

File With

SECTION 131 FORM

Appeal No

ABP— 314485 - 22

Defer Re O/H

☐

Having considered the contents of the submission dated (received) 22/11/2023
from Michael Delany 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
(Inspector to advise)

Section 131 not to be invoked at this stage.

☒

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

☐

Signed

Pat B

EO

Date

27/11/2023

Signed

SEO/SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



Planning Appeal Online Observation

Online Reference
NPA-OBS-002757

Online Observation Details

Contact Name
Michael Delaney

Lodgement Date
22/11/2023 10:58:12

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Michael Delaney

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Patricia B.

EO

Date

27/11/2023

BA40 to issue
Issued 29/11/2023 AMN

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068263-23

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_30FE8GB1CW0EN5FC1372Tu91

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



Michael Delaney

087 2480061

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29 Huntsgrove Ashbourne Co. Meath A84 KW26

20 November 2023
An Board Pleanála
64 Marlborough Street
Dublin 1, D01 V902

Bord Pleanála Case reference: PL06F.314485
Planning Authority Case Reference: F20A/0668

**Observations relating to Bord Pleanála Case reference: PL06F.314485
due to loss of amenity, health impacts and loss of property value as a
result of avoidable noise pollution**

To Whom it may concern,

My submission is technical in nature and specific to aviation and flight-path design. It might benefit from an in-person presentation. If you would like clarification on anything in this submission I would welcome the opportunity to meet.

The relevant action under consideration by An Bord Pleanála (ABP) is dealing with changing the limit of night flights at Dublin Airport. I accept that Dublin Airport needs to expand and increase capacity and this may include expansion of the normal hours of operation. I expect the passenger cap of 32 million annual passengers needs to be increased and the runways can best be utilised by dual simultaneous departures at a rate of at least 60/hour which is double that presently being achieved.

However, the daa (Applicant) has shown bad faith in ignoring the conditions of the original grant of permission. They have totally disregarded the noise provisions of the Environmental Impact Statement (EIS). Therefore, I feel it is untenable to approve this fundamentally flawed relevant action application and the appeal against it should be upheld and the permission denied in its entirety.

The constant refrain from daa has been that the route of the flight paths has been required by the IAA on safety and/or regulatory grounds. I am a retired airline Captain and based on extensive research as part of the "North Runway Technical Group", I have concluded that operation of the runways at maximum capacity within the confines of the safety regulations is perfectly possible while remaining within the footprint of the originally granted EIS noise zones.

Further information is available in Appendix A

To be clear; there is no safety, regulatory or technical reason that prevents daa from complying with the original noise footprint from the 2005 EIS.

Before seeking to change any aspect of their existing planning permission, the daa must bring itself into compliance with the existing granted permission. Failing that, the Applicant must accept that they are not in compliance with Condition 1 and file an honest application for retention of the non-compliant appropriated flight paths that are presently in use.

Instead daa persists in stating that the flight paths are disconnected to the planning permission and is now on the fourth set of routes since 2005, whilst still not compliant with the original Environmental Impact Statement (EIS).

Aircraft taking off from the North runway at Dublin Airport make an immediate 30-degree right turn, in many cases followed by second 60-degree turn. These turns in the departure track were not foreseen, by the day, when the runway was planned. Resulting in people who live 5 or 10km from where the aircraft were supposed to go are now being overflown daily. Far from "a few cranks in St Margaret's", there are 30,000 people detrimentally affected because departing aircraft fly over our houses at low altitude, max weight, max engine power making maximum noise.

The planning ground for this observation is *Loss of amenity, health impacts and loss of property value resulting from unnecessary noise pollution* described here in specific instances:

Loss of amenity through noise pollution: A number of years ago we reviewed our house needs and opted to extensively renovate. We decided to remain in Ashbourne and invest in our home rather than take the opportunity to move. We developed our garden as we have traditionally held regular extended-family gatherings throughout the summer. Currently there are aircraft climbing through 3,000 - 4,500ft within 2.5km of our house, the noise of aircraft builds to 65dbA as often as every 90 seconds causing outdoor conversation to stop each time.

