fudge the requirement of 65 ATMS as the limit per night – all year round.

This runway must be closed and a new AA and EIA is completed

In the words of Michelle Molloy from DAA :

“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.

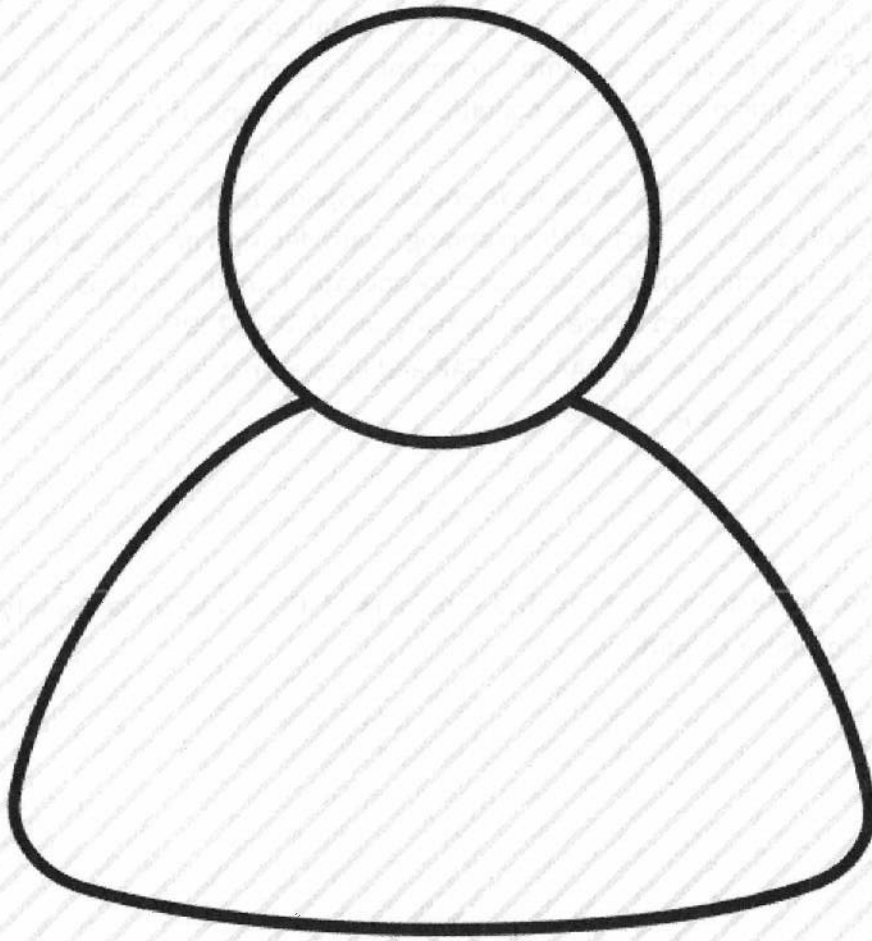
There is deliberate disconnect and abdication of responsibility by the applicant DAA as the issue of flight paths was not dealt with, or the slot allocation, prior to the opening and operation of North Runway. A new population of people are now affected by aircraft noise, not in the so called noise contours.

DAA claim entitlement to operate runway 10R-28L in breach of the planning permission PL06F.217429.

- DAA were fully aware of the changes that have occurred over a decade ago on application to extend the time period from 10 to 15 years to construct the runway.
- In 2016 DAA applied to extend the period of construction from 10 years to 15 years, in full knowledge of this. NO AA or EIA was deemed necessary despite the changes that have occurred in the increase of air traffic and passenger footfall.

- This led to a legal case for a Judicial Review in the Commercial Court in 2017 alongside a breach in condition 5(h). The applicant, DAA, failed to provide a Waste Management Plan to FCC prior to commencement of construction and preparation of the runway site thus breaching the conditions. This was one of the pre-commencement conditions.
- The decision on the flightpaths to coincide and correspond to the runway path, was treated as a totally separate part of the planning, with decision on 7B and totally annexed from the planning permission - runway operation and flightpaths are all the one as included and reviewed at the Oral hearing with ABP in 2006.
- The slot allocation is an issue for DAA and CAR and European airport and airlines and is not part of this planning permission.

So the responsibility totally rests on the head and shoulders of DAA and Fingal County Council – the enforcer of these conditions.



THIS ADMISSION BY DAA IN A REPOSE EMAIL DATED 19TH SEPTEMBER 2022 CLEARLY STATES THAT THE OPERATION AND FLIGHTPATHS AND THE DETREMENTAL IMPACTS ON RESIDENTS IN THE FLIGHTPATH MUST BE EXAMINATED WITH A FULL AA and EIA to address the health and well being of those directly affected.

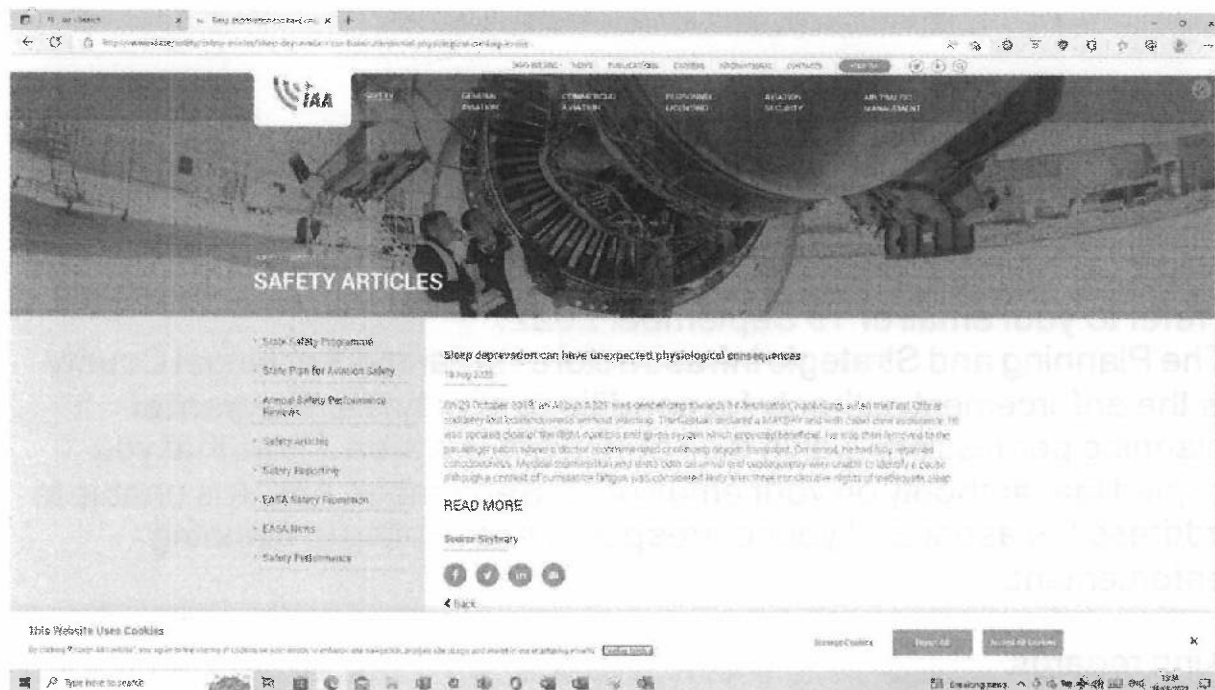
“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.

This demonstrates the Grounds for a new Appropriate Assessment and Environmental Impact Assessment

We ask that An Bord Pleanála consider the correspondence in conjunction with the wording of the permission issued in 2007 as explicit and breaching the mental and physical health of those in the flightpaths. Condition 7, 8 and 9 are also out of date, with the current operations as stated by DAA.

The conditions 7, 8 and 9 put in place for the operation of the runway per the planning permission are now being used with no change, to include 24 use of the runways

THIS IS NOT THE OBJECTIVE AND MEANING OF THE CONDITIONS IN AUGUST 2007.



Sleep deprivation can have unexpected physiological consequences

18 Aug 2022

On 29 October 2019, an Airbus A321 was descending towards its destination, Kachisung, when the First Officer suddenly lost consciousness without warning. The Captain declared a MAYDAY and with cabin crew assistance, he was secured clear of the flight controls and given oxygen which appeared beneficial. He was then removed to the passenger cabin where a doctor recommended continuing oxygen treatment. On arrival, he had fully regained consciousness. Medical examination and tests both on arrival and subsequently were unable to identify a cause although a context of cumulative fatigue was considered likely after three consecutive nights of inadequate sleep.

[READ MORE](#)

The above from a Safety Article from the IAA states the cause of a co-pilot taking ill and unable to function humanly possible with lack of sleep for 3 nights.

This safety report must be viewed in terms of night time restrictions, given the IAA control the flightpaths in the interest of air safety , once a runway becomes operational.

Condition 7. 8 and are now defunct as they are not fit for purpose and leaves those in the Longitudinal zone, totally compromised as DAA have failed to plan ahead, now ripping apart the community of St Margarets , the heart and soul of our community. Those impacted are left with a legacy of uncertainty, health deterioration, mental and physical and social impacts that will destroy, rip apart, and trample on those trapped .

This does not appear to have been considered in the NAO and the RD issued by ANCA

See the following email response received from ANCA. Sept 22nd

Our ref. 2022\69

Dear Sheelagh

I refer to your email of 19 September 2022.

The Planning and Strategic Infrastructure Department of Fingal County is the enforcement authority for conditions attached to the grant of planning permissions within their administrative area. I note that you copied that authority on your email of 19 September. ANCA is unable to address the aspects of your correspondence relating to planning enforcement.

Kind regards

Siobhan Hogan
Senior Staff Officer
Aircraft Noise Competent Authority

Dear Sheelagh

Thank you for your email of 15th August.

Figure 3.1 of the regulatory decision, as now incorporated into the decision of the planning authority on application F20A/0668, is the overall eligibility map for the insulation scheme associated with the regulatory decision. There are detailed maps at the link [Regulatory Decision.pdf \(fingal.ie\)](#) (from pages 23 to 45) that show eligibility down to individual property level. If this does not work for you, please let me know if you would like any particular page to be printed out and I can post it to you (or leave it at the public counter for collection as you suggested).

The mechanism for counting and collating aircraft movements is a matter for daa as airport authority and I do not have any information on how this will be undertaken. The reporting of aircraft activity will be in formats as required by various legislative requirements relating to the work of several regulators (CAR, IAA, ANCA, planning authority etc.). For example, the recent regulatory decision by ANCA provides for the reporting of a wide range of statistics relating to aircraft activity at Dublin Airport.

The NAO has been in effect since 20th June 2022. The NAO prescribes outcomes to be delivered rather than methods of delivery and ANCA has a monitoring role in this regard. Again, the regulatory decision provides for the preparation and submission of data to inform this process.

We appreciate and value the constructive engagement that we have always had with your community group and are happy to meet again. If you would like to propose a couple of times during office hours that suits your group next week or the following (other than Mondays) I will book a meeting room here. Understandably, you are particularly focussed on the process relating to planning application F20A/0668 at present but we would also be happy to update you on other ANCA activities scheduled or underway when we meet.

Kind regards

Joe Mahon

Aircraft Noise Competent Authority

**Fingal County Council | County Hall | Swords | County Dublin,
K67 X8Y2**

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

An tÚdarás Inniúil um Thorann Aerárthaí

Cornhairle Contae Fhine Gall | Áras an Chontae | Sord | Contae
Átha Cliath, K67 X8Y2.

| www.fingal.ie/aircraftnoiseca

Email from ANCA on 16th August 2022.

We see from the content, the NAO prescribes outcomes to be delivered rather than methods of delivery and ANCA have a monitoring role in this regards. The RD provides for the preparation and submission of data to inform the process.

So ANCA have no criteria for the method of collating data, they just want to receive it to inform the process

The mechanism for counting and collating aircraft movements is a matter for daa as airport authority and I do not have any information on how this will be undertaken. The reporting of aircraft activity will be in formats as required by various legislative requirements relating to the work of several regulators (CAR, IAA, ANCA, planning authority etc.). For example, the recent regulatory decision by ANCA provides for the reporting of a wide range of statistics relating to aircraft activity at Dublin Airport.

ANCA do not know how the aircraft noise counts will be done, but it includes the work of several bodies CAR, IAA and ANCA and the planning authority themselves (both the same – FCC – funded by DAA)

So we see an application to replace the 65 movements with Aircraft Noise quota counts, with no particulars on how this will be presented, gathered or validated. But it will be conducted by DAA in conjunction with the CAR, (made up of DAA, Airlines, IAA) IAA - so there is no independent way of verifying exactly what it amounts too. All that we can ascertain is that

65 aircraft movements from 11pm – 0700 am - 8 hours

Will be bypassed and a new collaborated procedure, tailor made to fit in with ANCA s NAO and the next NAP , that can be used to make reports to the END.

MFGM – Additional information to our Appeal submission ref: ABP -314485-22

Letter and files received 19th September 2022

We , the directly impacted with consequences to health and well being in the vicinity of the runways., are totally excluded from this yet to be seen process and results.

This is not acceptable and no clear criteria in place and ANCA being the Aircraft Noise Competent Authority answering to European Noise Regulation – END . Each union state is responsible for compliance reporting as each airport is different. This permits Dublin Airport to fabricate a result that will be acceptable, but excluding those severely impacted . So is this a balanced approach.

