

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

## SECTION 131 FORM

Appeal NO: \_ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 21/03/2024  
fromGerald Turley 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: 02/04/2023

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 21/03/2024 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>Gerald Turley response to S.131</u>
<u>12/03/24: 02/04/24 ✓</u>

<b>4. Attach to file</b> (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"/>	<b>RETURN TO EO</b> <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>02/04/2024</u>	Date: <u>25/04/2024</u>

Patrick

**Ronan Megannety**

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**From:** Bord  
**Sent:** Thursday 21 March 2024 17:25  
**To:** Appeals2  
**Subject:** Fw: An Bord Pleanála (ABP Ref: 314485-22) in response to the appeal logged by DAA and partners/affiliates.  
**Attachments:** CASE ABP314485-22 PAref F20A 0668.pdf

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**From:** gedtturley11@gmail.com <gedtturley11@gmail.com>  
**Sent:** Thursday 21 March 2024 5:14 pm  
**To:** Bord <bord@pleanala.ie>  
**Cc:** 'Gerald Turley' <gedtturley11@gmail.com>  
**Subject:** An Bord Pleanála (ABP Ref: 314485-22) in response to the appeal logged by DAA and partners/affiliates.

**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.

Reference :- An Bord Pleanála (ABP Ref: 314485-22) in response to the appeal logged by DAA and partners/affiliates.

Dear ABP,

Attached my original submission, your acknowledgement and your request to me for any update dated 12 march 2024 in relation to section 131 of the planning and development act 2000 from Patrick Buckley on the original submission due the DAA appeal/updates.

Below are extracts from the documents submitted by DAA which is the core of the DAA request, I have extracted these as the amount of information submitted, I believe to be a ploy to confuse everybody and blind them with science, so these are the points I have addressed in my original submission and my review of those considering the additional information provided:-

**Extracts:-**

“The purpose of the report is to provide a professional opinion in relation to RFI item 1 in particular. The preparation of this opinion has involved a review of the planning application material including the EIAR (September 2021) & the ABP Request Letter as well as the 3rd Party Observations submitted against the proposed development. The aims of the report are to provide a) An outline/guidance on the approach specified in the review supporting the WHO ENG 2018 (as referenced in the ABP Request Letter) including a summary of what the guidelines advise in relation to ‘awakenings’ b) A professional opinion as to the suitability of the above referenced approach and why it may or may not be an appropriate assessment tool. It is intended that the report be used in determining the case for amendment / replacement of two operating restrictions for the North Runway at Dublin Airport. This includes a replacement of a numerical cap on average number of flights permitted between 23:00

and 7:00 by a noise quota limit for the same time period, and allowing additional flights to take off and land in the transition hours 23:00 to 00:00 and 6:00 to 7:00.

**Key Concepts and Terminology Used in the EIAR (Proposed) Relevant Action** The proposed Relevant Action is to amend condition no. 3(d) and replace condition 5 of the North Runway Planning Permission, as described in Chapter 1 ('Introduction') and Chapter 2 ('Characteristics of the Project'). 32 million passengers per annum (mppa) Cap (32 mppa Cap) Cap on the permitted annual passenger capacity of the Terminals at Dublin Airport as a result condition no. 3 of the Terminal 2 Planning Permission and condition no. 2 of the Terminal 1 Extension Planning Permission. These conditions provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum.

**Permitted Scenario** This scenario assumes that the North Runway becomes operational but the airport is constrained by the restrictions on night-time use of the runway system at Dublin Airport, namely the restriction on the number of flights permitted between the hours of 23:00 and 07:00 which limits the number of flights to an average of 65 between these hours and the restriction of the use of North Runway at night (no use between 23:00 and 07:00) (i.e. conditions no. 3(d) and no. 5). These conditions do not currently apply to Dublin Airport but would come into force once the North Runway becomes operational. The Permitted Scenario also assumes that the current 32 mppa Cap remains in place. Taken together, these characteristics mean that the Permitted Scenario represents the 'do nothing' case.