Loss of sleep through noise pollution: We awake at 06:00 each morning, including weekends, as a direct result of the flight path dropping disruptive aircraft noise on our home. Should this relevant action be granted this problem will become worse and start even earlier, the un-sanctioned appropriated flight paths presently in use would de facto be given retention and the noise pollution situation would be made permanent.

Reduction of property value through noise pollution: Were we now to move house to avoid the aircraft noise, the selling price will be reduced compared to before the opening of the runway. The value of our largest investment, our home, has been materially damaged by daa's failure to comply with condition 1 of the north runway planning permission.

2005 Environmental Impact Statement

The Environmental Impact Statement (EIS) submitted by daa in 2004, updated in 2005 formed a primary underpinning for ABP to grant the permission for the runway. This was of such importance that ABP mentioned it in the first sentence of Condition 1. The daa has outsourced aviation operations to AirNav (formerly IAA ANSP), but AirNav insists that they need not comply with the EIS / planning permission, describing planning as daa's problem.

The daa has then lodged the AirNav-designed procedures with IAA (the regulator) without having even the in-house capability to review them and verify compliance with planning permission. daa's CFO told the Oireachtas Committee on Transport and Communications that the routing of flights "took them by surprise" when the runway started operations in August 2022. This despite the fact that daa as the "aerodrome operator" made the submission to the IAA.

IAA insists that they have no remit regarding planning permission or suitability of the procedures' routing, as long as it does not break aviation law ICAO standards, they will rubber stamp any submission.

The end result is that 100% of aircraft taking off from the north runway leave the confines of the original EIS noise boundary footprint within 30 seconds of take-off. Each of the three state bodies involved blames the others and 30,000 people suffer. Had we known that the EIS could be simply ignored and 300+ aircraft each day were to be directed over our house in contravention of the planning permission we would have moved rather than invest for the future in Ashbourne.

The recently submitted Environmental Impact Assessment Report

The following, lists the flaws in the Applicants EIAR submission that should render that application invalid and cause the appeal to be upheld.

1. Noise zones labelled as "permitted" in this submission do not match the 2005 Environmental Impact Statement which underpins the only granted permission for the north runway (ABP 2007). This appears 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 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. Ashbourne, Ratoath and multiple smaller conurbations totalling 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 engagement 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 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 we been aware of the 2016 consultation we would no doubt have objected. However, it has become apparent that this would not have in fact mattered as 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 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 be very clear that denial of this appeal will have consequences far beyond the number and times of night flights.

4. The State (Fingal Co Co, Meath Co Co, daa) has taken the position that only Fingal Co Co has standing regarding the planning permission. The daa insists that the existing planning permission has nothing to do with the routes. Therefore citizens in Meath have had 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 to participate in the planning permission process for the North runway, more than a year after the runway opened and illegal appropriated flight paths began.

5. Acceptance of the relevant action by ABP and thus retention of the in use, appropriated 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. Restricting environmental impact that happens in Meath might 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 or participants in the process.

6. There are alternative routes that conform to the existing noise zone without reducing the capacity of the airport. AirNav's failure to design the procedures well and daa's flagrant ignoring of planning permission should not be rewarded. This is not an issue of safety or regulatory compliance as implied by daa. AirNav (daa's proxy) and IAA, the regulator, have both publicly stated that compliance with planning permission is not their concern and they have 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. An explanation of the proposal is available in the North Runway Technical Group Proposal.

In summary 30,000 people are suffering under the noise pollution of aircraft that should not be overflying us according to Condition 1 of the existing planning permission. According to the Fingal Strategic Development, those aircraft should be flying over 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 daa from complying with the original noise footprint from the 2005 EIS.* Please uphold the appeal and reverse Fingal's grant of permission in this case.

Yours sincerely,

Michael Delaney

Appendix A

North Runway Technical Group Proposal

A constructive solution to the North Runway routing/noise problem. To whom it may concern,

I am one of the many people who live along the departure track of the new north runway at Dublin Airport and a member of a small group including an engineer and private pilots along with commercial air transport pilots who regularly operate flights out of Dublin Airport.

