

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 23/12/24  
fromMichelle Quashy 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 w landE.O.: [Signature]Date: 8/1/25

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 FORM**

Appeal No: ABP \_\_\_\_\_

M \_\_\_\_\_

Please treat correspondence received on \_\_\_\_\_ as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with BP \_\_\_\_\_

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP \_\_\_\_\_

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments****4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐

EO:

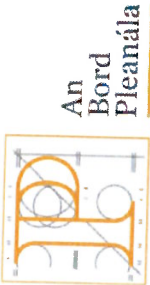
Plans Date Stamped ☐Date Stamped Filled in ☐

AA:

Date:

Date:

Lodgement Cover Sheet - LDG-077155-25



Details

Lodgement Date	23/12/2024
Customer	Michelle Queally
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-077155-25
Map ID	
Created By	James Sweeney
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	0.00
Refund Amount	

Observation/Objection Allowed?	
Payment	
Related Payment Details Record	

Observation

A proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000, as amended, at Dublin Airport,

Run at: 08/01/2025 14:50

Run by: James Sweeney

Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning

	Development Description
	<p>Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19).</p> <p>Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.'</p> <p>Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night</p>

PA Case Number

F20A/0668

Run at: 08/01/2025 14:50

Run by: James Sweeney



time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to nighttime use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning

PA Decision Date	08/08/2022
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

	<p>Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.</p>
Applicant	
Additional Supporting Items	Yes

## Dillon Corcoran

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**From:** Michelle Queally <michelle.queally@gmail.com>  
**Sent:** Monday 23 December 2024 12:00  
**To:** Appeals2  
**Cc:** Michelle Queally  
**Subject:** Subject: Case #: 314485  
**Attachments:** Summary highlights of inadequacies of the DAA application.docx.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.

Dear Sir or Madam,

The Inspector's Report rightly concludes that the detrimental effects of the Relevant Action on local communities are too severe to justify approval. The expected increase in night-time activities will result in more frequent awakenings, which are linked to serious health risks, including higher incidences of cardiovascular diseases, mental health issues, and cognitive impairments from disrupted sleep. These findings emphasize the urgent need for stringent regulations to safeguard those impacted. Therefore, while restricting night-time airport operations to a maximum of 13,000 annual flights is advisable, the evidence strongly supports an outright ban on night-time flights to protect public health.

Considering the substantial health and environmental hazards, planning authorities should have rejected the application, as the detrimental impacts far outweigh any potential benefits. To uphold public health, preserve the integrity of the planning process, and prioritize community well-being over operational convenience, this application must now be refused.

The Relevant Action is affecting my family significantly:

- **Living Conditions:** Increased noise and reduced air quality are disrupting our home's peace and comfort, impacting our well-being.
- **Health Concerns:** Stress and anxiety are rising due to environmental changes, potentially worsening or causing health problems.
- **Financial Strain:** Declining property values and potential cost increases jeopardize our financial stability.
- **Quality of Life:** Reduced access to green spaces and recreation limits relaxation and family activities, diminishing our lifestyle.

The attached expanded summary highlights the DAA application's failings, breaches of planning conditions, and the critical need to maintain the movement cap, with a total ban on night-time flights being essential to safeguard health and community welfare.

Regards  
Michelle Queally  
Ballyboughal Resident

087 321 8246



The following expanded summary highlights the inadequacies of the DAA application, 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.

### **1.0 Inadequacy of DAA Application and Necessity of Movement Limit**

- **Failure to Address Noise Impacts:**
  - 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  $L_{night}$  fail to capture acute impacts such as awakenings, which have immediate and long-term health consequences.
- **Health Implications of Nighttime Noise:**
  - Chronic sleep disruption contributes to cardiovascular disease, mental health disorders, and reduced cognitive performance.
  - The WHO highlights that even one additional awakening per night represents a significant adverse health impact, ignored in the DAA's proposals.
- **Projected Impacts:**
  - The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact.
  - 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:**
  - 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  $L_{ASMax}$  is welcomed, however, without a detailed set of maps indicating who qualifies for this the decision is incomplete.
  - 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 acknowledge the fact that construction costs in Ireland and particularly Dublin are close to the highest in the EU.
  - 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.
  - The scheme should be redesigned to cover the full cost of insulation.
- **Necessity of the Movement Limit:**
  - 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.
- **Conclusion on Permission:**

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

## **2.0 Unauthorised Flight Paths and Breach of Planning Conditions**

- **Deviation from Approved Flight Paths:**
  - 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.
- **Failure to Seek Updated Permissions:**
  - 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.
- **Community Impacts:**
  - Affected communities have experienced 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.
  - Trust in the DAA has been severely eroded due to a lack of transparency and accountability.
- **Legal and Procedural Concerns:**
  - 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.
- **Conclusion on Permission:**
  - Permission should be unequivocally denied until unauthorised flight paths cease and comprehensive reassessments are completed.

