

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 20/12/24
from

Nick 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 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: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 314485Please treat correspondence received on 20/12/24 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 <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>F. [Signature]</u>
Date: <u>31/12/24</u>	Date: <u>31/12/24</u>

Lisa Quinn

From: Bernie Egan <bernie.egan@hotmail.com>
Sent: Friday, December 20, 2024 1:39 PM
To: Appeals2
Subject: Appeal of Relevant Action Draft Decision Case Number: ABP- 314485-22
Attachments: An Bord P Case No 314485 NE.doc

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.

Hi,

Please find attached document. I would be grateful for confirmation of receipt.

Many thanks,
nickegan13@hotmail.com
086 1077880

To: An Bord Pleanála

Re: Appeal of Relevant Action Draft Decision

Case Number: ABP- 314485-22

Ref No: F20A/0668

Name: Nick Egan
Address: 45 Johnswood Drive
Ashbourne
Co Meath
A84 Y744
Contact Number: 086 1077880
Email Address: nickegan13@hotmail.com
Date: 19/12/2024

Please note change of address as I was forced to leave my previous home at Newtown, The Ward, Co Dublin due to the excessive noise of low flying aircraft from the North runway of Dublin Airport using flight paths which break the conditions of the planning permission granted for the North runway.

I would ask that permission be refused in this case.

The daa is operating the North runway in a manner that indicates contempt for the planning process. It is doing this by ignoring the condition that flights depart straight out for 5 nautical miles in order to gain height and thus alleviate the noise pollution of take off.

In doing this the daa has shown itself incapable of abiding by planning permissions and should therefore be refused.

As mentioned previously, I was forced to sell my home, which I loved, and had carefully prepared for my old age (I am 64 and survived a recent major heart attack) because of the unbearable noise of low flying aircraft in close proximity to my home from 7am to 11pm daily at intervals as low as 90 seconds. I could even feel the vibrations of their engines in my chest. My deaf neighbour could also feel them, though not hear them. Low flying aircraft climbing as they bank right off the North runway are unable to reach heights as quickly as they would if flying straight out. This had the effect on me and thousands of others that we could not go to bed until after 11pm and were woken at 7am. This means no early nights, no lie ins, no rest when ill, no rest to recuperate. If night time flights are allowed this will make an intolerable situation into an unsurvivable one.

I made many complaints to the daa who just stated that the aircraft were in their "environmental corridors". Daa has such contempt for people living under flight paths that this is the only response I ever got. No follow up, no visit, no engagement. In order to lodge a complaint one must "register" with the daa and complain in a manner dictated by the daa i.e. Log each particular aircraft separately and not make a blanket "every aircraft". If I were to do that it would take all day and then I would be publicly written off as a "crank" as they did numerous times in the media to a poor soul in the Ongar area following the thousands of complaints they made. There is no one to complain to except the daa. The obvious result is that they investigate themselves and find they have done nothing wrong. Any issues with night flights would be ignored and therefore permission should be refused.

My son found it impossible to work from home because of the noise of the aircraft so he and my 2

and a half year old grandson were forced to move out. Indeed my young grandson habitually ran in fear from the approaching aircraft and hid his head in the garden furniture. Night flights would be unbearable and should be refused.

Data supplied by daa is questionable. There are insufficient noise monitoring points along the flight paths currently in use from the North runway. Averaging noise to include time when there is no aircraft noise gives a skewed measurement. The World Health Organisation (WHO) safe decible limit is considerably lower than that used by the aviation industry. WHO statistics were used during Covid, why are they not applied to the aviation industry? Proper measurement of noise as it relates to people should be used. Therefore this is another reason to refuse permission.

The daa hides behind “safety issues” and other state bodies such as the IAA. Make no mistake, the daa designed the flight paths currently in use from the North runway. They are then rubber stamped. The daa stipulated by way of the EIS straight out flight paths from the North runway. They implemented noise insulation and bought out homes for a straight out flight path over a landbank reserved for flight paths vis a vis planning permission etc. Then they designed flight paths which immediately bank right and fly over approx 30,000 people instead of under 1,000 people on the straight out flight path.

This was expressly against a condition of planning for the North runway and devoid of any consultation or warning to 30,000 thousand newly affected people. This application should be refused.