Looking at the response from DAA in relation to the breach of Condition 5, it is very clear a new AA – Appropriate Assessment was required when the extension of time was applied for in late 2016/ 2017 .

“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.”

SO what is a “balanced approach “

I ask ABP - to clarify the BALANCED APPROACH - WHAT DOES IT MEAN ?

Reducing aircraft noise with increased ATMS - this is surely a total contradiction.

CONCLUSION and CLOSING STATEMENT

We were not aware the slot allocation was declared by CAR which clearly breaches the planning permission - Condition 5 – exceeding 64 ATMS .

We have been informed FCC have issued an enforcement notice to DAA in this regard

- But despite a request to FCC and DAA , we have not viewed the content or if DAA have responded at date of writing.

Perhaps there was no enforcement notice , over the breach of Condition 5, while this appeal is now ongoing.

The lack of clarity and a fair and proper procedure , is very evident, creating
MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

An UNBALANCED approach with total weight on the side of the applicant, totally disregarding the implications for health, mental well being a cause of anxiety, uncertainty, and future sleep deprivation on those in the flightpaths and in the surrounds of the runways.

We as stakeholders have been disregarded and considered insignificant as we are the "low and minority " affected so DAA can trample on our community, our homes , our health and our futures.

ANCA failed to see the significance of reviewing other conditions relating to the changing of these conditions , namely the Voluntary Home Buy Out and Voluntary Insulation . We were informed that DAA did not request this.

The naked truth is changing the conditions to include 24 hour usage at Dublin Airport, destroys our lives, night and day and the cumulative affect will have serious health consequences. The HSE have indicated this in their input to this application.

The IAA safety report on one of their co-pilots reported in August 2022 – their own report must send alarm bells, in the context of flight path residents will have no longer be afforded a nights sleep, if these conditions are removed. Therefore Condition 5 and Condition 3(d) per the planning ref: PL06F.217 429 must remain in place. (F04A/1755)

Attached

Emails received to support our additional information.

Submitted by

MFGM

Sheelagh Morris

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

Helena Merriman

Greg Farrell

Melissa Gannon

Date: 11th October 2022 - letter received with files – 19th September

Submission within 28 days of receipt of your letter and files.



Search

https://www.iaa.eu/safety/safety-articles/deep-deprivation-can-have-unexpected-physiological-consequences

Sleep deprivation can have unexpected physiological consequences

18 Aug 2022

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AVIATION SECURITY

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Sleep deprivation can have unexpected physiological consequences

18 Aug 2022

On 23 October 2019, an Airbus A321 was descending towards its destination, Nanchang, when the First Officer suddenly lost consciousness without warning. The Captain declared a MAYDAY and with cabin crew assistance, he was secured clear of the flight controls and given oxygen which appeared beneficial. He was then removed to the passenger cabin where a doctor recommended continuing oxygen treatment. On arrival, he had fully regained consciousness. Medical examination and tests both on arrival and subsequently were unable to identify a cause although a context of cumulative fatigue was considered likely after three consecutive nights of inadequate sleep.

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RE: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

Michelle Molloy <michelle.molloy@daa.ie>
To: Sheelagh Morris <sheelaghmorris@gmail.com>

Fri, Sep 30, 2022 at 10:26 AM

Good morning Sheelagh,

Thank you for your email of 29 September. Our position is as outlined in our previous correspondence, the most recent of which was 19 September.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>
Sent: Thursday 29 September 2022 09:24
To: Michelle Molloy <michelle.molloy@daa.ie>; Joe Mahon <joe.mahon@fingal.ie>; Matthew McAleese <Matthew.McAleese@fingal.ie>; Darragh OBrien <Darragh.O'Brien@oireachtas.ie>; info@aviationreg.ie; Aircraft Noise CA <AircraftNoiseCA@fingal.ie>; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; Dean Mulligan <Dean.Mulligan@clirs.fingal.ie>
Subject: Re: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Michelle

Thank you for your email of 19th September in reply to my email of the 16th Sept.

Again I cannot accept that reply based on the specific questions asked as follows:

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation

regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

for your recollection was 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.

When I asked this question previously, your response was as follows:

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Per the planning conditions - 65 movements is the maximum per night between 11pm to 7am.. The IAA have stated they must get authorisation from DAA to verify this information. I am still waiting a response and answer from DAA , and the IAA despite many calls

Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

Your Response

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

So again: are DAA complying with the 65 ATMs per the planning permission? - yes or no -

We would appreciate your response as the IAA were unable to answer, and stated that this had to be authorised by DAA first -

The CAR are responsible for the allocation of slots . The DAA and IAA are responsible for the operation and ATMS on all runways at Dublin Airport, not the CAR.

Kind regards

Sheelagh Morris

MFGM.

On Mon, Sep 19, 2022 at 4:06 PM Michelle Molloy <michelle.molloy@daa.ie> wrote:

Good afternoon Sheelagh,

Thank you for your email of 16 September.

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>

Sent: Friday 16 September 2022 09:27

To: Michelle Molloy <michelle.molloy@daa.ie>

Subject: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Michelle

I have been in contact with the IAA in relation to Condition 5 on the above, (65 movements from 11pm - 7am on runway 10R-28L) . The North runway opened on 24th August last and I am asking for a definitive answer from DAA that Condition 5 is being adhered to as per the wording and meaning

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.

When I asked this question previously, your response was as follows:

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Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

The answer is YES or NO.

A swift response is requested - a yes or No.

Regards
Sheelagh Morris
Helena Merriman
Greg Farrell

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022. **DISCLAIMER:** The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended Recipient(s). If you are not the intended recipient(s) of this email, you must not use, disclose, copy, distribute or retain this message, the attachment(s) or any part thereof. If you believe that you have received this email in error, please notify us immediately. Please also delete all copies of this email and any attachment(s) from your computer system. Unless expressly stated, this email is not intended to create any contractual relationship. If this email is not sent in the course of the senders employment or fulfilment of his/her duties to daa, daa accepts no liability whatsoever for the content of this message or any attachment(s). daa plc. Registered office: Dublin Airport, Co. Dublin. Registered Number: 9401 Ireland. **SÉANADH:** Tá an fhaisnéis sa ríomhphost seo agus i gceangaltáin ar bith faoi rún agus tá sé d'aird agus d'úsáid an Fhreagróra (na bhFreagróirí) dá bhfuil sé ceaptha amháin. Más rud é nach tusa an freagróir (na freagróirí) dá bhfuil an ríomhphost seo ceaptha, ní cheadaítear duit an teachtaireacht, an ceangaltá(i)n nó cuid ar bith dó a úsáid, a nochtadh, a chóipeáil, a scaipeadh nó a choinneáil. Má chreideann tú go bhfuair tú an ríomhphost seo trí earráid, bheimis buíoch dá gcuirfeá é sin in iúl dúinn láithreach. Scríos gach cóip den ríomhphost seo agus ceangaltá(i)n ar bith ó chóras do ríomhaire chomh maith le do thoil. Mura bhfuil sé luaite go sainráite, níl sé beartaithe leis an ríomhphost seo caidreamh conarthach ar bith a chruthú. Murar seoladh an ríomhphost seo i gcúrsaí thostalocht an tseoltóra nó i gcomhionadh a dhualgas/a dualgas ní ghlacfaidh daa dlíteanas ar bith as ábhar na teachtaireachta nó ceangaltá(i)n ar bith. daa cpl. Oifig Chláraithe: Aerfort Bhaile Átha Cliath, Co. Bhaile Átha Cliath. Uimhir Chláraithe: 9401 Éire.

Sneelagh Morris
Helena Merriman
Greg Farrell

Sheelagh Morris <sheelaghmorris@gmail.com>

Mon, Sep 19, 3:36 PM

To: <info@iaa.ie>, <enforcement@fingal.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>, Joe Mahon <Joe.Mahon@fingal.ie>, Darragh OBrien <Darragh.OBrien@ofreachtas.ie>, Dean Mulligan <Dean.Mulligan@cllr.fingal.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <minister.ryan@decc.gov.ie>
Cc: Michelle Molloy <michelle.molloy@daa.ie>, Greg Farrell <Greg@g2construction.ie>, Helena Merriman <hmerriman1948@gmail.com>

Good Afternoon

See email forwarded to DAA with request to confirm Condition 5 of the Planning PL06F.217429 has been complied with, since 24th August 2022 and will continue to be complied with. As the night time restrictions planning ref: 20A/0668 has now been appealed to ABP and awaiting review and decision and Oral Hearing, Can the IAA, or Fingal County Council, Enforcement section, ANCA, please check this condition is being complied with, as part of the grant of planning in 2007. (PL06F.217429)

We have received no direct response from DAA, despite two requests forwarded to them.

Response received from DAA.

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

The slots and other operational issues were not part of the planning permission and are an issue for DAA.

The Condition states.

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.**

The wording is not open to interpretation as it states very clearly - **to protect residential amenity** having regard to the information submitted, concerning future night time use of the existing parallel runway. The grant of permission was subject to Condition 3(d) and condition 5.

As Residents directly affected by 10L-28R we have recorded decibel levels up to 94dB at Millhead and Kilreesk Lane with aircraft on the new runway with its current use.

DAA did clarify condition 3(d) will be complied with, but not Condition 5.

Can you please follow up and investigate this matter as a priority. Once 10L-28R is operational, there should only be a max of 65 ATMs from 11pm - 7 am as per condition 5.

Following a call to the IAA, I was informed this information had to be authorised by DAA before sharing with us.

I look forward to hearing from you, one and all.

Kind regards

[Quoted text hidden]



Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

2 messages

Sheelagh Morris <sheelaghmorris@gmail.com>

Fri, Sep 16, 9:27 AM

To: Michelle Molloy <michelle.molloy@daa.ie>

Dear Michelle

I have been in contact with the IAA in relation to Condition 5 on the above, (65 movements from 11pm - 7am on runway 10R-28L) . The North runway opened on 24th August last and I am asking for a definitive answer from DAA that Condition 5 is being adhered to as per the wording and meaning

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When I asked this question previously, your response was as follows:

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Per the planning conditions - 65 movements is the maximum per night between 11pm to 7am.. The IAA have stated they must get authorisation from DAA to verify this information. I am still waiting a response and answer from DAA , and the IAA despite many calls

Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

The answer is YES or NO .

A swift response is requested - a yes or No.

Regards

11

Your complaint has been received (WebTrak)

<no.reply@envirosuite.com>
Reply-To: <no.reply@envirosuite.com>
To: <sheelaghmorris@gmail.com>

Tue, Sep 13, 11:20 AM

Thanks for registering your concern with Dublin Airport.

Your complaint details were submitted successfully.

Your complaint number is 41663.



Sheelagh Morris <sheelaghmorris@gmail.com>

North Runway take off s over Millhead this morning from 9am . 25th October 2022

Sheelagh Morris <sheelaghmorris@gmail.com>

Thu, Aug 25, 11:49 AM

To: Michelle Molloy <michelle.molloy@daa.ie>, Dalton Philips <dalton.t.philips@daa.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Michelle and Dalton

I do hope you enjoyed your champagne and celebrations yesterday as we experienced true devastation and abandonment following a meeting with ANCA on Tuesday 23rd August. The level is noise over my home is horrendous and unacceptable , and I find it very difficult to concentrate this morning. This is only take offs yet to experience the landing dbs

We note from our meeting with ANCA , that the noise Insulation Scheme and the VDPS was not considered in their decision for the RD. They stated that this was not within the scope and more significant , DAA did not request them to look at condition 7 and 9 which are part of this planning permission as condition 3 and 5 changes with vital components for night time restrictions removed. So Balanced approach has what meaning?

I would like to invite you to my home , to sit in the garden to enjoy the north runway and the noise it produces , when we have a full schedule of flights taking off . We can have a conversation , or try to.

Can you please supply the following to me :

The details of each flight from 9 am this morning up to 1300

In this detail

please specify the following ;

Aircraft type

The NQC (noise quota count) assigned to it.

The Carrier

The height of each aircraft over Millhead

The distance from start of take off for each aircraft

LTOW - Landing take off Weight.

Destinations.

ATC directions for flight path.

An aircraft has just taken off Dub - JFK - A330 -323 and the house has rattled with vibration. 11.37 am
I note the media and daa indicated this north runway is for the long haul flights so therefore the higher LTOW and bigger and noisier .

I phoned this morning and received a number for the complaints department - but I cant get through
Another has taken off and rattled the house again - Dub-JFK EI FNH Airbus A330 - 302 - 11.46 am

Can you forward your mobile number and Dalton Philips direct mobile number.

Sheelagh Morris

01 8144717

Perhaps you will call me with your mobile number or Dalton with his mobile number.

I do forward to your prompt response.

8 days to operation of runway north 10L-28R - Schedule details.

Sheelagh Morris <sheelaghmorris@gmail.com>

Tue, Aug 16, 10:15 AM

To: Michelle Molloy <michelle.molloy@daa.ie>

Good Morning Michelle

As there are 8 days to the commencement of operation of runway 10L-24R
can you advise the schedule for the north runway for 24th August next week.

Also if your are also going to comply with condition 5 - reducing the number of night flights to 65 from 11pm to 7am on
24th August next.