## **3.0 Right of Appeal in the Aircraft Noise Act 2019**

- **Legal Framework:**
  - Section 10 of the Aircraft Noise Act permits appeals of Regulatory Decisions (RDs) by relevant persons who participated in the consultation process.
  - SMTW (St. Margaret's The Ward Residents Group) qualifies as a relevant person under this framework.
- **Inappropriate Refusal of Appeal:**
  - SMTW's appeal against noise-related RDs was inappropriately denied by An Bord Pleanála, despite clear legislative provisions supporting it.
  - Denial of appeal prevents critical scrutiny of noise mitigation measures and exacerbates community disenfranchisement.
- **Importance of Appeals:**
  - Appeals are vital for maintaining transparency, ensuring accountability, and balancing airport operations with community welfare.
- **Conclusion:**
  - Denying appeals undermines public trust and violates the Aircraft Noise Act's intent to provide affected parties a voice.

#### **4.0 Noise Quota System in the Fingal Development Plan**

- **Policy Objectives:**
  - Objective DAO16 supports a Noise Quota System (NQS) to reduce aircraft noise impacts, particularly during nighttime operations.
  - The policy prioritizes community health, sustainability, and the use of quieter aircraft.
- **Challenges in Implementation:**
  - Without a cap on nighttime flights, cumulative noise impacts will persist despite efforts to incentivize quieter aircraft.
  - Current plans increase noise exposure above 2019 levels, violating noise abatement objectives.
- **Recommendations:**
  - Enforce a movement limit alongside the NQS to ensure it effectively reduces noise disturbances.
  - Align the system with best practices observed at major European airports.

#### **5.0 Night Flight Restrictions in Europe and Implications for Dublin**

- **European Comparisons:**
  - 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.
- **Health and Environmental Alignment:**
  - 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.
- **Conclusion:**
  - The proposed number of flights is disproportionate and poses unacceptable health and environmental risks.
  - Without the movement limit the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.

#### **6.0 Inadequacy of Insulation in Mitigating Aircraft Noise-Induced Awakenings**

- **Technical Limitations of Insulation:**
  - Insulation does not address critical noise issues, such as low-frequency noise penetration and sharp peaks triggering awakenings.
  - Dormer-style housing near the airport is particularly susceptible to noise, rendering insulation largely ineffective.
- **Existing Schemes Are Insufficient:**
  - 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.
- **Alternative Mitigation Measures:**
  - Voluntary purchase schemes for residents in high-noise zones should be expanded to address the most severe impacts effectively.
- **Conclusion:**

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

## 7.0 Health and Environmental Impacts

- **Noise-Induced Health Risks:**

- 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.

- **Economic Costs:**

- 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.

- **Population Exposed:**

- 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:**

- 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.

## 8.0 Other Environmental Impacts

- **Use of Outdated Surveys:**
  - The Appropriate Assessment (AA) relied on outdated ecological surveys that do not accurately reflect current environmental conditions.
  - 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:**
  - The AA did not assess the full scope of the North Runway development, focusing only on limited aspects of the proposal.
  - Significant components of the development were excluded, leaving major potential impacts unexamined.
- **No Cumulative or In-Combination Assessment:**
  - The AA failed to consider cumulative impacts arising from the interaction of the North Runway with other existing and planned projects in the vicinity.
  - The absence of an in-combination assessment violates key legal requirements and risks underestimating the overall environmental impact of the development.
- **Non-Compliance with Legal and Regulatory Standards:**
  - The failure to provide an accurate, comprehensive, and up-to-date AA breaches obligations under the EU Habitats Directive.
  - The planning process has been compromised by this omission, exposing the development to potential legal challenges.
- **Potential Environmental Risks:**
  - The lack of thorough assessment could lead to significant unmitigated impacts on protected habitats and species, including cumulative degradation of local ecosystems.

## 9.0 Recommendations and Final Position

- **Cease Unauthorised Flight Paths:**
  - Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS.
  - Conduct a new EIA to assess the impacts of any proposed deviations.
- **Retain Movement Limit:**
  - Maintain the cap of 13,000 nighttime flights to prevent further degradation of community health and well-being.
  - Implement the Noise Quota System to incentivize quieter aircraft and ensure proportional operations.
- **Refuse Permission:**
  - Granting permission under these circumstances undermines planning integrity and public trust.
  - Upholding planning law and ensuring transparent, evidence-based assessments are essential for future airport operations.