

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
fromBrian Murphy 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 BuDate: 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-069029-23**
Case Number: **ABP-314485-22**
Customer: **Brian Murphy**
Lodgement Date: **14/12/2023 16:03:00**
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

✓

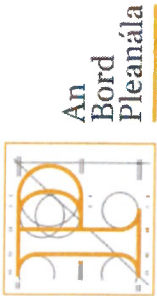
F.k.

02/01/24

Run at: 29/12/2023 13:54

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069029-23



Details

Lodgement Date	14/12/2023
Customer	Brian Murphy
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069029-23
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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	<p>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>
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	<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

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

	<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

Karen Hickey

From: Bord
Sent: Thursday 14 December 2023 13:08
To: Appeals2
Subject: FW: Relevant action observation.
Attachments: Relevant_action_Observation_B.Murphy (1).pdf

From: Brian Murphy <brianm1983@gmail.com>
Sent: Thursday, December 14, 2023 12:29 PM
To: Bord <bord@pleanala.ie>
Subject: Relevant action observation.

Dear Sir/Madam,

Please find attached further observation upon case number: ABP-314485, PA reference number F20A/0668.

Please do not hesitate to contact if any issues.

I am an existing participant in the appeal and the letter I received suggests there is no further fee required.

Kind regards,
Brian Murphy
087785013

- Brian Murphy
- Common Cottage, Chapel Midway, St. Margarets, Co DUblin k67he62
- 0877855013
- PL06F.314485, Planning authority case F20A/0668 Dublin airport, Co dublin.
- The daa have responded to observations and requests for information from ABP. The following is a follow-up observation on these submissions.
- Despite the relevant action ostensibly attempting to alter 2 aspects of the original planning permission granted for the north runway expansion, there are now additional measures inserted into the latest tranche which have a material effect upon the usage of the north runway outside of the original aspects, namely conditions no. 3(d) and 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429, 'the North Runway Permission').
- As has been highlighted in national media repeatedly over the past year, the flight paths that are currently being utilised by the daa are materially different from those which underpinned the environmental assessment report which formed part of the planning permission submission as well as those detailed in public consultation documents by the daa. Any individuals now in communities overflowed that utilised these images when assessing potential impacts on themselves would have been falsely and duplicitously reassured that any noise impact would be minor. The daa should not be able to stand over 'public consultation' claims when they fed incorrect information to people in order to reduce or minimise observations or objections to the original relevant action application.
- Additionally, in the report of the inspector for Fingal coco, while approving the relevant action changes, made special mention as to not approving any other changes, including flight path changes. I fail to see how flight path changes (as specifically noted in the latest documentation from the daa) can now be accepted without specific and thorough appraisal of these that falls outside a relevant action remit.
- Residents like myself complain, not because we have nothing better to be doing but due to the real and deleterious impacts that living under flight paths have. CEO Kenny Jacobs has stated in the oireachtas transport committee meeting 22 Nov 2023 (https://www.oireachtas.ie/en/debates/debate/joint_committee_on_transport_and_communications/2023-11-22/2/) the the current flight paths being used out of the north runway are those always intended. The following is taken from the official transcript of the discussion at the link above;

"Flight paths are complicated and they take a long time to work through. When flights commenced on the north runway from August to February, there was a slight deviation for some flights. A small number of aircraft were marginally overflying parts of a community that were not consulted with. That has been corrected from February, which is the most important thing. That was a mistake that we had made. We apologised for it.

The flight paths that operate now are fully compliant. They are the flight paths that were intended and are over the communities that were consulted with”

- We have experienced first hand what living under a flight path is like. We rebuilt our home in 2019 after getting planning permission (and complying with various aspects of granting including the undertaking of an archaeological excavation) for a replacement dwelling. There were *no* conditions attached by means of requesting additional assessments of noise mitigation plans due to proximity under published flight paths, and no requests of additional noise insulation due to the same. Another new build which received pp in 2014, and closer but not under the original flight paths published, were asked for these to be undertaken. To say that the flight paths are as intended is an insult to our intelligence. Fingal coco asked for these measures where new builds occurred close to flight paths granted under the original planning permission. They are materially different to anyone now under these paths. Additionally, the daa's own insulation zone maps give the lie to this. Some homes have been noise insulated by the daa which are no longer being overflowed during westerly departures due to the alteration of flight paths. Why waste taxpayers money insulating homes that were never 'intended' to be overflowed? It is nonsense to say these are 'as intended'.
- Having lived in the area we were well aware of just how loud being under a flight path can be. Before considering our rebuild, we went to an area beside the south runway when in use that approximated our home's location in relation to the flight paths detailed in the planning permission. It would unquestionably be louder but, in our opinion, would have been tolerable. When discussed with the architects, they looked at the published noise contour zones and felt no additional mitigation would be required as we would be building a modern house with modern construction methods and insulation.
- How wrong we have been. It has been a nightmare. Planes fly within a band of airspace that overlies our home. The windows vibrate when the larger transatlantic planes are flying (as they are not only bigger but heavier and lower in the sky for longer). Additionally, as planes are banking right so soon after departure, they do not climb into the air as quickly thus staying closer to the ground for longer and prolonging the noise at ground level. Our enjoyment and basic utility of our home has been significantly affected. It is impossible to sit in our garden and have a conversation while planes are overhead. Indeed, even within our home there are times we have to stop conversing to allow planes to pass. The daa have not visited us despite repeated attempts by my wife to get them out to experience the impact first hand and Kenny Jacobs telling Miriam O'Callaghan on *Prime Time* that he would, specifically, meet with her. Their public statements around consultation and engaging with residents have been complete PR exercises without any seriousness, credibility or interest in resolving the issues.
- We all wake in the morning as soon as the first flight takes off. There are days of the week where I try to go to bed early for work. I have to wear noise cancelling earphones or else the noise from planes flying overhead before 11pm prevents me from getting to

