

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP-314485-22Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission received 17/10/22 fromDAA I recommend that section 131 of the Planning and Development Act, 2000be/not be invoked at this stage for the following reason(s): No new issues raisedE.O.: Date: 19/10/22

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 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# CORRESPONDENCE FORM

Appeal No: ABP-314485-22

M s McCormack

Please treat correspondence received on 17/10/22 as follows: amendments:

- |  |  |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____<br>2. Acknowledge with BP <u>20</u><br>3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____<br>2. Keep Envelope: <input type="checkbox"/><br>3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

## Amendments/Comments

DAA response to Brian Murphy appeal

## 4. Attach to file

- |   |   |
|---|---|
| (a) R/S <input type="checkbox"/>            | (d) Screening <input type="checkbox"/>    |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/>     |   |

RETURN TO EO ☒

*Gay*

EO:

*Gay*

Date:

*16/10/22*

Plans Date Stamped ☐

Date Stamped Filled in ☐

AA:

*Pete*

Date:

*19/10/22*

**Eoin O'Sullivan**

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**From:** Orla O'Callaghan <orlaoc@tpa.ie>  
**Sent:** Monday 17 October 2022 12:38  
**To:** Appeals2; Bord  
**Subject:** First Party Response to Third Party Appeal - ABP Ref. PL06F.314485.  
**Attachments:** First Party Response to Third Party Appeal ABP Ref. PL06F.314485 \_Brian Murphy\_Final.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Afternoon,

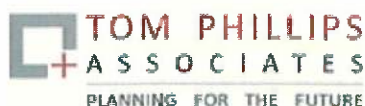
On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Brian Murphy against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022 (Fingal County Council Reg. Ref. F20A/0668 /ABP Ref. PL06F.314485).

Can you please confirm receipt of this First Party Response to the Appeal?

Regards,

Orla O'Callaghan  
Senior Planner

**Tom Phillips + Associates**  
Town Planning Consultants



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The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

17, October 2022  
[By email - appeals@pleanala.ie]

Dear Sir/Madam,

**Re: Proposed Relevant Action (S.34C of P&D Acts) to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, Co. Dublin**

**First Party Response to Third Party Appeal  
ABP Ref. PL06F.314485; Fingal County Council Reg. Ref. F20A/0668.**

## **1.0 Introduction**

daa plc (hereafter referred to as daa or the Applicant) have retained Tom Phillips + Associates<sup>1</sup> along with a multi-disciplinary team to prepare this First Party Response to a Third-Party Appeal by Brian Murphy against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8<sup>th</sup> August 2022.

## **2.0 Executive Summary**

The appeal submitted by Brian Murphy relates to a notice of decision by FCC to grant an application made on behalf of daa plc for 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, at Dublin Airport, Co. Dublin. The proposed Relevant Action is to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, Co. Dublin.

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<sup>1</sup> 80 Harcourt Street, Dublin 2, D02 F449.



### 3.0 Appeal Context

This First Party Response on behalf of the Applicant relates to an appeal by Brian Murphy against FCC planning permission Reg. Ref. F20A/0668. FCC issued a notification to grant permission for the proposed application on the 8<sup>th</sup> August 2022 with 5 conditions attached.

The Appellant notes that he is not against progress, development, and the betterment of the airport's infrastructure in the national interest and recognises the role of the airport in providing trade and travel links to the rest of the world which are vital given that Ireland is an island.

The Appellant sets out the background to the achievement of planning permission for the replacement of his own dwelling and notes that he was given reassurance by a Fingal County Council Planning Officer at the time that the house location was outside the anticipated flight paths for planes.

The Appeal makes reference to the 2016 *daa Consultation on Flight Paths and Change to Permitted Operations* Booklet October 2016 and *Dublin Airport North Runway Regulations 598/2014 (Aircraft Noise Regulation) Forecast Without New Measures and Additional Measures Assessment Report* (Revision 1 July 2021) by Ricondo & Associates.

The main issue raised in the Appeal relate to compliance issues regarding the operation of the North Runway. We note that these items relate to compliance and enforcement type matters and are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority.

### 4.0 Response to Items Raised in Third Party Appeal

In response to the Appellants comments in relation to engagement with Fingal County Council regarding a planning application for a replacement dwelling, these are outside the scope of this appeal. That was a separate planning application submitted in 2018, well in advance of the current proposed development by daa. As such it would be inappropriate for us to comment on that permission.

In relation to compliance type issues that the Appellants are raising. We note that these items relate to compliance and enforcement type matters and are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority

### 5.0 Conclusion & Recommendations

As indicated in the above submission and the material submitted with the application, it is considered that the proposal as determined by the planning authority and competent authority (ANCA) is appropriate. The proposed Relevant Action is fully in compliance with multi-governmental strategic objectives and policies that seek to facilitate the growth of Dublin Airport and foster the airport's connectiveness to the UK, Europe and wider global environment. By comparison, the permitted operating restrictions which this application seeks to amend/replace run contrary to these strategic objectives and policies.

The potential for impacts on local communities as a result of the proposed Relevant Action has been assessed in great detail through the course of preparing this application and subsequent response to FCC's request for FI and ANCA's Direction's. In this regard, the proposed Relevant Action seeks to apply a balanced outcome. As a result, in addition to



amending/replacing the above referenced operating restrictions the proposed Relevant Action also seeks to propose a preferential use of the runway system, a noise insulation grant scheme, a night noise quota system and a noise monitoring framework.

This package of measures will ensure that the overall noise effects of the proposed Relevant Action will not exceed the noise situation from 2018. In this regard the proposed Relevant Action is fully in accordance with the proper planning and sustainable development of the area and we respectfully request that Board not allow the appeal and direct permission to be issued without delay.

We note that the 3<sup>rd</sup> party Appellant has requested that ABP conduct an Oral Hearing in relation to this matter. Our client has no objection to this request.

Yours Sincerely

Gavin Lawlor  
**Director**  
Tom Phillips + Associates

