

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
fromJames Ryan 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.: Pate 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-069120-23**

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

Customer: **James Ryan**

Lodgement Date: **14/12/2023 14:28:00**

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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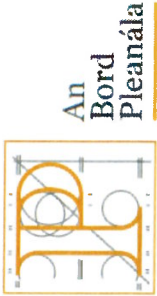
Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

✓
F.K.
02/01/24

Run at: 29/12/2023 14:35

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069120-23



Details

Lodgement Date	14/12/2023
Customer	James Ryan
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069120-23
Map ID	
Created By	Patrick Buckley
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	0.00

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

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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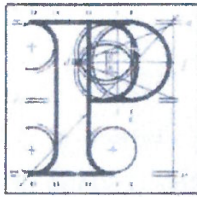
Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. The proposed relevant action 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

Case Number	Development Description
F20A/0668	<p>Permitted, 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). 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>

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- _____
ABP- _____
14 DEC 2023
For: _____ Type: _____
By: post

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.

JAMES RYAN

(b) Address

Click or tap here to enter text.

WOTTON, THE WARD
CO MEATH. D11 P651

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.

N/A

(b) Agent's address

Click or tap here to enter text.

N/A

SEE ATTACHED

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: Ballintown City Council)

Fingal County Council

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

(for example: ABP-300 000-19)

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

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

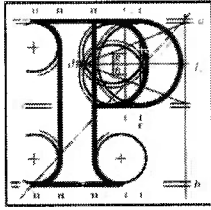
(for example: 18/0123)

F20A/0668

(d) Location of proposed development

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

Dublin Airport



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

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.

JAMES RYAN

(b) Address

Click or tap here to enter text.

WOTTON,
THE WARD, CO. MEATH

D11 P651

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.

N/A

(b) Agent's address

Click or tap here to enter text.

N/A

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.

SEE ATTACHED

THANKS

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.

SEE ATTACHED

THANKS

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.

* I understand that as I am already an existing participant in this appeal, there is no requirement for me to pay the €50.00 fee.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.



Wotton,
The Ward.
Co. Meath
2/12/2023

An Bord Pleanála Case No Plo6F.314485
Case aref No. F20A/0668

To Whom it may concern,

I would like to state from the start that I am not opposed to Dublin Airport or of its expansion. I accept that it is a important piece of national infrastructure. It is vital to the welfare of the country and it needs to expand. Passenger numbers need to increase to achieve this goal. Dublin Airport is also a major employer in these parts. However I believe that this can be achieved by simultaneous departures on both runways at a rate of 60/hr, which is double what is currently being achieved,

However, the applicant, Dublin Airport Authority (daa) have decided to ignore the original planning conditions and have singularly disregarded several of the conditions contained therein, in particular the noise limits of the Environmental Impact Statement (EIS). Therefore, I consider that the objections of the local communities ought to be upheld and the appeal against it entirely rejected.

As a former pilot, I am a member of the North Runway Technical group and, based on extensive research and trials, we have concluded that improved passenger numbers can be achieved by the more efficient use of both runways, within the limits of all safety regulations whilst remaining within the limitations of the EIS noise zone footprints. Our group have proposed alternate and more efficient use of both runways. With the assistance of several airline training captains, operating a range of different aircraft types in simulators, we have proven that there is no technical, safety or operational reason why daa cannot comply with the EIS noise footprint. We have tried, tested and proven that our proposed changes to operating procedures at Dublin Airport are possible within operational, regulatory and safety requirements. Departing aircraft could then do so over industrial areas such as Ballycoolin, solar farms and open, sparsely occupied countryside. These routes have been reserved for aircraft departing Dublin Airport since the 1970's. We have brought these proposals to senior personnel in daa and in IAA/AirNav who have yet to show that our proposals are flawed. For further details on these proposals please see www.dublin-north-runway.com. The repeated cry from the daa has been that the routing of flight paths are required by the IAA and are based on safety grounds. Nothing could be further from the truth. Under legislation, they are the body responsible for such routings, IAA/AirNav simply rubber-stamp these procedures.

