

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 316485

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 16/12/24  
fromAlbert Rattigan + Catherine O'Donovan 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 m vssE.O.: [Signature]Date: 20/12/24

To EO: \_\_\_\_\_

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: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**Appeal No: ABP 314485

VI \_\_\_\_\_

Please treat correspondence received on 16/12/24 as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with BP 203. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP \_\_\_\_\_

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Resp rec'd Albert Pettigrew + Catherine O'Donovan\* To be scanned**4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☒(e) Inspectorate ☐(c) Processing ☒RETURN TO EO ☐EO: [Signature]Plans Date Stamped ☐Date Stamped Filled in ☐AA: F. MahoneyDate: 20/12/24Date: 23/12/24

**Daniel O'Connor**

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**From:** Albert Rattigan <albert.rattigan@gmail.com>  
**Sent:** Monday 16 December 2024 19:18  
**To:** Appeals2  
**Subject:** Observations on Appeal of Relevant Action Draft Decision

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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ABP 314485 22  
Ref F20A/0668  
Contact details:  
Albert Rattigan & Catherine O Donovan  
Coolatrath ,The Ward,Co Dublin,D11 RK37

[albert.rattigan@gmail.com](mailto:albert.rattigan@gmail.com)

16 December 2024

I refer to draft decision on relevant action which relates to the night time use of the runway system at Dublin Airport.

We are now a retired couple living under an illegal flight path at Dublin Airport since the North Runway opened .

A Board Pleannala granted permission in 2007 to a flight path that DAA have never adhered to in this time .At no time have they been sanctioned for this blatant disregard for Irish law or democracy.

We find that nearly every morning ( apart from when there is an EASTERLY wind )  
at 7 am we are awoken by airplane noise of planes flying over or near our home using this illegal flight path.

This is an unreasonable hour to expect an elderly person to leave their bed each morning, considering they cannot sleep before 11.30pm at night for the same reason.

I consider it totally against any health advice to allow these flights from 6am to 12 midnight.

.In regard to insulating our bedrooms .We already have our attic insulated and triple glazing on our windows .

That does not stop the noise of these planes .I don't see any mention of what level of noise will be blocked out by proposed insulation schemes suggested by DAA.

I would also like you to consider the following points developed by SMTW St Margaret's The Ward Residents Group which we endorse and totally support.

## Introduction

The

Inspector's Report has rightly concluded that the adverse impact of the Relevant Action on the surrounding communities would be too severe to justify granting permission. The proposal's projected increase in night-time activity would result in significant additional awakenings, which are well-documented to cause substantial health and well-being consequences, including increased risks of cardiovascular disease, mental health disorders, and sleep-related cognitive impairments. These impacts underscore the urgent need for stringent controls to protect affected communities.

Given

these findings, it is essential that any current or future expansion of airport activity during night-time hours be strictly limited by a movement cap of 13,000 annual night-time flights, as proposed. However, the severity of the projected health and environmental impacts suggests that a complete ban on night-time flights may ultimately be necessary to ensure the well-being of affected communities. Night-time operations present unacceptable risks to health and quality of life, and the evidence strongly supports minimising or eliminating such activity to meet public health and sustainability goals.

Without

such measures, the application should have been refused outright by the planning authorities, as the adverse impacts clearly outweigh any potential benefits. Therefore, the application must now be rejected to protect the integrity of the planning process, uphold public health standards, and ensure that the needs of the local community are prioritised over operational convenience.

The

following expanded summary highlights the inadequacies of the DAA application, the breaches of planning conditions, and the need for a comprehensive approach to managing night-time flights, which includes the retention of the movement cap as an immediate measure and consideration of a full ban on night-time operations to safeguard public health and community welfare.

## 1.0

### Inadequacy of DAA Application and Necessity of Movement Limit

- 
- **Failure**
- **to Address Noise Impacts:**
- - 
  - 
  - The
  - Dublin Airport Authority (DAA) application fails to assess or mitigate the adverse effects of nighttime noise adequately.
  - 
  - 
  - Average
  - metrics like % Highly Sleep Disturbed (HSD) and  $L_{night}$
  - fail to capture acute impacts such as awakenings, which have immediate and long-term health consequences.
  -
- 
- **Health**
- **Implications of Nighttime Noise:**
- -

