

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated received 04/12/2023  
from Gerard Dempsey 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 issues

Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

Pete B

Date

15/12/2023

EO

Signed

Date

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

✓ DW 19/12.



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-002810

### Online Observation Details

Contact Name  
Gerard Dempsey

Lodgement Date  
04/12/2023 15:20:45

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Gerard Dempsey

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

*Gerard Dempsey*

EO

Date

15/12/2023

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068671-23

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

### Finance Section

Payment Reference

ch\_3OJdwuB1CW0EN5FC1YiHbqdg

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

An Bord Pleanála Case No:	PL06F.314485
Planning Application:	F20A/0668
Planning Authority:	Fingal County Council
Development Location:	Dublin Airport
Name:	Gerard Dempsey
Address:	5 Churchfield Grove, Churchfields, Ashbourne, Co Meath

I would like to object to the proposed relevant action F20A/066 made by the DAA and request that you enforce the An Bord Pleanála conditions of the planning permission PL 06F.217429 granted for the development of North Runway.

#### **Flightpaths and Noise Contours:**

The flightpaths and noise contours presented in the DAA's EIAR supplement (in response to An Bord Pleanála's Request) are materially different from those approved in the application for the North Runway EIS 2004 -2007 Option 7b. and Noise Abatement & Flight Procedures in the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) documentation. See extract below:

"6.2.4 Aircraft of Categories C/D (medium to heavy jets) departing to the west (Runway 28) are required to maintain straight ahead after take-off to 5NM before commencing turn, unless otherwise cleared by ATC above 3000 feet.

6.2.5 Aircraft of Categories C/D (medium to heavy jets) departing to the east (Runway 10) are required to maintain straight ahead after take-off to 5NM before commencing turn (if turning left), and 6NM (if turning right), unless otherwise cleared by ATC above 3000 feet. The disparity here is to ensure that southbound aircraft do not over-fly Howth Head. Northbound aircraft will turn over the sea thereby avoiding the communities of Portmarnock and Malahide."

Speaking to *The Journal*, Minister O'Brien – who is a TD for the Fingal area where the airport is located – said it is his view that the airport is "using flight paths that weren't agreed".

"You can't go outdoors at the moment in some areas," O'Brien said, referring to the noise of overhead planes".

[https://www.thejournal.ie/dublin-airport-flight-path-darragh-obrien-6188414-Oct2023/?utm\\_source=twitter\\_short](https://www.thejournal.ie/dublin-airport-flight-path-darragh-obrien-6188414-Oct2023/?utm_source=twitter_short)

These new unapproved flightpaths currently being used and presented in the DAA EIAR supplement are based on aircraft turning before the 5NM and 3000 feet limits. This has resulted in intolerable noise problems for thousands of residents in North County Dublin who were not included in the original planning.

Areas such as Ashbourne are being overflown by aircraft causing aviation noise in the region of 60 to 70 dBA, are not included in any insulation scheme. This in breach of condition 6 of Planning Permission (ABP Ref. No.: PL06F.217429).

No consultation has taken place with the residents of the overflown areas in the unapproved flightpaths and noise monitoring is not fully in place along the new flightpath. This would appear to be in breach of condition 10 of Planning Permission (ABP Ref. No.: PL06F.217429).

As a result of the intolerant noise being created by the DAA unapproved flightpaths, there has been public protest and complaints to the DAA, Fingal County Council and local TDs. Based on this An Bord Pleanála should consider opening the current appeal to an oral hearing given the gravity of the situation.

It would appear that through this relevant action request, the DAA are consciously and deliberately trying to retain unapproved flightpaths without the prerequisite noise insulation abatement measures, consultation and appropriate planning permission. I would request that you consider this when making your decision as it will lead to an intolerant noise for residents along the flight path.

### Night Flights:

An Boad Pleanála restricted the quantity of night flights to 56 per night and made a condition that the North runway should not be used between the hours of 11pm and 7am, in order to ensure that there would be no deterioration in noise conditions at night, per the decision on the planning application by the DAA (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429).

There have been numerous news articles on the subject and an RTE Prime Time programme on the noise problems caused by the DAA change to flightpaths.