The aviation industry is very powerful as the tobacco industry was when it tried to persuade people that smoking was good for them. The aviation industry of which daa is a part cares only for one thing, financial profit. Planning applications are made very technical with the knowledge that authorities do not have aviation experts. The application needs very, very careful scrutiny as it contains errors and misguided modeling and should be refused.

There are so many reasons to refuse this application, including the An Bord Pleanála's inspectors report that I could go on about. I hope you will understand that due to the life altering effect that the North runway has had on me and my family I have a tendency to get very emotional and terribly upset with the thought of the issue so I am enclosing documents prepared by others with which I agree.

- 1. Noise Modelling Discrepancies:** The noise modelling for Dublin Airport's North Runway operations shows inconsistencies. Westbound departures, expected to generate more noise due to lower climb efficiency, were modelled with less impact compared to eastbound departures, raising doubts about the model's validity.
- 2. Deviation from Noise Preferential Route (NPR):** Current flight paths deviate significantly from the original NPR approved in the 2007 Environmental Impact Statement (EIS), violating Condition 1 of the runway's planning permission and increasing noise exposure for 30,000 residents.
- 3. Role of the IAA Misinterpreted:** The Inspector conflated the roles of the Irish Aviation Authority's Safety Regulation Division (IAA-SRD) and AirNav (the air traffic control service provider). The IAA-SRD's approval of flight paths does not mean they mandated specific routes.
- 4. Vanguardia Report Inaccuracies:** The report incorrectly claims that flight path deviations are minor (15 degrees) and required for safety. In reality, deviations range from 30 to 86

degrees, and alternate compliant designs were ignored.

5. **Breaches in Planning Conditions:** The deviations from NPR and increased noise exposure were not assessed in a comparative Environmental Impact Assessment Report (EIAR), undermining the planning process and trust in regulatory compliance.
6. **Inadequate Consultation and Expertise:** AirNav, the contractor for flight path design, lacked the necessary qualifications to redesign the aerodrome's procedures, leading to poor design decisions focused on maximum operational capacity rather than compliance or safety optimization.
7. **Doubts on Safety Justifications:** Claims that deviations were necessary for safety are contested. Alternate designs, such as modifications to the missed approach paths, could achieve compliance without deviating from the NPR.
8. **Failure to Implement a Balanced Approach:** Noise abatement procedures and land-use planning to mitigate noise impacts were neglected, exacerbating the environmental impact on communities.
9. **Need for Independent Review:** The submission calls for an independent review of the noise modelling and flight path designs, alongside clarification from the IAA-SRD regarding the necessity of the current deviations.
10. **Recommendations for Redesign:** A qualified third-party firm should be engaged to redesign the flight paths, ensuring compliance with both ICAO safety regulations and the original planning permissions, to restore trust and minimize community impact.

Summary

This submission addresses the Inspector's report on Dublin Airport's North Runway (NR) and challenges the conclusions drawn regarding flight paths and noise modelling. The deviations from the original Environmental Impact Statement (EIS) have significant consequences, and the noise modelling provided by the applicant and its consultants contains discrepancies. We believe these issues undermine the draft decision and must be resolved before any further action is taken.

Flight Path Deviation

The Inspector acknowledges that current flight paths differ from those submitted in the 2007 EIS, which laid the foundation for planning permission. The approved departure route, known as the Noise Preferential Route (NPR), required aircraft to depart straight ahead for 5 nautical miles before turning. However, current flight paths deviate immediately on take-off, significantly affecting noise exposure in surrounding areas.

The Inspector incorrectly accepts the applicant's argument that these deviations were necessary for safety, citing guidance from the Irish Aviation Authority (IAA). However, this conflates the roles of two IAA divisions: the Safety Regulation Division (IAA-SRD) and the air traffic control service provider, AirNav. It is critical to clarify that the IAA-SRD's role is limited to approving or rejecting submissions for compliance with safety standards. AirNav, as a service provider, is not an authority on regulatory safety standards. This confusion has led to a flawed conclusion that current flight paths are essential for safe operations.

