

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 22/12/24
fromMartin + Leah Morris 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 issuesE.O.: Date: 21/1/25

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: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 314485Please treat correspondence received on 22/12/24 as follows:

. Update database with new agent for Applicant/Appellant _____

. Acknowledge with BP 23. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

Resp Recd

4. Attach to file

(a) R/S ☐(b) GIS Processing ☒(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>F. Mhatyar</u>
Date: <u>21/1/25</u>	Date: <u>21/1/25</u>

From: martypmoran@gmail.com
Sent: Sunday 22 December 2024 20:59
To: Appeals2
Subject: APB Case # 314485

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Please find below observation on case #314485 against which I previously objected.

The current flight paths for the North Runway deviate significantly from the approved NPR, and from the original Environmental Impact Statement (EIS) have significant consequences for surrounding communities as a result of vastly higher noise exposure. These deviations, inaccurately justified as necessary for safety, have been designed by AirNav for daa without regard to planning conditions or environmental impacts. The noise modelling provided is inconsistent and appears to minimize the true impact of these deviations. ABP must address these issues before finalizing the draft decision. We strongly urge a transparent review process that includes clarification from the IAA-SRD and independent analysis of the noise models. Only then can a fair and accurate decision be reached, one that respects both the planning process and the rights of affected residents.

Planning Condition 1 Breached

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

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

Flight Path Deviation

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

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

Confusion Over IAA's Role

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

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

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

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

Regards,
Martin Moran