

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)  
fromDarragh 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 B.Date: 18/12/2023

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-068869-23**

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

Customer: **Darragh O'Neill**

Lodgement Date: **14/12/2023 16:52:00**

Validation Officer: **Patrick Buckley**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



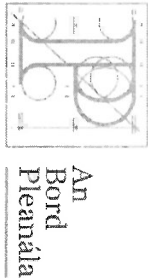
An  
Bord  
Pleanála

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

Run at: 18/12/2023 11:55

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068869-23



Details

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

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	

Observation

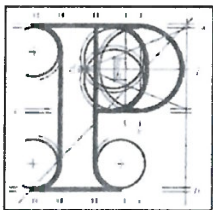
Lodgement ID	LDG-068869-23
Map ID	
Created By	Jade Farrell
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

PA Name	Fingal County Council
Case Type (3rd Level Category)	

Observation/Objection Allowed?	
Payment	PMT-053523-23
Related Payment Details Record	PD-053396-23

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	



An  
Bord  
Pleanála

## Observation on a Planning Appeal: Form.

**AN BORD PLEANÁLA**  
LDG- 068869 23  
ABP- \_\_\_\_\_  
**14 DEC 2023**  
Fee: € 50.00 Type: CASH  
Time: 15:45 - 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

Click or tap here to enter text.

Mr Dermot O'Neill

(b) Address

Click or tap here to enter text.

Wotton He ward

### 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

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

## 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.

Please see attached

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.

Section 5 continued.



## 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 - €50.00 (if a submission was not already made)

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.



The Secretary  
An Bord Pleanála.  
64 Marlborough Street  
Dublin 1.  
D01 V902

Darragh O'Neill  
Wotton,  
The Ward,  
Co. Meath  
D11 Y510

07<sup>th</sup> of November 2023.

RE:

**An Bord Pleanála appeal case number: PL06F.314485**

**Planning Authority: Fingal County Council**

**Register ref: F20A/0668**

**Location: Dublin Airport**

To Whom it Concerns,

I wish to make the following observations on the above file;

Firstly, ask yourself – “Would you object to something that would have no impact on your life” – this is a fundamental question;

After 20 years of design, development, getting planning permission and building the Dublin Airport North runway, at the last minute, the DAA changed the departure flight paths so 100% of departures fly over where 30,000 people, including myself, live, while climbing with full power and maximum noise.

We were not consulted or were not involved in the planning process or lodged objections because the airplanes were never supposed to be on these flight paths.

The aircraft are on illegal flight paths that are outside the confines of the original Environmental Impact Statement (EIS) noise boundaries submitted by the DAA in 2004 (updated in 2005) and do not comply with the only granted permission for the north runway (ABP 2007).

The DAA calls this, people being “**unexpectedly overflown**” – however they blatantly continue breaking the law with every single airplane that takes off from the North Runway.

The EIS submitted by the Dublin Airport Authority (DAA) formed a primary underpinning for ABP to grant the permission for the runway. It was of such importance that ABP called it out in the first sentence of Condition 1.

The negative effects attributed to aircraft noise is well documented and corroborated with the range of the damage caused running from annoyance to mental health problems.

Currently, the noise from the aircraft differs depending on where on the flight paths you live. No matter where you live the noise is not constant, it ranges from near silence to loud (in some cases 100dB) over the course of 45 seconds and then back to silence, just in time to start all over again as planes take off every 90-120 seconds for hours on end. This is not a constant drone in the background that you can “just blank out”!

