

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

## SECTION 131 FORM

Appeal NO: ABP 314465Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 16/12/24  
fromPatricia A. Byrne 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 issueE.O.: [Signature]Date: 20/12/24

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 FORM**Appeal No: ABP 314485

VI \_\_\_\_\_

Please treat correspondence received on 16/12/26 as follows:

- |  |  |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____<br>2. Acknowledge with BP <u>22</u><br>3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____<br>2. Keep Envelope: <input type="checkbox"/><br>3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/CommentsResp recd From Patricia A Byrne\* To be scanned

## 4. Attach to file

- |  |   |
|--|---|
| (a) R/S <input type="checkbox"/>                       | (d) Screening <input type="checkbox"/>    |
| (b) GIS Processing <input checked="" type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input checked="" type="checkbox"/>     |   |

RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>F. Khattar</u>
Date: <u>20/12/24</u>	Date: <u>23/12/24</u>

James.

**Lita Clarke**

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**From:** Alwyn Byrne <alwynbyrne@gmail.com>  
**Sent:** Monday 16 December 2024 16:47  
**To:** Appeals2  
**Subject:** Appeal re 314485  
**Attachments:** DAA sub final x.doc.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.

Dear Sir or Madam,

I wish to appeal the decision re 314485. As I previously objected, I understand I am not liable to pay a further fee.

I fully endorse the points submitted by St Margarets and The Ward Forum.

I also attach some of my own observations.

Kind regards

Patricia Alwyn Byrne  
Rolestown House  
Swords  
Co Dublin K67PK75  
087 225 2468

Name; Patricia A Byrne  
Address; Rolestown House, Rolestown, Co Dublin  
Case ref no; 314485  
Planning authority; Fingal County Council  
An Bord Pleanala appeal case number; F20A/0668  
Dublin Airport

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## Introduction

1.1 I appreciate this opportunity to respond to the RFI submission by the DAA. I didn't think 5 weeks would be enough time to respond but it has been an adequate time.

1.2 Please bear in mind, my first objection to the building of a huge estate on the very parklands of Rolestown House, in which I stated I had plans to save the property and restore it in a very sensitive, historic manner. I am open to various uses but all exploit the unique tranquillity of this Georgian property. Uses included tea rooms, exclusive accomodation, yoga and mindfulness retreats, artisan cottages, etc. I now have the interest of an American investor who is keen on the yoga retreat concept. This will not happen under roaring skies. I do not want to lose this opportunity too to the DAA.

1.3 I opine that the entire EU legal framework needs upgrading to cater to the now proven deleterious harms to human health. Globally, the aviation industry is struggling at maximum capacity. But to expand by injuring and shortening the lives of millions of affected residents is not a sustainable approach.

1.4 Of note, the National Framework Plan 2040, [nfp.ie](https://www.nfp.ie) is devoid of any aviation planning thus far.

The current FDP has a chapter on the Airport (8). Again, "*balanced*" and "*sustainable*" are words used to pit economic growth against slowly poisoning thousands of residents. There is no meaningful information on the harms of noise and air pollution in this chapter.

In contrast, the wonderful economic growth and future projections of the Airport are fully detailed. Balanced and sustainable are words used to justify the great commercial success of Dublin Airport at the cost of causing severe chronic illness and depression for thousands of residents under the wonderfully commercially successful flightpaths.

## The 2000 European Landscape Convention

The convention has been ratified by Ireland. It's mission statement is to Contribute to Human Rights, Democracy and Sustainable development. Under this Convention historic landscaped “***shall*** be protected, managed and maintained”. This is mandatory.