- All of us are in favour of aviation. We are not trying to get the new runway shut down.
- We are not trying to divert the aircraft to make this someone else's problem.
- We want to help DAA make the smallest necessary changes that **increases departure capacity by as much as 50%** while alleviating the problem of aircraft flying over our houses.
- No change to existing planning permission is required to implement our proposal. It would bring DAA into compliance and remove the need for enforcement by Fingal County Council.
- Low level noise would be within the published noise footprints.
- We understand that AIRNAV has repeatedly claimed that this can't be done. This is not the case. **We have tested this in commercial simulators flown by professional pilots for all types that fly out of Dublin.**
- This proposal is a win for DAA and the airlines, a win for the residents and a win for Fingal County Council.

- As you will likely be aware, all aircraft taking off from the new North runway at Dublin Airport make an immediate 30-degree right turn; in many cases followed by second 60-degree turn. These turns in the departure track were never foreseen, even by DAA, when the runway was designed. As a result, the people who live 5 or 10km from where the aircraft were supposed to go are now being overflown every day. Far from “a few cranks in St Margaret’s”, there are 30,000 people detrimentally affected because departing aircraft go the wrong way and fly over our houses at low altitude, max weight, max engine power making maximum noise.

We propose two modifications of tracks that are safe and legal and do not involve other parties (Weston or military airspace). It requires only DAA and IAA to be involved so it is not complicated to implement. The proposal increases the number of departures from the airport which is advantageous to DAA and helps reduce the noise pollution problem to the minimum possible. The track we propose falls within the planning permission that was granted so we are not even asking to change that permission; DAA can operate within it while increasing the number of flights per hour.

The changes required are these:

1. 28L (missed approach) to fly to the DAP VOR (end of the runway) and turn 30 degrees left, and climb continuously to 4000ft, the aircraft will fly above Weston airspace and not reach Military airspace.
2. 28R (departure) straight to 1.9 nautical miles, then turn 10 degrees to the right and climb on this track.

You may have been led to believe that changing the 28L missed approach cannot be done or is a difficult job or requires permission from the military. These are the received statements and our replies:

1. *The airspace to the south-west of the airport is restricted to the military. **Military airspace is not involved or impacted by this proposal. The proposed missed approach would NOT enter military airspace.***
2. *Gardai Air Support Unit (GASU) and Weston airport would be affected by changes to the R28L missed approach. **Weston and Military airspace are not involved or impacted by this proposal.***

*The proposed missed approach would NOT enter either one. **This has been tested in worst case scenarios (engine out, go-round at max weight with 10kt tailwind) and still clears both Weston and R15 (Baldonnal airspace).***

GASU is in constant contact with Dublin tower when operating in the control zone and does not have any problem with the runway 10R missed approach going through the same area which it currently does. Having an occasionally used missed approach over the Roadstone quarry and Ballycoolin industrial area will not have any effect on GASU.

***The existing missed approach is actually not fit for purpose; it routes missed aircraft into direct conflict with departing traffic.** It was designed for single runway operations and takes no account of the new north runway. It is now dangerous and requires intervention from the tower on every go around.*

3. *A missed approach must allow for an engine-out go-around. This might not clear the restricted area R15.*

This can clear both Weston and the R15 and has now been tested in commercial simulators flown by professional pilots including for the worst-case scenarios with one engine out.

4. *Changing the missed approach would put aircraft over high density residential areas including Dublin city.*

Simulator flights demonstrated that missed approach aircraft can achieve 4000ft and level off before reaching any residential area. Climb is completed over the Roadstone quarry and Ballycoolin industrial area. They would then continue at 50% power making little noise along the reverse track of the runway 10R missed approach as already adopted and published by DAA.

Missed approaches are typically between .25% and .33% of all approaches, thus Dublin should have about 1 missed approach per day.

These high-density residential areas are already overflown and there is no comparing and average of 1 flight per day at low power level at 4000ft to 350+ flights each day at climb power as they take off and climb towards 23,000ft.

We have described and explained the proposal in more detail at <https://www.north-runway.com>

DAA, IAA and AirNav have relied on the technical nature of aviation to obfuscate the facts throughout this process, especially in the media. As a result several residents with technical knowledge and experience of aviation have formed the North Runway Technical Group. We include professional air transport pilots, private pilots, a civil engineer who is also a pilot, a retired training captain and a retired air traffic controller. We have spent hundreds of hours researching the relevant ICAO (International Civil Aviation Organisation) standards, making FOI requests, downloading ADSB (Automatic

dependant Surveillance Broadcast) data and piecing together the truth of this 20 year project.