The following list shows the flaws in the Applicants EIAR (Environmental Impact Assessment Report) submission that should render the application invalid and cause the appeal to be upheld by An Bord Pleanála (ABP);

1. Noise zones labelled as “permitted” in this submission do not match the 2005 Environmental Impact Statement which underlies the only granted permission for the north runway (ABP 2007). This appear to be an attempt to gain retention by stealth for the flight paths currently in use in breach of the 2007 planning permission. Should ABP grant this relevant action it will no doubt be interpreted by the DAA as a grant of retention for the new noise footprints that encompass an area inhabited by 30,000 people.
2. Upwards of 85% of the environmental impact of the changed flight paths occurs in Meath. Approximately 30,000 people in Meath are directly affected by aircraft overflight. None of these people were involved in the public consultation that was strictly limited to Fingal; a clear breach of the Aarhus Convention.  
The DAA’s published documents show that 100% of consultation and publicity around that consultation occurred within Fingal. No information was published in Meath despite that being the location of the noise impact. In effect Fingal Co Co asked residents of Fingal whether they objected to airport noise being exported to Meath. Unsurprisingly not many objections were received and this formed the basis of their decision to grant permission for the relevant action.
3. The public consultation in 2016 used different routes and noise zones from the routes in this submission, rendering that consultation invalid. Had I been involved in the 2016 consultation I would no doubt have objected. However, it has become apparent that this would not have mattered as the DAA (via AirNav) has twice since then changed the flight path routes so they bear no resemblance to those in the public consultation. In any case the DAA presents this relevant action as pertaining to the time and number of night flights, not an application for retention of non-compliant flight paths. ABP must clearly understand that granting this relevant action will have consequences far beyond the number and times of night flights.
4. The State bodies (Fingal Co Co, Meath Co Co, DAA) have taken the position that only Fingal Co Co has standing regarding the planning permission. The DAA insists that the planning permission has nothing to do with the routes. Therefore citizens in Meath have no means to engage in the planning process and are completely unrepresented while being subjected to the environmental impact.

This call for submissions by ABP is the first opportunity anyone in Meath has had to participate in any way in the planning permission process for the north runway, more than a year after the runway opened and illegal flights began.

5. Acceptance of the relevant action by ABP and thus retention of the present, unpermitted flight paths by stealth would set a precedent that ABP conditions should be ignored if inconvenient. Far from accepting the relevant action Fingal Co Co should be taking action to enforce the existing noise zone. However, Fingal has a conflict of interests and has taken no enforcement action regarding the flight paths / noise zones.  
If the environmental impact that happens in Meath were restricted, it would slightly increase environmental impact in Fingal, albeit largely over empty fields and solar farms and certainly not over any densely populated area. ABP should not endorse Fingal Co Co's granting of the relevant action to move the noise and disturbance to people outside Fingal's jurisdiction who are not represented by Fingal Co Co and are not participants in the process.
6. There are alternative routes that conform to the existing noise zone (2007 PP grant) without reducing the capacity of the airport. AirNav's failure to design the procedures well and the DAA's flagrant ignoring of planning permission should not be rewarded. This is not an issue of safety or regulatory compliance as implied by the DAA. AirNav (the DAA's proxy) and IAA, the regulator, have both publicly stated that compliance with planning permission is not their concern and they ignored it in performing their function. The breach can be repaired within the confines of the original Environmental Impact Statement upon which the 2007 ABP grant was based as per the first sentence of condition 1.

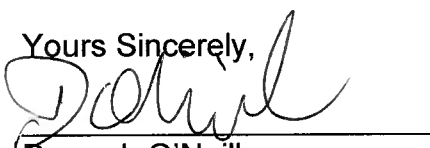
In summary, thousands of people, including myself, are suffering under the noise pollution of aircraft that should not be on currently occurring flight paths according to Condition 1 of the only planning permission that permits the north runway to operate. Those aircraft should be over the empty fields and solar farms that have been reserved for the flight paths since 2007. There is no safety, regulatory or technical reason that prevents the DAA from complying with the original noise footprint from the 2005 EIS.

Fingal County Council 2007 planning stipulations have been absolutely flouted. The authorized flightpaths as per 2007 planning permission have been completely ignored. There is a raw arrogance displayed by the DAA in this assertion.

In the interest in public democracy, the appeal should be upheld and the Bord should not allow the DAA and AirNav to persist with its illegal activities.

An oral hearing is requested and should be deemed absolutely necessary.

Yours Sincerely,



Darragh O'Neill  
BSC Arch Tech RIAI

Enc. €50- observation fee payable to An Bord Pleanála