

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ (received) 14/12/2023
fromAdrienne McDonnell and
others 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 BunnDate: 29/12/2023

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-069030-23**

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

Customer: **Adrienne McDonnell and others**

Lodgement Date: **14/12/2023 16:09:00**

Validation Officer: **Patrick Buckley**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

✓

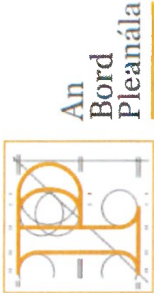
F.K.

02.01.24

Run at: 29/12/2023 13:49

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069030-23



Details

Lodgement Date	14/12/2023
Customer	Adrienne McDonnell and others
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069030-23
Map ID	
Created By	Karen Byrne
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
Refund Amount	

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

PA Case Number	F20A/0668
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Development Description	A proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of
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the Planning and Development Act 2000, as amended, at Dublin Airport, Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or

	<p>landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19).</p> <p>Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.'</p> <p>Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.:</p>
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PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to nighttime use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any

	<p>amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.</p>
Applicant	
Additional Supporting Items	Yes

	08/08/2022
PA Decision Date	
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

Patrick.

Karen Hickey

From: Adrienne McDonnell <adriennemacaroo@gmail.com>
Sent: Thursday 14 December 2023 13:44
To: Appeals2
Cc: Bord; Betty (ipad) McDonnell; Peter Colgan; Deirdre Colgan; Declan McDonnell; Joscelin McDonnell; Liz Rooney; Padraig Rooney; Noel Hughes
Subject: Observation on additional information Case ABP-314485-22, Planning Ref. F20A/0668
Attachments: ABP Additional Observations_14 December 2023_McDonnell.pdf

Dear Patrick,

Further to your letter dated 8 November 2023, please find attached the McDonnell, Colgan, Rooney submission/Observation on additional information Case ABP-314485-22, Planning Ref. F20A/0668.

Yours sincerely,
Adrienne McDonnell
086-8481891

Observation with respect to additional information F20A/0668

An Board Pleanála case number: ABP-314485-22

APPELLANTS: of Kilreesk Lane, St. Margaret's, North Co.Dublin

- Adrienne McDonnell, Kilreesk Lane, St. Margaret's, North County Dublin, K67 AD79
- Betty McDonnell, Erkindale, Kilreesk Lane, St. Margaret's, North County Dublin, K67 TN99
- Joscelin & Declan McDonnell, Kilreesk Lane, St. Margaret's, North County Dublin, K67 XN96
- Elizabeth & Pdraig Rooney, Kilreesk Lane, St. Margaret's, North County Dublin, K67 YK57
- Deirdre & Peter Colgan, Kilreesk Lane, St. Margaret's, North County Dublin, K67 KH34

Introduction:

The above named and their families (all McDonnell's) reside on Kilreesk Lane, St. Margaret's, North County Dublin.

We are all are part of the original group of objectors to the North Runway Project in 2007, as members of the St. Margaret's Concerned Residents Group (SMCRG). It is a well-known fact, that St. Margaret's, and in-particular, Kilreesk Lane residents, are the most affected individuals from the new North runway at Dublin Airport.

The daa wish to have the conditions attached to the North Runway Planning permission altered in their favour, for their best interest claiming they are not workable. However, in our original submission we neglected to refer to the length of time afforded to residents for the buyout scheme to be available for uptake. Per condition 9 - Voluntary buy-out scheme for residents ... *"Prior to the commencement of operation of the runway, an offer of purchase in accordance with the agreed scheme shall have been made to all dwellings coming within the scope of the scheme and such offer shall remain open for a period of 12 months from the commencement of use of the runway".* We as a family who have built our own houses on family land, have a real concern regarding the stated opt-in period for take up of the scheme. We cannot be expected to be held to this short timeframe for a massive life-changing decision, such as moving home, and therefore **we demand that this opt-in period is extended with an indefinite timeframe**, for the following reasons:

Condition 9 - Voluntary buy-out scheme for residents:

