

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 14/12/2023
fromTerence 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: 29/12/2023

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-069116-23**

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

Customer: **Terence Murphy**

Lodgement Date: **14/12/2023 14:05:00**

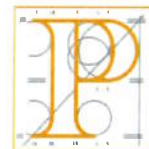
Validation Officer: **Patrick Buckley**

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

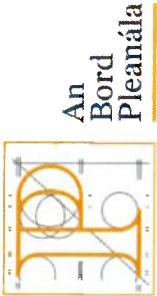
✓
F.K.

02/01/24

Run at: 29/12/2023 14:13

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069116-23



Details

Lodgement Date	14/12/2023
Customer	Terence Murphy
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069116-23
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

--	--

	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,
--	---

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

PA Case Number	Development Description
F20A/0668	<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).</p> <p>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>

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

Case Number: ABP-314485-22

Planning Authority Reference Number: F20A/0668

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
14 DEC 2023	
Fee: €	Type: _____
Time: <u>12:26</u>	By: <u>HAND</u>

Terence Murphy
Shallon Lane
The Ward
Co. Dublin

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.