- 
- Chronic
- sleep disruption contributes to cardiovascular disease, mental health disorders, and reduced cognitive performance.
- 
- 
- The
- WHO highlights that even one additional awakening per night represents a significant adverse health impact, ignored in the DAA's proposals.
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- 
- **Projected**
- **Impacts:**
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- 
- The
- inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact.
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- 
- The
- inspector has concluded "in conjunction with the board's independent acoustic expert that the information contained in the RD and the RA does not adequately demonstrate consideration of all measures necessary to ensure the increase in flights during the nighttime
- hours would prevent a significant negative impact on the existing population."
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- 
- **Insulation**
- **Limitations:**
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- 
- Insulation
- measures cannot fully mitigate nighttime noise due to factors like open windows, low-frequency noise, and peak noise events.
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- 
- The
- WHO average insulation value of 21 dB assumes windows are open 20% of the year, making insulation less effective.
- 
- 
- The
- introduction of a new insulation criteria of 80dB  $L_{A5Max}$
- is welcomed, however, without a detailed set of maps indicating who qualifies for this the decision is incomplete.
- 
- 
- Furthermore,
- the grant value of €20,000 is considered inadequate to fully insulate those homes that qualify. Comparisons to other EU countries are incomplete and do acknowledge the fact that construction costs in Ireland and particularly Dublin are close to the highest
- in the EU.
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- 
- 
- It

- is fundamentally wrong that anybody who is so significantly affected by the negative impacts of noise from the proposed development should have to carry the cost of any mitigation works needed.
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- 
- The
- scheme should be redesigned to cover the full cost of insulation.
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- **Necessity**
- **of the Movement Limit:**
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- The
- movement cap of 13,000 nighttime flights is critical to reducing noise impacts and protecting public health.
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- Without
- this cap, noise exposure levels will rise significantly, endangering the well-being of nearby residents.
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- **Conclusion**
- **on Permission:**
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- The
- permission should be denied due to the DAA's insufficient noise mitigation measures and failure to address core public health risks.
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## 2.0

### Unauthorised Flight Paths and Breach of Planning Conditions

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- **Deviation**
- **from Approved Flight Paths:**
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- The
- DAA has implemented flight paths that deviate significantly from those approved in the Environmental Impact Statement (EIS).
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- These
- unauthorised deviations expose previously unaffected areas to significant noise impacts, creating unassessed risks.
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- **Failure**
- **to Seek Updated Permissions:**
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- The
- deviations breach Condition 1 of the planning permission, which requires adherence to the originally assessed flight paths.
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- No
- updated Environmental Impact Assessment (EIA) or planning application has been submitted for these changes.
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- **Community**
- **Impacts:**
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- Affected
- communities have experienced noise levels without proper consultation or mitigation measures.
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- Local
- schools have been impacted.
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- The
- impact has been devastating for communities with families now feeling like they have no option but to sell their homes.
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- 
- Trust
- in the DAA has been severely eroded due to a lack of transparency and accountability.
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- **Legal**
- **and Procedural Concerns:**
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- The
- unauthorised flight paths undermine the planning system's integrity, setting a dangerous precedent for future projects.
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- Granting
- permission under these conditions violates planning laws and obligations under the EIA Directive.
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- **Conclusion**
- **on Permission:**
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- Permission
- should be unequivocally denied until unauthorised flight paths cease and comprehensive reassessments are completed.
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### 3.0

#### Right of Appeal in the Aircraft Noise Act 2019

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- **Legal**
- **Framework:**
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  - Section
  - 10 of the Aircraft Noise Act permits appeals of Regulatory Decisions (RDs) by relevant persons who participated in the consultation process.
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  - 
  - SMTW
  - (St. Margaret's The Ward Residents Group) qualifies as a relevant person under this framework.
  -
- 
- **Inappropriate**
- **Refusal of Appeal:**
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  - 
  - SMTW's
  - appeal against noise-related RDs was inappropriately denied by An Bord Pleanála, despite clear legislative provisions supporting it.
  - 
  - 
  - Denial
  - of appeal prevents critical scrutiny of noise mitigation measures and exacerbates community disenfranchisement.
  -
- 
- **Importance**
- **of Appeals:**
- - 
  - 
  - Appeals
  - are vital for maintaining transparency, ensuring accountability, and balancing airport operations with community welfare.
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- **Conclusion:**
- - 
  - 
  - Denying
  - appeals undermines public trust and violates the Aircraft Noise Act's intent to provide affected parties a voice.
  -

### 4.0

#### Noise Quota System in the Fingal Development Plan



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- **Policy**
- **Objectives:**
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- Objective
- DAO16 supports a Noise Quota System (NQS) to reduce aircraft noise impacts, particularly during nighttime operations.
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- The
- policy prioritizes community health, sustainability, and the use of quieter aircraft.
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- **Challenges**
- **in Implementation:**
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- Without
- a cap on nighttime flights, cumulative noise impacts will persist despite efforts to incentivize quieter aircraft.
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- Current
- plans increase noise exposure above 2019 levels, violating noise abatement objectives.
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- **Recommendations:**
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- Enforce
- a movement limit alongside the NQS to ensure it effectively reduces noise disturbances.
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- Align
- the system with best practices observed at major European airports.
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## 5.0

### Night Flight Restrictions in Europe and Implications for Dublin

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- **European**
- **Comparisons:**
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- Major
- airports like Schiphol, Heathrow, and Frankfurt enforce strict caps or curfews on nighttime flights.
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- Dublin's

