

SECTION 131 FORM

File With S. 37

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 22/12/24  
from

Dorothy + Peter Goodman 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 issues

E.O.: [Signature] Date: 31/12/24

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: \_\_\_\_\_

S. 37

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

**CORRESPONDENCE FORM**Appeal No: ABP 314485Please treat correspondence received on 22/12/24 as follows:

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

. Acknowledge with BP 23. 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 Recd

## 4. Attach to file

(a) R/S ☐(b) GIS Processing ☒(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: [Signature]AA: F. KhatriDate: 31/12/24Date: 21/12/24

## David Behan

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**From:** petergoodman5@gmail.com  
**Sent:** Sunday 22 December 2024 15:12  
**To:** Appeals2  
**Cc:** 'deirdre goodman'  
**Subject:** Case Ref: ABP-314485-22. Planning Authority Reference Number: F2A/0668  
**Attachments:** 2024-12-22, an bord pleanalala letter.docx

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

An Bord Pleanala,  
64 Marlborough Street,  
Dublin 1  
D01V902

Re:  
Case Number ABP314485-22  
Planning Authority Reference Number F20A/0668

From:  
Deidre and Peter Goodman, 7 Back Road, Mabestown, Malahide, Co Dublin, K36X990, Ireland

Dear Sir/Madam,

Our family are living in Malahide for nearly 30 years, we bought a site in 1995/1996 and built our house in advance of the initial planning for the second runway. At the time of the initial planning for the second runway we did not object as we were told that nighttime flying would be restricted and in general would not be allowed. It was on that basis that the building of the second runway was allowed in the first instance. Today that has all changed and to be honest the last 2 years have become intolerable as the North Runway has become so much busier and suddenly the flight paths are overflying our home. Would we buy a site and build a beautiful home and raise a family in the same location now? We doubt we would.

With the increased air traffic generally the operations on the southern runway have also increased dramatically and while there is a lot of noise, pollution and a considerable impact on the environment, we have learned to live with the increased noise from the more than busy southern runway. While this is just about bearable during the day, from 11pm until 7am it is tortuous, allowing flights to operate all night on the northern runway will result in us having to sell our home and move to another location. If we have to sell our home the irony is that we will also not secure as good a price as it in effect is a forced sale, is that fair? We built our house over 30 years ago, reared our children here, paid huge taxes in Ireland and are planning to retire in the same area. We have had many options to move abroad and work in tax free zones, but we opted to stay in Ireland. We are not anti-aviation and both my husband, and I worked for many years in this sector. My daughter, brothers in law and many nephews and nieces still work in aviation.

However the behaviour of the DAA is nothing short of despicable with blatant disregard for local communities and their right to a decent night's sleep. It appears that the senior management and owners of airlines and Dublin airport are now dictating planning policy with a view to advancing their own interests irrespective of sustainable and fair development policy. Any expansion of the flight cap must be considered in conjunction with the rights of thousands of existing local residents and the planned increase in populations in the perimeters of the airport. We estimate that there are in the region of 500 new homes being built within a 1 km radius from where we live in Malahide. Other airports around the country are crying out for development. The aviation sector can still grow in Ireland, but Dublin is now at full capacity and airports like Shannon, Cork and

Knock with their growing populations need to be part of any expansionary policy. Where is the strategy for the aviation sector in Ireland, is it solely built around Dublin airport?

When you consider the request to allow the increased cap, if you allow that to happen you are in effect allowing for the operation of aircraft on both runways throughout the night. If the +32 million passenger cap is increased, Dublin airport will in effect become an aircraft carrier on the western seaboard of Europe, with flights throughout the night operating on a transit basis. Do you think Ryanair and Aer Lingus, as an example, will originate flights at 3 am in the morning for originating passengers from Dublin and surrounding operators to take flights? I seriously doubt it. Would you take a flight at 3 am to any location? Therefore, the argument put forward by those parties and the DAA that this increased passenger cap will benefit the local economies, and Ireland is a false representation of the facts. It will increase the revenue of the DAA at the expense of the risk to health, mental wellbeing and the environment of the increasing populations living in the vicinity of the airport. We are not anti-airport or anti airlines, but what is being sought and asked for by the DAA and the airlines now is too much.

