

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
fromLiam O'Gradaigh 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 314485-22

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>Liam O'Gradaigh response to S.131</u>
<u>12/03/24: 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 Mc Nally</u>
Date: <u>18/04/2024</u>	Date: <u>25/04/2024</u>

Alfie Staunton

From: Liam.OGraidaigh@lamresearch.com
Sent: Tuesday 2 April 2024 17:03
To: Appeals2
Subject: Ref ABP-314485-22 (F20A/0668)

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.

Dear An Bord Pleanala,

I want to thank the Board for affording me the opportunity to make a submission in relation to the RFI material received from Tom Phillips & Associates. There are a number of points I'd like to make.

Firstly, I would like to make the point that the information received by the Board is of significant nature and should be deemed so in planning terms and offered to the public to comment. These maps show that there is a large cohort of people who are now deemed to be in nighttime noise contours that warrant insulation. Many of these people are totally unaware of this and are relying on community groups to inform them. These same people have no opportunity to make a submission on these maps. They were never made aware at any stage in the planning process for application F20A/0668 that they would be subjected to such a high level of nighttime noise that they now qualify for insulation. For this reason alone, this application should be rejected by the Board.

There is also a cohort of people who were informed by ANCA that they would qualify for nighttime insulation under their Regulatory Decision. Based on these new maps received by the Board, they no longer qualify for nighttime insulation. Again, these people have not been made aware of this by the Board and have not been afforded the opportunity to make a submission. Again, their voices are not heard which is contrary to proper planning and sustainability. In my opinion this lack of opportunity afforded to them by the Board leaves the Board open to legal challenge.

Our family home is one such dwelling now excluded from the nighttime insulation based on the maps provided. We are under the flight path for arrivals from the West on the North Runway. We are already suffering horrendous noise levels but the daa and ANCA have averaged the noise at our property over the entire year. The impact of noise is not felt on an average basis. We are also impacted by the operations on the South Runway. We were to be included by ANCA's Regulatory Decision, but now the new maps deem us outside the insulation scheme.

The maps provided, do not fully assess the significant nature of the increase in noise for the dwellings newly exposed to noise since the North Runway started operation. The comparison for significant effects should be a lot lower than +9dB and that the baseline should be a year before the North Runway opened compared to 2025 with the Relevant Action. The daa and ANA are only proposing to insulate dwellings 'very significantly' affected and not those 'significantly' affected which is contrary to EIA guidelines. Dublin Airport failed the Noise Abatement Object (NAO) in 2022 and did so again in 2023, with respect to nighttime noise.

The new maps show that the flight paths in operation at Dublin Airport are in violation of Condition 1 of the North Runway's planning permission. This is the fundamental issue at stake. Only straight-out paths were environmentally assessed in the planning permission of 2007. The maps also show that current flight operations are in contravention of both the Meath and Fingal Development Plan. A Relevant Action is not the proper planning mechanism for such large changes to an existing planning permission.

The Board must make a Draft Regulatory Decision, as required by the Aircraft Noise (Dublin Airport) Regulation Act 2019, and put it out for Public Consultation, as these maps clearly amend ANCA's decision. ANCA have also stated this in their submission on the EIAR Supplement to ABP.

The 55dB Night contours are extremely relevant to the Noise Abatement Objective for Dublin Airport as 55dB Night is one of the criteria to be compared against the 2019 equivalent. It is very relevant that Dulin Airport failed the 55dB Night limit in 2022 and again in 2023.

Not only is Dublin Airport in breach of Condition 1 of 2007, but it also breached the 32mppa cap in 2019 and 2023. Dublin Airport has also been served with an enforcement notice over Condition 5 of 2007 (65-night flight limit).

The Inspector's report of 2007 stated that Significance was never calculated as part of the EIS. Only with the imposition of Conditions 3(d) and 5 was planning permission facilitated. Therefore, the permission of 2007 cannot be separated out from these 2 conditions. They are fundamental to the grant of permission. In the current application, no Significance of the noise situation compared to that assessed in the 2007 parent planning permission has ever been carried out. This is a serious non conformance issue with EIA legislation.

For the reasons above, the new maps make it clear that this application should be rejected. I look forward to the Draft Regulatory Decision and for the Public Consultation phase to again make these same points.

Yours Sincerely
Liam O'Gradaigh
Ward Cross
The Ward
Co Dublin
086-0662280

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