

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated received 02/04/2024
fromBrian Murphy 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 material issuesE.O.: Pat BDate: 18/04/2024

For further consideration by SEO/SAO

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: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314485

M _____

Please treat correspondence received on 02/04/2024 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>23</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments <u>Brian Murphy response to S.131</u>
<u>12/03/2024 02/04/24 ✓</u>

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 <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>18/04/2024</u>	Date: <u>25/04/2024</u>

Stephen Sutton

From: Bord
Sent: Tuesday 2 April 2024 11:53
To: Appeals2
Subject: FW: Submission from Brian Murphy re Relevant Action ABP-314485-22
Attachments: Response_B_Murphy_ABP_Relevant_Action_submission_April_24.pdf

From: Brian Murphy <brianm1983@gmail.com>
Sent: Tuesday, April 2, 2024 11:49 AM
To: Bord <bord@pleanala.ie>
Subject: Submission from Brian Murphy re Relevant Action ABP-314485-22

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.

To Whom this may concern,
I originally appealed the granting of the Relevant action to ABP. Please find attached my submission following the daa's additional information/maps.
Please do not hesitate to contact if any issues,

Kind regards,
Brian Murphy 0877855013

Brian Murphy
Common Cottage,
Chapel Midway
St. Margarets
Co. Dublin
K67HE62

RE Case: ABP-314485-22 - Relevant Action Application Dublin Airport.

To whom it may concern,

I wish to submit a response in relation to the submission of additional maps relating to the noise contour zones and night insulation requirements as part of the relevant action application.

I have read the submission from the St.Margarets/The Ward Residents group and fully endorse their points. I will not rehash these except to reiterate the point regarding due process and adherence to planning law.

In the ANCA Regulatory Action Decision June 2022 document-states "*Dublin Airport implementing the form of operation as described in Condition 3(a)- (c) of the North Runway Planning Permission at 00:00 and recommencing this pattern at 06:00 (local time). ANCA's DRD strikes a balance between the number of people forecast to be exposed to night time aircraft noise, including the number of people exposed above the priority value of 55 dB Lnight, and those who may experience significant adverse changes in night time noise exposure. ANCA's three proposed conditions address the identified noise problem*". (Pg181, ANCA Regulatory Decision Report June 2022, available from <https://www.fingal.ie/sites/default/files/2022-08/Regulatory%20Decision%20Report.pdf>).

The flight paths now in place for aircraft departing westward from the north runway since opening in August 2022 differ significantly from those presented during the planning process.

The daa's latest noise contour maps are firstly 'models' of noise despite the runways operation for an entire summer season which was a missed opportunity to collect 'real-world' data to definitively describe accurate maps of noise produced. (We would suggest it is convenient for the daa to not have real world data available in order to be able offer 'models' which may under-represent that actual noise experienced by residents; the SMTW residents group have conducted our own actual formal data collections of a sample of homes during the 90-day summer reference period which demonstrate higher noise levels than those modelled by the daa).

These contour maps do not represent the flight paths that were 'as always intended' as statements in the media by their CEO Mr. Jacobs on RTEs *Prime Time* would have us believe; full insulation of homes that are no longer being overflown during departures belies that fact. Instead these altered noise maps demonstrate a significant and meaningful alteration to the environmental noise impacts of an additional 7km² approx which was outside the original noise

maps presented to ANCA for the areas being significantly affected. These are not empty fields but peoples homes affected not only by the fact these flight paths now differ, but also due to the daa's non-adherence to their original planning permission requiring insulation of these homes prior to operation of the runway. These circumstances were not apparent at the time ANCA gave regulatory approval and it behooves An Bord Pleanála to consider whether such an area, if included on the original plans would have changed ANCA's opinion and decision to approve the relevant action. It would also seem extraordinary that the daa can misrepresent what they are intending to do thus depriving people originally not affected from participating in the planning process.

Within ANCA's Regulatory Decision Report they discuss at various points the Noise Abatement Objective in relation to Dublin Airport. On pg 195, *"Whilst the Forecast Without New Measures is also capable of meeting the NAO, this does not provide any limits on night time noise beyond the NAO itself. ANCA determined that a restriction is necessary in the form of a limit to ensure that the Applicant's forecasts will be met. This is particularly important over the period to 2030 in anticipation of the 30% noise reduction outcome being required under the NAO. For this reason, ANCA considers that revoking Condition 5 would not be in line with the broader policy of setting limits as defined by the NAO"*. They seem to be saying that more robust aspects to the RA approval were not required as they have powers under the NAO objective separately. It should be noted however that ANCA, as per their official website issued an 'Information update from ANCA' which states *"the Aircraft Noise Competent Authority (ANCA) has issued an information update regarding the review of the effectiveness of noise mitigation measures on achieving the noise abatement objective (NAO) at Dublin Airport. In July 2023, ANCA reported that one of the four NAO expected outcomes had not been achieved for 2022. The airport authority (daa) responded to the findings of the report. After considering the daa response, ANCA's position remains unchanged."* (<https://www.fingal.ie/news/information-update-anca>)

There has been no update to this.

On the multitude of planning investigations and processes - including Fingals County Councils High court action vs the daa exceeding 65 flights/night and one of the conditions for granting planning for the north runway - it appears the daa's culture and modus operandi is to deny, ignore, obfuscate, and litigate any planning breach that they perpetrate. With a turnover of 1 billion euro, they have deep pockets to enable this.

Please ensure that dublin airport is operated in a way that enables local residents to live normal lives. Please do not rob people of their enjoyment of their homes. Please ensure that the daa faces up to their responsibilities, because as constructed the relevant action allows them to avoid any meaningful actions to ensure our homes remain liveable.