

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

To

SEO

Having considered the contents of the <sup>Observation</sup> submission dated/received 3/10/22  
from Michael + Margaret O'Rourke 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

14/10/22

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

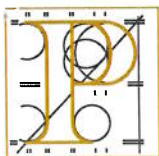
EO

Date

Signed

AA

Date



An  
Bord  
Pleanála

## Planning Appeal Online Observation

### Online Reference

NPA-OBS-001354

Gary

### Online Observation Details

Contact Name  
Michael O'Rourke

Lodgement Date  
03/10/2022 11:23:08

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Michael O'Rourke

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒

Yes — P.T.O.

☐

N/A — Invalid

Signed

9<sup>th</sup> House,  
Broughan,  
The Ward,  
County Dublin D11 V968

October 2<sup>nd</sup>, 2022

**Re: Case Reference: PL06F.314485**

This observation (including Appendix A) to An Board Pleanála is in opposition to a decision by Fingal County Council to:

- Grant permission to the Dublin Airport Authority (DAA) to continue night flights and instead implement a Noise Quota.
- Redefine the definition of “night time” to exclude the period 2300-2330 and the period 0600-0700 for the purpose of the newly created Night Time Quota System.

At the moment I and my wife live under the Western flight path of runway 10/28, otherwise known as the South Runway. House location: D11 V968. My family have lived here since before Collinstown Aerodrome became a base for the Royal Flying Corp in 1918.

However that is history, and Dublin Airport has changed from something I once considered a benign attraction as a child, to a monster that now seeks to destroy my right to live and enjoy my home and property. I did not move to live beside the monster. The monster came to live and expand into my world.

My wife and I have not had a complete night's sleep for the last decade. Over the years I have tried everything from sleeping tablets to wearing ear plugs just to get a night's sleep. ***And trust me; I have learned how hard it is to get off sleeping tablets after you use them for a while.*** The summer of 2020 demonstrated how much Dublin Airport now controls my life: because of the reduced flights during that summer I and my family could enjoy going outside into our garden. And we could get a night's sleep without being woken up numerous times by aircraft noise.

*It was only through the sound of silence that we came to realise how DAA has conditioned us to stay inside our house and not use our property for the normal outdoor activities most people take for granted.*

In the summer of 2021 DAA completed the replacement of windows at my house. However, because we had previously installed high specification windows at our own cost (2 plies of 6mm glass laminated with a 1.52mm interlayer on the inner pane and an a 6mm glass ply on the outsider pane) the replacements added only 2mm of thickness to what we had. Even the window fitters replacing our windows on behalf of DAA were surprised at how heavy our original windows actually were. Consequently, the change of units provided no measurable difference to what was already in place.

I therefore wish to object to any flights between the hours of 2300 and 0700 and also any alternative proposals for flights between the hours of 2300-0700 including the implementation of a Noise Quota System. I also wish to be considered a party to, and have considered as part of my submission, the submissions made by the Saint Margaret's, The Ward Residents Group and the SMTW Environmental DAC.

Regards

Michael O'Rourke

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Margaret O'Rourke

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## Appendix A:

- ANCA and the DAA have totally ignored the objective of Target 2 of the EU Action Plan “Towards a zero pollution for air, water and soil” adopted in May 2021 as the targets for 2030 are set at far higher noise levels in 2019 and 2018, which far exceed the baseline year of 2017 required under the EU Action Plan. The selection of 2019 as the baseline is contrary to ANCA’s own SEA document used to screen the project.
- Neither ANCA nor the DAA have evaluated the serious health effects, and costs associated with such health effects, of their proposed modification to the current restrictions in place at Dublin Airport. This has serious health implications for the inhabitants within the St Margaret’s The Ward area.
- ANCA and the DAA are proposing noise insulation as a mitigation measure to nighttime noise increases within the St Margaret’s The Ward communities. This is contrary to Fingal County Council’s advice within their own Development Plan, and testing carried out within the St Margaret’s The Ward area on housing that has already been insulated by the DAA recently indicates the guidance referred to by Fingal County Council and the WHO cannot be achieved and will cause serious health issues of those affected by the proposed increase in night time noise.
- From the DAA’s proposal, **79,405** people will be **Highly Annoyed** and **37,080** will be **Highly Sleep Disturbed** in 2025.
- Submission from HSE Environmental Health to Fingal County Council states that all efforts should be made to minimize the number of people subjected to the adverse health effects of aircraft noise by reducing aircraft noise levels to below the WHO safe limits of 45dB Lden and 40dB Lnight..
- The selection of 2019 or 2018 as the baseline for noise comparison does not meet the requirements of Directive 2002/49/EC as required by the Aircraft Noise (Dublin Airport) Regulation Act 2019. The escalating noise reported in noise action plans dating back to 2008 have been ignored with respect to reducing and prevention of noise at Dublin Airport.
- From 2016 to 2019 the size of the daytime noise 45dB Lden contour grew from 370km<sup>2</sup> to 745km<sup>2</sup>
- From 2016 to 2019 the size of the nighttime noise 40dB Lnight contour grew from 212km<sup>2</sup> to 328km<sup>2</sup>.

- The figures presented by the DAA for 2018 as a baseline are incorrect as during 2018 the crosswind runway was used extensively and therefore the figures are distorted and are not accurate with respect to reviewing the current application. The DAA and Fingal County Council in the Dublin Airport Noise Action Plan claim that aircraft types have changed in Dublin Airport between 2003 to 2017 resulting in quieter aircraft. However, noise exposure levels grew exponentially in line with movement increases.
- At the Oral Hearing in 2007 for the North Runway, figures were presented comparing 2007 levels to a 2025 forecast. The increase in population exposed with the 2025 forecast scenario was deemed unacceptable by An Bord Pleanála's consultant, Mr Rupert Thornely-Taylor. The figures in the DAA's current proposal are higher again. In 2007 the forecast noise exposure figures were deemed to be unacceptable from a health point of view. How can they be acceptable now?
- The health effects proposed to be inflicted on the St Margaret's The Ward community have not been evaluated by either the DAA or ANCA. The real cost due to health effects alone is calculated at more than €600 million per annum due to the proposal.
- Noise levels submitted by the DAA to the St Margaret's The Ward group for various noise emissions for specific aircraft types indicate that there is very little difference in the actual measured noise level between the older and newer aircraft. Therefore, the assertions claimed regarding fleet replacements is totally flawed
- Using DAA's own forecasts for arrivals and departures there appears to be no reason for proposing a change from the current flight restrictions as there is little or no difference in proposed movements
- The reports on cost effectiveness submitted by the DAA exclude quantification of costs associated with the adverse health effects inflicted on residents. This item was specifically requested by ANCA and was not provided by the DAA. We in St Margaret's The Ward as citizens were expecting this information to be presented to us as requested by ANCA. We refer to our submission on Public Health where we have evaluated the costs associated with the adverse health effects inflicted on us which indicated that the total yearly cost based on the 2019 figures is a staggering 610 million euro. How are we expected to suffer these costs to protect our health?
- The cost effectiveness analysis (CEA) submitted by Riondo does not meet the requirements of EU598/2014 as it does not take into account of the current flight restrictions in place at Dublin Airport. The report therefore is misleading and inaccurate.
- The cost effectiveness analysis as submitted by Riondo does not take into account the costs associated with Carbon Emissions nor does it indicate the costs in meeting Ireland's requirements under the Climate Action and Low Carbon (Amendment) Act 2021 for the proposed revision to the current restrictions.

- The EIAR submitted does not meet the requirements set out in the EPA guidance as it does not take into account the foreseeable and planned increase in passenger numbers above 32 million passengers and is considered 'project splitting'.