***NOTE:** According to Condition 9 of the planning permission for the North Runway, which states; *"Prior to the commencement of development, a scheme for the voluntary purchase of dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 69 dB LAeq 16 hours within twelve months of the planned opening of the runway for use. Prior to the commencement of operation of the runway, an offer of purchase in accordance with the agreed scheme shall have been made to all dwellings coming within the scope of the scheme and such offer shall remain open for a period of 12 months from the commencement of use of the runway".*

1. Passenger figures are now at 32 million, and daa state they need to increase capacity to 40 million, thus having a major increased impact on the health and well-being of our families.
2. In 2017 as members of the St Margaret's Concerned Residents Group, we wrote to Minister for Transport and expressed our opposition to the transposition of EU Directive 598/14; i.e. into Irish legislation. One concern was the constant reference by the daa that aircraft are becoming less noisy. That this is technically feasible does not mean it happens in reality e.g. The Airbus 320max has not reduced the db levels in anyway over the respective noise zones yet it is said to be 40% quieter which is only about 12db on average. Drawing on the analogy of motor vehicle emissions; from the 1st July 2008 motor taxation is based on CO2 emissions levels - despite this change, there is still a significant percentage of the vehicle population still in use to this day. Applying the average life of an aircraft of 25 years, it will be a considerable number of years before the benefits of quieter aircraft will come into play. However, in the intervening years, daa are happy to impose this nuisance without sufficient regard for the health and wellbeing of those residing in the noise paths and adjoining communities.
3. On 22nd March 2017, the Minister for Transport stated in the Dáil chamber, in his response to Dáil Questions from Deputy Clare Daly, that *"the Longitudinal noise data analysis requested at the St Margaret's Community Liaison Group (CLG) is currently being finalised and will be presented, at the next meeting, at that forum, which is scheduled for 30th March 2017"* This meeting was subsequently cancelled by DAA and no information on the Longitudinal data was ever presented. At the following meeting, which took place on 27th April, it was stated DAA could not provide this data. To date we still have not received this information, despite our continuous requests, and have hit a wall of silence from both daa and Department of Transport, even though this information was formally requested. This Longitudinal data, being the correlation between aircraft distance, height and decibel levels, for the most commonly used aircraft, Boeing 737-800 Airbus A320 and Airbus A330.
4. It is obvious that with 40 million passengers and daa's objective of making Dublin Airport a European hub there is a strong need for improvement of ground transport, such as Metro North, revised road networks, and infrastructural supports to enable this to happen. To this end, we implore Fingal County Council, the National Roads Authority (NRA), daa and An Bord Plenála to reveal the plans for the Western Access Road to the residents of the St. Margaret's Community – which have 'indicative' status for 16 years! The network of roads, which will service the Dublin airport's increasing capacity presents a serious concern for our family as landowners. Over the years we as members of the SMCRG, requested that consultation takes place, between the developer (daa) and SMCRG, as per the Dublin Airport Local Area Plan (ref. p. 22), *'The road network is indicative only. Any final route selection must be mindful of the impact on residents of St. Margaret's, Kilreesk and Millhead and should be finalised only after dialogue locally with these residents'*. With regards to the Western Access Road, two indicative routes were drawn up by Arup Consulting cutting across the cul-de-sac of Kilreesk Lane at two points – effectively dividing up the community of Kilreesk Lane. Arup consulting met with the group in 2007, and the group strenuously objected to the roads across Kilreesk Lane. These roads were formally objected to by the SMCRG, in a submission to FCC on the Draft Fingal Development Plan 2011 -2015, requesting that these roads be removed from the Fingal Development Plan. However, these indicative roads are still indicative in 2023, and it's an insult to anyone's intelligence to think that these plans are drawn up in isolation. Clearly, roads, metro north and Dublin Airport access are inextricably linked.

Conditions 7 - Voluntary noise insulation for existing dwellings: The Insulation Scheme is not fit for purpose and should be revised to include proper ventilation adhering to WHO night-time noise guidelines.

While we recognise we need to be protected and avail of the insulation. We are extremely concerned with daa's recent (8 December 2023) refusal to amend forms with inaccurate noise readings. The readings stated in the form to opt-in for the insulation scheme are contradictory to field measurements conducted by both our acoustics consultants Searson Associates, as well as the DAA's own consultants. The measurements detailed in the form (which we were given no option but to sign if we want to avail of the insulation) is stated as between 60 db - 63 db, when the actual field readings average are far in excess of 70 db!