Since the opening of the north runway the daa are currently operating the fourth set of departure routs (SIDS) from the North Runway and appear to maintain that they are not connected with the planning permission, yet they appear to be in breach of condition 1 of that permission. Before making any further planning submissions they should accept that they are in breach of the original permission and should apply for retention of these altered flight paths, which are nowhere near those laid out in the EIS. An EIS that was carried out in Fingal county, yet the impact of their non-compliance is felt by 30,000 residents of County Meath. When we heard of the proposal to install a new runway at Dublin Airport, we were told that it would be aligned with the existing runway 29/10 and communities

under the proposed flight paths were advised and consulted. An EIS was carried out, from which it was clear that there would be little or no direct impact on our community. After all, it would be 6 km away or so we were told. It would be similar to a new motorway being constructed and all traffic would be no closer than 6km from our homes. Subsequent noise and its impact would be negligible and of little concern. How wrong we were. The runway was completed and from the moment of first use, aircraft were routed *directly over our houses*, as low as 2,300 feet overhead, with noise levels in excess of 100dB. With consequent increase in particulate pollution. A far cry from the 6km which we were erroneously told. These noise levels are similar to that of a chain-saw.

The result of this non-compliance is resulting in;

1). Property values in this locality have dropped appreciably since the opening of the north runway. Our biggest life investment, our homes, have been materially reduced by the daa. In one recent instance, viewers of a local property which was up for sale, were discouraged from purchasing it as soon as the first aeroplane passed overhead.

2). We purchased our property in 1971 because we wanted to live in the quiet and sylvan countryside of County Meath. Apart from the occasional agricultural machine, the only noise that we were subjected to was the sound of wild life; the lowing of cattle and of bird song. Aircraft noise was an incidental and it happened some distance from our homes. After all, we are no closer to the airport than Sandymount or Ringsend. Aeroplanes departed Dublin Airport into wind, in a south-westerly direction off Runway 22 (now taxiway Charlie) and routed away from this locality. We could listen to the sound of our children playing in the garden and we could entertain friends and extended family in the open air in Summer, when weather permitted. We can no longer enjoy such comforts.

The daa's CEO recently admitted to the Oireachtas Transport committee that the reaction of the local communities to the noise "took them by surprise" when the new runway commenced operations in August 2022. We now can no longer hear our grandchildren playing when aeroplanes pass directly over our home. A large family re-union last Summer had to move indoors due to the noise of aircraft passing over us and spoiling our festivities, every 90 seconds. There was even little comfort indoors with the doors open, let alone on our new patio area. A new take on an Irish Bar-B-Q.

4). Loss of sleep and pollution is a major issue too.. DAA have installed noise monitoring stations in many localities but none are located in this one, where we are constantly being subjected to noise levels greatly in excess of those permitted by WHO. Our local residents association have requested that daa provide a mobile monitoring unit here but we have not been granted the courtesy of a reply, yet alone a positive response. Shift-workers, emergency service workers, maintenance operatives, the elderly and those who are ill, often need to sleep later in the day than others. During the summer it is impossible to sleep with our bedroom windows open. We are awoken from early morning to the sound of aeroplanes. Even in the winter, with windows closed, they can rattle and noise permeates through bedroom air vents. We are faced with the prospect of blocking up these vents. The consequence of this is the build-up of mould due to poor ventilation. This then adds to the health impact of loss of sleep and pollution. Should this appeal be granted, these unpermitted flight paths would be permanent and the noise and pollution will be even more unbearable than at present. Many other countries who are more environmentally aware than we appear to be in Ireland, have severely restricted night-time departures or banned them completely. The exceptions being night-time emergency use, for such operations as medi-vac and security. Heathrow, Amsterdam, Luxembourg, Zurich and Warsaw, are just some examples. Germany has either restricted or totally

banned night-time departures from no fewer than seven of its airports.

Berlin (BER)

Hamburg (HAM)

Leipzig/Halle (LEJ)

Dusseldorf (DUS)

Frankfurt (FRA)

Stuttgart (STR)

Munich (MUC)

In Dublin, the daa abdicated their responsibility as the airport operator to the IAA, to design the operational procedures for the airport, despite the fact that it was the daa who were granted the planning permission and who had the responsibility to ensure compliance with the planning conditions. Meanwhile, AirNav/IAA state that they are not bound by these planning conditions, since it was an issue for daa. The IAA maintain that they have no responsibility regarding planning permission for so long as they are in compliance with EASA and ICAO regulations. Meanwhile, the EIS which was submitted by daa was the basis for ABP granting of permission for the new runway. Such book -passing of responsibility might well be used as an episode in the old TV series Yes Minister.