Kind regards

[Quoted text hidden]



Sheelagh Morris <sheelaghmorris@gmail.com>

Clear map to view figure 3.1 of regulatory decision

Sheelagh Morris <sheelaghmorris@gmail.com>

Mon, Aug 15, 9:46 PM

To: Joe Mahon <Joe.Mahon@fingal.ie>

Good night Joe

Hope you have enjoyed the weather we had

Can you forward a clear large map to view the installation - ref. Figure 3.1 we cannot make it out the area from Finglas decision

We can collect it

Also can you advise how the ATM - air traffic movements will be counted from 24th august

Next when north runway opens

Also will the MAO come into operation from 24th August when runway north commences

After reading and trying to understand the decision rationale we are requesting a meeting with ANCA to understand the contents at our mutual conveniences

Kind regards

[Quoted text hidden]



Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 9:16 AM

To: Planning Department <planning@fingal.ie>, <mathewmcaleese@fingal.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Ministers Office <minister@transport.gov.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <planningenforcement@fingal.ie>, Dean Mulligan <Dean.Mulligan@clrs.fingal.ie>, <duncansmithfingal@gmail.com>, <joe.obrien@oireachtas.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>

We received the above decision to grant removal of Condition 3(d) and Condition 5 on PL06F. 217429 /F04A1755 by the planning authority parallel to decision from ANCA to also remove the conditions, yesterday 9th August, with 14 days to the first operation of runway north.

As this impacts directly on our health, sleep security and well being, this is now under appeal with ABP - An Bord Pleanala. Therefore those conditions must be adhered to and complied with in full, until the conclusion of the appeal process as is the correct process.

Can you please confirm this will be the case, as runway north 10L-28R is due to open on 24th August 2022 - only 14 days away.

Conditions as follows:

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below

3. On completion of construction of the runway hereby permitted, the runways at the airport shall be operated in accordance with the mode of operation – Option 7b – as detailed in the Environmental Impact Statement Addendum, Section 16 as received by the planning authority on the 9th day of August, 2005 and shall provide that -

(a) the parallel runways (10R-28L and 10L-28R) shall be used in preference to the cross runway, 16-34,

(b) when winds are westerly, Runway 28L shall be preferred for arriving aircraft. Either Runway 28L or 28R shall be used for departing aircraft as determined by air traffic control,

(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft, and

(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.

Reason: In the interest of clarity and to ensure the operation of the runways in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of the amenities of the surrounding area.

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.

These conditions were installed in the planning permission in 2007 to protect our health and well being. This matter must be dealt with, in this instance, in a timely and appropriate manner and process, with renewed dialog and meaningful discussion and agreement and health assessment. The removal of these conditions, as written in PL06F.217429/F04A1755 is not acceptable to us and undermines all the conditions and changes the decision made in 2007.

The conditions must be complied with until then. (Timeline November and there after, depending on the process)

Please respond promptly to us, to ensure that these conditions will be complied with, on 24th August, until the end of the appeal process with ABP is fully concluded with.

Yours sincerely
[Quoted text hidden]



Automatic reply: Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Planning Enforcement <Planning.Enforcement@fingal.ie>
To: Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 2022 at 9:16 AM

"The Planning & Strategic Infrastructure Department acknowledges receipt of your email. It will be sent to the relevant Planning Enforcement Section for their attention. If your message is not Planning & Strategic Infrastructure Department related, you are advised that it will be referred to the relevant Fingal County Council Department for their attention. This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or itservicedesk@fingal.ie. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software. Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthiúil. Is ar an seolai amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dlaca leis an ríomhphost agus d'fhéadfadh sin a bheith midhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó itservicedesk@fingal.ie ar an eolas. Ní féidir cumarsáid idirín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, cailte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvireas.



Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 9:16 AM

To: Planning Department <planning@fingal.ie>, <mathewmcaleese@fingal.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Ministers Office <minister@transport.gov.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <planningenforcement@fingal.ie>, Dean Mulligan <Dean.Mulligan@clirs.fingal.ie>, <duncansmithfingal@gmail.com>, <joe.obrien@oireachtas.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>

We received the above decision to grant removal of Condition 3(d) and Condition 5 on PL06F, 217429 /F04A1755 by the planning authority parallel to decision from ANCA to also remove the conditions, yesterday 9th August, with 14 days to the first operation of runway north.

As this impacts directly on our health, sleep security and well being, this is now under appeal with ABP - An Bord Pleanála. Therefore those conditions must be adhered to and complied with in full, until the conclusion of the appeal process as is the correct process.

Can you please confirm this will be the case, as runway north 10L-28R is due to open on 24th August 2022 - only 14 days away.

Conditions as follows:

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below

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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.

Reason: In the interest of clarity and to ensure the operation of the runways in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of the amenities of the surrounding area.

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.

These conditions were installed in the planning permission in 2007 to protect our health and well being. This matter must be dealt with , in this instance , in a timely and appropriate manner and process, with renewed dialog and meaningful discussion and agreement and health assessment . The removal is these conditions , as written in PL06F.217429/F04A1755 is not acceptable to us and undermines all the conditions and changes the decision made in 2007.

The conditions must be complied with until then. (Timeline November and there after , depending on the process)

Please respond promptly to us, to ensure that these conditions will be complied with, on 24th August , until the end of the appeal process with ABP is fully concluded with.

Yours sincerely
[Quoted text hidden]

19 () to operation of runway North and no information to those most adversely affected.

Sheelagh Morris <sheelaghmorris@gmail.com>

to: Michelle Molloy <michelle.molloy@dcaa.ie>, Dalton Philips <dalton.L.philips@dcaa.ie>, Planning Department <planning@fingal.ie>, Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>, AnnMarie Farrelly <minister@naughton@transport.gov.ie>, Ministers Office <minister@transport.gov.ie>, <dallas@gov.ie>, Greg Farrell <greg.g2construction@gmail.com>, Helena Merriman <hmerriman19@yahoo.com>, Joe Mahon <joe.mahon@fingal.ie>

to me

Good morning Sheelagh,

Thank you for your email of 3 August. I will respond to you as soon as possible.

Kind regards,

Michelle Molloy.

Michelle

With respect to paraphrase your "push Off" response the meaning of "as soon as possible" which we have been told for the last few months is not acceptable in truth, you as representative of DAA, are refusing to answer our questions and consider us insignificant.

The meaning of as soon as possible in an email is as follows:

ASAP using ASAP in an email puts pressure on the recipient to get things done "yesterday" psychologist Carol Lieberman says "It implies that you are giving people an actual deadline rather than just writing "ASAP"

So 19 days to go now, and ASAP is not acceptable, disrespectful and downright discrimination to those trapped in the flightpath.

In the true meaning of ASAP please give us a date, deadline, as you when you will answer our question on Condition 5 - are you going to comply with 65 moving morning on runway 10R-28L.

We would appreciate your answer **ASAP meaning "Yesterday"** as a mark of respect for us residents living in the flightpaths.

Kind Regards

Sheelagh Morris

Helena Merriman

Greg Farrell

Melissa Gannon

MFGM

Compliance of Condition 5 on planning permission PL06F. 217429 by ABP August 2007

2 messages

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 3, 10:29 AM

To: Michelle Molloy <michelle.molloy@daa.ie>, Dalton Philips <dalton.t.philips@daa.ie>, Planning Department <planning@fingal.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, <dtas@gov.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Matthew McAleese <Matthew.McAleese@fingal.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, Ministers Office <minister@transport.gov.ie>, Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>, Joe Mahon <Joe.Mahon@fingal.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Dear Michelle

Please see our updated letter attached , copied to all associated board or bodies .

We await your immediate response.

Regards

[Quoted text hidden]

DAA - response to M Molloy 3rd August 2022 on Condition 5..docx

Michelle Molloy <michelle.molloy@daa.ie>

Fri, Aug 5, 8:51 AM

To: Sheelagh Morris <sheelaghmorris@gmail.com>

Good morning Sheelagh,

Thank you for your email of 3 August. I will respond to you as soon as possible.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>**Sent:** Wednesday 3 August 2022 10:30

To: Michelle Molloy <michelle.molloy@daa.ie>; Dalton Philips <dalton.t.philips@daa.ie>; Planning Department <planning@fingal.ie>; Darragh OBrien <Darragh.OBrien@oireachtas.ie>; dtas@gov.ie; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; Matthew McAleese <Matthew.McAleese@fingal.ie>; MinisterNaughton <ministernaughton@transport.gov.ie>; Ministers Office <minister@transport.gov.ie>; Helena Merriman <hmerriman1948@gmail.com>; Greg Farrell <greg.g2construction@gmail.com>; Joe Mahon <joe.mahon@fingal.ie>; Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Subject: Compliance of Condition 5 on planning permission PL06F. 217429 by ABP August 2007

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[Quoted text hidden]

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022.

RE: 30 days to operation of North Runway

Michelle Molloy <michelle.molloy@daa.ie>

Fri, Jul 29, 10:46 AM

To: Sheelagh Morris <sheelaghmorris@gmail.com>

Good morning Sheelagh,

Thank you for your email of 26 July.

daa awaits the planning authority's final determination in relation to our Relevant Action application. In this regard, the Commission for Aviation Regulation (CAR) is the designated Competent Authority for slot coordination under Council Regulation 95/93 (as amended), who is also cognisant of the conditions attaching to North Runway's Planning Permission.

As you are aware, the Relevant Action seeks permission to use North Runway between 0600-0700 and 2300-0000. While we wait for the planning process to conclude, we confirm that we do not intend for North Runway to be used between 2300 and 0700 hours, save in exceptional circumstances as outlined and permitted under Condition 3 of North Runway's Planning Permission.

As previously advised, we are happy to share details of North Runway's initial operation once finalised, and we will contact you again in this regard.

Kind regards,

Michelle Molloy.

Michelle Molloy | COMMUNICATIONS

Community Engagement Manager

THREE The Green, Dublin Airport Central,
Dublin Airport, Swords, Co. Dublin, K67 X4X5

+353 1 944 2988

✉ michelle.molloy@daa.ie

From: Sheelagh Morris <sheelaghmorris@gmail.com>

Sent: Tuesday 26 July 2022 09:20

To: Michelle Molloy <michelle.molloy@daa.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>; Matthew McAleese <Matthew.McAleese@fingal.ie>; Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>; Dalton Philips <dalton.t.philips@daa.ie>; Planning Department <planning@fingal.ie>; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; dtas@gov.ie; Dean Mulligan <Dean.Mulligan@cllr.fingal.ie>

Subject: 30 days to operation of North Runway

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Michelle

Have you an answer to our questions from the wider team, as we enter another week.

Condition 5 and Condition 3(d) must be complied with, per the planning conditions.

We await your response to answer our concerns and questions.

Regards

Sheelagh Morris

MFGM.

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022.

DISCLAIMER: The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended Recipient(s). If you are not the intended recipient(s) of this email, you must not use, disclose, copy, distribute or retain this message, the attachment(s) or any part thereof. If you believe that you have received this email in error, please notify us immediately. Please also delete all copies of this email and any attachment(s) from your computer system. Unless expressly stated, this email is not intended to create any contractual relationship. If this email is not sent in the course of the senders employment or fulfilment of his/her duties to daa, daa accepts no liability whatsoever for the content of this message or any attachment(s). daa plc. Registered office: Dublin Airport, Co. Dublin. Registered Number: 9401 Ireland. SÉANADH: Tá an fhaisnéis sa ríomhphost seo agus i gceangaltáin ar bith faoi rún agus tá sé d'aird agus d'úsáid an Fhreagróra (na bhFreagróirí) dá bhfuil sé ceaptha amháin. Más rud é nach tusa an freagróir (na freagróirí) dá bhfuil an ríomhphost seo ceaptha, ní cheadaítear duit an teachtaireacht, an ceangaltá(i)n nó cuid ar bith dó a úsáid, a nochtadh, a chóipeáil, a scaipeadh nó a choinneáil. Má chreideann tú go bhfuair tú an ríomhphost seo trí earráid, bheimis buíoch dá gcuirfeá é sin in iúl dúinn láithreach. Scríos gach cóip den ríomhphost seo agus ceangaltá(i)n ar bith ó chóras do ríomhaire chomh maith le do thoil. Mura bhfuil sé luaite go sainráite, níl sé beartaithe leis an ríomhphost seo caidreamh conarthach ar bith a chruthú. Murar seoladh an ríomhphost seo i gcúrsaí fhostaíochta nó i gcomhlíonadh a dhualgas/a dualgas ní ghlacfaidh daa dliteanas ar bith as ábhar na teachtaireachta nó ceangaltá(i)n ar bith. daa cpt. Oifig Chláraithe: Aerfort Bhaile Átha Cliath, Co. Bhaile Átha Cliath. Uimhir Chláraithe: 9401 Éire.

Liam Halpin

From: Bord
Sent: 12 October 2022 09:41
To: Appeals2
Subject: FW: ABP-314485-22 - Planning Authority Reference number F20A/0668 - Additional information to appeal - €270 paid ref: LDG-056808-22
Attachments: Additional Observation to Submission for MFGM to ABP Oct 2022 - F20A 0668.docx; Emails supporting AI to ABP - 11th October 2022.pdf; IAA report Sleep Deprivation can have unexpected physiological consequences Aug 2022 .png

From: Sheelagh Morris <sheelaghmorris@gmail.com>
Sent: Wednesday, October 12, 2022 12:12 AM
To: Bord <bord@pleanala.ie>
Subject: ABP-314485-22 - Planning Authority Reference number F20A/0668 - Additional information to appeal - €270 paid ref: LDG-056808-22

Ref: Additional information following your letter dated 19th September with appeal documents.
Re: A Proposed development comprising the taking of "Relevant Action" only within the meaning of Section 34C of the planning and Development Act 2000, as amended, which relates to the night time use of the runway system at Dublin Airport

From SHEelagh Morris and Others
Millhead, St Margarets, Co Dublin K67 A364

Good Night Yvonne

Following our call with you, I am attaching additional information to include in our appeal with follow up emails and correspondence, in relation to the appeal case no. ABP-314485-22 - ref: F20A/0668
Our fee was paid on submission of the appeal on 1st September last.