The DAA in conjunction with ANCA are planning to amend operating conditions per the DAA planning application (F20A/0668) to allow night flights while introducing a new noise quota system based on average noise levels without a cap on the number of flights (movements) per night. They will allow a noise quota annual limit of 16,260, which can result in a very large number of flights on any given night.

Normal practice is to have a limit on flights (movements) per annum or per night as you can see from the table below of major European hub airports and an extract from UK Department of Transport night flight restrictions.

### Night flight policies on major European hub airports:

	Operating banfor noisy aircraft	Noisetax or charge	Restrictionon the number of night flights
CDG ( Charlesde Gaulle )	Yes	Yes	No, but a maximum of 55 between 00h00 and 04h59
LHR ( Heathrow )	Yes	Yes	Yes: 16 per night from 23h30-06h00
AMS ( Schiphol )	Yes	Yes	Yes: 88 per night (23h00-07h00), maximum of 49 per hour
FRA ( Frankfurt )	Yes	Yes	Yes: 133 per night, no flights between 23h00 and 05h00

### Night flight restrictions at Heathrow, Gatwick and Stansted,

Decision Document Moving Britain Ahead from the Department for Transport in the UK. [Night flight restrictions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/Night_flight_restrictions_-_GOV.UK_(www.gov.uk).pdf) :

“Set a two-year regime, from October 2022 to October 2024. During this period, we intend on

keeping the existing movement and noise quota allowances that are in place at the designated airports". These are set out below:

Airport	Seasonal Period	Movement Limit	Noise Quota Limit
Heathrow	Winter	2,550	2,415
	Summer	3,250	2,735
Gatwick	Winter	3,250	1,785
	Summer	11,200	5,150
Stansted	Winter	5,600	3,310
	Summer	8,100	4,650

I would request that you do not approve the DAA application to remove the 65 / night limit on flight per condition 5 of planning permission PL 06F.217429 granted for the development of North Runway. Please maintain condition 3d to restrict the use of the North runway 10L-28R between 2300 and 0700 hours in order to prevent an escalation in noise problems in North County Dublin. Also, please consider and comment on why ANCA has agreed to do this against the background of the current protect against the noise level in North County Dublin and in light of what other European airports do in relation to night flight caps.

The DAA have been in breach of the 65 flights per night limit which has resulted in an enforcement notice and High Court case. If An Bord Pleanála decided on this application prior to completion of the High Court case, there is a possibility that your decision may affect the outcome of the case.

#### **Airport Capacity:**

An Bord Pleanála Reference Number: PL 06F.220670 Condition 2 states:

"The combined capacity of Terminal 2 as permitted together with Terminal 1 shall not exceed 32 million passengers per annum unless otherwise authorised by a further grant of planning permission".

The DAA exceeded this condition in 2019 and are likely to exceed it again in 2023 unless planning conditions are enforced.

Currently the DAA count transit and transfer passenger arrival and departure as one count as opposed to two counts.

The CSO states "Transit passengers are included and are counted twice (i.e., both as arriving and departing passengers)" in their statistics. This means that the DAA are likely to exceed the 30 million passenger per annum limit again this year if you take a reasonable interpretation of the PL 06F.220670 Condition 2.

Approving a change to increase the hours for daytime operation of the North runway will result in increasing capacity and will give the DAA the ability to exceed their regulatory limit of 30M passengers. This is detrimental to the residents of North County Dublin and puts extra pressure on the services (such as Garda, bus service and road maintenance) while at the same time overloading existing infrastructure (such as Terminals, roads to the Airport and carparks). Why would any reasonable manager or neighbour do this.

#### **Economic Impact:**

Per CSO Statistics for 2022 Dublin airport handled 84% of all flights. For freight Dublin airport handled approx. 88% of all freight. See extracts below from the CSO site.

[Aviation Statistics Quarter 4 and Year 2022- CSO- Central Statistics Office](#)

“Over 236,000 flights were handled by Ireland's five main airports in 2022, with Dublin handling 84% of all flights (199,464), while Cork handled 7% of all flights (16,592).”