In April 2022, the most recent European workshop was held under the auspices of this convention. “*Biodiversity in the City.*” An old monastery in Bergamo's Asino valley being restored, is core to this project;

*“In order to restore the historic value of this landscape, restoration of the monastery, farm buildings and archeological vestiges in the area have been undertaken, restoring dilapidated structures that were abandoned, and in certain cases, had collapsed roofs”.*

*“The project has sought to redefine mobility in the area by promoting soft mobility and discouraging motor traffic, as part of a broader effort to manage growing anthropic pressure”.*

Contrast this approach to an ancient site with what the DAA are doing in Rolestown. They are flying over a settlement dating from the mid 1400s. My property includes Yew tree octagons and walkways that are magnificent. They were planted by the holy men of the Stubbs family that married into the house. JW Stubbs was the treasurer of St Patricks Cathedral, Dublin and his father had laid the founding stone for St. Canice's Church, Finglas in 1742. Books such as “*The History of the University of Dublin from 1516*” were written in this house.

In stark contrast to the respect shown by the work done in Europe under the auspices of the ELC, where ancient, holy sites are being sensitively restored in an urban area and where every effort is being taken to protect these structures from air pollution, here, in Dublin we are allowing flights directly over protected structures and their Yew gardens. Yew trees were planted in old graveyards to protect the spirituality of the place. Our European obligations could include trying to limit car traffic near these historic sites, ie not flying over them.

Our politicians tried to alter the European Landscape Convention wording and so change its meaning utterly. Words like “*balance*” and “*sustainable*” are endemic in almost all our

development plans. This modifying language is an aberration of European law mandating protection of historic protected structures and landscapes.

The courts use the argument of "Public Interest" to find against a party whose case is reasonable. It cannot be in the public interest to fly freely over homes and knowingly injure residents, especially a huge cohort such as in Fingal and Meath.

1.4 Others have mentioned proper planning for global aviation expansion would require basing satellite airports in less populated areas where proper planning would be in place to prevent residential expansion. There could be industrial units in this area with air purifying systems and noise insulating mechanisms in place. There would need to be monorail links to urban areas and established airports.

The game plan of the DAA is instead of designing for sustainable airport expansion, they are now in the process of developing plans for an infrastructure to back their plans. Dublin airport is already running at maximum capacity. They know they are devastating resident's lives and yet they trundle on trusting that every semi state body will capitulate and that we will have no option but to litigate torts for nuisance, personal injury and the intentional or reckless infliction of emotional harm.

## 2 Obliteration of democracy by DAA

2.1 Local Authority members are elected to represent their constituents. These elected representatives liaise and engage with County Councils regarding planning matters. Planning matters are further referred to ABP (An Bord Pleanála). People can make submissions such as this to voice their concerns at every step in this democratic process. And so, the FDP for the airport is based on the 2007 permission granted.

Judicial Reviews and the courts are available where there is continued dissatisfaction with a decision. These are systems in place to protect democracy and human rights of citizens. The flouting of the planning permission 2007 is also a flouting of the Aarhus convention, whereby the public have a legal right to fully partake in planning matters.

The DAA et al have flouted our democratic rights. They brazenly and enthusiastically ignore the planning they applied for and were given in a democratic process. They persistently ignore our constitutional rights to bodily integrity and the right to peaceful enjoyment of our homes and the right to a livelihood.

2.2 There is a collapse of democratic structures in Fingal and Meath. Why should any planning authority be vested in a county council when a conglomerate can override its decisions with utter impunity for over a year?

Why would any affected resident vote for an elected representative who for many months, did not adequately represent their concerns? Thankfully, this situation is now improving.

The DAA et al were on notice for some years now when there was an almost explosive return to normal passenger numbers. They failed to form a business contingency plan to cater for expansion in a democratic manner. No doubt they employed risk management personnel who should have been strategising contingency plans for expansion. There needs to be joined up thinking at a European level to regulate airport expansion in a democratic manner.

2.3 If this Relevant Action is granted, this will set an anarchic precedent. What will the unauthorised new role of our public representatives and ABP and the courts be? The DAA et al are pushing this outcome as inevitable in the media. It can't be set as a precedent. If it is then what are the legal grounds for mandating that all other citizens demolish their unauthorised developments?

2.4 Future planning cannot be determined by heavily invested companies flying illegally. There must be compliance by these companies with democratic planning processes.

The unfair competition is between socio-economically dominant corporate conglomerates with huge global ambition and ordinary people who sought out peace and tranquility in the rural settings of Fingal and Meath.