Please confirm receipt of this email and attached documents

1. Additional information
2. emails to support the document.

KInd Regards
Sheelagh Morris
MFGM
St Margarets.

SAFETY ARTICLES

HOME X SAFETY

- > State Safety Programme
- > State Plan for Aviation Safety
- > Annual Safety Performance Reviews
- > Safety Articles
- > Safety Reporting
- > EASA Safety Promotion
- > EASA News
- > Safety Performance

Sleep deprivation can have unexpected physiological consequences

15 Aug 2022

On 29 October 2019, an Airbus A321 was descending towards its destination, Kaohsiung, when the First Officer suddenly lost consciousness without warning. The Captain declared a MAYDAY and with cabin crew assistance, he was secured clear of the flight controls and given oxygen which appeared beneficial. He was then removed to the passenger cabin where a doctor recommended continuing oxygen treatment. On arrival, he had fully regained consciousness. Medical examination and tests both on arrival and subsequently were unable to identify a cause although a context of cumulative fatigue was considered likely after three consecutive nights of inadequate sleep.

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RE: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

Michelle Molloy <michelle.molloy@daa.ie>
To: Sheelagh Morris <sheelaghmorris@gmail.com>

Fri, Sep 30, 2022 at 10:26 AM

Good morning Sheelagh,

Thank you for your email of 29 September. Our position is as outlined in our previous correspondence, the most recent of which was 19 September.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>

Sent: Thursday 29 September 2022 09:24

To: Michelle Molloy <michelle.molloy@daa.ie>; Joe Mahon <joe.mahon@fingal.ie>; Matthew McAleese <Matthew.McAleese@fingal.ie>; Darragh OBrien <Darragh.O'Brien@oireachtas.ie>; info@aviationreg.ie; Aircraft Noise CA <AircraftNoiseCA@fingal.ie>; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; Dean Mulligan <Dean.Mulligan@clirs.fingal.ie>

Subject: Re: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Michelle

Thank you for your email of 19th September in reply to my email of the 16th Sept.

Again I cannot accept that reply based on the specific questions asked as follows:

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation

Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

for your recollection was 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.

When I asked this question previously, your response was as follows:

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Per the planning conditions - 65 movements is the maximum per night between 11pm to 7am.. The IAA have stated they must get authorisation from DAA to verify this information. I am still waiting a response and answer from DAA , and the IAA despite many calls

Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

Your Response

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

So again: are DAA complying with the 65 ATMs per the planning permission? - yes or no -

We would appreciate your response as the IAA were unable to answer, and stated that this had to be authorised by DAA first -

The CAR are responsible for the allocation of slots . The DAA and IAA are responsible for the operation and ATMS on all runways at Dublin Airport, not the CAR.

Kind regards

Sheelagh Morris

MFGM.

On Mon, Sep 19, 2022 at 4:06 PM Michelle Molloy <michelle.molloy@daa.ie> wrote:

Good afternoon Sheelagh,

Thank you for your email of 16 September.

As previously advised, following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>

Sent: Friday 16 September 2022 09:27

To: Michelle Molloy <michelle.molloy@daa.ie>

Subject: Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Michelle

I have been in contact with the IAA in relation to Condition 5 on the above, (65 movements from 11pm - 7am on runway 10R-28L) . The North runway opened on 24th August last and I am asking for a definitive answer from DAA that Condition 5 is being adhered to as per the wording and meaning

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.

When I asked this question previously, your response was as follows:

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Per the planning conditions - 65 movements is the maximum per night between 11pm to 7am.. The IAA have stated they must get authorisation from DAA to verify this information. I am still waiting a response and answer from DAA , and the IAA despite many calls

Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

The answer is YES or NO .

A swift response is requested - a yes or No.

Regards
Sheelagh Morris
Helena Merriman
Greg Farrell

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022. **DISCLAIMER:** The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended Recipient(s). If you are not the intended recipient(s) of this email, you must not use, disclose, copy, distribute or retain this message, the attachment(s) or any part thereof. If you believe that you have received this email in error, please notify us immediately. Please also delete all copies of this email and any attachment(s) from your computer system. Unless expressly stated, this email is not intended to create any contractual relationship. If this email is not sent in the course of the senders employment or fulfilment of his/her duties to daa, daa accepts no liability whatsoever for the content of this message or any attachment(s). daa plc. Registered office: Dublin Airport, Co. Dublin. Registered Number: 9401 Ireland. **SÉANADH:** Tá an fhaisnéis sa ríomhphost seo agus i gceangaltáin ar bith faoi rún agus tá sé d'aird agus d'úsáid an Fhreagróra (na bhFreagróirí) dá bhfuil sé ceaptha amháin. Más rud é nach tusa an freagróir (na freagróirí) dá bhfuil an ríomhphost seo ceaptha, ní cheadaítear duit an teachtaireacht, an ceangaltá(l)n nó cuid ar bith dó a úsáid, a nochtadh, a chóipeáil, a scaipeadh nó a choinneáil. Má chreideann tú go bhfuair tú an ríomhphost seo trí earráid, bheimis buíoch dá gcuirfeá é sin in iúl dúinn láithreach. Scríos gach cóip den ríomhphost seo agus ceangaltá(l)n ar bith ó chóras do ríomhaire chomh maith le do thoil. Mura bhfuil sé luaite go sainráite, níl sé beartaithe leis an ríomhphost seo caidreamh conarthach ar bith a chruthú. Murar seoladh an ríomhphost seo i gcúrsaí fhostalocht an tseoltóra nó i gcomhlíonadh a dhualgas/a dualgas ní ghlacfaidh daa dlíteanas ar bith as ábhar na teachtaireachta nó ceangaltá(l)n ar bith. daa cpt. Oifig Chláraithe: Aerfort Bhaile Átha Cliath, Co. Bhaile Átha Cliath. Uimhir Chláraithe: 9401 Éire.

Sheelagh Morris
Helena Merriman
Greg Farrell

Sheelagh Morris <sheelaghmorris@gmail.com>

Mon, Sep 19, 3:36 PM

To: <info@iaa.ie>, <enforcement@fingal.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>, Joe Mahon <Joe.Mahon@fingal.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, Dean Mulligan <Dean.Mulligan@cllr.fingal.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <minister.ryan@decc.gov.ie>
Cc: Michelle Molloy <michelle.molloy@daa.ie>, Greg Farrell <Greg@g2construction.ie>, Helena Merriman <hmerriman1948@gmail.com>

Good Afternoon

See email forwarded to DAA with request to confirm Condition 5 of the Planning PL06F.217429 has been complied with, since 24th August 2022 and will continue to be complied with. . As the night time restrictions planning ref: 20A/0668 has now been appealed to ABP and awaiting review and decision and Oral Hearing, Can the IAA , or Fingal County Council , Enforcement section, ANCA, please check this condition is being complied with, as part of the grant of planning in 2007. (PL06F.217429)

We have received no direct response from DAA , despite two requests forwarded to them.

Response received from DAA.

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

The slots and other operational issues were not part of the planning permission and are an issue for DAA.

The Condition states.

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.

The wording is not open to interpretation as it states very clearly - to protect residential amenity having regard to the information submitted, concerning future night time use of the existing parallel runway. The grant of permission was subject to Condition 3(d) and condition 5.

As Residents directly affected by 10L-28R we have recorded decibel levels up to 94dB at Millhead and Kilreesk Lane with aircraft on the new runway with its current use.

DAA did clarify condition 3(d) will be complied with, but not Condition 5.

Can you please follow up and investigate this matter as a priority. Once 10L-28R is operational , there should only be a max of 65 ATMs from 11pm - 7 am as per condition 5.

Following a call to the IAA, I was informed this information had to be authorised by DAA before sharing with us.

I look forward to hearing from you, one and all.

Kind regards

[Quoted text hidden]

Confirmation that Condition 5 which stipulates 65 aircraft movements is being adhered and complied per PL06F.217429 issued by ABP in August 2007

2 messages

Sheelagh Morris <sheelaghmorris@gmail.com>
To: Michelle Molloy <michelle.molloy@daa.ie>

Fri, Sep 16, 9:27 AM

Dear Michelle

I have been in contact with the IAA in relation to Condition 5 on the above, (65 movements from 11pm - 7am on runway 10R-28L) . The North runway opened on 24th August last and I am asking for a definitive answer from DAA that Condition 5 is being adhered to as per the wording and meaning

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.

When I asked this question previously, your response was as follows:

The conditions attached to the initial grant of planning for North Runway, granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation. The slot allocation process dictates the level of capacity available at Dublin Airport, and a number of factors must be taken into account in making a declaration in this respect. Following a defined process of engagement with a range of parties, the Commission for Aviation Regulation, as the competent authority for slot allocation, issued its declarations for summer 2022 and winter 2022 and the application of a limit on capacity at Dublin Airport for summer or winter 2022 was not deemed necessary.

Per the planning conditions - 65 movements is the maximum per night between 11pm to 7am.. The IAA have stated they must get authorisation from DAA to verify this information. I am still waiting a response and answer from DAA , and the IAA despite many calls

Can you confirm if DAA are adhering and complying with Condition 5 since 24th August, operation of North runway.

The answer is YES or NO .

A swift response is requested - a yes or No.

Regards



Sheelagh Morris <sheelaghmorris@gmail.com>

Your complaint has been received (WebTrak)

<no.reply@envirosuite.com>
Reply-To: <no.reply@envirosuite.com>
To: <sheelaghmorris@gmail.com>

Tue, Sep 13, 11:20 AM

Thanks for registering your concern with Dublin Airport.

Your complaint details were submitted successfully.

Your complaint number is 41663.



Sheelagh Morris <sheelaghmorris@gmail.com>

North Runway take off s over Millhead this morning from 9am . 25th October 2022

Sheelagh Morris <sheelaghmorris@gmail.com>

Thu, Aug 25, 11:49 AM

To: Michelle Molloy <michelle.molloy@daa.ie>, Dalton Philips <dalton.t.philips@daa.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Michelle and Dalton

I do hope you enjoyed your champagne and celebrations yesterday as we experienced true devastation and abandonment following a meeting with ANCA on Tuesday 23rd August. The level is noise over my home is horrendous and unacceptable, and I find it very difficult to concentrate this morning. This is only take offs yet to experience the landing dbs

We note from our meeting with ANCA, that the noise Insulation Scheme and the VDPS was not considered in their decision for the RD. They stated that this was not within the scope and more significant, DAA did not request them to look at condition 7 and 9 which are part of this planning permission as condition 3 and 5 changes with vital components for night time restrictions removed. So Balanced approach has what meaning?

I would like to invite you to my home, to sit in the garden to enjoy the north runway and the noise it produces, when we have a full schedule of flights taking off. We can have a conversation, or try to.

Can you please supply the following to me:

The details of each flight from 9 am this morning up to 1300

In this detail

please specify the following;

Aircraft type

The NQC (noise quota count) assigned to it.

The Carrier

The height of each aircraft over Millhead

The distance from start of take off for each aircraft

LTOW - Landing take off Weight.

Destinations.

ATC directions for flight path.

An aircraft has just taken off Dub - JFK - A330 -323 and the house has rattled with vibration. 11.37 am

I note the media and daa indicated this north runway is for the long haul flights so therefore the higher LTOW and bigger and noisier.

I phoned this morning and received a number for the complaints department - but I cant get through
Another has taken off and rattled the house again - Dub-JFK EI FNH Airbus A330 - 302 - 11.46 am

Can you forward your mobile number and Dalton Philips direct mobile number.

Sheelagh Morris

01 8144717

Perhaps you will call me with your mobile number or Dalton with his mobile number.

I do forward to your prompt response.

8 days to operation of runway north 10L-28R - Schedule details.

Sheelagh Morris <sheelaghmorris@gmail.com>
To: Michelle Molloy <michelle.molloy@daa.ie>

Tue, Aug 16, 10:15 AM

Good Morning Michelle

As there are 8 days to the commencement of operation of runway 10L-24R
can you advise the schedule for the north runway for 24th August next week.
Also if your are also going to comply with condition 5 - reducing the number of night flights to 65 from 11pm to 7am on
24th August next.

Kind regards
[Quoted text hidden]



Sheelagh Morris <sheelaghmorris@gmail.com>

Clear map to view figure 3.1 of regulatory decision

Sheelagh Morris <sheelaghmorris@gmail.com>

Mon, Aug 15, 9:46 PM

To: Joe Mahon <Joe.Mahon@fingal.ie>

Good night Joe

Hope you have enjoyed the weather we had

Can you forward a clear large map to view the installation - ref. Figure 3.1 we cannot make it out the area from Finglas decision

We can collect it

Also can you advise how the ATM - air traffic movements will be counted from 24th august

Next when north runway opens

Also will the NAO come into operation from 24th August when runway north commences

After reading and trying to understand the decision rationale we are requesting a meeting with ANCA to understand the contents at our mutual conveniences

Kind regards

[Quoted text hidden]

Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 9:16 AM

To: Planning Department <planning@fingal.ie>, <mathewmcaleese@fingal.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Ministers Office <minister@transport.gov.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <planningenforcement@fingal.ie>, Dean Mulligan <Dean.Mulligan@cllr.fingal.ie>, <duncansmithfingal@gmail.com>, <joe.obrien@oireachtas.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>

We received the above decision to grant removal of Condition 3(d) and Condition 5 on PL06F. 217429 /F04A1755 by the planning authority parallel to decision from ANCA to also remove the conditions, yesterday 9th August, with 14 days to the first operation of runway north.