**Table 9: Air freight classified by arrivals and departures handled by main airports, Quarter 4 and Year 2022**

	Tonnes	
	Quarter 4	January to December
<b>Arrival</b>		
Cork	5	25
Dublin	19,026	74,965
Kerry	0	0
Knock	2	4
Shannon	2,268	9,512
<b>Total arrivals - freight<sup>1</sup></b>	<b>21,300</b>	<b>84,506</b>
<b>Departure</b>		
Cork	0	2
Dublin	17,981	67,417
Kerry	0	0
Knock	0	0
Shannon	1,881	7,661
<b>Total departures - freight<sup>1</sup></b>	<b>19,862</b>	<b>75,080</b>
<b>All</b>		
Cork	5	26
Dublin	37,006	142,382
Kerry	0	0
Knock	2	4
Shannon	4,149	17,1

Based on the above there is a huge imbalance in Airport usage across Ireland with Dublin airport having a disproportionate share of the market.

Dublin Airport Operating Restrictions September 2023 – Addendum v1.0 Quantification of Impacts on Future Growth Addendum to the Analysis of June 2021 (Report version 1.3.1) advise that:

“As overall DUB traffic recovers to 2019 pre-pandemic levels, demand for night flights is expected to be higher at 133 movements by 2025 (+15%). This is due mainly to growth in night cargo flights.”

It does not consider the wider business opportunity for regional airports for night flight business.

If the current night flight cap of 65 flights is retained it may present an opportunity to address some of the huge imbalance between Dublin Airport and the regional airports.

Also, it does not consider the wider global environment for example:

"In July 2021, the European Commission released the 'Fit for 55' package, which includes a set of policy proposals spanning all major sectors of the economy to achieve emission reductions of at least 55 per cent below 1990 levels in 2030. The 'Fit for 55' package includes a proposal for amending the ETS Directive, which would eliminate free ETS allowances allocated to the aviation sector by 2026".

From <<https://www.gov.ie/pdf/?file=https://assets.gov.ie/207239/55a2a58a-6e17-431c-9b28-9fec09e0e82f.pdf#page=null>>

What impact will the elimination of the free Emissions Trading System (ETS) allowances and subsequent cost increases have on DAA forecast for demand. Will the quantity of flights increase or decrease at night. Will IAG (Aer Lingus) and Ryanair in the short term try to push more low-cost flights into Dublin to avoid fees and taxes that are currently being introduced across Europe. Will the DAA increase the quantity of night flights and early morning flights. Will this lead to a huge number of flights from the North Runway during the additional 2 hours being requested by the DAA.

I see no valid reason for the residents of North County Dublin to lose an additional 2 hours sleep in order to facilitate low-cost flights by IAG and Ryanair. And I would ask you to consider if these companies would really move to higher cost airports with similar restrictions to Dublin if they do not get their way.

#### Conclusion:

The DAA is a bad neighbour in the opinion of most people living near Dublin Airport.

The current DAA board have demonstrated a failure to meet their fiduciary duty, they are not showing good faith in making this application and have breached planning conditions by:

- Exceeding the overall capacity limit of 30M passengers resulting in pressure on services and infrastructure around the airport.
- Exceeding night flight limits of 65 per night, resulting in a court case.
- Changing flightpaths and consequently noise contours without planning permission.
- Misleading the public and government bodies by their interpretation of passenger numbers and excluding transit and transfer passengers from their counts.
- Misleading or partial informing ANCA of noise levels along their unapproved flight path.
- Having not conducted an insulation programme to affected residents along the unapproved flightpath (leaving the DAA open to court cases).
- Eligibility to the insulation scheme shall be **reviewed every 2 years commencing in 2027** with residential dwellings situated in the 55 dB Lnight contour being eligible under the scheme. A period of 2 years is unreasonable for residents affected by noise levels.
- Colluding with Ryanair and IAG to put pressure on public bodies through their scare campaign about flights moving from Dublin.

An Bord Pleanála have shown wisdom in applying restrictions and condition to DAA planning to protect the public. I trust in your decision concerning this DAA application.