Noise Modelling Inconsistencies

Our analysis shows significant discrepancies in the noise modelling for eastbound and westbound departures. Aircraft departing westward (Runway 28R) make banked turns, reducing their climb efficiency and prolonging their proximity to the ground. This should result in higher noise levels for westbound departures compared to eastbound ones, where aircraft climb straight ahead. However, the models show the opposite—westbound noise zones extend significantly less than those for eastbound flights, which is illogical given the aerodynamics involved.

We raised this issue with Bickerdike Allen Partners (BAP), the consultants responsible for the noise modelling, but they declined to engage and directed us to the daa. The unexplained differences between eastbound and westbound noise contours cast doubt on the reliability of the noise models and, by extension, the conclusions based on them.

Vanguardia Report and Safety Justifications

The Vanguardia report, which the Inspector relies on, incorrectly asserts that the deviations from the NPR are necessary to comply with International Civil Aviation Organization (ICAO) safety requirements for parallel runways. Vanguardia claims these deviations are minor—limited to 15 degrees—when, in fact, the deviations are much larger, up to 86 degrees for westbound departures. The ICAO requirement cited refers to a 30-degree separation between parallel runway departure and missed approach tracks, but this does not mandate turning off the NPR immediately. The applicant could achieve compliance with ICAO standards without such drastic deviations, such as by modifying the missed approach route from the adjacent south runway. This oversight suggests that the deviation was a design choice rather than a regulatory necessity, designed to maximize long-term future operational capacity rather than ensure compliance with planning conditions.

Confusion Over IAA's Role

A key issue is the conflation of AirNav's role as a service provider with that of the IAA-SRD, the safety regulator. AirNav designed the current flight paths under contract with the daa, but claims it is not responsible for ensuring these paths meet planning or environmental conditions. The IAA-SRD only verifies that procedures meet the minimum safety standards; it does not consult on, design, or recommend flight paths.

This confusion has led the Inspector to accept the applicant's assertion that the current deviations are a safety requirement imposed by the IAA. In reality, the IAA-SRD's role is limited to approving submissions without falling below minimum safety standards. It does not endorse specific flight paths or dictate how to achieve regulatory compliance. Thus, the decision to depart from the NPR remains entirely within the control of the applicant and AirNav, not the IAA-SRD.

Planning Condition 1 Breached

The deviations from the original NPR represent a clear breach of Condition 1 of the North Runway's planning permission, which required strict adherence to the noise zones central to the 2007 EIS. These deviations have led to significantly higher noise exposure for at least 30,000 residents, compared to the 400-500 estimated to live in the original EIS's westerly noise zones. Despite this, the Inspector has dismissed the impact of these deviations as minor and operational. However, the deviation has resulted in a substantial change to the environmental impact of the North Runway, which should have required a differential Environmental Impact Assessment Report (EIAR). The failure to assess the effects of these altered flight paths as compared to the original permission violates the integrity of the planning process and undermines the basis for the decision.

Recommendations

Given the misunderstanding of the roles of AirNav and the IAA-SRD and the apparent inaccuracies in the noise modelling, we recommend the following actions:

- **Clarification from the IAA-SRD:** An Bord Pleanála (ABP) should request formal clarification from the IAA-SRD regarding whether the current flight paths were mandated by the safety regulator as the only compliant solution.
- **Independent Noise Modelling Review:** ABP should commission an independent review of the noise models produced by Bickerdike Allen to resolve the discrepancies between eastbound and westbound departures.
- **Redesign of Flight Paths:** A qualified third-party firm should be engaged to redesign the North Runway procedures, ensuring compliance with both ICAO safety regulations and the original planning permission.

Conclusion

The current flight paths for the North Runway deviate significantly from the approved NPR, resulting in vastly higher noise exposure for surrounding communities. These deviations, inaccurately justified as necessary for safety, have been designed by AirNav for daa without regard to planning conditions or environmental impacts. The noise modelling provided is inconsistent and appears to minimize the true impact of these deviations.

ABP must address these issues before finalizing the draft decision. We strongly urge a transparent review process that includes clarification from the IAA-SRD and independent analysis of the noise models. Only then can a fair and accurate decision be reached, one that respects both the planning process and the rights of affected residents.