As this impacts directly on our health , sleep security and well being, this is now under appeal with ABP - An Bord Pleanala . Therefore those conditions must be adhered to and complied with in full, until the conclusion of the appeal process as is the correct process.

Can you please confirm this will be the case, as runway north 10L-28R is due to open on 24th August 2022 - only 14 days away.

Conditions as follows:

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below

3. On completion of construction of the runway hereby permitted, the runways at the airport shall be operated in accordance with the mode of operation – Option 7b – as detailed in the Environmental Impact Statement Addendum, Section 16 as received by the planning authority on the 9th day of August, 2005 and shall provide that -

(a) the parallel runways (10R-28L and 10L-28R) shall be used in preference to the cross runway, 16-34,

(b) when winds are westerly, Runway 28L shall be preferred for arriving aircraft. Either Runway 28L or 28R shall be used for departing aircraft as determined by air traffic control,

(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft, and

(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.

Reason: In the interest of clarity and to ensure the operation of the runways in accordance with the mitigation measures set out in the *Environmental Impact Statement* in the interest of the protection of the amenities of the surrounding area.

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.

These conditions were installed in the planning permission in 2007 to protect our health and well being. This matter must be dealt with , in this instance , in a timely and appropriate manner and process, with renewed dialog and meaningful discussion and agreement and health assessment . The removal is these conditions , as written in PL06F.217429/F04A1755 is not acceptable to us and undermines all the conditions and changes the decision made in 2007.

The conditions must be complied with until then. (Timeline November and there after , depending on the process)

Please respond promptly to us, to ensure that these conditions will be complied with, on 24th August , until the end of the appeal process with ABP is fully concluded with.

Yours sincerely
[Quoted text hidden]

Automatic reply: Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Planning Enforcement <Planning.Enforcement@fingal.ie>
To: Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 2022 at 9:16 AM

"The Planning & Strategic Infrastructure Department acknowledges receipt of your email. It will be sent to the relevant Planning Enforcement Section for their attention. If your message is not Planning & Strategic Infrastructure Department related, you are advised that it will be referred to the relevant Fingal County Council Department for their attention. This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or itservicedesk@fingal.ie. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software. Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthiúil. Is ar an seolai amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith midhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó itservicedesk@fingal.ie ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, cailte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Fríthvireas.

Decision of the planning authority relating to planning application F20A/0668 containing a regulatory decision of the Aircraft Noise Competent Authority received yesterday 9th August 2022.

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 10, 9:16 AM

To: Planning Department <planning@fingal.ie>, <mathewmcaleese@fingal.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Ministers Office <minister@transport.gov.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, <planningenforcement@fingal.ie>, Dean Mulligan <Dean.Mulligan@cllrs.fingal.ie>, <duncansmithfingal@gmail.com>, <joe.obrien@oireachtas.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>

We received the above decision to grant removal of Condition 3(d) and Condition 5 on PL06F. 217429 /F04A1755 by the planning authority parallel to decision from ANCA to also remove the conditions, yesterday 9th August, with 14 days to the first operation of runway north.

As this impacts directly on our health, sleep security and well being, this is now under appeal with ABP - An Bord Pleanála. Therefore those conditions must be adhered to and complied with in full, until the conclusion of the appeal process as is the correct process.

Can you please confirm this will be the case, as runway north 10L-28R is due to open on 24th August 2022 - only 14 days away.

Conditions as follows:

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below

3. On completion of construction of the runway hereby permitted, the runways at the airport shall be operated in accordance with the mode of operation – Option 7b – as detailed in the Environmental Impact Statement Addendum, Section 16 as received by the planning authority on the 9th day of August, 2005 and shall provide that -

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(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft, and

(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.

Reason: In the interest of clarity and to ensure the operation of the runways in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of the amenities of the surrounding area.

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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.

These conditions were installed in the planning permission in 2007 to protect our health and well being. This matter must be dealt with , in this instance , in a timely and appropriate manner and process, with renewed dialog and meaningful discussion and agreement and health assessment . The removal of these conditions , as written in PL06F.217429/F04A1755 is not acceptable to us and undermines all the conditions and changes the decision made in 2007.

The conditions must be complied with until then. (Timeline November and there after , depending on the process)

Please respond promptly to us, to ensure that these conditions will be complied with, on 24th August , until the end of the appeal process with ABP is fully concluded with.

Yours sincerely
[Quoted text hidden]

10 days to operation of runway North and no information to those most adversely affected.

Sheelagh Morris <sheelaghmorris@gmail.com>

To: Michelle Molloy <michelle.molloy@daa.ie>, Dalton Philips <dalton.l.philips@daa.ie>, Planning Department <planning@fingal.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, AnnMarie Farrelly <a.farrelly@daa.ie>, Minister Naughton <minister@transport.gov.ie>, Ministers Office <minister@transport.gov.ie>, <dtias@gov.ie>, Greg Farrell <greg.g2construction@gmail.com>, Helena Merriman <hmerriman1948@gmail.com>, Joe Mahon <Joe.Mahon@fingal.ie>

TO: KITHA

Good morning Sheelagh,

Thank you for your email of 3 August. I will respond to you as soon as possible.

Kind regards,

Michelle Molloy.

Michelle

With respect to paraphrase your " push Off " response the meaning of " as soon as possible " which we have been told for the last few months is not acceptable
In truth , you as representative of DAA , are refusing to answer our questions and consider us insignificant.

The meaning of as soon as possible in an email is as follows:

***ASAP using ASAP in an email puts pressure on the recipient to get things done "yesterday" psychologist Carolie Lieberman says " it implies that you
"Give people an actual deadline rather than just writing "ASAP"***

So 19 days to go now, and ASAP is not acceptable, disrespectful and downright discrimination to those trapped in the flightpath.

In the true meaning of ASAP please give us a date, deadline, as you when you will answer our question on Condition 5 - are you going to comply with 65 mover morning on runway 10R-28L

We would appreciate your answer ASAP meaning " Yesterday" as a mark of respect for us residents living in the flightpaths.

Kind Regards

Sheelagh Morris

Helena Merriman

Greg Farrell

Melissa Gannon

MFGM

Compliance of Condition 5 on planning permission PL06F. 217429 by ABP August 2007

2 messages

Sheelagh Morris <sheelaghmorris@gmail.com>

Wed, Aug 3, 10:29 AM

To: Michelle Molloy <michelle.molloy@daa.ie>, Dalton Philips <dalton.t.philips@daa.ie>, Planning Department <planning@fingal.ie>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, <dtas@gov.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Matthew McAleese <Matthew.McAleese@fingal.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, Ministers Office <minister@transport.gov.ie>, Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>, Joe Mahon <Joe.Mahon@fingal.ie>, Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Dear Michelle

Please see our updated letter attached , copied to all associated board or bodies .

We await your immediate response.

Regards

[Quoted text hidden]

DAA - response to M Molloy 3rd August 2022 on Condition 5..docx

Michelle Molloy <michelle.molloy@daa.ie>

Fri, Aug 5, 8:51 AM

To: Sheelagh Morris <sheelaghmorris@gmail.com>

Good morning Sheelagh,

Thank you for your email of 3 August. I will respond to you as soon as possible.

Kind regards,

Michelle Molloy.

Document Classification: Class 1 - General

From: Sheelagh Morris <sheelaghmorris@gmail.com>**Sent:** Wednesday 3 August 2022 10:30

To: Michelle Molloy <michelle.molloy@daa.ie>; Dalton Philips <dalton.t.philips@daa.ie>; Planning Department <planning@fingal.ie>; Darragh OBrien <Darragh.OBrien@oireachtas.ie>; dtas@gov.ie; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; Matthew McAleese <Matthew.McAleese@fingal.ie>; MinisterNaughton <ministernaughton@transport.gov.ie>; Ministers Office <minister@transport.gov.ie>; Helena Merriman <hmerriman1948@gmail.com>; Greg Farrell <greg.g2construction@gmail.com>; Joe Mahon <joe.mahon@fingal.ie>; Aircraft Noise CA <AircraftNoiseCA@fingal.ie>

Subject: Compliance of Condition 5 on planning permission PL06F. 217429 by ABP August 2007

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[Quoted text hidden]

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022.



Sheelagh Morris <sheelaghmorris@gmail.com>

RE: 30 days to operation of North Runway

Michelle Molloy <michelle.molloy@daa.ie>
To: Sheelagh Morris <sheelaghmorris@gmail.com>

Fri, Jul 29, 10:46 AM

Good morning Sheelagh,

Thank you for your email of 26 July.

daa awaits the planning authority's final determination in relation to our Relevant Action application. In this regard, the Commission for Aviation Regulation (CAR) is the designated Competent Authority for slot coordination under Council Regulation 95/93 (as amended), who is also cognisant of the conditions attaching to North Runway's Planning Permission.

As you are aware, the Relevant Action seeks permission to use North Runway between 0600-0700 and 2300-0000. While we wait for the planning process to conclude, we confirm that we do not intend for North Runway to be used between 2300 and 0700 hours, save in exceptional circumstances as outlined and permitted under Condition 3 of North Runway's Planning Permission.

As previously advised, we are happy to share details of North Runway's initial operation once finalised, and we will contact you again in this regard.

Kind regards,

Michelle Molloy.

Michelle Molloy | COMMUNICATIONS

Community Engagement Manager

THREE The Green, Dublin Airport Central,
Dublin Airport, Swords, Co. Dublin, K67 X4X5

+353 1 944 2988

michelle.molloy@daa.ie

From: Sheelagh Morris <sheelaghmorris@gmail.com>

Sent: Tuesday 26 July 2022 09:20

To: Michelle Molloy <michelle.molloy@daa.ie>

Cc: Helena Merriman <hmerriman1948@gmail.com>; Matthew McAleese <Matthew.McAleese@fingal.ie>; Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>; Dalton Phillips <dalton.t.phillips@daa.ie>; Planning Department <planning@fingal.ie>; AnnMarie Farrelly <annmarie.farrelly@fingal.ie>; dtas@gov.ie; Dean Mulligan <Dean.Mulligan@cllr.fingal.ie>

Subject: 30 days to operation of North Runway

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Michelle

Have you an answer to our questions from the wider team, as we enter another week.

Condition 5 and Condition 3(d) must be complied with, per the planning conditions.

We await your response to answer our concerns and questions.

Regards

Sheelagh Morris

MFGM.

daa proudly supporting Feed Our Homeless, St. Francis Hospice and The Mater Foundation. The daa Charities for 2022.

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RE: 30 days to operation of North Runway

2 messages

Michelle Molloy <michelle.molloy@daa.ie>

Fri, Jul 29, 10:46 AM

To: Sheelagh Morris <sheelaghmorris@gmail.com>

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MFGM.

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Cc: Helena Merriman <hmerriman1948@gmail.com>, Greg Farrell <greg.g2construction@gmail.com>, Darragh OBrien <Darragh.OBrien@oireachtas.ie>, Planning Department <planning@fingal.ie>, MinisterNaughton <ministernaughton@transport.gov.ie>, Dalton Phillips <dalton.t.phillips@daa.ie>, <minister.ryan@decc.gov.ie>, <mathewmcaleese@fingal.ie>, AnnMarie Farrelly <annmarie.farrelly@fingal.ie>, Dean Mulligan <Dean.Mulligan@cillrs.fingal.ie>

Fri, Jul 29, 1:03 PM

Good Afternoon Michelle

The response received is not explicit in answering our questions .

Can you confirm that Condition 5 will be complied with - reducing night time movements to 65 as per the planning permission PL06F.217429 at Dublin Airport. This is equally as important as Condition 3(d) and must be complied

Additional submission for MFGM

- Ref: ABP 314485-22

In relation to F20A/0668

Sheelagh Morris & Others

Millhead, St Margarets, Co. Dublin K67 A364 Re: 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, which relates to the night time use of the runway system at Dublin Airport.

Comhairle Contae Fhine Gall
Fingal County Council

An Boim um Pleanáil agus
Infrastruchtúr Stráitéiseach
Planning and Strategic
Infrastructure Department



€ Back F04A/1755 

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Four application search results

You can see below the application search results based on your search criteria.