There are two fundamental requirements for operation of parallel runways according to ICAO Doc 9643 first published in 2004. It appears the IAA missed these when the original routes for the 2005 EIS were drawn up. They have modified subsequent iterations of the flight paths to account for these requirements.

1. Deconfliction of parallel simultaneous departures
2. Deconfliction of departure on one runway from the missed approach track on the other parallel runway.

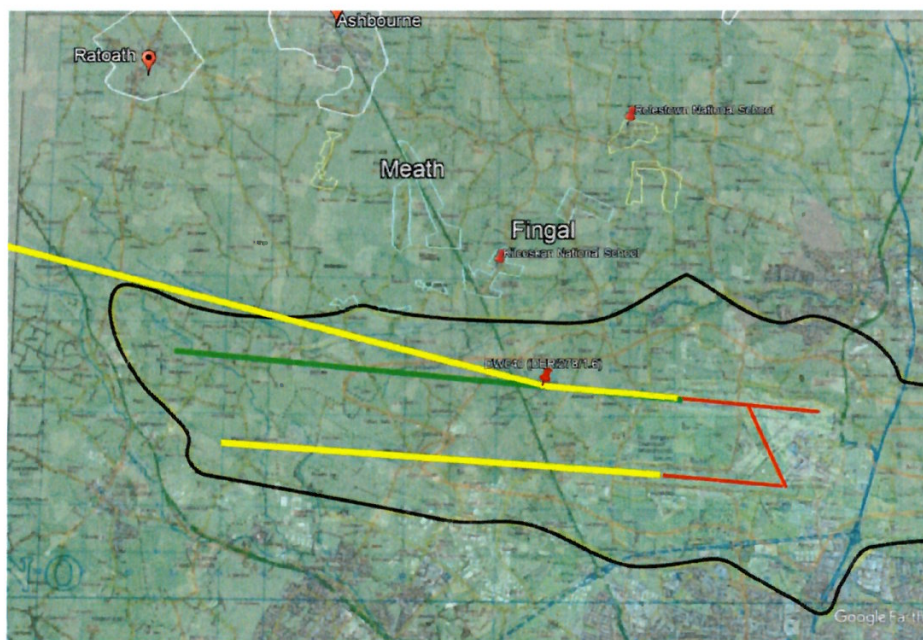


Figure 1 Proposed north runway departure track leaving the existing south runway departure as is.

In order to permit simultaneous departures from the two runways a 10 degree divergence must occur within 2 nautical miles (nm) of the departure end of the runway per ICAO Doc 9643. Both the existing (R28L) south runway departure track and the proposed (R28R) north runway departure track are shown in yellow in Figure 1. The

original green line used to create the noise contours in the 2005 EIS was straight ahead for 5nm based on a copy-paste of the south runway. If a steeper climb profile is specified and enforced for departures (e.g. NADP1 *Noise abatement procedure 1*, a normal procedure for international airports) the original noise footprint can be adhered to even with the 10 degree deviation.

