

File With _____

SECTION 131 FORM

Appeal NO: ABP 314685-22Defer Re O/H ☐Having considered the contents of the submission dated received 13/12/2023
fromAdrian and Agneta Kavanagh 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-069123-23**
Case Number: **ABP-314485-22**
Customer: **Adrian and Agneta Kavanagh**
Lodgement Date: **14/12/2023 15:00:00**
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

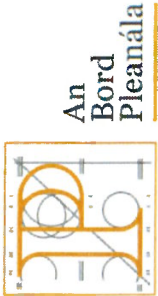
Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

✓
F.K.
02/01/24

Run at: 29/12/2023 15:07

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069123-23



Details

Lodgement Date	14/12/2023
Customer	Adrian and Agneta Kavanagh
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069123-23
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

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.'

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

PA Case Number

F20A/0668

Development Description

all 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

Karen Hickey

From: Bord
Sent: Thursday 14 December 2023 08:36
To: Appeals2
Subject: FW: Case Number ABP-314485-22 Reference F20A/0668

From: Adrian Kavanagh <adriank@keelingjuices.com>
Sent: Wednesday, December 13, 2023 7:22 PM
To: Bord <bord@pleanala.ie>
Subject: Case Number ABP-314485-22 Reference F20A/0668

Dear Patrick

Adrian and Agneta Kavanagh here. I am writing in relation to your letter dated the 08th November 2023.

We would like to add the following submissions to our appeal :

- On the DAA website it states DAA are offering €20,000 grant scheme towards noise insulation . We tried to claim this and were told we are not eligible. Our home is the closest to the new North Runway.
- CEO of DAA, Kenny Jacobs was on RTE's program "Prime Time" and stated the following points which are not correct :
 1. *DAA are paying above market value for homes local to the Airport who wish to be bought out .This is not our experience . We were offered €310,000 for a 3 bedroom semi detached with South facing garden. Offer was made in April 2023. A copy of this offer is available should you require it. We looked in the local area for a home similar and the nearest comparison we could find was €650,000. I was in 2 of the Estate agents in Swords and this was a typical asking price.*
 2. *DAA are paying to noise insulate homes in the area. Our home is the closest to the new runway and we were given double glazed windows and padded vents. This is simply not adequate for our location*
 3. *In the Prime Time program Kenny states that the additional €20,000 noise insulation scheme is available to everybody and he wants to engage with the people. This is not our experience at all.*
 4. *Kenny is claiming that the DAA plan to reduce the ratio of noisy aircraft. This is being achieved by increasing the overall number of flights so the ratio of high noise level aircraft appears lower. This has the effect of increasing the noise level overall and for our homes location this is making life more difficult.*

We contacted Prime Time to get our side of the story, but they refused to communicate with us. We are very concerned that our home is completely devalued as a result of the new runway. This means selling up and relocating is not an option for us.

As a direct result of the increased noise levels, our family quality of life is suffering .As soon as the aircraft start making noise in the morning , our whole family is awakened . This includes our youngest daughter who is aged 3 years.

From time to time we need to go inside the house from the garden due to the overwhelming smell of Aircraft fumes. We are now making a log of these occasions. DAA said they will set up a monitoring station in our garden. This has not happened despite us making contact with them.

. During the summer months, our children were not able to play outside in the garden due to the fumes. I was cutting our perimeter hedge one weekend and I needed to go inside myself, I began to feel ill and overwhelmed in my throat and back of my nose. I am concerned that this constant exposure could be harmful in the long term. I have made the DAA aware of this but I am told that it is perfectly safe.

My family and I would like to invite you and the members of your team to come to visit our home so you can see for yourself . At this stage we are desperate for some form of resolution.

We are available to come and meet with you if that is more suitable and at a time/location convenient to you.

Adrian, Agneta and family