6 of 6 results  Export  Print current page  Reset

Planning Reference 	Proposal 	Location/Address/Tricode 	Registration date 	Decision date 	Final grant date 	Applicant name 
<input type="text" value="Enter reference to filter"/>	<input type="text" value="Enter proposal to filter"/>	<input type="text" value="Enter location to filter"/>	<input type="text" value="Enter registration date"/>	<input type="text" value="Enter decision date to filter"/>	<input type="text" value="Enter final grant date to filter"/>	<input type="text" value="Enter applicant name to filter"/>
PreworkFlow1	This is a test application	This is a test application	01 Jun 2022			test
F20A/0668	A proposed development comprising the taking of a 'relevant action' only within	Dublin Airport, Co. Dublin.	21 Sep 2021	08 Aug 2022		daa plc
F18A/0023	Amend the North Parallel Runway (North Runway) permitted under RCC Reg. Ref	North Runway, Dublin Airport, Co. Dublin.	19 Jul 2019	09 Aug 2019	18 Mar 2020	DAA
F18A/0130	The provision of an ancillary vehicle parking facility to provide access for Bin	Thorntown, Fingal, Co. Dublin.	16 Apr 2018	08 Jun 2018	16 Jul 2019	DAA
F04A/1755/E1	To construct on airport lands, a runway, 3110m in length and 75m in width. The	Dublin Airport, Co. Dublin	11 Jan 2017	07 Mar 2017		Dublin Airport Authority Plc. Head Office
F04A/1755	To construct on airport lands, a runway, 3110m in length and 75m in width. The	Dublin Airport, Co. Dublin	03 Mar 2006	12 Apr 2006		Dublin Airport Authority Plc. Head Office

We see 5 additional planning applications in relation to the original – ref: F04A/1755

What does the most recent one mean – with no documentation?

Preworkflow1	This is a test application	This is a test application	01 Jun 2022	test
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MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

Previewflow1 ???

We were informed ANCA agreed to F20A/0668 in the form of the NAO , coming into affect , on 16th June 2022 so was this the permission granted for removing the night time restrictions imposed by ABP in August 2007

This was a test???

Extracts from Chief Executives Report. On grant of planning permission F20A/0668 - 8th August 2022

In Section 3.3.1 of the submitted EIAR current night movements are stated as being 113 in summer 2019 during the 23.00-07.00 period. It is stated that *"Short haul scheduled services make up the bulk of these night flights, with departures between 06.00-07.00 and arrivals after 23.00. There are 17 long haul night arrivals in the early morning. The night cargo operations are primarily flights by the package integrators, DHL, FedEx, TNT and UPS operating to their main sortation hubs. These operations are very time critical to connect at these hubs and to achieve an overnight package delivery service."*

It is considered that the application relates to proposed amendments to operating restrictions in respect to a permission granted for development at the airport and the provisions under Section 34C are applicable.

Rationale for the proposed relevant

Chapter 3 of the EIAR sets out the need for the project as follows:

"The result of the permitted/constrained scenario coming into effect when North Runway becomes operational in 2022, is a loss of air traffic movements and associated loss of 1.1m passengers per year (-3.5%) and a cumulative loss over the 4-year period 2022-2025 of 4.3m passengers. The net effect of the proposed Relevant Action would be to facilitate an increase in the number of flights permitted to take off from, or land at, Dublin Airport at night, which would enable the lost 1.1 million passengers to be regained annually in the post-COVID-19 recovery period."

Chapters 2 and 3 sets out the description of, and need for the project. In this chapter, and elsewhere, the EIAR states that the Relevant Action is required to offset the effect of Covid-19 restrictions. For example:

'The net effect of the proposed Relevant Action would be to facilitate an increase in the number of flights permitted to take off from, or land at, Dublin Airport at night, which would enable the lost 1.1million passengers to be regained annually in the post-COVID-19 recovery period.'
(Section 2.1.1, page 2-3 of EIAR)

Despite continuous requests in writing to DAA by Email, prior to the opening of Runway 10L-28R on 24th August last , DAA have failed to answer us to date, whether Condition 5 is being complied to or not. We simply requested a yes or no.

We see from the above extract from the CE report on F20A/0668 :

113 ATMs in summer 2019 from 2300 to 0700 hours

17 Long Haul Flight (Category of Noisier Aircraft)

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

Night Cargo Operations primarily flights by DHL, Fedex TNT UPS operating to the main sortation hubs. Operations are very time critical to connect at these hubs to achieve the overnight package delivery service.

So this tells us in 2019 – there was 113 ATMs between the hours of 11pm and 07.00 am inclusive of the most important hours 11pm – 12 midnight as 2 hours before 12 is considered worth 4 hours in sleep and rest terms. **At 6am - 7am , this is also a very critical time to finish off a good restful nights sleep to function well in daily living and maintain consistent health and well being**

We see the landscape change at the end of runway 10R-28L with warehousing and logistics for the Cargo companies, which is an indicator that the number of freight carriers is set to rise to an unknown entity.

So, the question in conjunction with our attached emails to DAA, IAA , Dept of Transport, ANCA, Minister For Housing, Commission for Aviation Regulation, Fingal County Council is :

What is the number of ATMS (Air Transport movements) currently being operated on runway 10R-28L

If this condition is being complied with, then there would be a reduction of the 113 ATMS that had slots already , prior to 24th August last, when North runway came into operation.

We have failed to receive a direct yes or no on this issue, with the following being used

Following a defined process of engagement with a range of parties (NOT US) the Commission for Aviation Regulation, as the Competent authority for slot allocation, issued its declaration for summer 22 and winter 22 and the application of a limit on capacity at Dublin Airport for summer and winter 2022 was not deemed necessary.

So the DAA , the applicant responsible for the compliance of Condition 5 (65 ATMs total amount - from 11pm – 7 am) have simply ignored and dismissed the conditions of ABP.

We see from the extract following :

- 1.3 This Decision is in line with our Draft Decision. In arriving at our Decision, we have examined and relied on a large body of evidence. We commissioned fast time simulation modelling of the airfield to assess a range of scenarios relating to potential increases in the runway limits. This work was carried out by Egis. The assessment of these scenarios takes the form of a comparison of a range of airfield metrics. The results from this assessment were shared with the Coordination Committee, and the final report is published alongside this document.
- 1.4 We currently make no changes to the R60 runway parameters in the night hours, meaning that no more night flights (between 2200z and 0600z) would be possible on the pre-existing Southern Runway than was possible before the Northern Runway was complete. We also assume that the North Runway is itself unavailable during this period, and the single runway capacity is available only. These issues and our overview of potential Operating Restrictions to take account of is in Section 3.
- 1.5 We have considered other evidence with which we have been presented, or which we sought. This evidence includes modelling work conducted by Dublin Airport, and its consultants.
- 1.6 Our Decision follows the advice received from the Coordination Committee, when voting

¹ See Aviation Regulation Act, 2001 and the Slot Allocation Regulations – Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports as amended by Regulation (EC) No 793/2004.

² As per the worldwide slot calendar: <https://www.iata.org/contentassets/4ede2aabfcc14a55919e468054d714fe/calendar-coordination-activities.pdf>

³ See also the Worldwide Airport Slot Guidelines – <https://www.iata.org/en/policy/slots/slot-guidelines/>

Taken from the Commission of Aviation Declaration

Decision on Summer 2023 Coordination Parameters at Dublin Airport

rights are assigned in line with the Coordination Committee constitution. The Coordination Committee comprises Dublin Airport, the Air Navigation Service Provider (the IAA), and is open to all airlines operating at Dublin Airport.

- 1.7 We received 12 responses to our Draft Decision, from Aer Lingus, DHL, Dublin Airport, FEDEX, FTAI, Liam O' Gradaigh, Michael O' Rourke, Dr. Niamh Maher, Pearse Sutton, Ryanair, Stephen Smyth, and UPS. These responses are published alongside this document and were considered in reaching this decision.

The Coordination Committee comprises DAA and the IAA as members of CAR . ANCA is funded by DAA . As a result

DAA have control and monopolise their position as the controller of all these bodies to achieve their objectives . The various bodies are used as a camouflage to justify the blatant breach of planning conditions to disregard those communities directly impacted.

The Airlines are part of the CAR . So the interpretation of the complex issues was simply fast forwarded to the next stage of the process, the allocation and maintenance of slots, flightpaths, while totally dismissing the responsibility for complying with An Bord Pleanala and Fingal County Council, (the Enforcement Body overseeing compliance)

So Condition 5 has been dismissed in the planning permission with transfer to all the other bodies, including the airlines, for the purpose of breaching the night time restrictions.

This information on the slots unchanged and increasing with additional increased air traffic , is a direct breach by DAA , a prominent member of CAR as the was a matter for DAA only, as DAA accepted the conditions as imposed by ABP. We as those directly impacted also had to accept the conditions.

We note DAA did attempt to overturn Condition 3(d) and Condition 5 by way of an SID application which was rejected.

We also had concerns on the wording of Condition 7 Condition 8 and Condition 9 in relation to the lack of clarity in the wording of the conditions, leading to interpretation to suit DAA and The planning Authority. ABP did not permit us to meet or discuss the wording, thus leaving the ambiguous wording to the total benefit of DAA and the Local Authority.

DAA use their artistic skills to draw circles called contours and move them around to suit their needs.

A circle is easy to scrawl.
 Or is it? I'm not sure at all.
 I cannot decide:
 does it have just one side,
 or tons that are crazily small?



DAA collaborated with FCC to formulate the NAP with FCC for 2019 to 2023 (overlapping with the opening of Runway 10L-28R)

Use the setting up of ANCA to supply the information to set up the NAO, so that this excludes those relevant conditions, presenting Noise Quota Counts as the way forward to reduce aircraft noise and include their submission as a valid process *to dismiss and abdicate their responsibility of compliance.*

So what we are seeing now, is organised confusion and abdication of responsibility at any cost, to breach Condition 5 and justify changing condition 3(d) as permitted by FCC, the Planning Authority.

There is a direct conflict of interest between all these bodies, all now used as one big body to take the focus away from the legal planning conditions from ABP, in August 2007.

This hides the naked truth – Condition 5 and Condition 3(D) are being dismissed.

In February 2019, at the turning of the sod, to pave the way for construction of the runway North , Dalton Philips (CEO of DAA at that time) stated the following:

Whether it is one household or 200 households under the flightpath, I am really sorry for them, I really am, but that is a matter for them.

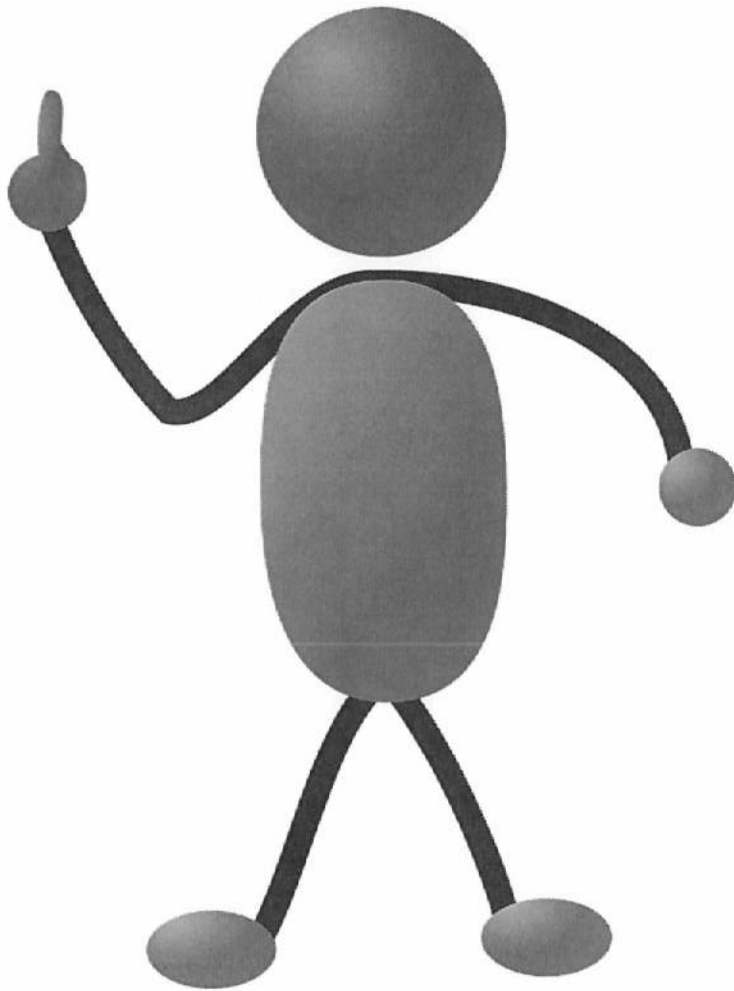
So more air traffic at Dublin airport is going to reduce the level of aircraft noise and fumes and harmful emissions - Right - Bring out the magician -



This does not compare with the actual noise levels experienced by those adversely affected, disowned and amputated in the process.

All the other bodies , IAA , ANCA and CAR are taking the queue from DAA as instructed to dismiss the compliance and health issues of Condition 3(d) and Condition 5 as if they did not exist, to justify their decision .

BUT THEY DO EXIST AND ARE A CRITICAL PART OF THE PLANNING PERMISSION



This is DAA - the BODY and HEAD – responsible to Fingal County Council and An Bord Pleanála. All the other various aviation Bodies, are part of a process, directed by DAA solely.

At the Oral hearing in 2006, DAA and Fingal County Council were the participants with the communities and individuals appealing the decision to construct a new runway at Dublin Airport. The Commission for Aviation Regulation, the Airlines and the IAA and ANCA were not present and were not part of the appeal process. This is solely a matter for DAA.

Whether it is one household or 200 households under the flightpath, I am really sorry for them, I really am, but that is a matter for them.

THIS IS NOT A MATTER FOR US AS DAA MUST COMPLY WITH THE CONDITIONS IN TOTAL as the Conditions are in place as stated in the reason for imposing and enshrining within the planning permission PL06F.217429

MFGM – Additional information to our Appeal submission ref: ABP -314485-22
Letter and files received 19th September 2022

The consequences of the operation and process to operate the runway must include the communities and those in the flightpaths and in the Longitudinal corridor and between the runways .

