

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/received 13/12/2023
fromNick Egan 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: 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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-068779-23**
Case Number: **ABP-314485-22**
Customer: **Nick Egan**
Lodgement Date: **13/12/2023 12:00:00**
Validation Officer: **Patrick Buckley**
PA Name: **Fingal County Council**
PA Reg Ref: **F20A/0668**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**



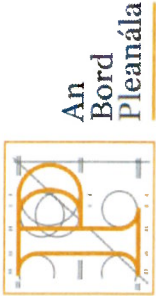
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Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available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

Run at: 18/12/2023 16:09

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068779-23



Details

Lodgement Date	13/12/2023
Customer	Nick Egan
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068779-23
Map ID	
Created By	Aisling Litster
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	PMT-053432-23
Related Payment Details Record	PD-053305-23

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, Portmelick, Harristown, Shanganhill, Sandhill, 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

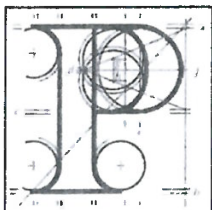
	Development Description
	<p>Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19).</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>

PA Case Number	F20A/0668

the 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

	<p>Remission (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

PA Decision Date	08/08/2022
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	



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LDG-
ABP- 068779-23
13 DEC 2023
Fee: € 50 Type: Cash
Time: 14:54 By: Hand

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Click or tap here to enter text

NICK EGAN

(b) Address

Click or tap here to enter text

NEWTOWN, THE WARD, Co. DUBLIN

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

NOT APPLICABLE

(b) Agent's address

Click or tap here to enter text.

NOT APPLICABLE

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Fingal County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

PL06F.314485

(c) Planning authority register reference number

(for example: 18/0123)

F20A/0668

(d) Location of proposed development

(for example: 1 Main Street, Baile Feaínn, Co. Abhaile)

Dublin Airport

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

SEE ATTACHED

5. Please describe the grounds of your objection (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Section 5 continued.

SEE ATTACHED

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee - €50.00 (if a submission was not already made)

7. You **must** make sure that the correct fee is included with your observation. You can find out the correct fee to include in our Fees and Charges Guide on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.



I would like to make the following observations in relation to the attached reference No PL06F. 314485 in relation to Dublin Airport:

- The introduction of a noise quota system would allow unlimited night flights. This would have a serious adverse effect on neighbouring communities.
- daa has based their proposal on "actual routes flown". These routes are not the one contained in the planning permission for the new runway in 2007. This is a backdoor attempt to legitimise an unauthorised development.
- daa has failed to obey the conditions attached to the grant of planning permission for the new runway.
- The noise contours submitted in the planning application differ widely from the actual routes flown. Noise monitoring and monitoring reports have not been done on the actual routes being flown.
- The noise from the current flight paths is intolerable. Legitimising them and extending the use of them by two hours per day to 18 hours would exacerbate the disastrous effect this is having on the people of the area.
- daa appears to be trying to manipulate An Bord Pleanála into accidentally granting retention to the current illegal flight paths which are having a disastrous effect on 10's of thousands of people. Therefore an oral hearing is necessary.
- Noise zones in the daa submission do not match the environmental impact statement for the granted permission.
- The flight paths from Dublin airport were well established and used for decades until the new runway opened. Land usage around the airport was based on these decades old flight paths. The change of flight paths since the opening of the new runway has caused huge distress and disturbance to 10's of thousands of people with absolutely no warning or consultation. Increasing day hours of operation and night flight noise quotas will hugely add to their distress and disturbance.
- There is well documented evidence that aircraft noise leads to negative health effects and illness
- The original straight out flight paths associated with the new runway which are close to the traditional flight paths would improve the noise issue.
- Given the current climate crisis it would be wrong to allow unsustainable growth of activity at Dublin airport. One must take into account the polluting effect of aircraft using the airport and not just the airport itself.
- Night flights using a noise quota system will give rise to unlimited night flights and cause sleep disturbance, with it's associated health risks, to 10's of thousands of people. Night flights should be totally banned as in other airports.
- Presently the daily departure schedule starts at 5.15am from the old runway before switching at 7am to the new runway. For example, scheduled departures on the 12/12/2023 between 5.15am and 7am numbered 39 while scheduled departures on the same date from 7am to 8.45am numbered 26. (source Flightradar). The current night movement condition is being manipulated by the daa to start scheduled departures at 5.15am. A noise quota system would allow for even more manipulation.

- daa in its submission admitted that their previous projections were wrong. This seriously undermines faith in their current projections.
- The daa submissions state that the effect of a noise quota system would have a negative impact on the surrounding communities.
- A noise quota system is open to manipulation. daa's previous projections were incorrect and they have manipulated night aircraft movements into scheduled departures.
- daa makes much of decibel levels with table after table however the lived experience is not reflected in these tables. Each and every jet engine aircraft is loud and noisy and disturbing in itself. Degrees of loudness are irrelevant when all aircraft are loud enough to disturb people. A noise quota system appears to be designed to hide this very basic fact and should not be allowed. There are no quiet or quieter aircraft, they go from very loud to loud.
- With up to 2,500 departures in a seven day period and 90 second intervals between departures for up to 18 hours per day, a night time noise quota system, extended operating hours and legitimising the unauthorised flight paths would allow many more flights over an already overburdened population so should not be allowed.

Regards

Nick

