

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
fromBernadette Lawless & Keith Horton 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.: Pete BenDate: 02/01/2024

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-069129-24**
Case Number: **ABP-314485-22**
Customer: **Bernadette Lawless & Keith Hanlon**
Lodgement Date: **14/12/2023 08:35:00**
Validation Officer: **Patrick Buckley**
PA Name: **Fingal County Council**
PA Reg Ref: **F20A/0668**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**



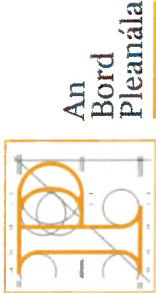
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Bord
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Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address 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

Run at: 02/01/2024 08:40

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069129-24



An Bord Pleanála

Details

Lodgement Date	14/12/2023
Customer	Bernadette Lawless & Keith Hanlon
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069129-24
Map ID	
Created By	Patrick Buckley
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	0.00

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

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	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, at Dublin Airport,
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Run at: 02/01/2024 08:40

Run by: Patrick Buckley

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 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

		Permitted, 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). 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.' 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.: 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
	Development Description	

PA Case Number	F20A/0668	
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all 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 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

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

	<p> 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

Karen Hickey

From: Bernie Lawless <lawlessbernie@gmail.com>
Sent: Thursday 14 December 2023 12:13
To: Bord
Cc: Appeals2
Subject: ABP-314485-22
Attachments: image_123986672.JPG; ABP Submission Bernadette Lawless.pdf

Please find enclosed documents re use of night time flights at Dublin Airport.

My original submission was sent September 2022. Reference NPA-OBS-001291.

Any problems please contact me via my phone number (see below).

Kind regards,
Bernadette Lawless

087 237 4456

Our Case Number: ABP-314485-22
Planning Authority Reference Number: F20A/0668

Bernadette Lawless
Mabestown
The Ward
Co. Dublin
087 237 4456

Dear Secretary,

Please refuse permission to DAA relevant action.

I am one of many individuals who have been adversely affected by the unlawful flightpath being followed since the commencement of the North Runway. I have lived at Mabestown, The Ward with my parents since 1998. Our property was built adjacent to my parents' house in 2006 on the assumption that we would not be directly underneath the flight path as agreed in the 2007 planning permission obtained by the DAA. However, the DAA has blatantly ignored this planning permission and has continued to fly on some self-arranged flight path merely out of convenience, not necessity. As a result of this unlawful breach of planning permission, I am no longer able to have peaceful enjoyment of my private family residence. Additionally, the noise caused by the night-time flights is unbearable. It constantly keeps me awake throughout the night to the point where I am lucky if I am able to get 3-4 hours of sleep, not to mention the 7am commencement of the North runway flights which sounds like a racetrack and wakes me up at the crack of dawn. I am fearful of the impact of this on my overall health. I suffer from chronic neck pain which can only be effectively alleviated by a good night's sleep, which I am now unable to get. Furthermore, my husband and son, a full-time worker and full-time college student are constantly fatigued as a result of the sleep disturbance caused by the night-time flights. I have complained numerous times to the DAA about the levels of noise from both the North and South runways to no avail.

The flightpaths being operated on presently bear no resemblance whatsoever to the original flightpath plans set out in the 2007 planning permission that the DAA was granted. If An Bord Pleanála were to accede to the requests of the DAA to retain the present illegal flight paths, it would be acting with blatant disregard for planning laws, and ultimately permitting unlawful activity. I am worried about the consequences of this. If An Bord Pleanála permits this unlawful activity and effectively opens the floodgates for individuals and corporations to completely ignore planning laws, who knows where it will end? Furthermore, I am concerned about the impact of this on my future plans for the house. My house will be significantly devalued as a direct result of the DAA being granted this permission, and I am fearful of the fact that my son, the prospective grantee of the land, will either a) will lose out significantly as a result of the devaluation of the land or b) find difficulty in alienating the land.

The sheer arrogance of the DAA's conduct has shown that they do not operate in good faith or with due diligence, and they do not care about the health and wellbeing of the citizens of Ireland. Their actions contravene guidelines from the World Health Organisation and all academic research pertaining to the negative and harmful effects of air traffic, especially considering the current emphasis on climate change. I believe that the only way this can be resolved is by compelling the DAA to adhere with the original flightpath planning permission, and by introducing a noise quota system accompanied by a cap to ensure that residents such as myself and my family can get a good night's sleep.

Signed,

X Bernadette Lawless

Bernadette Lawless

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