DAA have breached their planning conditions on three occasions with F04A/1775 and also in the Construction of T2.

During the construction of T2 , DAA applied to have a compound opened next to the ALSAA complex. This was to be returned to green space on completion of T2. This compound is still there. Due to the time limit , no enforcement can now be applied and the breach is permitted.

We see the perception , using ANCA, CAR and IAA that the relevant conditions, on night time restrictions now dismissed, as OK.

IT is not OK and totally unacceptable.

Currently the North Runway is used from 9am to 1300 daily. No flights have taken off from 28R and only 10L is being used – why - is this to protect a more dense population until this appeal is heard and decided upon.

The people of St Margarets, Dunbro, Millhead, and the wider area as far as Ashbourne and into Co Meath , over Garristown are now disturbed by Aircraft noise and emissions. The flightpaths are totally changed and disregard those in the western end, subjecting homes to aircraft nuisance and aviation emissions in the immediate atmosphere of the surrounds of the runways.

Since the new runway opened, one of the residents on Kilreesk Lane, has reported a change in the behaviour of his laying hens, with a sharp reduction in the supply of free range eggs.

Our dogs remain indoors now and don't like being outside, with the aircraft overhead. I am awake very early in the morning with flights taking off, so we do not get a night sleep, feeling refreshed and ready to start a new day.

Dublin Airport Coordination Parameters – Summer 2023 Season

The Commission for Aviation Regulation has declared the following limits for the IATA Summer 2023 scheduling season at Dublin Airport.

Runway Scheduling Parameters:

Runway Hourly Limits			
Time UTC	Arrivals Limit	Departures Limit	Total Limit
0000	23	25	32
0100	23	25	32
0200	23	25	32
0300	23	25	32
0400	23	25	32
0500	23	36	40
0600	20	37	46
0700	25	25	41
0800	25	25	45
0900	25	24	48
1000	27	27	48
1100	29	28	51
1200	24	27	49
1300	27	26	50
1400	23	27	47
1500	26	25	47
1600	27	29	52
1700	23	27	47
1800	23	26	43
1900	23	22	39
2000	25	22	38
2100	30	25	42
2200	28	25	32
2300	23	25	32
Totals	591	633	997

Maximum number of movements per 10 minute period	
Maximum Total	13
Maximum Arrivals	6
Maximum Departures	7

Slot Allocation declared for summer 2023

The Planning condition no 5 is clearly being breached and non-compliance agreed by airlines, IAA and CAR and the authority with full responsibility DAA. – the applicant

This is the same scenario for Winter 2022 - so DAA have willingly and purposely disregarded this condition, in relation to their compliance responsibilities.

Issues with slots and flight paths are a matter for the CAR and IAA - DAA are responsible for the compliance with 65 movements from 11pm to 7am 365 days a year.

Between 12 midnight – 7am – 246 ATMs are permitted and from 11pm to 12midnight 32 are permitted by CAR - total 298 ATM. There was no consultation on the impacts and consequences with those communities, disregarded in this declaration.

We declare the this is a breach of compliance on behalf of the applicant DAA and ANCA have disregarded the "imbalance" caused by creating a health hazard for those in the vicinity of the flight paths – which have totally changed from the original grant of planning permission, on commencement of operation, 24th August 2022.

The limits declared by the Commission of Aviation in their document will far exceed the increased Noise Quota counts awarded by ANCA for payment of services satisfactorily rendered. (by DAA)

We have no correlation between Noise Quota Counts and the use of slots. There is no clear comparison fact sheet to review. Just like the Circles called contours drawn from information from the INL System - no direct connection to the decibel level to the human ear and human mental and physical health. Our view is that this is deliberate, to disregard the naked truth of the Decibel levels experienced by the human ear and impact on mental health.

This runway must be closed and a new AA and EIA is completed

In the words of Michelle Molloy from DAA :

"The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that

time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.



So the DAA play the tune and all the bodies , FCC , IAA, CAR, ATC , Dept of Transport, Dept of Health, Dept of Housing and any other body that may support the bugle call .

There is deliberate disconnect and abdication of responsibility by the applicant DAA as the issue of flight paths was not dealt with ,or the slot allocation , prior to the opening and operation of North Runway. A new population of people are now affected by aircraft noise , not in the so called noise contours.

DAA claim entitlement to operate runway 10R-28L in breach of the planning permission PL06F.217429.

The Environmental Health Officer notes that the NAP 2019-2023 did not include the WHO guidance "Environmental Noise Guidelines for the European Region" as it was not published at the time of writing. The guidelines summarise the research into the impact on health of environmental noise. The critical health outcomes investigated were: Cardiovascular disease, Effects on sleep, Annoyance, Cognitive Impairment, Hearing impairment and tinnitus.

The WHO Environmental Noise Guidelines for the European Region state that "for night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below 40 dBLnight, as night time aircraft noise above this level is associated with adverse effects on sleep".

WHO guidance which states that "for average noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft below 45 dBLden, as aircraft noise above this level is associated with adverse health effects."

Identification of the Noise Problem was received by the Planning Authority on the 10th February 2021 advising that ANCA will now proceed to apply the Balanced Approach of the International Civil Aviation Organisation in accordance with the provision of the Aircraft Noise Regulation (EU 598/2014), the Act of 2019 and Section 34C of the Act of 2000. As part of this process, ANCA as required under Section 9(2) of the Aircraft Noise Regulation Act 2019, shall ensure that the Noise Abatement Objective is, as appropriate, defined, restated or amended taking into account as appropriate, Article 8 of, Annex.V to, the Environmental Noise Directive.

As set out in Section 9.0 the Planning Authority shall neither decide to refuse the relevant application nor grant the relevant application subject to or without conditions until it receives a notice under subsection 34C (5) or 34C (15) (a) (ii) from the competent authority (i.e. ANCA).

Note : The Environmental Health Officer notes that the NAP 2019-2023 did not include the WHO guidance " Environmental Noise Guidelines for the European Region" as it was not published at time of writing.

THIS DEMONSTRATES WE NOW HAVE AN INVALID NAP (DUE FOR RENEWAL 2023) AND COUPLED WITH AN NAO ISSUED BY ANCA – AND WE DON'T KNOW WHAT CRITERIA DUBLIN AIRPORT IS FOLLOWING.

IS THE NAO CURRENTLY IN PLACE AND OPERATED IN WITHING THE PARAMITORS OF ANCA?

IS THE QUOTAT SYSTEM BEING USED NOW AS THIS IS PART OF THE NAO?

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AFTER EVERY THREE MONTHS , DAA ARE OBLIGED TO SUBMIT A REPORT ON QUOTA COUNTS TO ANCA FOR REPORTING BACK TO THE COMMUNITIES TO ENSURE COMPLIANCE

BUT WHAT IS COMPLIANCE – WHAT WAY IS DUBLIN AIRPORT OPERATING CURRENTLY - WE DON'T KNOW – IAA WON'T ANSWER OUR QUESTIONS, WE CAN'T GET AN ANSWER FROM ANCA

SO IT IS NOW UP TO THIS APPEAL PROCESS TO INVESTIGATE AND STOP THIS DISREGARD OF THE PLANNING CONDITIONS PER PL06f. 217429. We as a community and individuals sandwiched in between runways and flightpaths are considered collateral damage by DAA and other bodies.

This critical information was not given the due diligence , given the issue of human health and the consequences of disregarding same.

The DAA have the mindset, once operational , the issue is now one to be passed on and shared with all other bodies, ANCA, CAR, FCC, ATC, IAA, EPA, Dept of Enterprise, etc which is not the case and has never been. If we look at the Planning application for F04A/1755 and the decision by ABP in August 2007. **It is very clear the full responsibility was placed on DAA and Fingal County Council as custodians of the citizens of Fingal in all the conditions.** The NAP was set up prior to the new runway, and therefore the real time aircraft noise today and going forward, is null and void . Therefore the Runway should be closed until a full EIS and detailed independent analysis and report is commissioned , to include the communities and individuals affected.

The reason given in respect to condition 3 was to ensure the operation of the runways were in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of amenities of the surrounding area. Condition no. 5 was attached 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.

The submission received by An Taisce outlines that: *"The intended effect of conditions 3(d) and 5 was to limit the frequency of night flights arriving and departing the airport during the night, to ensure that the communities close to the Airport would not suffer unduly from noise disturbance at night. In particular, the conditions provided for 8 hours of relative calm – between 11pm and 7am, no flights would be permitted to arrive or depart via the new North Runway, and a total of 65 aircraft movements would be permitted across the Airport as a whole in that timeframe. These conditions were accepted by the DAA, and first phase construction of the new runway commenced in December 2016 on the basis of application of those conditions".* A number of other submissions raise concerns that the relevant action seeks to modify conditions of a grant of permission.

Supplementary provisions relating to operating restriction included in planning permission provided under amending section 34C of the Planning and Development Act (as amended) facilitates the person in whose favour a relevant permission operates to make an application for a relevant action.

Supplementary provisions relating to operating restriction included in planning permission provided under amending section 34C of the Planning and Development Act (as Amended) FACILITATES THE PERSON in whose FAVOUR a Relevant Permission operates to make an application for a RA.

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DAA > FCC

- IAA – ATC – CAR – Dept of Transport – Airlines - Freight companies – anyone else to cling to .

So this amendment has been made in favour of DAA, who now use the IAA, The CAR , ATC to fob off the breaching of these conditions totally disregarding the St Margarets Community and those in the Longitudinal Flight path corridor

This is like watching , STARTREK with all the cling on -s

TOTALLY DISREGARDED following 23 years of committed time and input with the FDPs and Planning application for Runway North, cost incurred to attend oral hearing in 2006 and challenge breach of planning conditions and extension of time in the high court.

It is very clear what that applicant views those in the vicinity of the flight paths as

“Insignificant” in terms of their health and well being, for 23 years, now and to be removed from any future collaboration or meaning consultation, in the interest of profiteering and overriding authority.

As Individual European States are permitted to set up their own NAO under their elected ANCA to provide a balanced approach on Aircraft noise.

It asks a very significant and critical question of the interpretation of “ Balanced Approach and what is their interpretation to best suit

For ANCA and DAA – it means excluding human life , ignoring and limiting the costs in their false procedures, real time data, and cost limitation to enhance profits and power .

The approach taken

Just do it and deal with the consequences afterwards – is both unacceptably immoral and unethical in the democratic island of Ireland . In every other sector, we see human health to the fore, and this was demonstrated in the Covid Pandemic , where the country was closed to same ALL lives. - Airport communities matter.

I ask the question , what is different about the lives and health of those directly affected and disregarded in this case.

Dear CAR, I wish to respond to the daft S23 declaration of coordination parameters. This relates to the relevant action surrounding conditions 3(d) and 5 of the planning permission for the north runway. The change of these conditions are under appeal and therefore the proposed operations of the night time flights should remain as under the original planning from 2007. Also the intention was for the restrictions to be present for the whole year and not just the 92 day summer period. Regards, Dr Niamh Maher

The above was submitted to the CAR on the 2022 allocation – so the overlap from summer to winter has been used to fudge the requirement of 65 ATMS as the limit per night – all year round.

This runway must be closed and a new AA and EIA is completed

In the words of Michelle Molloy from DAA :

“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.

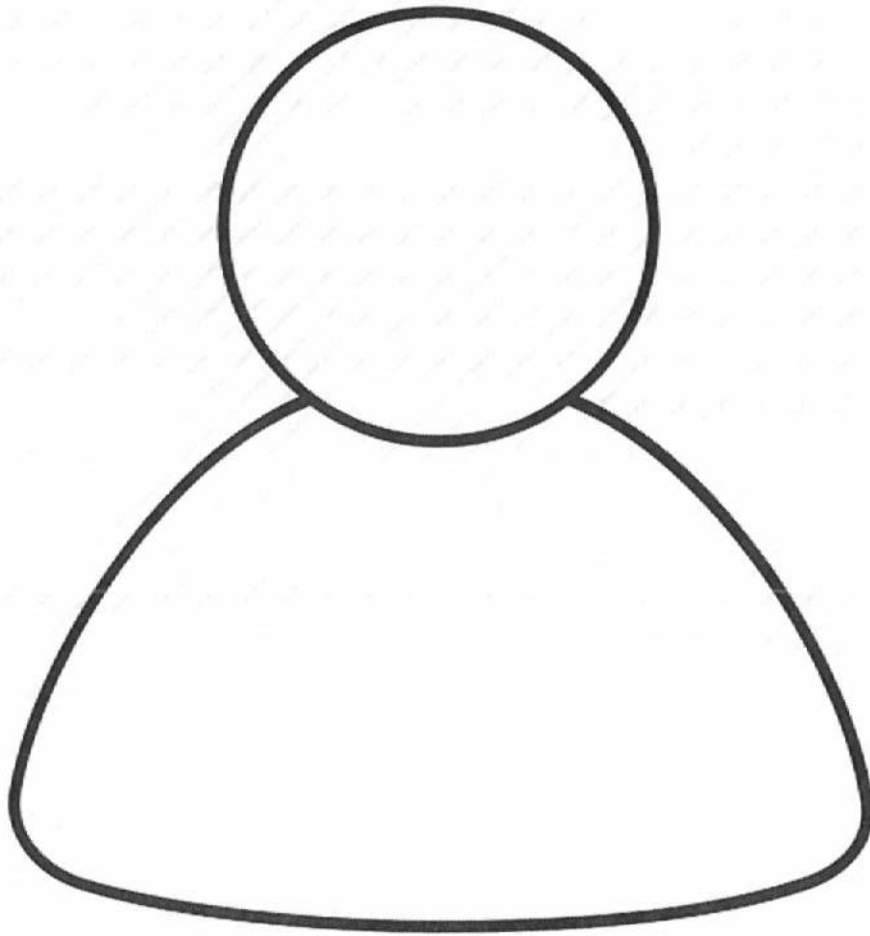
There is deliberate disconnect and abdication of responsibility by the applicant DAA as the issue of flight paths was not dealt with ,or the slot allocation , prior to the opening and operation of North Runway. A new population of people are now affected by aircraft noise , not in the so called noise contours.