The NR costing €320 million and delivered on time, was the biggest infrastructural project of its time. It was financed with DAA revenue and borrowings.

Ryanair is on target in 2022 for an annual profit of at least 1 billion euros.

The DAA have 43 airline partners. A satellite airport can be financed by these conglomerates and the state using planning that is democratic from the outset.

2.5 For the ordinary resident, this is a David V Goliath situation of having our home lives destroyed by highly monetized corporate conglomerates coupled with the borderline paralysis of many semi state bodies.

Also omitted from this submission is any input whatsoever from a medical, psychological or psychiatric expert specialising in the fields of noise and toxicology.

The DAA / IAA have failed utterly in their duty of care to our community. No counselling or medical support has been offered even tho they know our community are suffering hugely. They only honour their fiduciary duty to their shareholders who absorb huge profits annually.

### 3 Quicker return to economic growth

3.1 The irony of the state exercising their duty of care to Irish citizens during the covid pandemic almost flawlessly is now in stark contrast to the residents of Fingal being harmed by a semi state body with no recourse except to take expensive legal action.

Why did the strategists of the DAA and IAA get the return to growth so wrong? My opinion is that there was always an intention to flout the planning granted in 2007. That planning application was never intended to be complied with. If this were not the case, then the designers, engineers and architects of the 2007 plans would be sued for a plan that was not fit for purpose. This never happened. The designing architects and engineers have never been challenged. The real intention of the applicants is now evident. The plan must have been to apply for planning that they could get and then flout that planning with flights along the most economical paths ie directly over up to 1 million Fingal residents, according to their own submission.

### 4. Earlier Fleet Modernisation

4.1 Research has shown that neither electricity nor hydrogen are or will be suitable fuels for aircraft into the future

Increasing flight numbers will nullify any possible benefit of flying more modern aircraft.



No detail is given by the EIAR quantifying the noise reduction with new aircraft. This information is available. Certainly, on the ground there is no discernible difference in noise level, if some of these aircraft are already in use.

#### 4.2 No Comprehensive Environmental Assessment.

No detail is given in this report regarding the decrease in emissions of these new aircraft. This is a glaring omission in an environmental report, whether this information had been requested or not. Perhaps it is detailed in an earlier submission? If not, this report is deeply flawed. I understand the EIAR are responding to the narrow and specific remit of the RFI, but this matter is too serious to omit ominous data even when not specifically requested. There is no updated environmental report adequately assessing the public health impact of these developments. Thus, there is no legal basis upon which this "Relevant Action" can be granted. A comprehensive EIA is a legal prerequisite for granting planning. It is part of the necessary process under EU law. This partial EIA invalidates this entire process.

The RFI excluded the effects of air pollution on humans.

Modernisation of aircraft will never evolve in our lifetimes to an acceptable level to justify unbridled flights over homes.

Thus the perception of the DAA that the modernisation of aircraft "*will continue to evolve*" is, in effect, a red herring. Aircraft will always involve noise and air pollution as they are not suited to quieter combustion fuels.

4.3 "*No G3 types are assumed by 2040 at DUB*". This assumption is proffered by those responsible for strategic development and planning at DUB. If they can only assume whether or not noisy aircraft will still be in use, then how credible are their other assumptions? Assumptions do not constitute a plan.

#### 5 Flight Path Changes

5.1 The proposed changes are "*based on actual routes flown*". The applicants are basing their plans on an assumed acceptance of their illegal, unauthorised flightpaths. There is a

total democratic deficit in asserting their assumption. Local residents are being seriously harmed by these flights Yet, despite this, the applicant is assuming their current flight paths are a basis for modelling their future routes. The IAA was consulted prior to the North Runway completion. The IAA thus share liability for the deleterious health effects on Fingal residents. Minutes of these meetings should be made available in the interests of due diligence, transparency and corporate accountability.

FCC 2007 planning stipulations have been absolutely flouted. There is a raw arrogance in this assertion. It flies in the face of WHO and all academic research on harm done by air traffic. How safe is it for the stakeholders in this matter to not accept the reality of the harms done by these unauthorised flights?