sleep. On the weeks (approx 1 in 6) the daa need to undertake 'essential maintenance' to the south runway, they direct flights over us. I wake up fully some of the time, but my wife and one of my two children who appear to be more sensitive to noise have woken up multiple times through the night. She works as an obstetrician; a high stress role where mistakes can have horrific outcomes for babies, as is evidenced by the numerous high profile court cases over the past decades. Performance at work is directly affected by lack of sleep. The American Academy of Sleep Medicine research states that the minimum number of hours of sleep required for a healthy adult is 7, (with a recommended range between 7 to 9 hours). The daa casually want to prevent this for 1000s of people despite knowing this. It affects all aspects of our lives, not just potential mistakes or underperformance at work. Are chronically tired people as likely to engage in sporting activities? Are they less likely to visit friends and engage in activities important for mental well being? Are they less patient or likely to play with their children? How the daa run their airport affects all aspects of residents' lives. A child needs up to 10 hours of sleep at night, how is this helped by the daa restricting north runway flights to just 6 hours? Also, with both myself and my wife working as doctors, we are very used to having to do shift work and working overnight before sleeping the next day. How are shift workers expected to sleep during the day in uninsulated homes?

- The daa have described how 'modern planes' are up to 3db quieter. That may be the case, but to residents living in the area trying to sleep it is like the difference between a gunshot and a grenade going off; irrelevant as both wake you up. When the noise is just so loud it needs to be a large reduction to make a significant difference. Planes are not sufficiently quiet so as to make their passage over homes an irrelevance.
- Additionally I have Type 1 diabetes which itself is linked with earlier cardiovascular death. While people have physiological awakenings, external sources of additional awakenings have been shown to increase this risk further.
- Daa have been using a single additional mobile noise monitoring unit for their assessments of noise impacts. How can this be justifiable? They have continued to 'model' noise contour zones despite the runway being in operation in 2023 over the 90 day 'modelling period'. They should at least have an extensive network of noise monitors at the borders of these zones to confirm that what they are saying is true. In fact they have refused to put noise monitoring stations at homes or to assess the noise here in a manner that would at least suggest actual engagement with the community. We have undertaken our own professional noise monitoring for 3 days over last christmas which suggested an average of 64-65dB with some peaks exceeding 92dB. Our home was in the <50dB zone on the original noise contour zone maps. We have personally and subjectively found that the changing of flight paths in february 23 resulted in us experiencing increased noise within our home as the flights are now concentrated over a smaller area over our house. And now they want to essentially fly all night without any controls over how many flights there are?

- A stipulation of the daa's north runway planning permission was that noise insulation be in situ prior to the opening of the runway. How can they say this has happened when they are flying over homes such as our own which have not received this additional mitigation?
- The sections 3(d) and 5 with regards to night time flight numbers and operating hours were placed during the planning process in order to balance the daa's operational use vs the unquestionable negative impacts on residents in the area. I have tried to describe just some of my frustrations with how the daa are conducting themselves. The daa want, in essence, to remove all restrictions that attempt to safeguard locals' basic right to be able to enjoy and sleep in their homes.
- I feel it is unconscionable that the daa have taken such a casual and adversarial attitude to the residents that they directly and significantly impact. They have repeatedly failed to adhere to planning restrictions and requirements of their planning permissions. To the casual observer it would appear that the daa have a track record of saying what needs to be said to get planning permission, then ignoring their planning permission when it suits them. It smacks of both arrogance and ineptitude within their corporate structure.
- The differences between what the daa and residents want is not insurmountable I believe, but the daa have not shown any interest in voluntarily attempting to bridge this gap. Politicians have proven unable to intervene or exert influence. Please ensure that the daa stand up to their responsibilities. As an example of how other airports have meaningfully engaged with and attempted to reduce the noise impacts, consider Liege airport. Their CEO Laurent Jossart described in a webinar '*EUROCONTROL Stakeholder Forum on noise-related operating restrictions at European airports*' from Jan 2023 how they spent €450 million in total between buying and insulating over 6000 homes despite having a turnover of €100 million annually (<https://youtu.be/xZnsPSTuEL8?t=730>). The daa have a turnover of €1 billion, and have insulated approx 200 homes due to the impacts of noise. The differences are stark and do not suggest a genuine attempt to reduce the impacts of noise on people's lives. There is an adage 'The polluter pays principle' but it appears it does not apply to the daa.
- Finally, I cannot understand how an oral hearing has not been granted considering the impact this has on the 1000's of residents in the area. Please allow full transparency into the issues raised by myself and other residents affected.