In addition, and also quoted on the form daa requests residents to sign, are the noise measurements for the summer of 2022. This is of major concern for us. Just for clarity, the noise levels quoted in the form are 'pre-dating the opening of the new northern runway'. Therefore, it our understanding that current noise levels of both runways should be factored into any noise mitigation scheme, especially given our proximity to both runways.

We feel to sign a document with 'out-of-date' information relating to the aircraft noise that we are subjected to on a daily basis, just so we can get the insulation package is not something we are comfortable with. And we do not think they should be refusing to correct these details and allow us to sign for the scheme based on the correct information.

People matter and fairness matters - right now, we don't feel there is a balanced approach in this regard.

Environmental Impact Assessment Report Supplement Chapter 11: Climate and Carbon

According to COP27, Dublin Airport were deemed the largest Irish polluter last year (ref. <https://www.rte.ie/news/2022/1109/1335140-dublin-airport-largest-polluter-in-ireland-cop27-data/>). According to the database Dublin Airport was the specific source for just over one million tonnes of Ireland's greenhouse gas in 2021. If passenger figures are to increase to 40 million, this will inevitably result in greater greenhouse gas emissions by Dublin Airport.

Climate Action and Low Carbon Development (Amendment) Bill 2021, sets out in Section 3 a National Climate Objective to pursue and achieve a climate neutral economy by no later than 2050.

In the summary of the 2006 Oral Hearing (Vol. 4) Mr Ian Lumley of An Taisce, made the following submission:

Mr. Lumley is of the opinion that the EIS is inadequate. The issue of soil is not adequately addressed in view of the extent of the existing pavement to be removed and the potential for contaminated material. Adequate information has not been given on potential importation onto the site, the source of the said materials and the knock-on effects in terms of roads carrying the vehicles. **Mr. Lumley (submission BQ 11/10/06 and BS 12/10/06)** stated that climate is the single greatest deficiency in the EIS. The EIS does not properly address the different greenhouses gas generation impacts relevant to the doubling of airport capacity and the mitigation of greenhouse gas impacts refer only to aviation impacts and not the land-based transport or site energy demand elements. While stating that there would be no adverse impact on climate from additional aircraft no validation or reference was provided to substantiate the claim. The trans-national impacts are the single greatest impact. The EIS failed to quantify CO₂ emissions, detail mitigation measures and

provide verifiable independent data. There are two appropriate models for calculated total CO₂ emissions generated from aviation movement arising from a particular airport and there is no reason why CO₂ figures cannot be provided for Dublin airport. It is stated that the improvements in the aviation industry have not grasped the real issue. There is no agency in Ireland monitoring aviation emissions. There has been a failure at Government level and European level and the effects are being felt downstream. One way to effect change and limit the number of flights is limit the capacity of the airport.

Of most concern, is the complete absence of CO₂ emission measuring equipment on the Ireland of Ireland. We demand that the new EIS quantifies CO₂ emissions, detail mitigation measures and provide verifiable independent data to ensure that the human health of residents of St. Margaret's is prioritised.

Conclusion:

As members of the SMCRG who initially secured no night-time flights, which daa are now attempting to remove; we went to the High Court on breaches of compliance by the airport authorities, which the judge decided to ignore and to further make a mockery of the planning process, awarded costs against them. Then, the government worked to use the regulation to manoeuvre the transposition of an EU Directive whose premise was to achieve a 'Balanced Approach' between local residents and airport operations on Noise - which the planning authority that already agreed and signed off on an unfit insulation and house purchase scheme to become a so-called competent authority on noise.

We as the most affected residents, i.e. those in the buyout, need to be treated fairly and this has not been forthcoming. **Our family – who are among those most materially affected and whose houses are deemed 'uninhabitable' once the runway is up and running, should be made a priority** so that they can move forward with their lives, and not be left in a 'limbo' situation, which they've had since the granting of the permission in 2007.

Adrienne McDonnell and Peter Colgan
On behalf of appellants
14 December 2023