5.2 What is the cost benefit analysis to the state and other stakeholders when people in our demographic become ill with actionable symptoms that can be causally linked to aircraft noise and air pollution? This certainly, could have a detrimental effect on airport and airline profits. It might be more frugal to build a third terminal in an area that is compliant with planning strategies into the future. This might ameliorate liability. These stakeholders can certainly afford to plan and strategise for an effective expansion of business that is compliant with planning.

The culture of profit making at all costs is toxic to Fingal and East Meath residents. Meeting corporate targets at the expense of the quality of life, and even the lives of Fingal residents, is the modus operandi of modern aviation. Strategies to expand passenger numbers are rewarded by massive bonuses. Fingal residents are mere collateral damage. Michael O'Leary's bonus stand at €100 million for this year. The airlines are accruing massive profits at the expense of residents that can't afford individual litigation to try to protect themselves. Those responsible for destroying our lives are amassing huge profits by this very behaviour.

5.3 The intention is to use the current flight paths, which are harming residents, to model "assumptions into the future". Their perception is that it is a foregone conclusion that their illegal flightpaths have now, somehow assumed legitimacy for future planning. I want to know the precise legal mechanism whereby this legitimacy has been accepted? There is no such legal mechanism to legalise the illegal regarding very harmful flightpaths.

## 6 Report on awakenings by noise during sleep

6.1 Prof Penzel states one of the purposes of his report is to assess whether the approach suggested is an appropriate assessment tool. In his report, it remains unclear as to what an appropriate assessment tool might be.

## 7 What constitutes an awakening and how do we measure significance?

7.1 *"The number may vary with age, it increases with age, the number may vary with worries due to any condition like stress, family or workalike issues".*

*"This means the perception of the air traffic appears to have a real objective impact on health and sleep".*

7.2 Indeed, the "perception" of ones home being rendered unfit for human habitation, the financial stress involved in watching children being constantly upset by planes flying overhead, the fact that the DAA have never tried to ease the impact on residents other than glazing for a few, the knowledge of the known effects of aircraft noise and pollution, etc form collectively quite a realistic perception that would indeed keep any sentient being awake at night with sheer dread.

The DAA could stagger flights over different flightpaths, they could ensure that pilots fly on authorised flightpaths only. Pilots are flying wily nilly at the moment. Some flights are flying directly over homes that are remote from any flight path whether authorised or not.

7.3 *"There are researchers who consider that the probability of additional awakenings is an appropriate measure of the impact of aircraft noise".*

*"...the paper identifies a link between aircraft noise and awakenings"..*

7.4 Prof Penzel concludes the definitive method for assessing awakenings is be EEG as in the NORAH study.

As this methodology is highly unlikely to be executed in Fingal and Meath homes, it would be advisable to accept residents subjective complaints of how the noise affects their sleep.

So this is the answer to ABPs RFI.

#### 7.5 The massaging of the metrics in measuring noise quotas is an exercise in futility.

The average quota system requested dilutes individual effects. This is an acceptable international standard in the world of statistical analysis.

The device of manipulating the noise quota metrics will achieve nothing. It will not lessen a persons measured and actionable anguish when measured by standardised questionnaire forms. Accountability in the courts for damaging people seriously will not be lessened by trying to manipulate the metrics. The perception of the harms visited on affected residents including;

1. Never having restorative sleep, 8 hours is not enough for some people.
2. Continuous dread wondering when this nightmare will stop
3. Losing the monetary value of ones home
4. Having very little energy
5. Knowing we are now predisposed to mental ill health
6. CVA
7. Cancer
8. Respiratory and Cardiac Disease
9. the total loss of quality of life
10. the inevitable loss of years of life

Juggling with the metrics won't provide a statistical device sufficient to obscure this reality. In fact, air quota systems might allow unlimited flights and a constant noise in our skies. Those who accept this standard international practise when applied to matters of human health, need to critique this approach.