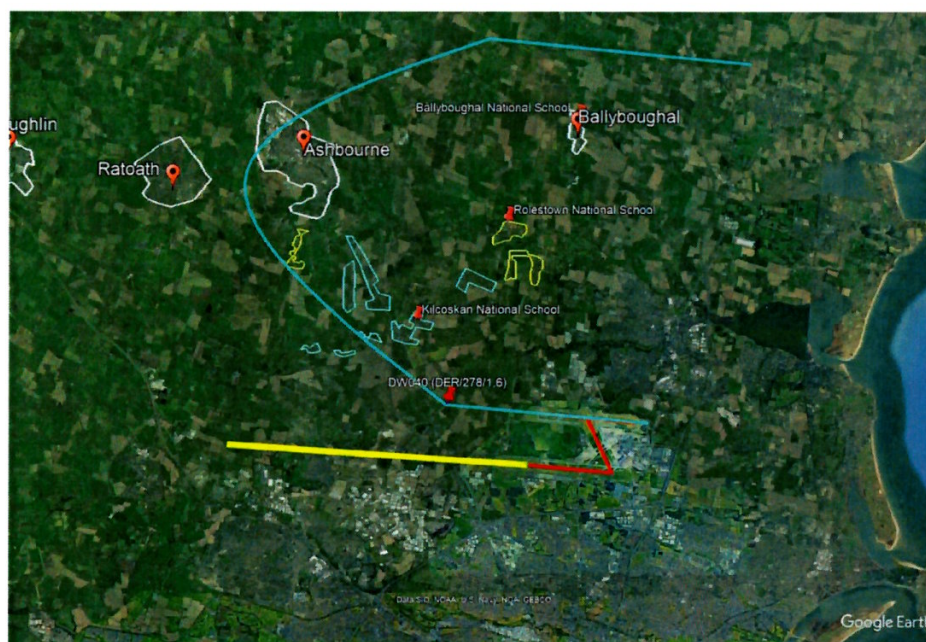


Figure 2 R28R missed approach deviates to the north to allow landing on the north runway while aircraft are departing from the south runway

The second divergence requirement for parallel runways is that there be 30 degrees between the departure track on one runway and the missed approach track on the other. See <https://www.dublin-north-runway.com/runway-info/missed-approach-track/> for an explanation of the function of a missed approach track.

An immediate short-term fix is available

In order to provide this deviation to allow departures from the south runway simultaneous with landings on the north runway (R28R) the missed approach track deviates as shown in Figure 2. Note that while departure tracks are used for 100% of daily departures, missed approach tracks are typically used for less than 0.5% of arrivals (approx. 1/day in Dublin). The procedures for this are already in place and published. **DAA could immediately swap the runway functions, departing from the south runway and landing on the north runway using the existing procedures and stop using the**

faulty and illegal flight paths over east Meath. We do not consider this to be the best long term solution, but it could be adopted immediately as a stop-gap until the procedure design and promulgation exercise is completed properly.

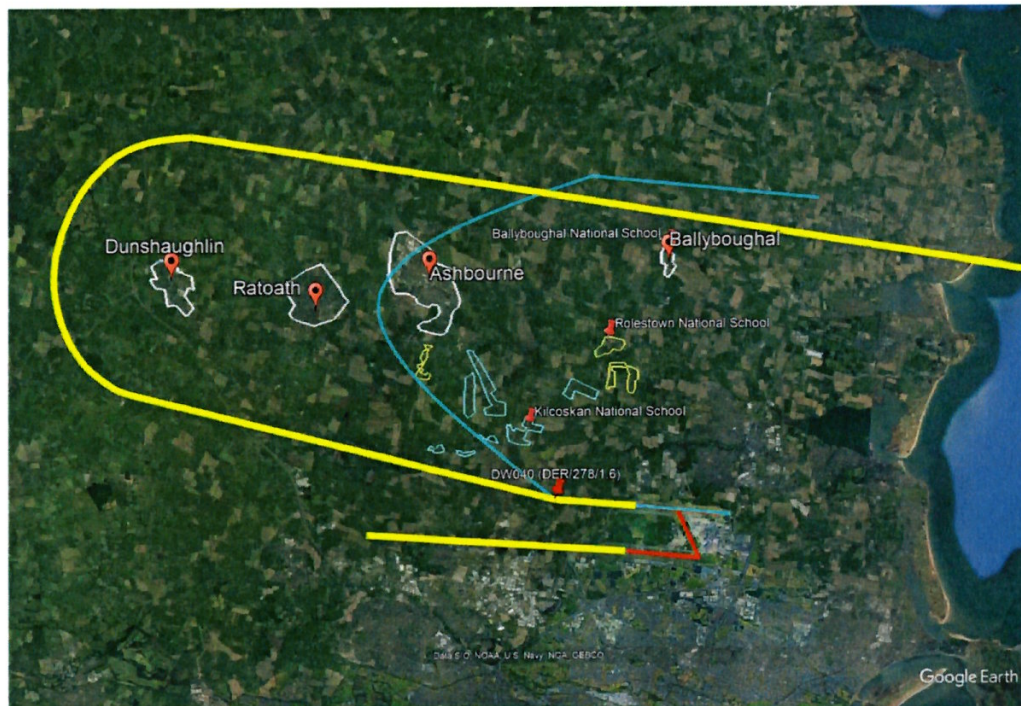


Figure 3 The proposed departure can co-exist with the present R28L departure and R28R missed approach

Adding our proposed departure track in Figure 3, there is no conflict between the existing R28R missed approach, the existing R28L straight out departure and our proposed R28R departure track.

