

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 19/12/24
from

Brenda Murphy 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 FORMAppeal No: ABP 314485Please treat correspondence received on 19/12/24 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. Khay</u>
Date: <u>31/12/24</u>	Date: <u>21/1/25</u>

Lisa Quinn

From: Breda Murray <breda.murray2@gmail.com>
Sent: Thursday, December 19, 2024 7:37 PM
To: Appeals2
Subject: Case Number 314485-22
Attachments: Appeal Dec. 2024.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.

Please find attached our observation for your attention.
Case Number 314485-22
Planning Authority Reference Number F20A/0668

Yours sincerely,
Breda Murray
Francis Murray

TO; An Bord Pleanála

Re: Appeal of Relevant Action Draft Decision

Case Number: 314485

Contact Details:

Breda and Francis Murray

'Crestwood', Kilcoskan, Kilsallaghan, Co. Dublin K67 AP93

Contact Number: 086 6007389/086 2708929

Email address: breda.murray2@gmail.com/franmurr@gmail.com

Date: 18th December 2024

We would like to outline the breaches of planning conditions, and the need for a comprehensive approach to managing night-time flights, which includes the retention of the movement cap as an immediate measure and consideration of a full ban on night-time operations to safeguard public health and community welfare.

These are some of the observations we wish to submit regarding the above Appeal of Relevant Action Draft Decision.

**Inadequacy of DAA Application and Necessity of Movement Limit
Failure to Address Noise Impacts:**

- o The Dublin Airport Authority (DAA) application fails to assess or mitigate the adverse effects of nighttime noise adequately.
 - o Average metrics like % Highly Sleep Disturbed (HSD) and fail to capture acute impacts such as awakenings, which have immediate and long-term health consequences.
- Health Implications of Nighttime Noise:
- o Chronic sleep disruption contributes to cardiovascular disease, mental health disorders and reduced cognitive performance.
 - o The WHO highlights that even one additional awakening per night represents a significant adverse health impact, ignored in the DANs proposals.

Projected Impacts:

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

Insulation Limitations:

0 Insulation measures cannot fully mitigate nighttime noise due to factors like open windows, low-frequency noise, and peak noise events.

0 The WHO average insulation value of 21 dB assumes windows are open 20% of the year, making insulation less effective.

o The introduction of a new insulation criteria of 80dB LASW is welcomed, however, without a detailed set of maps indicating who qualifies for this the decision is incomplete.

0 Furthermore, the 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.

o It is fundamentally wrong that anybody who is so significantly affected by the negative impacts of noise from the proposed development should have to carry the cost of any mitigation works needed.

0 The scheme should be redesigned to cover the full cost of insulation.

Necessity Of the Movement Limit:

o The movement cap of 13,000 nighttime flights is critical to reducing noise impacts and protecting public health.

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

Conclusion on Permission:

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

Unauthorized Flight Paths and Breach of Planning Conditions Deviation from Approved Flight Paths:

0 The DAA has implemented flight paths that deviate significantly from those approved in the Environmental Impact Statement (EIS)_

o These unauthorised deviations expose previously unaffected areas to significant noise impacts, creating unassessed risks.

Failure to Seek Updated Permissions:

o The deviations breach Condition 1 of the planning permission, which requires adherence to the originally assessed flight paths.

0 NO updated Environmental Impact Assessment (EIA) or planning application has been submitted for these changes.

Community Impacts:

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

o Local schools have been impacted.

o The impact has been devastating for communities with families now feeling like they have no option but to sell their homes.

0 Trust in the DAA has been severely eroded due to a lack Of transparency and accountability.

Legal and Procedural Concerns:

- 0 The unauthorised flight paths undermine the planning system's integrity, setting a dangerous precedent for future projects.
- o Granting permission under these conditions violates planning laws and Obligations under the EIA Directive.

Conclusion on Permission:

0 Permission should be unequivocally denied until unauthorised flight paths (Ease and comprehensive reassessments are completed.

Right of Appeal in the Aircraft Noise Act 2019

Legal Framework:

0 Section 10 Of the Aircraft Noise Act permits appeals Of Regulatory Decisions (RDS) by relevant persons who participated in the consultation process.

- o SMTW (St. Margaret's The Ward Residents Group) qualifies as a relevant person under this framework.

Inappropriate Refusal of Appeal:

- o SMTW's appeal against noise-related RDS was inappropriately denied by An Bord Pleanála, despite clear legislative provisions supporting it.

0 Denial of appeal prevents critical scrutiny of noise mitigation measures and exacerbates community disenfranchisement.

Importance of Appeals.

- o Appeals are vital for maintaining transparency, ensuring accountability, and balancing airport operations with community welfare.

Conclusion.

0 Denying appeals undermines public trust and violates the Aircraft Noise Act's intent to provide affected parties a voice.

Noise Quota System in the Fingal Development Plan

Policy Objectives:

- o Objective DAOI 6 supports a Noise Quota System (NQS) to reduce aircraft noise impacts, particularly during nighttime operations.
- 0 The policy prioritizes community health. sustainability, and the use Of quieter aircraft.