### 8 Bickerdale Report

8.1 Bickerdale assumes 1 million persons is affected to a greater or lesser extent.

pg 6 *"Changes to the distribution of the aircraft on the runways following analysis of the distribution of the flights in 2022".*

Again, the assumption is that the flightpaths with no planning permission are now the basis of the future modelling of flightpaths.

pg 7 *"the percentage of the population highly sleep disturbed, self reported, assessed with a standardised scale is "the most meaningful, policy relevant measure of this health outcome" WHO.*

8.2 So in order to accurately assess the effects of noise pollution, each individual would have to fill in a questionnaire, possibly a simple analogue scale. The result of air pollution to date remains unquantified.

## 9 EIAR supplement 2023

9.1 This is prepared for the DAA and thus, is not independent of potential bias.

Again, their report is based on the illegal flightpaths from the NR. The authorised flightpaths with planning permission have been ignored. Thus their future projections are not valid.

9.2 Their literature review is incomplete. There are omissions in their review that could pose a huge danger to already compromised health of residents. Due diligence would require the inclusion of all important, relevant literature.

For instance, the IARC have categorised outdoor air pollution as carcinogenic to humans. Specifically there is a provable causative link between lung and bladder cancers to air pollution exposure. There is no safe level that can protect humans from the various harms. This runs contrary to the report wherein it is stated that the Relevant Action, if passed would pose no further threat to affected residents.

On every level, this is nonsensical. If the Relevant Action is successful, there will be more flights and inevitably more human suffering from increased noise and pollution. One doesn't need an expert report to ascertain this.

9.3 cf, WHO press release no 221;

**IARC,; Outdoor air pollution a leading environmental cause of cancer deaths.**

9.4 Basner, Loomis, leading global experts in noise pollution and the WHO have all

concluded that the only way to definitively assess noise annoyance and its impact is by analogue, individual assessments, as impact is dependent on perceptions. So how valid can these projections be when this methodology has not been used in Fingal? The conclusions in the report are a white wash.

9.5 Omitted from the report are at least a further 60 academic studies. There is a proven link between breast cancer reoccurrence and aircraft pollution. There is a provable link between delayed neonatal neurodevelopment. Where are these even mentioned in this report? Of course, the perception is a knowledge of the decimation of the value of homes, the knowledge that the DAA fully intend to continue flying over our homes with total disregard for the mental and physical health of residents.

#### 10 Air pollution has been linked with neonatal deaths.

10.1 Listed below is a mere sample of five reviews of a multitude of studies available on a simple google search;

1. 1. *"Air pollution to blame for one-fifth of the global burden of newborn health disorders"*, [environment.ec.europa.eu](http://environment.ec.europa.eu)
2. *"Ambient air pollution and infant health"*; a narrative review, the [lancet.com](http://lancet.com)
3. *"Before the first breath; why ambient air pollution and climate change should matter to neonatal-perinatal providers"*, Journal of Perinatology 2022 M Long
4. *"Air pollution and children's health - a review of adverse effects associated with prenatal exposure from fine to ultra fine particulate matter"*, NM Johnson 2021 [environheafthprevmed.biomedcentral.com](http://environheafthprevmed.biomedcentral.com).
5. "State of Global Air 2020 Report, the Guardian newspaper, *"Air pollution is now the fourth highest cause of death globally, just below smoking"*.

#### 10.2 Link of air pollution with breast cancer;

Again, there are a plethora of articles on a quick google search on this topic.

1. *"Association of air pollution with post-menopausal breast cancer risk in UK Biobank"*, C Smotherman 2023, [breast-cancer-research.biomedcentral.com](http://breast-cancer-research.biomedcentral.com).

2. Air pollution is also causally linked to a recurrence of breast cancer. Cf. *infra*

### 10.3 Link of air pollution with brain cancer:

1. *“Air pollution nanoparticles linked to brain cancer for first time”*, the Guardian newspaper *“Air pollution may be damaging every every organ and virtually every cell in the human body”*.