Why did daa and AirNav send aircraft over East Meath?

The sole requirement that led to daa/AirNav turning 100% of departures over 30,000 people is the insistence on landing on the south runway. It appears from the original EIS that this decision is based on disturbance from landing noise over Portmarnock. Aircraft landing are much quieter than taking off, so the calculation appears to be 10,000 people in Portmarnock who are represented by Fingal Co Co must not be disturbed by landings. This made perfect sense with the 2005 departure flight path for the north runway over empty fields, however those flight-paths have been modified and the calculus should have changed.

To keep the lesser landing noise off 10,000 people in Portmarnock, 30,000 people in Meath who are not represented by anyone in this process and outside the permitted noise footprints must suffer the much greater noise pollution from take offs.

As shown in Figure 4 the existing missed approach (white) has remained unchanged despite a new runway being built to the north. This now obsolete procedure turns aircraft into conflict as a south runway missed approach flies right through north departure runway traffic, see Figure 5. Despite this AirNav has gone out of its way never to properly examine the option of turning the R28L missed approach south, chiefly because it might disturb the Military. Instead of turning the R28L missed approach to the south for 1 aircraft a day, they chose to turn 300+ departing flights daily along the magenta lines to the north.

We have demonstrated to daa and AirNav that it is possible to design a standards compliant R28L missed approach to the south within the existing Letter of Agreement between IAA and the Military.

There is no safety, regulatory or technical reason that prevents daa from complying with the original noise footprint from the 2005 EIS.

Changing the south runway missed approach to one of the options shown in Figure 4 and adopting our proposed departure flight-path for the north runway would enable flexibility and maximum efficiency from both runways without the need to turn the north runway departures. The solution shown in Figure 6 would increase safety, while complying with the standards and regulations and massively reducing the annoyance caused by the airport.

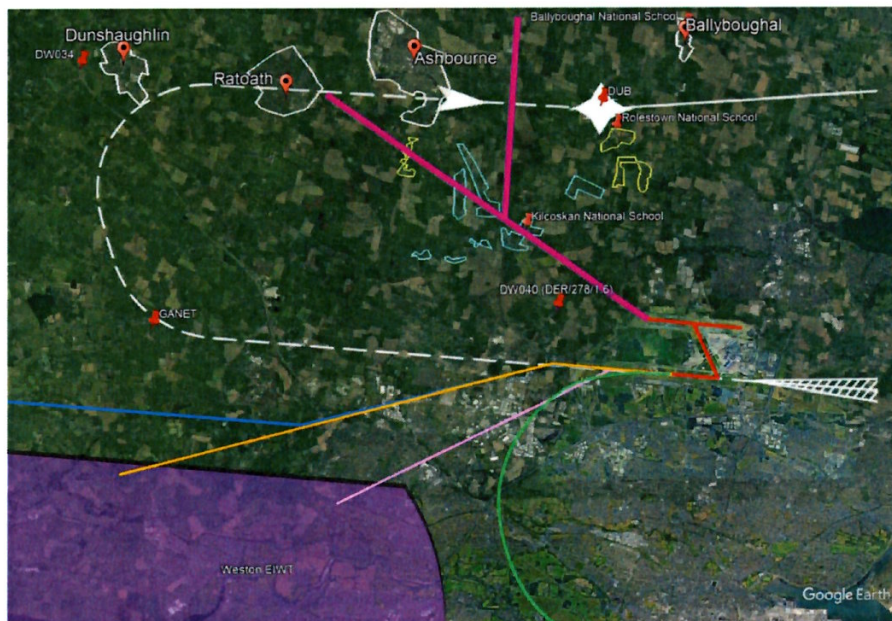


Figure 4 Multiple options for the R28L missed approach to deviate south are available – coloured lines