Challenges in Implementation:

- o Without a cap on nighttime flights. cumulative noise impacts will persist despite efforts to incentivize quieter aircraft,
- 0 Current plans increase noise exposure above 2019 levels, violating noise abatement objectives.

Recommendations:

- o En force a movement limit alongside the NQS to ensure it effectively reduces noise disturbances
- o Align the system with best practices Observed at major European airports.

Night Flight Restrictions in Europe and Implications for Dublin

European Comparisons:

to Major airports like Schiphol, Heathrow, and Frankfurt enforce strict caps or curfews on nighttime flights

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

Health and Environmental Alignment:

- o European airports prioritize reducing noise exposure to mitigate sleep disruption, cardiovascular risks, and Stress.
- 0 Adopting the 13,000-flight cap aligns Dublin with international best practices, ensuring proportional and sustainable operations.

Conclusion:

- o The proposed number of flights is disproportionate and poses unacceptable health and environmental risks.
- 0 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:

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

o Dormer-style housing near the airport is particularly susceptible to noise, rendering insulation largely ineffective.

Existing Schemes Are Insufficient:

- o Residential Noise Insulation Scheme (RNIS) and Home Sound Insulation Program (HSIP) do not meet modern health protection standards.
- o Insulation is unsuitable for nighttime impacts and cannot substitute for operational restrictions like movement caps.

Alternative Mitigation Measures:

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

Conclusion:

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

Health and Environmental Impacts

Noise-Induced Health Risks:

- o Chronic exposure to nighttime aircraft noise increases the risks of cardiovascular disease, hypertension, and mental health issues,
- o Children's cognitive development is adversely affected, impairing memory, learning, and Overall performance.

Economic Costs:

- o Health-related costs, including healthcare expenses and reduced productivity, are substantial and long-term.
- o For example, Brussels Airport's health cost analysis suggests similar impacts at Dublin could reach 050m annually.

Population Exposed.

- o The DAA analysis has not used the correct population datasets in determining the impacts. This underestimates the impact on the communities around the airport.

Public Health Submissions:

- o Evidence from health agencies emphasizes that noise induced sleep disturbance is a significant environmental health risk.
- o Ignoring these risks contravenes principles of sustainable development and public health

Other Environmental Impacts

Use Of Outdated Surveys:

- o The Appropriate Assessment (AA) relied on outdated ecological surveys that do not accurately reflect current environmental conditions.
- o Failure to update surveys undermines the validity of the assessment and risks overlooking critical impacts on local habitats and species.

NO AA on Full North Runway Development:

- o The AA did not assess the full scope of the North Runway development, focusing only on limited aspects of the proposal.
- o Significant components of the development were excluded, leaving major potential impacts unexamined.

No Cumulative or In-Combination Assessment:

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

Noncompliance with Legal and Regulatory Standards:

- o The failure to provide an accurate, comprehensive, and AA breaches obligations under the EU Habitats Directive.

0 The planning process has been compromised by this omission, exposing the development to potential legal challenges.

potential Environmental Risks:

o 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:

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

0 Conduct a new EIA to assess the impacts of any proposed deviations.

Retain Movement Limit

o Maintain the cap of 13.000 nighttime flights to prevent further degradation of community health and well-being.

o Implement the Noise Quota System to incentivize quieter aircraft and ensure proportional operations.

Refuse permission:

o Granting permission under these circumstances undermines planning integrity and public trust,

0 Upholding planning law and ensuring transparent, evidence-based assessments are essential for future airport operations.

Please REFUSE PERMISSION TO DAA Relevant Action Application for:

Unlimited Night-time Flights. A Noise Quota System will only work if it INCLUDES a flight limit.

Change of Night-time Hours from 7am-11pm to new time of 6am-12mignight. This change would be detrimental to our communities leaving residents with only 6 hours per night to sleep.

Retention of Divergent Flight Path: Under no circumstances should An Bord Pleanala approve this divergent flight path through mitigation measures. DAA must follow flight path that was granted permission in 2007. The unapproved divergent flight path off North Runway currently in use, is causing incredible suffering, distress and sleep disturbance to families that were never to be flown over and Dublin Airport Authority don't care.

Since August 2022 our lives have never been the same since Flights have started flying over our house. We live in a dormer house and this is making our bedrooms more susceptible to the noise. We cannot sit outside during the summer months especially if we do manage to have nice weather. To be outside when a plane is flying over it is impossible to have a conversation or to listen to a phone call or to listen to radio. We do not like living here anymore due to the flights over our home from 7am until 11pm everyday.

We attended a community information day in St. Margaret's GAA centre in 2016 to see the maps of the proposed new flight paths with the opening planned of the North Runway. We checked our situation at that exhibition and we could clearly see that the flight paths did not come over our home. How come we are now having flights coming every 3-5 minutes over our house since August 2022?

The DAA are in breach of planning regulations. If any other business or home owner didn't follow the planning regulations in Fingal they would be stopped and would have to comply with such planning regulations. There seems to be one rule for Dublin Airport and another for citizens in Fingal, not surprising since DAA is the biggest source of rates for Fingal County Council, he who pays the piper call the tune.

We have paid 50 euro with a previous observation submitted to An Bord Pleanála.

Breda and Francis Murray