

File With _____

SECTION 131 FORM

Appeal NO: ABP 34485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 14/12/2023
fromRobert Murphy 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 BDate: 19/12/2023

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: _____

ROBERT MURPHY
SHALLOW LANE
THE WARD
DUBLIN 11
D11 DX 90
PH: 0876394129

CASE NUMBER
APB-314485-22

PLEASE FIND ENCLOSED SUBMISSION

ROBERT MURPHY

AN BORD PLEANÁLA	
LDG-	068851-23
ABP-	
14 DEC 2023	
Fee: €	Type:
Time: 12:26	By: Hord.

I made a submission to ANCA but have not been written to by the competent authority or the Bord to inform me that I am entitled to make an observation or submission to this Significant Additional Information and am entitled to do so at no cost.

We draw the Bords attention to section 37R "Supplementary provisions relating to decisions on applications referred to in sections 34B(1) or 34C(1) which were not refused by virtue of section 34B(5) Or 34C(5). At 37R 1(a) of the Act it states "This section applies in addition to section 37 in the case of an appeal under section 37 against a decision of the planning authority under section 34 where, pursuant to section 34B(15) or 34C(16) that decision incorporates a regulatory decision of the

competent authority under section 34B(13)(a) or 34C(14)(a) as the case may be" Therefore this applies to this case.

At 37R(2) it states" For the purposes of a relevant appeal the reference in section 37(1) to any person who made submissions or observations in writing in relation to the planning application to the planning authority includes any person who made submissions or observations in writing referred to in section 34B(11)(c) or 34C(12)(c) to the competent authority in relation to the draft regulatory decision or related report referred to in 34B(9) or (10) as the case may be, or section 34C(10) or (11) as the case may be"

I am one of over 30,000 people who are now living under an illegal flightpath since the opening of the North Runway. The 2007 planning condition documentation includes flightpath assumptions which many people have built their lives around. The flightpaths in the 2007 planning permission are much different to the ones in use today and since it opened.

The noise from the current flightpaths is intolerable. These flightpaths must be changed back to what was proposed in 2007. No further changes can be considered until this crucial issue is addressed first. There is a major health risk to tens of thousands of people due to excessive aircraft noise.

An oral hearing is absolutely necessary given the gravity of the situation.

Having read through the daa newly submitted documents, it is clear in the submission from daa, that they have used the current flight paths for their "permitted" drawings instead of the permitted noise zones from the original 2007 planning permission. They seem to be hoping that ABP grants this on the basis of the relatively small difference between before and after with respect to night flights. **If that occurs, ABP would effectively be accidentally granting retention to the current flight paths which are currently illegal and causing continued untold distress for tens of thousands of people. This means that flightpaths are now a very important element of this relevant action submission and must be considered within it.**

My major areas of observation and concerns are:

So-called "permitted" Noise zones in this submission do not match the Environmental Impact Statement for the only granted permission.

Acceptance of the relevant action by ABP and thus retention of the flightpaths would set a precedent that ABP conditions should be ignored if inconvenient.

The daa are breaching their current planning permission and flightpaths as per below:

- daa have breached the passenger cap in 2019 and will most likely do so again this year.
- daa are consistently breaching the 65 movement cap per night.
- daa are not using the flightpaths they used in their 2007 planning permission.

An oral hearing is absolutely necessary given the gravity of the situation.

- Well documented negative health effects and illness which can be attributed to excessive aircraft noise.
- Flightpaths in use bear no resemblance to what was approved in 2007 planning and people have built their lives around that.
- Straight out flightpaths will largely improve the noise issue.
- The effects on the environment are monumental and Ireland are one of the worst countries in the world in terms of GHG emissions. Increasing aircraft activity in the midst of a climate crisis seems counterintuitive.
- Extending day hours for residents is only going to cause more noise exposure it doesn't make any sense given how serious the current noise situation is.
- Unlimited night flights using a pure noise quota system is only going to cause more sleep disturbance for residents. Night flights should be banned as is the case in many other major airports.
- Flight Path Changes - the proposed changes are "based on actual routes flown". The applicants are basing their plans on an assumed acceptance of their illegal, unauthorised flightpaths. There is a total democratic deficit in asserting their assumption. Local residents are being seriously harmed by these flights Yet, despite this, the applicant is assuming their current flight paths are a basis for modelling their future routes. The IAA was consulted prior to the North Runway completion. The IAA thus share liability for the deleterious health effects on Fingal residents. Minutes of these meetings should be made available in the interests of due diligence, transparency and corporate accountability.
- FCC 2007 planning stipulations have been absolutely flouted. There is a raw arrogance in this assertion. It flies in the face of WHO and all academic research on harm done by air traffic. How safe is it for the stakeholders in this matter to not accept the reality of the harms done by these unauthorised flight paths?
- The EIAR supplement 2023 within the significant additional information is prepared for the DAA and thus, is not independent of potential bias. Again, their report is based on the illegal flightpaths from the NR. The authorised flightpaths as per 2007 planning permission have been ignored. Thus their future projections are not valid.

Our enjoyment of our home and garden has been severely impacted since the opening of the North Runway. Everyone expected something different in terms of flightpaths based on the 2007 planning permission and what has happened is completely different. The current operation is causing huge distress and disturbance for tens of thousands of people not to mention the negative health effects and illnesses which can be attributed to excessive aircraft noise.

The prospect of granting further changes to increase the day hours and night flights seems ludicrous when there is a major noise issue already in place.

An oral hearing is absolutely necessary given the gravity of the situation.

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Antúdarás Inniúil um
Thorann Aerárthaí
Aircraft Noise
Competent Authority

Robert Murphy
Shallon Lane
The Ward
Co Dublin.

Re: Aircraft Noise Consultation - 11th November 2021 to 28th February 2022

Dear Robert Murphy

Thank you for making a submission to the above consultation. Your reference number is **FIN-C338-ANCA-1244**.

This number is confirmation that your submission has been received. Your submission was uploaded into the consultation portal and may be viewed online at:

<https://consult.fingal.ie/en/consultation/aircraft-noise-consultation>

Best regards
Aideen Meagle
Aircraft Noise Competent Authority

Comhairle Contae
Fhine Gall
Fingal County
Council



Aircraft Noise (Dublin Airport) Regulation