

SECTION 131 FORM

File With _____

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 23/12/24
from Niamh MaherI 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 issuesE.O.: [Signature] Date: 21/25

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 FORMAppeal No: ABP 314485Please treat correspondence received on 23/12/24 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 ☐(d) Screening ☐(b) GIS Processing ☒(e) Inspectorate ☐(c) Processing ☒RETURN TO EO ☐EO: [Signature]Plans Date Stamped ☐Date Stamped Filled in ☐AA: F. V. KhodjaevDate: 21/1/25Date: 20/12/24

Dillon Corcoran

From: niamh maher <niamhisa@gmail.com>
Sent: Monday 23 December 2024 15:19
To: Appeals2
Subject: Relevant Action Draft Decision
Attachments: Relevant action draft decision (1).pdf

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.

Please see attached observation for the relevant action draft decision.

Case number 314485.

Regards,

Dr Niamh Maher.

Consultant Obstetrician and Gynaecologist

MBBChBAO, DOWH, MRCPI, MRCOG, MSc (Quality and Safety in Healthcare)

Draft decision on relevant action

Case number 314485

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To whom it may concern,

I wish to submit my observation on the recently published draft decision on the relevant action.

I must highlight the fact that the planning permission for the north runway was granted on the premise of certain conditions such as the 65 flight per night limit and the restricted hours of use of the north runway, put in place to protect the surrounding communities that would have to live with the environmental effects of a new runway.

By stripping these conditions away, it lays bare the inadequacy of a planning system whereby large corporate entities such as the daa, who secure planning permission that never would have been granted without specific conditions, are able to erode these specific conditions through the passage of time with repeated cumulative applications to alter that planning.

Firstly I would like to commend the inspector regarding the suggestion of a night flight movement restriction in unison with the noise quota.

It is a much better way to look at the effect of aircraft noise at night than just a fleet movement limit or a noise quota, but to have both combined. Also the suggestion of considering single noise events greater than 80dB to be used for insulation purposes is welcomed, as we know that it is not an average of overall noise that is detrimental to sleep and health, but in fact the frequency and also the sound level that occurs.

The recognition that nighttime noise is a serious health concern is reassuring as a health professional but also as a mother to three young children. This combination of the noise quota and fleet movement limit is an internationally recognised standard to truly mitigate the nighttime noise that occurs from aircraft to protect the health and wellbeing of communities. It must also be remembered though that even with robust mitigation and operating restrictions there will still be those severely affected for whom mitigation is insufficient to prevent additional awakenings and subsequent adverse health effects.

However what has been given with one hand has been taken by another with the increased hours of use of the north runway.

This alteration will, if granted, seriously affect the quality of sleep which my family and many others under the divergent flight paths from the north runway experience. Referencing the peak end rule, the early morning departures will have a more profound effect on sleep due the stage of the sleep cycle and being more susceptible to being awoken at this time (1).

The issues of the flight paths in use since the opening of the north runway have been discussed in the inspectors report, however the opinion that has been adopted is that this is a night time flight application and therefore the effects of these potential extra two hours of use of the north runway are acceptable despite the flight paths changing.

What needs to be remembered is that these flight paths are drastically different to the flight paths that were environmentally assessed as part of the planning permission for the new north runway. An bord pleanála have stated that the flight paths submitted in the requested additional information from the daa are different to those submitted in 2020.

There were no consultations about these flight paths and their impacts were not assessed prior to the opening of the runway in August 2022.

Also the suggestion by the daa that these flight paths needed to occur due to safety concerns is also an inaccurate one.

Correspondence from both the IAA and Air Nav confirm that it was the airport operator, the daa, that requested these flight paths be created and the responsibility lies with them relating to planning obligations.

The role of the IAA and Air Nav is to oversee the safety of the flight paths, which they do. They do not tell the regulator, the daa, what flight paths to create.

With the daa requesting flight paths to be used at odds with any created as part of the planning process for the north runway, this has gone against any local planning zones and planning permission granted for homes in more recent years. The daa argument that 'newer' homes would have been insulated appropriately to provide protection from aircraft noise is also inaccurate (2). Our home is a new build but required no mitigation noise measures to be fulfilled as part of our planning approval, due to our home, according to the daa planning permission for the north runway in 2007, not being present in a noise contour zone which would require the same.

However we now find ourselves under an unexpected flight path in a recently built home with an airport operator not being held accountable for placing us in this position.

There were no alternatives to the current flight path assessed and the IAA and Air Nav have confirmed there are ways to operate the north runway which would be in compliance with the planning permission already in existence. However it is up to the airport operator, the daa, to instigate such a review process.

The fact that the daa have given the impression that there was no other option but to operate the north runway as it has been since becoming operational is scandalous. The use of the 'safety' reason is a complete misrepresentation of the truth.