I urge you to consider the following points and at a minimum maintain the cap on nighttime flights with a view to banning these to allow local communities the right to the same night's sleep enjoyed by most citizens in this state.

As a background to this submission the recent Inspectors Report quite correctly 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 nighttime activity would result in significant additional awakenings with all and the well documented health risks.

Stringent controls are needed to protect our community. Any expansion of the airport activity during nighttime hours must be strictly limited by movement cap of 13,000 annual nighttime flights as currently proposed at a minimum but with the severity of health and environmental risks, a complete ban would be the ideal to protect affected communities. Without these controls the application should have been refused outright by the planning authorities as the adverse impacts clearly outweigh any benefits. Therefore, this application must now be rejected to uphold public health standards, and the needs of the affected communities are prioritised over operational convenience.

The following points highlight the inadequacies of the DAA application, the breaches of planning conditions and the need for a better approach to managing nighttime flights. As stated above the retention and enforcement of the movement cap should be implemented immediately with the ultimate consideration being given to a ban on night-time flights.

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

#### *Failure to address noise impacts:*

DAA application fails to assess or mitigate the adverse impacts of night-time noise adequately and average metrics used fail to capture acute impacts such as awakenings and the serious health consequences of same.

#### *Health implications of night-time noise*

Chronic sleep disruption effects on cardiovascular health, mental health and cognitive performance have been highlighted by the WHO even at the rate of one or two awakenings a night. This has been ignored by the DAA proposals.

#### *Projected impacts:*

The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact.

The inspector has also concluded that in conjunction with the boards independent acoustic expert that the information contained in the RD and RA does not adequately demonstrate consideration of all measures necessary to ensure the increase in flights during the nightie hours would prevent a significant negative impact on the existing population.

#### *Insulation limitations:*

Insulation measures cannot fully mitigate night-time noise due to factors like pen windows, low frequency noise , and peak noise events.

#### *Necessity of movement limit:*

The movement cap of 13,000 night-time flights is critical to reducing noise impacts and protecting public health.

Without this cap, noise exposure limits will rise significantly, endangering the well-being of nearby residents

#### *Conclusion on Permission:*

The permission should be denied due to the DAA's insufficient noise mitigation measures and failure to address core public health risks.

### **Unauthorised Flight Paths and Breach of Planning Conditions**

#### *Deviation from Approved Flight Paths:*

DAA has implemented flight paths that deviate significantly from those approved in the Environmental Impact Statement.

These deviations expose previously unaffected areas to significant noise impacts, creating unassisted risks

#### *Failure to Seek Updated Permissions:*

The deviation breaks Condition 1 of the planning permission, which requires adherence to the originally assessed flight paths.

No updated EIA or planning application has been submitted for these changes.

#### *Community Impacts:*

Affected communities have experienced noise levels without proper consultation or mitigation measures.

Local schools have been impacted

The impact has been devastating for communities with families now feeling like they have no option but to sell their homes ( we are currently looking at this option which after 30 years of raising our family and paying huge taxes is nothing beyond soul destroying )

Trust in DAA has gone due to lack of transparency and accountability

#### *Legal and Procedural Concerns:*

Unauthorised flight paths undermine the planning system's integrity setting a dangerous precedent for future projects

Granting permission under these conditions violates planning laws and obligations under the EIA Directive.

#### *Conclusion on Permission*

Permission should be unequivocally denied until unauthorised flight paths cease and comprehensive reassessments are completed

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

#### *Legal Framework*

Section 10 of Aircraft Noise Act permits appeals of Regulatory Decisions by relevant persons who participated in the consultation process and SMTW (St Margaret's the ward residents group) qualifies as a relevant person under this framework.

#### *Inappropriate Refusal of Appeal*

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 and balancing airport operations with community welfare

#### *Conclusion:*

Denying appeals undermines public trust and violates the Aircraft Noise Act's intent to give third parties a voice.

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

### *Policy objective:*

Objective DAO16 supports a Noise Quota System to reduce aircraft noise impact, particularly during night-time operations.

It prioritises community health, sustainability and the use of quiet aircraft.

### *Challenge in implementation:*

Without a cap on night-time flights, cumulative noise impacts will persist despite efforts to incentivise quieter aircraft.

Current plans increase noise exposure above 2019 levels, violating noise abatement objectives.

