

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  
fromDanny O'Neill 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: 22/12/2023

## 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 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# Validation Checklist

Lodgement Number : **LDG-068905-23**

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

Customer: **Danny O'Neill**

Lodgement Date: **14/12/2023 08:00:00**

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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Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Overpaid
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: 22/12/2023 12:56

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068905-23



Details

Lodgement Date	14/12/2023
Customer	Danny O'Neill
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068905-23
Map ID	
Created By	Pádraic Keane
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	50.00

Observation/Objection Allowed?	Yes
Payment	PMT-053557-23
Related Payment Details Record	PD-053430-23

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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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

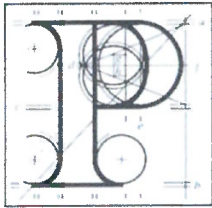
		<p>Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council 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.: 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</p>
<p>Case Number</p>	<p>F20A/0668</p>	<p>Development Description</p>



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 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



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## Observation on a Planning Appeal Form

**AN BORD PLEANÁLA**  
LDG- ~~22-00-2359-27~~  
ABP- LDG-068905-23  
**14 DEC 2023**  
Fee: € 50.00 Type: CARD  
Time: 3.51 By: hand

### 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

Danny O Neill

(b) Address

Coolquay, The Ward, Co Dublin

### 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

N/A

(b) Agent's address

N/A



1. The first step is to identify the problem or question that needs to be answered.

## 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)

Fingal County Council

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

(for example: ABP-300000-19)

PL06F.314485

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

(for example: 18/0123)

F20A/0668

**(d) Location of proposed development**

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

Dublin Airport

## 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.

To whom it may concern,

It is my understanding that daa are planning to increase passenger numbers to 65M by 2050. It is my opinion that the daa are using modelling techniques to acquire their own preferential desired outcomes with respect to noise contours measured and this needs to be urgently addressed.

The main mechanism by which noise manipulation is manifesting is through a two fold mechanism 1) quieter planes and 2) 'redistribution' of noise source. As far as I can ascertain redistribution is the key to resolving the daa's challenge of noise limitation. They are using an **additional runway** eg. North runway is used 30% of the time but is averaged from a noise perspective as if it is used 100% of the time. Similarly, the south runway is used 70% of the time but again averaged as if it is used 100% of the time. This effectively results in a **diluted measurement of noise**. Also they are using a **changing routing** mechanism eg. make turns earlier or have more variation around the flight paths. From an observational perspective this can be observed daily in the communities.

Incredibly, Lden and Lnight are simulated through models built by daa however the models do not use data from the noise receivers. ANCA last reviewed these models sometime in 2022 and I would strongly query whether this 'independent' assessment was robust in nature. This modelling should be validated and calibrated using data from the receivers and I don't believe that this occurred at the last review. How can we therefore accept such data as being valid? Manipulation of the data appears to be a very real possibility and ABP must open it eyes and review this aspect of the

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.

assessment in closer detail and if needs must engage independent assessors and not rely purely on the information it is being fed via daa and ANCA. It is clear to me that ANCA is not at an appropriate distance from the daa's objectives to be an independent assessor on this matter. Indeed given the confines of the Irish system a European agency should be deployed immediately to assess the risks and benefits of the application.

At a personal level my life has been destroyed since the opening of the North runway and I feel like a prisoner in a concentration camp being subjected to sleep deprivation tactics. Nor can I enjoy the day time and even intermittent periods of peace are shortlived and I feel constantly on edge from the whole debacle. It is clear to me ABP need to bear down their full weight in the matter and begin to curtail the unruliness attitude of the daa, alternatively, North Dublin and East Meath will be obliterated by these aeroplanes flying currently as they do, whenever and wherever they like. The people are also disgusted that no oral hearing was proposed in this debacle and are disgusted at the delay of FCC in challenging the diverging flight paths. This issue will not be swept away as easily some may like, indeed in my opinion it will become a bigger and bigger issue for the impacted communities. I look forward to An Bord Pleanala making the correct decision in this matter.

## 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.