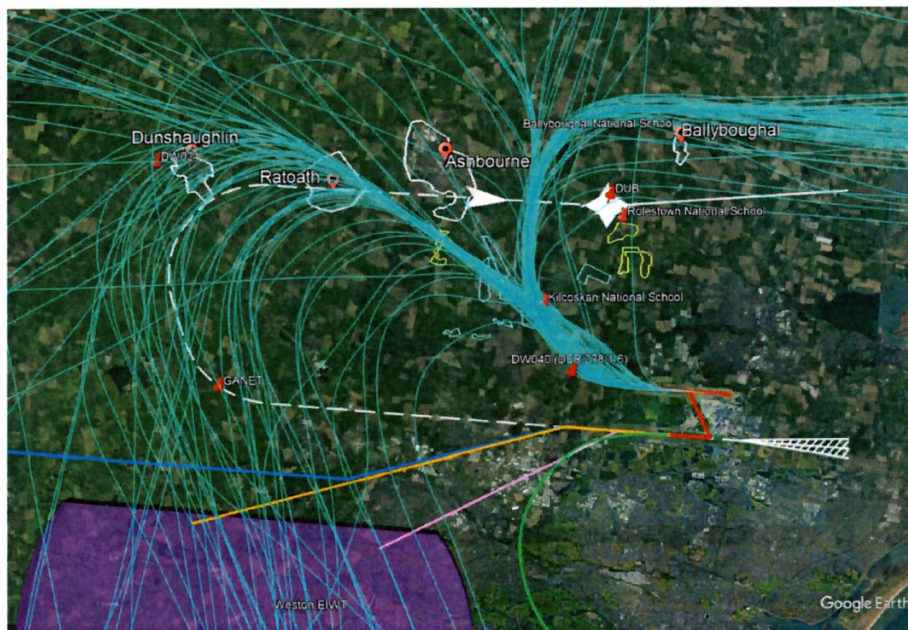


Figure 5 The unsafe existing R28L missed approach remains in operation despite being reported to IAA and daa.

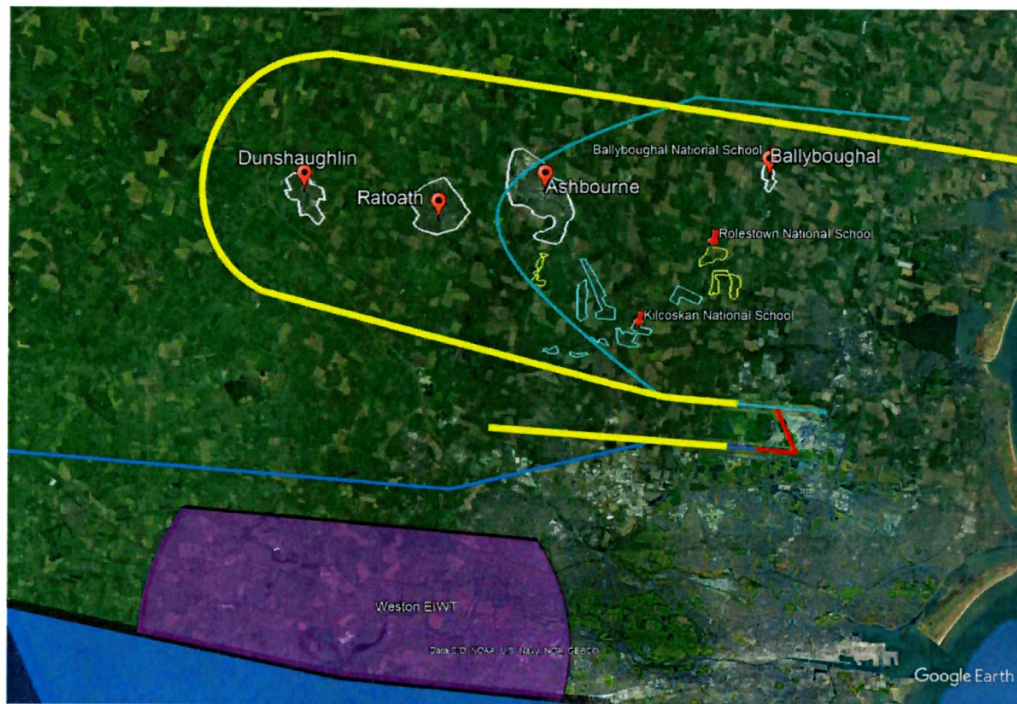


Figure 6 Proposed solution providing maximum capacity with lowest annoyance