The outcome of the operation of the runway is such that approx. 300 flights per day depart Dublin Airport and immediately after take off route within County Meath, outside the limits of the EIS in Fingal. The residents of The Ward, Newtown, Wotton, Baltrasna, Ashbourne, Ratoath and Dunshaughlin are impacted to varying extents, in breach of the planning permission. In total 30,000 people are effected. The public consultation which was carried out in 2016 was done so among the residents of Fingal. Those people living in Co. Meath were excluded, in breach of the Aarhus Convention. This call from ABP for submissions is the first occasion that residents in Co Meath have of voicing their concerns. Little wonder that few objections were received to the proposed development from residents in Fingal, since it is the residents of Co. Meath that are impacted. Since the opening of the runway the routing of aircraft has been changed on a number of occasions and now bear little resemblance with those published in the public consultation. This surely renders the original public consultation to be flawed and invalid. No alteration should be permitted until the current issues are addressed.

If a private individual erected a structure without planning permission or contrary to the conditions of the granted planning permission, they would quickly be forced by their local authority to demolish it, yet far from enforcing the conditions, Fingal Co Co have permitted daa to ignore the conditions that apply to this development. But then daa is a major contributor to Fingal funding. The daa have now demonstrated their temerity by launching an appeal to ABP in the hope that their illegal operations can be validated and legitimised by ABP. In the same way that their CEO wrote to An Taoiseach in an effort to have him intervene with ABP on their behalf. The accepting this action by daa would set a precedent that ABP rulings can be ignored.

AirNav have made much about safety and regulatory restrictions but they ignore the safety implications associated with the current departure routing. Almost immediately after take-off, aircraft are required to commence a right turn northward and route to DW120 waypoint. This sharp turn is made at the sacrifice of the aircraft's ability to climb. This results in the aircraft remaining very low for the duration of the turn and results in it overflying local communities at much lower levels than it might otherwise do, without the turn. Being lower, this increases noise levels for these overflowed communities. Meanwhile, in the event that a landing aircraft makes a missed approach on the south runway,

procedures require it to also make a right turn to the north and in conflict with traffic departing off the north runway. The view of IAA/AirNav to this is that Air Traffic Controllrrs (ATC) ensure that safety limits are maintained within acceptable limits. Departure systems, SIDS, should always be so clearly defined as not to require the intervention of ATC. In the event of communication failure, as occurred recently on two occasions in London, aircrew should be able to operate safely without external intervention. Currently, there are insufficient ATC officers in Dublin Airport to ensure adequate levels of staffing. Departures in Dublin airspace was closed recently on at least two occasions due to insufficient levels of ATC staff. In this environment, handling converging traffic within Dublin Airspace adds appreciably to an already overworked and stressed controller.

In addition to this, aircraft departing Dublin are not subject to standard noise abatement procedures, as is the case in most airports in Europe and the U.S. Rather than climb after departure at reduced power in predetermined configurations and in accordance with NADP1, they do so from Dublin on full power. In ignoring NADP1 protocols, the results are lower rates of climb and greater noise levels. There is also a safety implication in this practice; in the event of a technical issue with one engine, a bird-strike for instance, they have no reserve power available to compensate. This highlights the reality of the IAA/AirNav saying that the present policy is a safe one. (It is until there is an issue, when they will say that the daa is the responsible authority for departure routing). If this were to happen at low level, the result could be disastrous. This locality would be known in aviation history in the same way as Lockerbie. Again, daa, IAA and AirNav systems are flawed.

In conclusion,

- Aircraft departing Dublin Airport do so at full power and very low levels over the homes of 30,000 people and in contravention of Condition 1 of the planning permission that was granted to daa in 2007.
- Current flight paths have a negative impact on the health and quality of life of 30,000 local residents.
- Current flight paths are devaluing people's properties unnecessarily.
- People under the current illegal flight paths are deprived of the enjoyemnt of their homes.
- Granting this application by daa would set a dangerous planning precedent.
- daa have repeatedly breached the 65 movement night-time limit
- daa have repeatedly exceeded the permitted passenger cap.
- Rather than adopting the current illegal routing, they should be routing to the west of the airport over open countryside, Ballycoolin industrial areas and solar farms.
- It is possible that departures at Dublin Airport are possible within operational, regulatory and safety requirements and in compliance with the noise footprint of the 2007 EIS report.
- This matter is of such importance that an oral hearing is essential.

Please reject the appeal by daa and AirNav, which is unnecessary and in conflict with the health and well-being of 30,000 residents in Co. Meath.

Many Thanks,


James Ryan