

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 28/03/2024
fromMichael 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 new material issuesE.O.: Pat BDate: 04/04/2024

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 28/03/2024 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>Michael Delaney 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 McNally</u>
Date: <u>04/04/2024</u>	Date: <u>25/04/2024</u>

Alfie Staunton

From: Bord
Sent: Thursday 28 March 2024 15:30
To: Appeals2
Subject: FW: 314485-22
Attachments: ABP R.pdf

-----Original Message-----

From: Mike Delaney <delaneymik3@gmail.com>
Sent: Thursday, March 28, 2024 3:28 PM
To: Bord <bord@pleanala.ie>
Subject: 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.

Attached below are my observations in relation to the Tom Phillips & Associates submission on behalf of the daa.

Regards,
Mike Delaney



Mike Delaney

0872480061.

delaneymik3@gmail.com

29 Huntsgrove Ashbourne Co. Meath

28 March 2024

An Bord Pleanála via online submission

Bord Pleanála Case Number: ABP-314485-22

Planning Authority Case Reference: F20A/0668

Observations relating to Bord Pleanála Case reference ABP-314485-22 subsequent to the receipt of additional information from daa.

To whom it may concern,

I have reviewed the new information supplied by daa. It underscores further that daa continues to fundamentally ignore the planning permission granted in 2007 and cements the company's intention to do as they please and their expectation that they may do so with impunity.

daa persists in pretending that the flight paths are entirely unconnected to the planning permission and is now on the fourth set of routes since 2005, while nowhere near compliant with the original Environmental Impact Statement (EIS).

Noise contours have extended hugely into our community and that a very significant number of dwellings are now included within the noise eligibility contours. Firstly, we note that there was no notice of this fact in any of the planning notices for this application to date. Many of our neighbours who thought they were not affected by this application are now inside these contours but yet were never publicly notified until they attended a public meeting held by St Margarets /The Ward residents' group who explained this to all of us. None of the newspaper or site notices informed the public. Secondly, the people who now know they are within the contours have not been given the opportunity to make a submission/observation as they do not qualify because they did not make a submission previously as they thought they were unaffected. An Bord Pleanála did not give a public notice of this significant additional information. The above is totally unacceptable and unjust to the communities affected.

Why have the noise contours grown. St Margarets The Ward residents carried out noise monitoring on the north runway flight path and found the noise levels to be far beyond those predicted by daa. Their noise predictions are not accurate and unfounded and they are trying to obtain permission by manipulating numbers. Why can they not submit actual noise results along the flight path which has been in operation since August 2022.

Reference is made to the noise zones on Fingal development plan. These noise zones must now be revised due to the proposed flight path over our area. Fingal County Council consider that there should be no residential development allowed in noise zone A as it is considered harmful to health or otherwise considered unacceptable due to the high levels of aircraft noise. However, the flight path now being operated by daa is putting many existing residences in Noise Zone A and B which is just not acceptable from a health point of view.

The noise insulation grant as proposed is not fit for purpose and is totally insufficient to protect for night noise. Measurements of noise in bedrooms of housing already insulated indicate that the noise levels exceed the recommendation in Fingal Development Plan are not sufficient to protect human health. The noise insulation grant by its very nature ignores the fact that in dealing with noise within a structure on a plot the remains of the plot, or outside (garden), remains compromised. We have as a result gardens that cannot be enjoyed, schoolyards that cannot be used, none of which are eligible for compensation.

Planning is an afterthought for the daa. In a recent reply from Fingal County Council the following statement is contained. *"Since the opening of the North Runway at Dublin Airport, the Planning Authority have received complaints in relation to alleged breaches of conditions of the relevant planning permission (Register Ref. F04A/1755 / ABP Ref: PL 06F.217429 as extended under FCC Reg. Ref: F04A/1755/E1 and amended under FCC Reg. Ref: F19A/0023 / ABP Ref: ABP-305298-19). On foot of these complaints, six Warning Letters and an Enforcement Notice have been issued."* This level of non-compliance by the daa, itself a semi-state body, is scandalous. Residents who themselves have obeyed the planning laws and should therefore enjoy the protection of same find that they are being overflowed, as planning given and ostensibly endorsed by local authorities is being flouted. No consultation has occurred in these "incorrectly overflowed" areas as to their new status and certainly no information has been given by the daa. Applications for house building has been approved in these "incorrectly overflowed" areas and planning refused in areas currently not overflowed showing an intolerable abuse and sidelining of the entire planning process. daa are by the nature of this application including a surreptitious application to retain their current incorrect flight paths.

Until the issue of flight routes is addressed and they are brought within the boundaries laid out in the original Environmental Impact Statement no relaxation of planning conditions 3(d) and 5 as the applicant wants with this relevant action should be considered.

To be clear; there is no safety, regulatory or technical reason that prevents daa from complying with the original noise footprint from the 2005 EIS. daa's spin that the current flight paths are required for reasons of safety is simply not true.

This application must be refused.

Regard,

Mike Delaney