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 request for additional hours of operation on the north runway and a 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. Given these findings, it is

essential that any current or future expansion of airport activity during night-time hours be disallowed but at the very least strictly limited by a movement cap of 13,000 annual night-time flights, as proposed. Proposed operations on the north runway from 6am to midnight presents unacceptable risks to health and quality of life, and in particular will cause further catastrophic and unreasonable sleep disruption for residents and families already suffering due to north runway flightpaths. The following summary points highlights the inadequacies of the DAA application: 1.0 Inadequacy of DAA Application • 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 Lnight fail to capture acute impacts such as awakenings, which have immediate and long-term health consequences¹. 1

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/650787/IPOL_STU\(2020\)650787_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/650787/IPOL_STU(2020)650787_EN.pdf) 2 • The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact².

2.0 Insulation Limitations: • Insulation measures cannot fully mitigate nighttime noise due to factors like open windows, low-frequency noise, and peak noise events. 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 LASMax is welcomed, however, without a detailed set of maps indicating who qualifies for this the decision is incomplete. • The proposed grant value of €20,000 is considered inadequate to fully insulate those homes that qualify. Comparisons to other EU countries are incomplete and do not acknowledge the fact that construction costs in Ireland and particularly Dublin are close to the highest in the EU. The scheme should be redesigned to cover the full cost of insulation. •

Residential Noise Insulation Scheme (RNIS) and Home Sound Insulation Program (HSIP) do not meet modern health protection standards. Insulation is unsuitable for nighttime impacts and cannot substitute for operational restrictions like movement caps. 3.0 Necessity of the Movement Limit and Rejection of the Additional North Runway Operating Hours: • The movement cap of 13,000 nighttime flights is critical to reducing noise impacts and protecting public health. Without this cap, noise exposure levels will rise significantly, endangering the well-being of nearby residents. • The proposed additional operating hours from 6am to 7am and from 11pm to midnight on the north runway are completely unacceptable. The flightpaths in operation from north runway are causing huge suffering, distress and sleep disturbance for tens of thousands of people in Fingal and Meath. • Adding a further two hours to the schedule when most people are trying to sleep only makes an unreasonable situation even worse. The flightpath issue must be solved firstly before any other changes can be considered. For context, there were 40 departures between 6am and 7am on Monday 16 December 2024. This is the busiest hour of each day at the airport. It would be disastrous if these 40 departures were switched to the North Runway because they would now be taking a divergent turn and flying low (on full power while turning) over communities who should not be under or near to a flightpath. The volume and frequency would be much greater in the summer period. 4.0 Unauthorised Flight Paths and Breach of Planning Conditions • The DAA has implemented flight paths that deviate significantly from those approved in the Environmental Impact Statement (EIS). These unauthorised deviations expose previously unaffected areas to significant noise impacts, creating unassessed risks. 2 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.”

3 • The deviations breach Condition 1 of the planning permission, which requires adherence to the originally assessed flight paths. No updated Environmental Impact Assessment (EIA) or planning application has been submitted for these changes. • Affected communities have and are experiencing unreasonable 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. • The 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. •

There are multiple possible means of compliance with the pertinent ICAO regulations. IAA has received and approved only the one chosen by daa as Aerodrome Operator. • Any inference or implication that IAA instructed or caused daa to deviate from the route approved in their planning permission is not correct.

5.0 Night Flight Restrictions in Europe and Implications for Dublin •

Major airports like Schiphol, Heathrow, and Frankfurt enforce strict caps or curfews on nighttime flights. Dublin's proposed 31,755 annual nighttime flights far exceed these airports' limits relative to passenger numbers. • European airports prioritize 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. • Without the movement limit the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.

6.0 Health and Environmental Impacts •

Chronic exposure to nighttime aircraft noise increases the risks of cardiovascular disease, hypertension, and mental health issues. Children's cognitive development is adversely affected, impairing memory, learning, and overall performance. • 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. • The DAA analysis has not used the correct population datasets in determining the impacts. This underestimates the impact on the communities around the airport. • 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.

7.0 Recommendations •

Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS. • At the very least, maintain the cap of 13,000 nighttime flights to prevent further degradation of community health and well-being, however due to the severity of the projected health and environmental impacts that nighttime aircraft noise presents, a complete ban on night-time flights should be strongly considered. • Implement the Noise Quota System to incentivize quieter aircraft and ensure proportional operations. • Reject the proposed additional hours of operation on the north runway for reasons outlined.