

Feb 12

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22.

Defer Re O/H

Having considered the contents of the submission dated/received 23/12/24.
from Gavin Wilson. 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 n 12345

Section 131 not to be invoked at this stage.

☒

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

Signed

Jan Wigglesworth

EO

Date

31/12/24.

Signed

SEO/SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



Planning Appeal Online Observation

Online Reference
NPA-OBS-004151

Online Observation Details

Contact Name
Gavin Wilson

Lodgement Date
23/12/2024 12:54:36

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Gavin Wilson

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Don Wigganath

EO

Date

3/12/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG-077014-24

Reason for Refund

Documents Returned to Observer

☐ Yes

☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes

☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3QZB9cB1CW0EN5FC1pvhyS9v

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

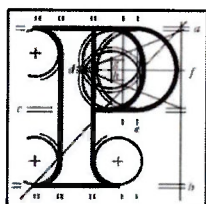
SEO (Finance)

Authorised By (2)

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

Date

Date



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Gavin Wilson

(b) Address

20 Griffeen Glen Vale, Lucan Co. Dublin k78 NR76

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Fingal Co Co

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

ABP- 314485-22

(c) Planning authority register reference number

(for example: 18/0123)

F20A/0668

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn ,Co Abhaile)

Dublin Airport, Co. Dublin

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I wish to object to any easing of the restrictions on the nighttime use of Dublin Airport, and any move away for the restrictions for the number of movements to a noise quota.

Section 3 of the European Convention on Human Rights Act 2003, places a positive obligation on all statutory bodies **including An Bord Pleanála**, to perform their functions in a manner compatible with the State's obligations under the Convention provisions.

Further to this, Article 8 of the Convention provides the right to respect for private and family life. The recent case of Swiss Senior Women (application no. 53600/20), found that inadequate action by respective Governments in respect of climate targets constituted a violation of Article 8.

I have no doubt that this right to respect for private and family extends beyond climate matters, and that the plan to remove the restrictions on the nighttime movement of plane is a breach of my right enjoy my life and live in peace and have a night's sleep which is necessary for mental and physical wellbeing.

The impact of nighttime flights on the health of individuals is well documented. I am currently suffering these negative effects including loss of sleep, increased stress levels impacting my sleeping habits, eating

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

habits, relationship with my family, performance at work and the ability to live a normal life and enjoy family and home life.

I also refer to the Aircraft Noise Competent Authority Decision of 20th June 2022, which appears to set conditions establish which include the move to (1) a noise quota for flights to/from Dublin Airport, (2) **a change from the definition of night time flights to and from Dublin Airport from 11pm to 7am (as set out in the environmental noise Directive), to midnight to 5.59 am**, and (3) residential sound insulation scheme. It is not clear that the ANCA has the legal basis to do as this does not respect the Doctrine of the supremacy of EU law. As the ANCA decision is a change to the period for nighttime flights from that set out in the Environment Noise Directive. Therefore, this decision appears to be flawed and unlawful.

There are some who argue that increasing flights is necessary for economic reasons. I direct you to Pobal HP Deprivation Index Launched, published on November 2, 2023, and the aircraft noise contour maps which show that as Dublin Airport expands its operations it negatively impacts some of the most deprived areas of Dublin. While the most affluent areas which benefit most from economic growth remain untouched. This is particularly noticeable that areas in Dublin that are affected are some of the most deprived, as this can be avoided.

Therefore, it appears that the DAA are asking those who benefit least from economic growth in Ireland to carry the biggest burden of the negative effects for the whole country. Even though they are least equipped, economically, to do so. <https://www.pobal.ie/pobal-hp-deprivation-index/>

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I have lived peacefully in my home since my wife, and we bought it in 2005 until a significant change to flight paths and times in 2023. However, this has been hugely negatively affected by the increase of nighttime flights over my home. This is directly affecting my ability to sleep at night, leaving me tired and irritable, impacting on my ability to concentrate and perform at work, which may, if matters get worse, impact on my ability to earn a living, pay the mortgage and keep a roof over my family heads. As a father with two children this terrifies me.

For example, on **Sunday 28 April between the hours of 5 -7am**, 23 flights were directed over my home, this represented over 95 percent of flights which departed Dublin Airport turning south flying over the Lucan area where I live. This included flights as low as 3,541 feet.

What I refer to is just a sample of the nighttime flights which are a daily occurrence. I also have to suffer low flying flights over my home at 3am.

I have not moved to an area surrounding Dublin Airport and begun complaining, but rather the DAA have significantly altered the flight times and patterns so that even homes in South County Dublin are suffering for the negative of nighttime flights. I no longer feel like I can enjoy a night's sleep in my home, simply because the DAA was to implement unsustainable development at Dublin Airport.

I would argue that the Country and the Regions would be better served if a sustainable development plan were implemented to develop capacity in the

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regional airports. One example of this would be the immediate movement of all flights to the Americas from Dublin Airport to Shannon, freeing up capacity.

I call on An Bord Pleanála to implement Section 3 of the European Convention on Human Rights Act 2003, which places a positive obligation on all statutory bodies including, to perform their functions in a manner compatible with the State's obligations under the Convention provisions. And to uphold Article 8 of the Convention provides the right to respect for private and family life.

I am sure you have other evidence from experts of the consequences if you don't, which includes destroyed mental and physical health.

Our lives and health are in your hands, please ensure they have some quality.

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct [fee](#) is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.
Last updated: April 2019.