- proposed 31,755 annual nighttime flights far exceed these airports' limits relative to passenger numbers.
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- **Health**
- **and Environmental Alignment:**
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- European
- airports prioritize reducing noise exposure to mitigate sleep disruption, cardiovascular risks, and stress.
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- 
- Adopting
- the 13,000-flight cap aligns Dublin with international best practices, ensuring proportional and sustainable operations.
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- **Conclusion:**
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- The
- proposed number of flights is disproportionate and poses unacceptable health and environmental risks.
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- Without
- the movement limit the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.
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## 6.0

## Inadequacy of Insulation in Mitigating Aircraft Noise-Induced Awakenings

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- **Technical**
- **Limitations of Insulation:**
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  - Insulation
    - does not address critical noise issues, such as low-frequency noise penetration and sharp peaks triggering awakenings.
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  - 
  - Dormer-style
    - housing near the airport is particularly susceptible to noise, rendering insulation largely ineffective.
  -
- 
- **Existing**
- **Schemes Are Insufficient:**
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  -

- Residential
- Noise Insulation Scheme (RNIS) and Home Sound Insulation Program (HSIP) do not meet modern health protection standards.
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- 
- Insulation
- is unsuitable for nighttime impacts and cannot substitute for operational restrictions like movement caps.
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- 
- **Alternative**
- **Mitigation Measures:**
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- 
- 
- Voluntary
- purchase schemes for residents in high-noise zones should be expanded to address the most severe impacts effectively.
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- **Conclusion:**
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- 
- Insulation
- alone cannot mitigate nighttime noise impacts; operational restrictions must remain central to mitigation strategies.
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## 7.0 Health and Environmental Impacts

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- **Noise-Induced**
- **Health Risks:**
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- 
- 
- Chronic
- exposure to nighttime aircraft noise increases the risks of cardiovascular disease, hypertension, and mental health issues.
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- 
- Children's
- cognitive development is adversely affected, impairing memory, learning, and overall performance.
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- 
- **Economic**
- **Costs:**
- 
- 
- Health-related
- costs, including healthcare expenses and reduced productivity, are substantial and long-term.
- 
-

- For
- example, Brussels Airport's health cost analysis suggests similar impacts at Dublin could reach €750m annually.

- **Population Exposed:**

- The
- DAA analysis has not used the correct population datasets in determining the impacts. This underestimates the impact on the communities around the airport.

- **Public Health Submissions:**

- Evidence
- from health agencies emphasizes that noise-induced sleep disturbance is a significant environmental health risk.
- Ignoring
- these risks contravenes principles of sustainable development and public health protection.

## 8.0 Other Environmental Impacts

- **Use of Outdated Surveys:**

- The
- Appropriate Assessment (AA) relied on outdated ecological surveys that do not accurately reflect current environmental conditions.
- Failure
- to update surveys undermines the validity of the assessment and risks overlooking critical impacts on local habitats and species.

- **No AA on Full North Runway Development:**

- The
- AA did not assess the full scope of the North Runway development, focusing only on limited aspects of the proposal.

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- Significant
- components of the development were excluded, leaving major potential impacts unexamined.
- 

• **No**

• **Cumulative or In-Combination Assessment:**

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- 
- The
- AA failed to consider cumulative impacts arising from the interaction of the North Runway with other existing and planned projects in the vicinity.
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- The
- absence of an in-combination assessment violates key legal requirements and risks underestimating the overall environmental impact of the development.
- 

• **Non-Compliance**

• **with Legal and Regulatory Standards:**

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- 
- The
- failure to provide an accurate, comprehensive, and up-to-date AA breaches obligations under the EU Habitats Directive.
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- 
- The
- planning process has been compromised by this omission, exposing the development to potential legal challenges.
- 

• **Potential**

• **Environmental Risks:**

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- 
- The
- lack of thorough assessment could lead to significant unmitigated impacts on protected habitats and species, including cumulative degradation of local ecosystems.
- 

## 9.0

### Recommendations and Final Position

• **Cease**

• **Unauthorised Flight Paths:**

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- 
- Immediately
- halt unauthorised deviations and revert to the flight paths approved under the original EIS.
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- 
- Conduct
- a new EIA to assess the impacts of any proposed deviations.
- 
- 
- **Retain**
- **Movement Limit:**
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- 
- 
- Maintain
- the cap of 13,000 nighttime flights to prevent further degradation of community health and well-being.
- 
- 
- Implement
- the Noise Quota System to incentivize quieter aircraft and ensure proportional operations.
- 
- 
- **Refuse**
- **Permission:**
- 
- 
- 
- Granting
- permission under these circumstances undermines planning integrity and public trust.
- 
- 
- Upholding
- planning law and ensuring transparent, evidence-based assessments are essential for future airport operations.
-