

BP 97 - overpaid.
BP 40-19/12-DW.

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated/received 12/12/2024
from Bettina Rabbitt 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

EO

Date

15/12/2023

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-002888

LDG-068703-23

Online Observation Details

Contact Name
Bettina Rabbitte

Lodgement Date
12/12/2023 11:31:27

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Marisa Rabbitte

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Pat B...

EO

Date

15/12/2023

Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50

Lodgement No

LDG— 068703.23

Reason for Refund

Valid - Overpayment (fee not required)

Documents Returned to Observer

☐ Yes ☒ No

Request Emailed to Senior Executive Officer for Approval

☒ Yes ☐ No

Signed

Pat B...

EO

Date

15/12/2023

Finance Section

Payment Reference

ch_30MUBPB1CW0EN5FC1zdjjme0

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

**Bettina Rabbitte
Rabbitte Group Properties Limited
Mabestown
The Ward
Dublin 11
D11Y89X**

Planning Authority Reference Number: F20A/0668

ABP Case Number: ABP-314485-22

Planning Authority: Fingal County Council

Re: 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, which relates to the night-time use of the runway system at Dublin Airport

The relevant action if approved would be extremely damaging for the families and communities which is already affected by the DAA's unauthorised development of low flying aircraft and illegal flight paths from the recently opened North Runway. It would mean a worsening of the current situation which itself is unlawful and would provide unlimited night flights and an extension to the permitted day hours from 6am to midnight. How can families be expected to have only 6 hours of uninterrupted sleep time per day. The relevant action if allowed would worsen the situation and make it intolerable for people to live in their communities if the DAA are allowed to increase the number of night flights and extend the North Runway flight times to midnight and from 6am.

The DAA has no appreciation for the local communities or the environment when it comes to compliance with the permitted 2007 planning permission for the north runway. The DAA's focus is maximising the full potential of the new North Runway with no consideration of its impact on the local communities or the environment.

The 2007 planning permission is the basis that people have planned and established their lives in the local communities such as St Margarets, Kilsallaghan, Coolquay and the Ward, and since the opening of the North Runway in August 2022 the lives of everyone in these communities have been impacted because the DAA are not complying with the permission they received in 2007 for the North Runway with respect to the flight paths and heights. The flight paths and heights are totally different to what was permitted and in no way resembles what was applied for and granted in the 2007 planning permission. The relevant planning authorities must appreciate the negative impact that the current flight paths are having on the affected communities notwithstanding that they are illegal, and they must compel the DAA to comply with the 2007 planning permission (the extant permission).

Having examined the recent documents submitted by the DAA it is evident that they have used the current flight paths (unauthorised development/ illegal flight path) as the baseline for their submission. This is wrong and unethical. They are hoping that An Board Pleanála will fail to carry out planning due

diligence and ignore or dismiss the planning permission granted in 2007 for the unauthorised development that the DAA are currently applying.

The current flight paths are a very important issue and should be considered as part of the relevant action submission. The current flight paths the DAA are applying today were not considered in the 2007 planning permission nor were any noise modelling along these unpermitted routes currently being operated. The noise modelling for the routes currently being operated (the unauthorised development) did not appear until the DAA's 2023 submission. There are no noise monitors located under the current flight path in the Coolquay area and there is no reference to this area in any noise reports up to the 2023 submission.

The DAA submission continually refers to "passage of time" in their 2023 submission, as if the DAA believe that it is acceptable to make changes later, as and when they see fit, no matter what the consequences are or whether it is compliant with planning and legislative acts and the governments climate plan. The DAA seems to be a law to themselves and are happy to ignore their responsibility to planning, environmental, health and legislative matters and do not care about their neighbours and particularly their health and wellbeing.

The proposed increase in passenger numbers is counterproductive to the government's climate action plan. The DAA seems to be ignoring the fact that increase aircraft means increase CO2 emissions both in the air and on the ground. The DAA seem to ignore emissions in the air when reporting on their CO2 target plan. What is also ignored by the DAA is the increase in road traffic and car parking that will happen if the airport capacity increases. The only mode of traffic to get passengers and airport staff/ contractors to and from the airport are cars and busses, and the roads infrastructure is reported to be at capacity. How can putting more planes in the air, having more cars and buses on the roads, building more car parks, and increasing the capacity of the roads network for the airport be sustainable? If anything, I say that the DAA is moving in the opposite way and ignoring its obligations to climate control and the government's climate action plan which targets 50% reduction by 2030 and carbon neutral by 2050. The transport infrastructure is not in place to facilitate further passenger numbers in Dublin Airport and the proposed new Metrorail system will not be delivered and operational before the end of this decade.

The current operation is causing huge disturbance and stress to the local communities impacted by the DAA's illegal development/flight activity. The DAA's illegal development/ flight activity is having a negative impact on the local community's health and wellbeing attributed by the excessive aircraft noise levels and air pollution and is being ignored by the DAA.

The 2023 supplementary EIAR submitted by the DAA within the significant additional information is prepared by consultants employed by the DAA and is not independently checked so open to scrutiny. It is biased, and based on the DAA's current, illegal flight path so cannot be relied upon.

For instance, one of the more critical issues and concerns is the current flight paths impact on the local school at Kilcoskan. This school is not referred to in the DAA's reports yet is one of the institutions most affected. The reason it is not referred to in the DAA planning and reports is because the flight paths were not previously planned to take this route. However, the school is now directly under the current flight path, and this is being ignored just like its surrounding community. The height of aircraft flying over the Kilcoskan school and the Coolquay area is extremely low at c.2000ft – 2400ft with noise levels reaching 80 db. These heights are well below those proposed in the planning permission for c. 6km travelled and the noise levels are far more than all guidelines both national and the WHO.

The request to extend the day hours will cause more noise exposure for residents and doesn't make any sense given how serious the current noise situation is.

Unlimited night flights using a pure noise quota system will further burden the community causing more sleep disturbance. Night flights should be banned in line with other major worldwide airports.

We request that An Bord Pleanála act within the limits of its powers and compel the DAA to comply with the 2007 planning permission, restrict the DAA to the current nighttime cap and the current annual passenger cap.

We propose that an oral hearing is critical given the gravity of the situation.