**Proposed Scenario** This scenario represents the situation with the proposed Relevant Action in place. It assumes that the North Runway becomes operational but the airport is not constrained by the restrictions on night-time use of the runway system at Dublin Airport, namely the restriction on the number of flights permitted between the hours of 23:00 and 07:00 which limits the number of flights to an average of 65 between these hours (i.e. conditions no. 3(d) and no. 5). Instead the Proposed Scenario involves use of North Runway in the shoulder hours 06:00 to 07:00 and 23:00 to 00:00 and the introduction of a noise Quota Count System to replace the 65 average number of flights restriction. The Proposed Scenario also assumes that the current 32 mppa Cap remains in place.

**Current State of the Environment** This is the description of the current environmental conditions, as required by the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU). It is determined through desk-study and surveys undertaken between 2018 and 2021, as detailed in the technical chapters. **Future Receiving Environment** The Future Receiving Environment is the predicted state of the environment in three Assessment Years (2022, 2025 and 2035) and represents the likely evolution of the Current State of the Environment without implementation of the proposed Relevant Action. It is also used as the baseline environment against which the assessment of effects of the Proposed Scenario is undertaken. It is derived from the Current State of the Environment, adjusted to reflect likely changes occurring between now and the assessment years (insofar as it is possible to determine these). This is in line with the draft Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA, 2017) which explain that the predicted future baseline may be referred to as the likely future receiving environment."

## Response:-

As can be seen in the updated figures on the impact of sound the area has expanded to the North West bringing them into the 55db range and further out into the 50 and sub 50DB ranges, these areas fringe on Ashbourne, Ratoath and Dunshaughlin total population as of 2022 Census 32,000 people and indeed with latest building and planning applications I am sure will soon exceed 35,000. All of these densely populated towns were not shown as impacted in the first submissions from DAA. None of these homes are allowed grants of subsidies for sound insulation as they are shown outside the "A, B, C or D Zones." However the modelling as defined is a "Desk Model" it is not based on "Actual Data" from Ratoath or Dunshaughlin as there are no permanent sensors. I live in Ratoath and have measured

- Flights over the road I live on in Ratoath exceeding 50DB daily (Americas flights mainly)
- Flights over the road I live on which are not shown on the flight paths submitted on this proposal as it only shows centre line flight paths none of which go through Ratoath, these plans do not show allowed deviation from the centre line. This point expands on the one above which shows faults in their desktop analysis and algorithms.
- DAA clearly state that the majority of take off's are in a westerly direction (77-80%) due to wind direction, they also state they got their modelling wrong as they had only catered for a 15 degree turn on exit north west from the new runway, this in fact is more like 90 degrees hence flying over Ashbourne, Ratoath and Dunshaughlin especially for Americas flights which are the larger A330 series planes which are heavy and are lucky to get above 3000ft over Ratoath, Also Spanish bound flights pass over Ratoath on a regular basis starting early in the morning @6am. None of these are reflected in the data. (note several complaints of these aircraft made the noise authority over the last year about the Americas bound planes only 2 replies received attaching a DAA booklet to say how well they are doing!!!).
- DAA are already allowing flights at 6am and they pass over my house starting at 06:08 in the morning, they are also flying up to 12pm at night and I suggest ABP request DAA flight data as this will show this fact. This exceeds their (DAA) planning, so what can be seen is that DAA are deliberately ignoring current restrictions and doing what they like to the detriment of the wider public. We need to stick to the 11pm to 7am quiet window too allow the public and especially children to sleep peacefully.
- The documentation submitted from Dr Thomas Penzel about "what being awake means" in support of the DAA case whilst interesting does not hold any new evidence in my opinion, when someone is wide awake they are wide awake and often can not get back to sleep and therefore are sleep deprived the following day or days, I can speak first hand of these due to night/early morning aircraft noise, theory is good but fact is fact.