DAA claim entitlement to operate runway 10R-28L in breach of the planning permission PL06F.217429.

- DAA were fully aware of the changes that have occurred over a decade ago on application to extend the time period from 10 to 15 years to construct the runway.
- In 2016 DAA applied to extend the period of construction from 10 years to 15 years, in full knowledge of this. NO AA or EIA was deemed necessary despite the changes that have occurred in the increase of air traffic and passenger footfall.

- This lead to a legal case for a Judicial Review in the Commercial Court in 2017 alongside a breach in condition 5(h). The applicant, DAA failed to provide a Waste Management Plan to FCC prior to commencement of construction and preparation of the runway site thus breaching the conditions. This was one of the pre-commencement conditions.
- The decision on the flightpaths to coincide and correspond to the runway path, was treated as a totally separate part of the planning, with decision on 7B and totally annexed from the planning permission -runway operation and flightpaths are all the one as included and reviewed at the Oral hearing with ABP in 2006.
- The slot allocation is an issue for DAA and CAR and European airport and airlines and is not part of this planning permission.

So the responsibility totally rests on the head and shoulders of DAA and Fingal County Council – the enforcer of these conditions.



THIS ADMISSION BY DAA IN A REPOSE EMAIL DATED 19TH SEPTEMBER 2022 CLEARLY STATES THAT THE OPERATION AND FLIGHTPATHS AND THE DETREMENTAL IMPACTS ON RESIDENTS IN THE FLIGHTPATH MUST BE EXAMINATED WITH A FULL AA and EIA to address the health and well being of those directly affected.

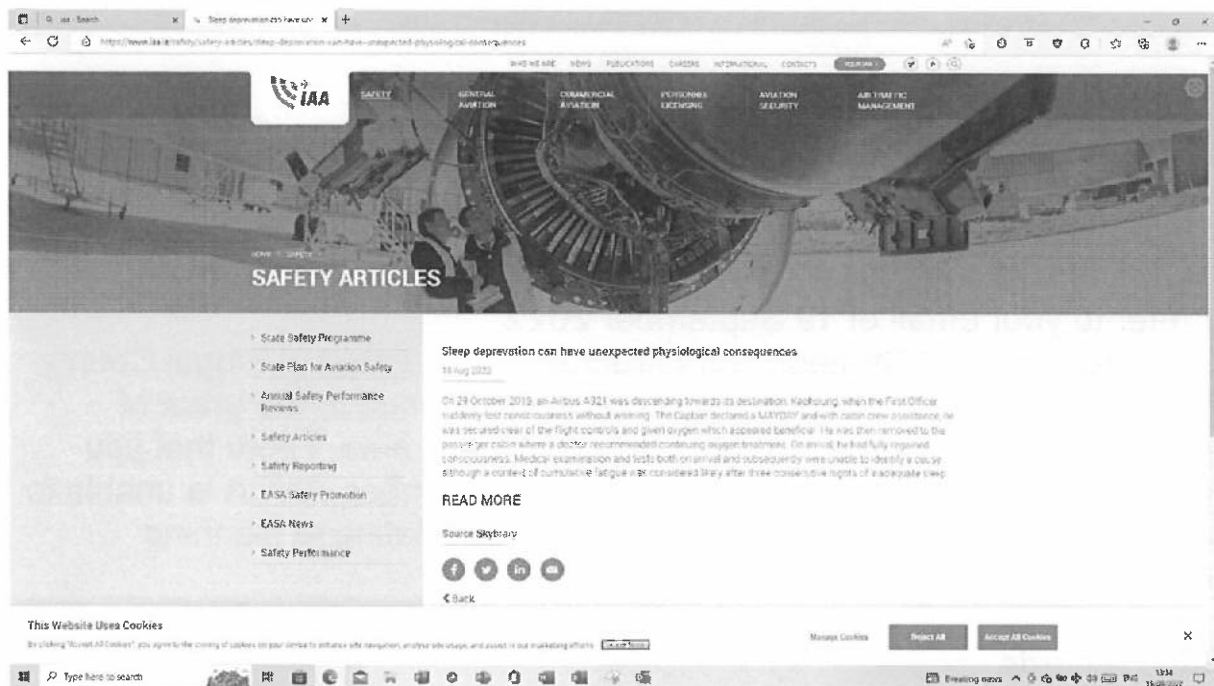
“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.

This demonstrates the Grounds for a new Appropriate Assessment and Environmental Impact Assessment

We ask that An Bord Pleanála consider the correspondence in conjunction with the wording of the permission issued in 2007 as explicit and breaching the mental and physical health of those in the flightpaths. Condition 7, 8 and 9 are also out of date, with the current operations as stated by DAA.

The conditions 7, 8 and 9 put in place for the operation of the runway per the planning permission are now being used with no change, to include 24 use of the runways

THIS IS NOT THE OBJECTIVE AND MEANING OF THE CONDITIONS IN AUGUST 2007.



Sleep deprivation can have unexpected physiological consequences

15 Aug 2022

On 29 October 2019, an Airbus A321 was descending towards its destination, Kaohsiung, when the First Officer suddenly lost consciousness without warning. The Captain declared a MAYDAY and with cabin crew assistance, he was secured clear of the flight controls and given oxygen which appeared beneficial. He was then removed to the passenger cabin where a doctor recommended continuing oxygen treatment. On arrival, he had fully regained consciousness. Medical examination and tests both on arrival and subsequently were unable to identify a cause although a context of cumulative fatigue was considered likely after three consecutive nights of inadequate sleep.

[READ MORE](#)

The above from a Safety Article from the IAA states the cause of a co-pilot taking ill and unable to function humanly possible with lack of sleep for 3 nights.

This safety report must be viewed in terms of night time restrictions, given the IAA control the flightpaths in the interest of air safety , once a runway becomes operational.

Condition 7. 8 and are now defunct as they are not fit for purpose and leaves those in the Longitudinal zone, totally compromised as DAA have failed to plan ahead, now ripping apart the community of St Margarets , the heart and soul of our community. Those impacted are left with a legacy of uncertainty, health deterioration, mental and physical and social impacts that will destroy, rip apart, and trample on those trapped .

This does not appear to have been considered in the NAO and the RD issued by ANCA

See the following email response received from ANCA. Sept 22nd

Our ref. 2022\69

Dear Sheelagh

I refer to your email of 19 September 2022.

The Planning and Strategic Infrastructure Department of Fingal County is the enforcement authority for conditions attached to the grant of planning permissions within their administrative area. I note that you copied that authority on your email of 19 September. ANCA is unable to address the aspects of your correspondence relating to planning enforcement.

Kind regards

Siobhan Hogan
Senior Staff Officer
Aircraft Noise Competent Authority

Dear Sheelagh

Thank you for your email of 15th August.

Figure 3.1 of the regulatory decision, as now incorporated into the decision of the planning authority on application F20A/0668, is the overall eligibility map for the insulation scheme associated with the regulatory decision. There are detailed maps at the link [Regulatory Decision.pdf \(fingal.ie\)](https://www.fingal.ie/RegulatoryDecision.pdf) (from pages 23 to 45) that show eligibility down to individual property level. If this does not work for you, please let me know if you would like any particular page to be printed out and I can post it to you (or leave it at the public counter for collection as you suggested).

The mechanism for counting and collating aircraft movements is a matter for daa as airport authority and I do not have any information on how this will be undertaken. The reporting of aircraft activity will be in formats as required by various legislative requirements relating to the work of several regulators (CAR, IAA, ANCA, planning authority etc.). For example, the recent regulatory decision by ANCA provides for the reporting of a wide range of statistics relating to aircraft activity at Dublin Airport.

The NAO has been in effect since 20th June 2022. The NAO prescribes outcomes to be delivered rather than methods of delivery and ANCA has a monitoring role in this regard. Again, the regulatory decision provides for the preparation and submission of data to inform this process.

We appreciate and value the constructive engagement that we have always had with your community group and are happy to meet again. If you would like to propose a couple of times during office hours that suits your group next week or the following (other than Mondays) I will book a meeting room here. Understandably, you are particularly focussed on the process relating to planning application F20A/0668 at present but we would also be happy to update you on other ANCA activities scheduled or underway when we meet.

Kind regards

Joe Mahon

Aircraft Noise Competent Authority

Fingal County Council | County Hall | Swords | County Dublin,
K67 X8Y2

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An tÚdarás Inniúil um Thorann Aerárthaí

Cornhairle Contae Fhine Gall | Áras an Chontae | Sord | Contae
Átha Cliath, K67 X8Y2.

| www.fingal.ie/aircraftnoiseca

Email from ANCA on 16th August 2022.

We see from the content, the NAO prescribes outcomes to be delivered rather than methods of delivery and ANCA have a monitoring role in this regards. The RD provides for the preparation and submission of data to inform the process.

So ANCA have no criteria for the method of collating data, they just want to receive it to inform the process

The mechanism for counting and collating aircraft movements is a matter for daa as airport authority and I do not have any information on how this will be undertaken. The reporting of aircraft activity will be in formats as required by various legislative requirements relating to the work of several regulators (CAR, IAA, ANCA, planning authority etc.). For example, the recent regulatory decision by ANCA provides for the reporting of a wide range of statistics relating to aircraft activity at Dublin Airport.

ANCA do not know how the aircraft noise counts will be done, but it includes the work of several bodies CAR, IAA and ANCA and the planning authority themselves (both the same – FCC – funded by DAA)

So we see an application to replace the 65 movements with Aircraft Noise quota counts, with no particulars on how this will be presented, gathered or validated . But it will be conducted by DAA in conjunction with the CAR, (made up of DAA, Airlines, IAA) IAA - so there is no independent way of verifying exactly what it amounts too. All that we can ascertain is that

65 aircraft movements from 11pm – 0700 am - 8 hours

Will be bypassed and a new collaborated procedure, tailor made to fit in with ANCA s NAO and the next NAP , that can be used to make reports to the END.

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We , the directly impacted with consequences to health and well being in the vicinity of the runways., are totally excluded from this yet to be seen process and results.

This is not acceptable and no clear criteria in place and ANCA being the Aircraft Noise Competent Authority answering to European Noise Regulation – END . Each union state is responsible for compliance reporting as each airport is different. This permits Dublin Airport to fabricate a result that will be acceptable, but excluding those severely impacted . So is this a balanced approach.

Looking at the response from DAA in relation to the breach of Condition 5, it is very clear a new AA – Appropriate Assessment was required when the extension of time was applied for in late 2016/ 2017 .

“The conditions attached to the initial grant of planning for North Runway granted over a decade ago, reflected expectations at that time that are very different to current operations. The basis for the application of the conditions is technically complex and subject to interpretation.

SO what is a “balanced approach “

I ask ABP - to clarify the BALANCED APPROACH - WHAT DOES IT MEAN ?

Reducing aircraft noise with increased ATMS - this is surely a total contradiction.

CONCLUSION and CLOSING STATEMENT

We were not aware the slot allocation was declared by CAR which clearly breaches the planning permission - Condition 5 – exceeding 64 ATMS .

We have been informed FCC have issued an enforcement notice to DAA in this regard

- But despite a request to FCC and DAA , we have not viewed the content or if DAA have responded at date of writing.

Perhaps there was no enforcement notice , over the breach of Condition 5, while this appeal is now ongoing.

The lack of clarity and a fair and proper procedure , is very evident, creating

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An UNBALANCED approach with total weight on the side of the applicant, totally disregarding the implications for health, mental well being a cause of anxiety, uncertainty, and future sleep deprivation on those in the flightpaths and in the surrounds of the runways.

We as stakeholders have been disregarded and considered insignificant as we are the "low and minority " affected so DAA can trample on our community, our homes , our health and our futures.

ANCA failed to see the significance of reviewing other conditions relating to the changing of these conditions , namely the Voluntary Home Buy Out and Voluntary Insulation . We were informed that DAA did not request this.

The naked truth is changing the conditions to include 24 hour usage at Dublin Airport, destroys our lives, night and day and the cumulative affect will have serious health consequences. The HSE have indicated this in their input to this application.

The IAA safety report on one of their co-pilots reported in August 2022 – their own report must send alarm bells, in the context of flight path residents will have no longer be afforded a nights sleep, if these conditions are removed. Therefore Condition 5 and Condition 3(d) per the planning ref: PL06F.217 429 must remain in place. (F04A/1755)

Attached

Emails received to support our additional information.

Submitted by

MFGM

Sheelagh Morris

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Letter and files received 19th September 2022

Helena Merriman

Greg Farrell

Melissa Gannon

Date: 11th October 2022 - letter received with files – 19th September

Submission within 28 days of receipt of your letter and files.

