

LPK 6/12

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 316685

Defer Re O/H

Having considered the contents of the submission dated/~~received~~ 12/12/24
from Mike Delaney 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 on 18/12/24

Section 131 not to be invoked at this stage.

☒

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

Signed



Date

19/12/24

EO

Signed

Date

SEO/SAO

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

B P40



Planning Appeal Online Observation

Online Reference
NPA-OBS-004056

Online Observation Details

Contact Name
Michael Delaney

Lodgement Date
12/12/2024 13:46:24

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Michael Delaney

Payment Amount
€50.00

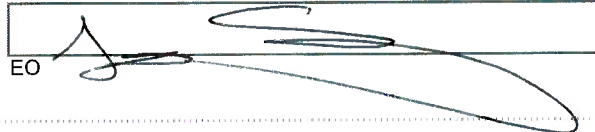
Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO 

Date

19/12/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG-076766-24

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_3QVCihB1CW0EN5FC1gfnzbuN

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



Michael Delaney

087 2480061

delaneymik3@gmail.com

29 Huntsgrove Ashbourne Co. Meath A84 KW26

12 December 2024
An Board Pleanála
64 Marlborough Street
Dublin 1, D01 V902

Observations relating to Bord Pleanála Case reference: PL06F.314485

To Whom it may concern,

I have lived in Ashbourne for over 30 years commuting to my work as an Airline Pilot at Dublin airport. I am well aware of the aviation industry having worked in it for over 40 years and have kept abreast of all developments at Dublin Airport. I am now retired as an Airline Pilot but am still involved in the industry as a simulator instructor of pilots.

I observed the planning application for Runway 28R at Dublin and viewed its progress to permission intently. I noted with interest the conditions under which planning was granted, particularly the EIS and the associated Noise Preferential Route, observing in particular the impact it would have in Ashbourne where I live.

Imagine my surprise to see aircraft regularly transit overhead Ashbourne at less than 3000' not flying along what I understood to be a sacrosanct condition of planning.

I submit my further observations on this matter, addressing inconsistencies and errors as I see them, thus in turn challenging the Draft decision based on the documents submitted.

Regards,
Mike Delaney

Flight Path Deviation

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

The Inspector incorrectly accepts the applicant's argument that these deviations were necessary for safety, citing guidance from the Irish Aviation Authority (IAA). However, this conflates the roles of two IAA divisions: the Safety Regulation Division (IAA-SRD) and the air traffic control service provider, AirNav. It is critical to clarify that the IAA-SRD's role is limited to approving or rejecting submissions for compliance with safety

standards. AirNav, as a service provider, is not an authority on regulatory safety standards. This confusion has led to a flawed conclusion that current flight paths are essential for safe operations.

Noise Modelling Inconsistencies

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

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

Vanguardia Report and Safety Justifications

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

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

Confusion Over IAA's Role

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

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

Planning Condition 1 Breached

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

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

Recommendations

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

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

Conclusion

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

modelling provided is inconsistent and appears to minimize the true impact of these deviations.

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