- The movement to a noise Quota Count System to replace the 65 average number of flights average of aircraft noise is problematic, for the following reasons.
  1. How is a noise quota obtained ? it seems to be based again on a desktop model and assessment of how many people will wake. Is it based on aircraft type, volume/aircraft type, quota per passenger, wind direction, fuel type, daily or nightly temperature, if an aircraft is taking off, landing, or some stage in-between these etc as all these things have some kind of impact. This is open to abuse by people playing with numbers etc. How can this be justified against the impacts on the public living in proximity to the airport these people are entitled to their sleep and quality of life, additional planes with a wider window of operation flies in the face of this.
  2. Larger international airports do not fly at night they respect the people living in proximity to the airport and surrounding suburban towns/villages, why are we not copying their models, the excuse of economic impact if the DAA proposal is not implemented is a weak one, we have regional airports that can be used for any overflow outside the close period of 11pm-07am, not everyone wants or needs to come to Dublin.
  3. It is must easier and farer to count aircraft as they arrive, move or take-off and as such can be policed simply and effectively and is “transparent”.

In summary, The data presented is one sided and to a large degree a modelling exercise, there is no acknowledgement of the a new large catchment area that is impacted by the Noise especially from the northern runway, there is no acknowledgement this is outside Fingal Council remit and in Meath, there is no acknowledgement that some kind of sound insulation will be needed and who pays for it as the area covered in this proposal is small especially zones A and b. No changes should be mase until the DAA working with the flight authorities adjusts the flight paths back to what was originally proposed over largely unoccupied land or adjusts the flight paths to avoid all the new densely populated and growing areas of Ashbourne, Ratoath and Dunshaughlin.

Your very sincerely

Gerald Turley

Phone: 087-2274520

Address Hunscott Lodge

Glascarn Lane

Ratoath

Co Meath

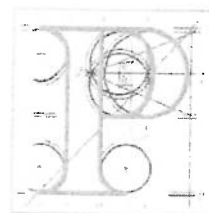
A85 C825





**Our Case Number:** ABP-314485-22

**Planning Authority Reference Number:** F20A/0668



An  
Bord  
Pleanála

Gerald Turley  
Hunscott Lodge  
Glascarn Lane  
Ratoath  
Co. Meath  
A85 C825

**Date:** 12 March 2024

**Re:** 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, which relates to the night-time use of the runway system at Dublin Airport.  
Dublin Airport, Co. Dublin

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the submission dated 4th March 2024 received from Tom Phillips and Associates on behalf of DAA plc.

The submission has been posted on the website of An Bord Pleanála at <https://www.pleanala.ie/en-ie/case/314485>.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this submission **on or before 2nd April 2024**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board may proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Patrick Buckley  
Executive Officer  
Direct Line: 018737167

BP70 Registered Post

Tell  
Glao Áitiúil  
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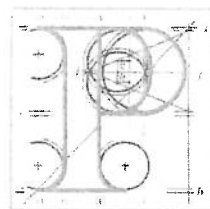
Tel (01) 858 8100  
LoCall 1800 275 175  
Fax (01) 872 2684  
Website [www.pleanala.ie](http://www.pleanala.ie)  
Email [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

**Our Case Number:** ABP-314485-22

**Planning Authority Reference Number:** F20A/0668



An  
Bord  
Pleanála

Gerald Turley  
Hunscott Lodge  
Glascarn Lane  
Ratoath  
Co. Meath  
A85 C825

**Date:** 21 November 2023

**Re:** 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, which relates to the night-time use of the runway system at Dublin Airport.  
Dublin Airport, Co. Dublin

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above-mentioned appeal.

Your observations in relation to this appeal will be taken into consideration when the appeal is being determined.

Section 130(4) of the Planning and Development Act, 2000, (as amended), provides that a person who makes submissions or observations to the Board shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in writing in relation to the appeal and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.

A receipt for the fee lodged is enclosed.