These claims are at the very least stretching the truth and at worst an attempt to mislead the inspector. With potential approval of the relevant action, this would then result in these radically different flight paths being accepted without the appropriate assessments. It also displays a complete lack of respect for and adherence to planning laws in this country and notably a previous planning permission for the north runway granted in 2007.

The use of awakenings to determine the physiological outcome of sleep disturbance is becoming increasingly recognised.

The noise expert for this draft decision, Fumicelli, has stated that one additional awakening per night is harmful to human health and should be avoided if possible.

However it needs to be highlighted that the daa have never mapped out contours for the probability of awakenings. This should have been sought in their submitted information.

Instead they averaged the risk of awakenings. This is not satisfactory given the fact that logically those close to the departing aircraft from the runway will have a higher risk of an awakening than those more peripherally located.

This type of mapping would also be necessary for determination of those exposed to the minimal threshold of 80 dB LA Max in any given area.

The SMTW residents group submission details noise from 5 monitors in the locality and using the 'Basner' equation calculates the risk of awakenings at each monitor factoring in the 13000 fleet movement limit per year.

4 out of 5 of the monitors would fail the risk of one additional awakening.

This would suggest that at the very least the 13000 fleet movement limit needs to remain. If we really wanted to protect the health of the exposed population at night this limit should be reduced further in line with night flight restrictions in many other European airports.

This viewpoint is supported by the report from Dr John Garvey, an expert in sleep medicine, as part of the SMTW residents group submission.

The trend for more flying to occur into the night in Dublin has crept in over the past few years.

The daa are keen to continue with this, given the fact they basically want unlimited night flights with their proposed noise quota with no fleet movement limit.

Last year there were approximately 4500 people exposed to greater than an average of 55dB of noise at night, an increase of 3000 since 2019 (3).

This push into the night time hours should not be tolerated and bears no regard for the population that must bear the brunt of living in the vicinity of an airport or a flight path.

I might add that on the 18th December 2024 notices started to appear relating to the 36 million interim passenger cap application.

In these of note, the daa have mentioned that as part of this application firstly it is purely to do with passenger cap but more importantly they have brazenly stated that the hours of use of the north runway are from 06.00 until 24.00 and that there is a noise quota system - no mention of a fleet movement limit.

This public display prior to any final decision on the relevant action shows an arrogance, especially relating to an internationally recognised standard of night flight restrictions at airports, that hopefully will not sway the board to overturn the proposal of a fleet movement restriction.

The daa unfortunately have not shown respect for planning law, more recently they never complied with the 65 flight per night movement limit since the opening of the north runway and when this was attempted to be enforced by Fingal county council the daa obtained a stay with an injunction.

In summary, due to the vast differences in submitted additional information compared to the original information given to apply for the relevant action, basically a new planning application, I would hope that the board would consider the refusal of the relevant action.

If granted I would reiterate that the fleet movement limit remains at 13000 or is reduced further and the 80 dB LA Max single event level remains as a threshold for insulation. This should also form part of ANCAs annual noise abatement objective.

Much work still needs to be done relating to the mapping of the risk of additional awakenings. Awakenings are an objective way of determining the physiological and biological effects of overnight aircraft noise.

Mapping of the probability of awakenings needs to be done in advance of any approval to determine those most susceptible and at risk of significant adverse effects from aircraft noise with this relevant action. Mitigation would need to be in place prior to any changes linked to an approval becoming operational, to protect the health and wellbeing of the community. Consideration also needs to be given to the flight paths that are in use, as previously mentioned these are not the only way that planes can depart the north runway safely in westerly directions. A dependent mode of departure could be commissioned for investigation which would be in compliance with condition 1 of planning permission for the north runway, but the airport operator bears the responsibility for requesting a review of this alternative. Given the fact that the divergent flight paths for westerly departures were at the very least 'unplanned,' consideration prior to any granting of permission should be given to the use of the original planned flight paths in line with condition 1 of 2007 planning permission for the north runway.

Yours sincerely,

Dr Niamh Maher

Consultant Obstetrician and Gynaecologist

MBBChBAO, DOWH, MRCPI, MRCOG, MSc (Quality and Safety in Healthcare).

References

1. A role for the peak-end rule in improving CPAP adherence?

Journal of Clinical Sleep Medicine, Vol. 20, No. 4

Lameese Alhaddah, MB BCh, BAO, MRCPI¹; John F. Garvey, MB BCh, BAO, PhD^{1,2}

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2. [Noise Action Plan still a concern of night-time noise exposure](#)

3. ANCA Noise Abatement Objective Report 2023

[Noise-mitigation-effectiveness-review-report-for-2023.pdf](#)