

File With _____

SECTION 131 FORM

Appeal NO: ABP 314685-22Defer Re O/H ☐Having considered the contents of the submission (dated) received 14/12/2023
fromDarren 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 BDate: 19/12/2023

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: _____

DARREN MURPHY
SHALLON LANE
THE WARD
DUBLIN
D11DX99
PH: 0863165792

CASE NUMBER:

APB-314485-22

PLEASE FIND ENCLOSED SUBMISSION

DARREN MURPHY

AN BORD PLEANA	
LDG-	068850-23
ABP-	
14 DEC 2023	
Fee: €	50
Type:	c/c
Time:	12:26
By:	Hend

I am one of over 30,000 people who are now living under an illegal flightpath since the opening of the North Runway. The 2007 planning condition documentation includes flightpath assumptions which many people have built their lives around. The flightpaths in the 2007 planning permission are much different to the ones in use today and since it opened.

The noise from the current flightpaths is intolerable. These flightpaths must be changed back to what was proposed in 2007. No further changes can be considered until this crucial issue is addressed first. There is a major health risk to tens of thousands of people due to excessive aircraft noise.

An oral hearing is absolutely necessary given the gravity of the situation.

Having read through the daa newly submitted documents, it is clear in the submission from daa, that they have used the current flight paths for their "permitted" drawings instead of the permitted noise zones from the original 2007 planning permission. They seem to be hoping that ABP grants this on the basis of the relatively small difference between before and after with respect to night flights. **If that occurs, ABP would effectively be accidentally granting retention to the current flight paths which are currently illegal and causing continued untold distress for tens of thousands of people. This means that flightpaths are now a very important element of this relevant action submission and must be considered within it.**

My major areas of observation and concerns are:

So-called "permitted" Noise zones in this submission do not match the Environmental Impact Statement for the only granted permission.

Acceptance of the relevant action by ABP and thus retention of the flightpaths would set a precedent that ABP conditions should be ignored if inconvenient.

The daa are breaching their current planning permission and flightpaths as per below:

- daa have breached the passenger cap in 2019 and will most likely do so again this year.
- daa are consistently breaching the 65 movement cap per night.
- daa are not using the flightpaths they used in their 2007 planning permission.

An oral hearing is absolutely necessary given the gravity of the situation.

I made a submission to ANCA but have not been written to by the competent authority or the Bord to inform me that I am entitled to make an observation or submission to this Significant Additional Information and am entitled to do so at no cost.

We draw the Bords attention to section 37R "Supplementary provisions relating to decisions on applications referred to in sections 34B(1) or 34C(1) which were not refused by virtue of section 34B(5) Or 34C(5). At 37R 1(a) of the Act it states "This section applies in addition to section 37 in the case of an appeal under section 37 against a decision of the planning authority under section 34 where, pursuant to section 34B(15) or 34C(16) that decision incorporates a regulatory decision of the

competent authority under section 34B(13)(a) or 34C(14)(a) as the case may be" Therefore this applies to this case.

At 37R(2) it states" For the purposes of a relevant appeal the reference in section 37(1) to any person who made submissions or observations in writing in relation to the planning application to the planning authority includes any person who made submissions or observations in writing referred to in section 34B(11)(c) or 34C(12)(c) to the competent authority in relation to the draft regulatory decision or related report referred to in 34B(9) or (10) as the case may be, or section 34C(10) or (11) as the case may be"

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