

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

To

SEO

Having considered the contents of the ^{observation} submission date/received 2/9/22.
 from Margaret Bennett 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 raised

Signed

EO

Date

To

EO

Section 131 not to be invoked at this stage.

☐

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

SEO

Date

Signed

SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

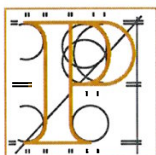
EO

Date

Signed

AA

Date



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001209

Online Observation Details

Contact Name

Margaret Bennett

Lodgement Date

02/09/2022 15:50:17

Case Number / Description

Re: Appeal from decision of Fingal County Council reference no F02A/0668. Area: Swords. Applicant: DAA plc.

Payment Details

Payment Method

Online Payment

Cardholder Name

Margaret Bennett

Payment Amount

€50.00

Processing Section

S.131 Consideration Required

☒

Yes — P.T.O.

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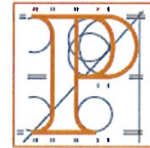
N/A — Invalid

Signed



Validation Checklist

Lodgement Number : **LDG-057017-22**
Case Number: **ABP-314485-22**
Customer: **Margaret Bennett**
Lodgement Date: **02/09/2022 12:22:00**
Validation Officer: **Garry Dorgan**
PA Name: **Fingal County Council**
PA Reg Ref: **F20A/0668**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**



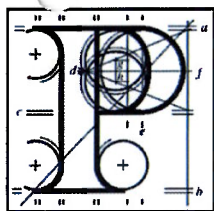
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Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available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

✓
12/9/22
ym

Run at: 07/09/2022 12:38

Run by: Garry Dorgan



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Bord
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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

Margaret Bennett

(b) Address

41 Carrickhill Heights, Portmarnock, Co. Dublin,
D13YES28

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.

(b) Agent's address

Click or tap here to enter text.

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

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The agent at the address in Part 2

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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)

Appeal from decision of Fingal County Council reference no F02A/0668.

Area: Swords. Applicant: DAA plc.

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

(for example: ABP-300000-19)

Appeal from decision of Fingal County Council reference no F02A/0668.

Area: Swords. Applicant: DAA plc.

(c) Planning authority register reference number

(for example: 18/0123)

Appeal from decision of Fingal County Council reference no F02A/0668.

Area: Swords. Applicant: DAA plc.

(d) Location of proposed development

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

Appeal from decision of Fingal County Council reference no F02A/0668.

Area: Swords. Applicant: DAA plc.

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.

I wish to appeal the decision of Fingal County Council as referenced above on the following grounds:

1. Heathrow airport, with more than double the passenger numbers than Dublin airport, operates with a numerical cap of 15 flights per night, as established in 1960s (heathrow.com). Therefore, it cannot reasonably be argued that Dublin airport cannot operate efficiently with the numerical cap of 65 night time flights.
2. The replacement of a clear and simple numerical cap with a 'framework' based on averages over a year is a significant deterioration in the noise controls. Using averages flattens the peaks for the DAA quarterly reports, but not so for the resident trying to sleep. There is nothing to prevent a night where there are hundreds of flights, due to such averages. The airport can, therefore, effectively operate like a 24 *7 operation when it wants to.
3. The original 2007 condition time period (23.00 to 07.00) was designed to protect the residents impacted by the noise, mostly to have a quiet night time period. I assert that the original period remains a better fit and relates closer to a sleep patterns. Sleep patterns have not changed, so the condition should not change. In addition, since 2007, there have been more publications that confirm the detrimental effect of disrupted sleep on human health,
 - a. notably, the academic performance of school children, "...aircraft noise, affect children's learning have concluded that aircraft noise exposure at school or at home is associated with children having poorer reading and memory skills.[17] There is also an increasing evidence base which suggests that children exposed to chronic aircraft noise at school have poorer performance on standardized achievement tests, compared with children who are not exposed to aircraft noise...."
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5437751/>
 - b. and blood pressure of residents. This medical article studies the 'Acute effects of night-time noise exposure on blood pressure in populations living near airports' and concludes that "Effects of noise exposure on elevated subsequent BP measurements were clearly shown."

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.

<https://academic.oup.com/eurheartj/article/29/5/658/440015>

4. The bigger EU airports are reducing air traffic citing environmental reasons, such as noise and pollutant (<https://www.euronews.com/green/2022/06/27/amsterdams-schiphol-airport-becomes-first-in-the-world-to-cap-flights-to-limit-emissions>). Meanwhile, Ireland being led by the DAA, are going in the opposite direction. Given Fingal County Council's failure to protect its residents, it falls to An Bord Pleanála to uphold the reasonable original condition.
5. It remains a significant conflict of interest that the noise authority designed to police airport noise is so closely affiliated with Fingal County Council, when the airport is its largest rates payer.
6. Under the proposed Noise Performance Reporting, the DAA bears no consequence for non-conformance. Currently, the noise reporting offered by DAA is merely an unmanned voicemail, that generates no response or action. Failure or breach of the annual noise limits should generate financial penalties commensurate with DAAs business: in the region of €10,000 per .01dB above the limit.
7. Moreover, it is unfortunate and bodes badly for ANCAs 'competence' that its major published "Regulatory Decision of the ANCA pursuant to Section 34C(14) Planning and Development Act 2000 EU Regulation No 598/2014 ..." dated 20th June 2022 has erroneous references throughout the entire report; the 2019 amendment number, stated as: "ABP Ref. No.ABP-305289-19", is incorrect. For an organisation that is due to monitor detailed noise emissions, an attention to detail is clearly lacking.

For these reasons the permission granted by Fingal County Council to reduce night-time restrictions should be overturned in full.

Yours Faithfully,

Margaret Bennett

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

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.

