

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated/received 01/12/2022
from Paul and Patricia Mongon 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

Pat B

Date

07/12/2023

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



Planning Appeal Online Observation

Online Reference
NPA-OBS-002785

Online Observation Details

Contact Name
Paul and Patricia Mangan

Lodgement Date
01/12/2023 11:00:19

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Paul Mangan

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Pat B

EO

Date

07/12/2023

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068475-23

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_3OIUSFB1CW0EN5FC0Nc6L1Wi

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

Observation on a Planning Appeal

Planning Authority – Fingal County Council
ABP Case number – PL06F.314485
Planning Authority Register Ref No - F20A/0668
Location of Proposed Development - Dublin Airport

Noise

The noise level associated with aircraft movements is intolerable. There is clear advice from the World Health Authority on the adverse health effects of excessive noise. Since the opening of the North Runway aircraft approaching Dublin Airport fly directly over our house. This is affecting adversely our enjoyment of our house and garden. It is affecting our sleep.

The noise level as an aircraft passes overhead can be above 80dB. The WHO advice is that noise levels above 45dB by day and 40db at night can be damaging to health.

In measuring noise levels, it is the immediate level that is relevant and not an average over a day, month or year. The figures indicated by DAA are based on average levels. This is totally disingenuous. It is as relevant to health and comfort as averaging water levels over an extended period to indicate that flooding does not occur after heavy rainfall.

The noise contours used by DAA in assessing areas for noise insulation do not properly address the flight path to the North Runway. The Noise Insulation Zone starts approximately 1km further west than that for the South Runway, thereby excluding hundreds of houses in Portmarnock from the insulation scheme. This is not addressed in the documents submitted by DAA.

It is significant that in its planning permissions, Fingal County Council is now imposing a condition requiring the inclusion of sound insulation in new developments in Portmarnock.

Number of Flights

The planning permission for the North Runway imposes a limit of 65 flights per night. DAA has consistently exceeded this number, in flagrant breach of the planning permission. When issued with an Enforcement Order by Fingal Co Council, instead of complying it initiated legal action to avoid compliance. This organisation is not concerned about observing planning conditions. It continues to blatantly flout them and, when challenged, does not desist but seeks to have the conditions changed – years after the period for appealing conditions has expired.

DAA proposes a “Noise Quota” instead of a cap on flight numbers. A noise quota could be exploited to facilitate an almost unlimited number of night flights. A quota would be difficult to measure and almost impossible to enforce. It would establish a nebulous statistic that would be under the effective control of the airlines and airport authority. In light of the brazen disregard of the existing clear number of approved night flights, such a scheme would be a disaster for residents and must be rejected.

Flight paths

The take-off flight paths used from the North Runway are not those approved in the 2007 planning permission. An alteration to these routes in early 2023 did not revert to the permitted routes. In its recent submission to An Bord Pleanála DAA has used the current ("actual") flight paths to indicate its "permitted" routes on its drawings - instead of the 2007 permitted routes. For ABP to consider a submission based on unauthorised flight paths would amount to acceptance of these unapproved and illegal routes. To do so would expose An Bord Pleanála to a Judicial Review of its action. These incorrect drawings, and any submission made on their basis, must be rejected.

The flight paths approved in 2007 are more direct and turning does not occur until the flights are some height and distance away from the runway. The unapproved flight paths in use currently involve earlier (and therefore lower) turns and expose many more buildings (homes, schools, businesses) to excessive noise that was originally indicated and approved. Decisions made on where to live or work based on the permitted flight paths are worthless. Reverting to the permitted direct flight paths would lessen the impact and must be enforced.

Extension of Night Time Hours

Currently, Night Time is defined as from 11pm to 7 am. This 8 hour period is consistent with the commonly accepted requirement for 8 hours sleep. To change this to a 6 hour period from midnight to 6 am would reduce the 'quiet' time to 6 hours and the resultant sleep deprivation would undoubtedly have serious effects on health and wellbeing.

To allow this extended period, plus the divergent flight paths and the removal of a cap on night time flight numbers, all of which are sought by the DAA, would have a catastrophic effect on the health and quality of life of persons living on or near the flight paths to Dublin Airport.

Request for an Oral Hearing

This is a very serious issue affecting a large area and a high number of people. The importance of the issue to all parties and the conduct of DAA through its breach of the existing planning permission and its inclusion of inaccurate information in its submission to An Bord Pleanála make it essential that this matter is determined publicly through an Oral Hearing.

Observer

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