

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 07/12/2023
fromPeter Coyle 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 B.Date: 14/12/2023

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-068802-23**

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

Customer: **Peter Coyle**

Lodgement Date: **07/12/2023 13:16:00**

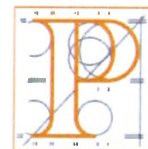
Validation Officer: **Patrick Buckley**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



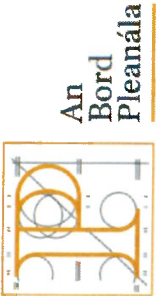
An
Bord
Pleanála

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

Run at: 14/12/2023 14:56

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068802-23



Details

Lodgement Date	07/12/2023
Customer	Peter Coyle
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068802-23
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

	Development Description
	<p>Permission, 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>

2A Case Number

F20A/0668

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

AN BORD PLEANÁLA	
LDG-	068802-23
ABP-	
07 DEC 2023	
Fee: €	Type:
Time: 9.57.	By: POST.

Peter Coyle,
 8 Burrow Court,
 Portmarnock,
 Co Dublin,
 D13 T295

The Secretary,
 An Bord Pleanála,
 64 Marlborough Street,
 Dublin 1, D01 V902

05 December 2023

Re Case Number: ABP-314485-22
Planning Authority Ref. : F20A/0668
Applicant: Dublin Airport Authority
Location: Dublin Airport

A Chara,

Following on your letter to me on 8 November 2023 informing me of the Additional Information received from Dublin Airport Authority (DAA) I wish to make some observations to that Additional Information.

I live directly under the flight path of the Northern Runway. I personally invested €12,500 this year in putting in sound proof secondary glazing on top of the high quality double glazing that I had in the windows. However this did not deter being awakened during the night time hours by aircraft going to and from Dublin Airport.

I fully acknowledge that in your request for Additional Information you stated:
"aircraft noise is not experienced in an "average" fashion. It consists of periods of comparative quiet when there are no aircraft flying near or over a receptor interspersed with relatively short periods of noise when an aircraft approaches a receptor, builds to a peak at its closest approach and then decays as the aircraft moves away from the receptor".

and

"You are requested to assess the probability of additional awakening due to the peak L.. of ATMs at night between 2300 and 0700 hrs.....and for the likelihood of additional awakenings for the overall annual average number of ATMs at night, based on the approach described in the review supporting the WHO ENG 2018".

I think that your request was very precise, right and to the point. However, the DAA response in the 500 page Additional Information via Tom Phillips and Associates did not address the questions that you raised.

In response DAA play on the issue of 20 awakenings at night as referred to by WHO. They state:

The term awakenings in this context is that used by researchers in the field and differs from the lay meaning of becoming awake and aware of your surroundings. As noted in the WHO systematic review 'a healthy adult briefly awakens ca. 20 times during an 8 h bed period (most of these awakenings are too short to be remembered the next morning)'.

However ironically in their report they claim to have an expert witness in **Prof. Dr. Thomas Penzel**. In his report he states:

“Sleep is not just a state of unconsciousness, but we change sleep stages during the night often in order to have all components of light sleep, deep sleep and REM sleep. Perhaps 40 or 50 changes of sleep stages are normal during a night in a healthy person. If there is a move from a deeper sleep stage to a higher one, and if this change is short, shorter than 15 seconds, then we call this arousal. A healthy person has about 24 arousals during a normal night Usually we do not notice arousals. Only if an arousal is lasting longer than 15 seconds, perhaps 3 minutes, and turns into wakefulness, then we become aware of wakefulness during regular sleep time and we tend to be annoyed. There is a relationship between noise events and arousals. A steady level of noise does not increase the number of awakenings. But isolated noise events, like airplane overflight, may cause arousals.”.

Prof. Penzel does nothing in his report to support DAA’s position to support all night flights.. The comparison of ‘arousal’ versus ‘awakening’ is extremely relevant. I can quote a number of awakenings and wakefulness that I have had with aircraft. Some of these are on DAA’s complaint records.

e.g. on 7th November 2023 just after 04.30 in the morning I was awakened by an aircraft directly over my house. I was not able to go back to sleep for over half an hour because other aircraft were passing overhead every 4 minutes, The Flightradar website showed that there were **seven** planes landed at Dublin Airport between 04.30 and 05.00 AM. We were also awakened at a similar time the following morning. A check on the Flightradar shows about seven aircraft arrive into Dublin Airport at the same time almost every morning.

This is just one example of awakening by aircraft noise, as distinct from an ‘arousal’.

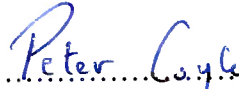
When the wind is from an easterly direction we are awakened every morning about 06.00 AM by the noise of departing aircraft.

In my earlier submission I pointed to the fact that DAA wanted to operate early morning flights to tie in with Central European Time. They should however ask the Government to introduce Central European Time in Ireland! They should not ask that discrimination operate for Fingal residents alone to live by Central European Time.

Conclusion.

A night’s undisturbed sleep is critical for the general health of people. It is also a **Civil Right**. I hope that ABP will support that Civil Right in its judgement for the protection of the night-time sleep for Fingal residents

Is mise le meas,


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Peter Coyle

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