Yours faithfully,

A. McNally  
Anthony McNally  
Administrative Assistant

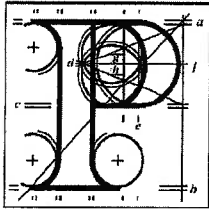
BP40

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(01) 858 8100  
1800 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902



An  
Bord  
Pleanála

Táille Reachtúil  
Statutory Receipt

ABP-314485-22

<b>Ainm an Chustaiméara:</b> <b>Name of Customer:</b>	Gerald Turley
<b>Gníomhaire:</b> <b>Agent:</b>	
<b>Íocaíocht Faighte:</b> <b>Payment Received:</b>	€50
<b>Modh Íocaíochta:</b> <b>Payment Method:</b>	Online Payment
<b>Uimh. Aitheantais Lóisteála:</b> <b>Lodgement ID:</b>	LDG-068166-23
<b>Cineál na Lóisteála:</b> <b>Lodgement Type:</b>	Observation / Submission
<b>Iarratas ar éisteacht ó bhéal</b> <b>Oral Hearing Request:</b>	No
<b>Dáta Faighte:</b> <b>Date Received:</b>	14/11/2023
<b>Faighte ag:</b> <b>Received by:</b>	Patrick Buckley

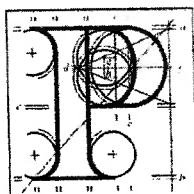
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Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1890 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

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D01 V902



An  
Bord  
Pleanála

## Observation on a Planning Appeal: Form.

### Your details

#### 1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Gerald Turley

(b) Address

Hunscott Lodge  
Glascarn Lane  
Ratoath  
Co Meath  
A85 C825

### Agent's details

#### 2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please also write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

## Postal address for letters

3. During the appeal process we will post information and items to you or to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the  
address in Part 1

☒

The agent at the address  
in Part 2

☐

## Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) **Planning authority**

(for example: Ballytown City Council)

(b) **An Bord Pleanála appeal case number (if available)**

(for example: ABP-300000-19)

(c) **Planning authority register reference number**

(for example: 18/0123)

**(d) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Dublin Airport, Co. Dublin

## Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

The DAA are proposing a development comprising of increased flights taking of and landing of aircraft to the night-time use of the runway system at Dublin Airport. Previously planning permission of Dublin's airport runways was only granted with a restriction of 65 aircraft movements per night.

A report by the Aircraft Noise Competent Authority found that while the overall number of aircraft movements at the airport was lower in 2022 compared to 2019, night-time movements increased by 7%.

Dublin Airport's new runway is operational and when planning permission was granted in 2007 it had strict restrictions on flights between 11pm and 7am.

Residents in Ratoath, Ashbourne and Dunshaughlin are now under one of the flight paths which was never planned for which includes the night flights from either the north or south runways. The noise from these flights are adversely affecting our sleep patterns and mental health which increased when the second runway opened last year.

Fingal County Council we believe is taking enforcement action to force the airport to comply with planning rules which cap the number of night flights at 65, we the residents support this and also ask that any proposed changes due to claimed lower noise levels from aircraft is not accepted, DAA was supposed to install noise level monitors in the surrounding areas, there is only one in Ashbourne, and none in Ratoath and Dunshaughlin this must be done.

Also why is the DAA allowed to fly planes over the 3 biggest towns north of Dublin Airport is Ratoath, Dunshaughlin and Ashbourne which is a combined population of 32,000 people according to 2022 Census figures and these are the 3 fastest growing areas in Meath!. There is significant open country both south, north and west of these towns to allow for changes to the flight paths that would reduce noise in these towns, this argument is supported by local pilots who fly out of Dublin for major airlines.

Noise at night is significant at times especially as heavier aircraft are @4000-6000ft as they pass over our towns, we ask that the existing guidelines are enforced and the time restrictions of 11pm-7am are enforced and that the volume of flights are not increased.

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

As per above.

1. I am a resident of Ratoath and are impacted by low flying aircraft at night impacting my sleep patterns and mental health.
2. Planning approval was Dublin second runway was only granted if night time flights were below 65 between 11pm and 7pm, the current volume of flights exceeds this
3. Current flight paths are not as specified in original planning permission, flights should not fly over the towns of Ratoath, Ashbourne and Dunshaughlin, this was never consulted on.
4. Now noise sensors have been installed in Ratoath and Dunshaughlin which the DAA was supposed to install these in the surrounding areas after the second runway was commissioned.



## Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Fee

7. You **must** make sure that the correct fee is included with your observation. You can find out the correct fee to include in our Fees and Charges Guide on our website.

This document has been awarded a Plain English mark by NALA.  
Last updated: April 2019.