### *Recommendations:*

Enforce a movement limit alongside the NQS to ensure it effectively reduces noise disturbances.

Align the system with best practices observed at major European airports.

## **Noise Flight Restrictions in Europe and Implications for Dublin**

### *European Comparisons:*

Major airports like Schiphol, Heathrow and Frankfurt enforce strict caps or curfews on night-time flights. Dublin's proposed 31,755 annual night-time flights far exceed these airports' limits relative to passenger numbers.

### *Health and Environmental alignment:*

European airports prioritise reducing noise exposure to mitigate sleep disruption, cardiovascular risks and stress.

Adopting the 13,000 flight cap aligns Dublin with international best practices ensuring proportional and sustainable operations.

### *Conclusion:*

The proposed number of flights is disproportionate and poses unacceptable health and environmental risks. Without the movement limit, the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.

## **Inadequacy of Insulation in Mitigating Aircraft Noise-induced Awakenings**

### *Technical limitations of insulation:*

Insulation does not address critical noise issues such as low-frequency noise penetration and sharp peaks triggering awakenings.

### *Existing schemes are insufficient:*

Residential Noise Insulation Scheme and Home Sound Insulation Program do not meet modern health protection standards.

Insulation is unsuitable for night-time impacts and cannot substitute for operational restrictions like movement caps.

### *Alternative Mitigation Measures:*

Voluntary purchase schemes should be expanded to address severe impacts for residents in high-noise zones.

### *Conclusion:*

Insulation alone cannot mitigate night-time noise impacts; operational restrictions must remain central to mitigation strategies.

## **Health and Environmental Impacts**

### *Noise Induced Health Risks:*

Chronic exposure to night-time aircraft noise increases cardiovascular disease, hypertension and mental health issues  
Children's cognitive development is adversely affected.

*Economic Costs:*

Health related costs are substantial in the long term eg Brussels Airport health cost analysis suggest similar impacts at Dublin could reach 750m euros annually.

*Population Exposed:*

DAA has not used the correct population data 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 and ignoring this contravenes principles of sustainable development and public health protection.

**Other Environmental Impacts**

*Use of Outdated Surveys:*

The Appropriate Assessment (AA) relied on outdated ecological surveys not reflecting current conditions this undermines the validity of the assessment.

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

*No Cumulative or In-Combination Assessment:*

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

*Non-Compliance with Legal and Regulatory Standards:*

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

*Potential Environmental Risks:*

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

**Recommendations and Final Position**

*Cease Unauthorised Flight Paths:*

Immediately halt unauthorised deviations and revert to flight paths approved under the original EIS.

*Retain Movement Limit:*

Maintain the cap of 13,000 night-time flights to prevent further degradation of community health and well-being.  
Implement the Noise Quota System to incentivise 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

We urge you to consider all the above, we live here, we have lived here for close to 30 years.

Your sincerely,

Deidre and Peter Goodman, 7 Back Road, Mabestown, Malahide, Co Dublin, K36X990, Ireland



An Bord Pleanála,  
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Dublin 1  
DO1V902

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*Conclusion on Permission:*

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**Unauthorised Flight Paths and Breach of Planning Conditions**

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Trust in DAA has gone due to lack of transparency and accountability

*Legal and Procedural Concerns:*

Unauthorised flight paths undermine the planning system's integrity setting a dangerous precedent for future projects

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### *Legal Framework*

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### *Policy objective:*

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It prioritises community health, sustainability and the use of quieter aircraft.

### *Challenge in implementation:*

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Current plans increase noise exposure above 2019 levels, violating noise abatement objectives.

### *Recommendations:*

Enforce a movement limit alongside the NQS to ensure it effectively reduces noise disturbances.

Align the system with best practices observed at major European airports.

## **Noise Flight Restrictions in Europe and Implications for Dublin**

### *European Comparisons:*

Major airports like Schiphol, Heathrow and Frankfurt enforce strict caps or curfews on night-time flights

Dublin's proposed 31,755 annual night-time flights far exceed these airports limits relative to passenger numbers.

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Adopting the 13,00 flight cap aligns Dublin with International best practices ensuring proportional and sustainable operations.

### *Conclusion:*

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**Recommendations and Final Position**

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