Journal of Epidemiology

2. *“We have measured these outside primary schools in the UK where UFP particle numbers regularly exceed 150,000 per cubic centimetre of playground air”*. Prof Barbara Maher, University of Lancaster, UK.

In Fingal, the best the DAA et al can do is offer insulated glazing in playgrounds. What an inappropriate and irrelevant suggestion. So the children can hear a little better in the classroom, but they are in real danger of developing serious illnesses over time, and even more so if they go out to play.

### 10.4 The Effect of Noise Annoyance on Human Health:

10.4.1 The term annoyance is used to describe the abject despair of having to endure almost continuous overhead flights. If more accurate terminology was used such as stress, depression, GAD, PTSD was used, the effects of these flights without any increase in flight numbers, would already result in literally thousands of studies leaving no doubt as to the connection of these flights with deleterious effects on mental and physical health.

10.4.2 A brief google search on effect of noise annoyance on human health reveals hundreds of studies and academic articles;

*“WHO 2018 The WHO states that noise annoyance leads to anger, disappointment, dissatisfaction, withdrawal, perceived loss of control or even helplessness, depression, anxiety, distraction, agitation or exhaustion and sleep disturbance”*. Annoyance- [anima project.eu](http://anima.project.eu)

*“Association between Noise Annoyance and Mental Health Outcomes:A systematic*

*review and Meta-Analysis.*" International Journal of Environmental Research and Public Health [ncbi.nlm.nih.gov](https://pubmed.ncbi.nlm.nih.gov/).

The researchers found 350 articles in Web of Science, PubMed, Scopus, and PsycINFO database searches on annoyance and health.

They conclude *"Highly annoyed participants had an almost 119% increased risk of mental health problems as assessed by short form (SF-12) or General Health Questionnaire(GHQ)"*.

10.4.3 SF or GHQ are the most accurate assessment tools. This form of assessment has not yet been undertaken in Fingal, where up to 1 million persons may be adversely affected, according to EIAR demographic reports.

#### 11 Inaccurate baseline renders all future projections and assumptions unreliable

11.1 The annoyance levels relied upon in this EIAR report date from 2022. Was this before the DAA commenced their illegal flights or after?

11.2 If after, then only four months of this data, or one third of it is perhaps reliable. Thus the baseline measures of this report are completely inaccurate.

11.3 If before August, the data baseline is also inaccurate as the amount of flights was not particularly problematic before August 2022.

#### 12 Summary on EIAR supplement;

12.1 The projections, multiplicands and assumptions of this report are based on an erroneous baseline of actual illegal flights at some point in 2022. This invalidates the projected effects into the future.

12.2 There is a serious omission in chapter 7 where the literature review was updated. Critical information on the health effects on neonatal health, delayed development in childhood, studies done on air quality in Playgrounds, role of air pollution in causing and increasing cancers including breast, lung and bladder.

12.3 This is a failure of corporate due diligence on the author's part. It is a failure of omission. The consequences of such an omission could prove deleterious to the future of the DAA



and IAA. Huge resources would be required to compensate our community for such foreseeable injury.

### 13 Omission of foreseeable injury

13.1 This report as is, would render these particular harms unforeseeable. Thus I urge ABP to further research the additional harms so that you can be better informed of these devastating results from air and noise pollution. Again proper research of this information is a matter of corporate due diligence.

### 14 Pilots are concerned

14.1 Some brave pilots have shown concern in the media and at a meeting recently. They state there is no effort on behalf of the DAA to mitigate the effects on residents. There is a refusal to entertain engaging Baldonnell as a satellite airport. Paul O'Brien in the media, reported this would not be difficult to do. The DAA erroneously declared this approach to be impossible for aircraft. The pilot flying the craft knows it is not difficult. The DAA just won't do it.

14.2 There are staggered flights out of Germany and the UK to ease the looming health burden on residents. The DAA have not bothered doing this.

14.3 This also demonstrates a gap in EU Law. There should be uniformity in flightpath regulations across member states.

14.4 There has been a suggestion to re-route freight flights away from Dublin. Has this been done? Probably not.

### 15 No assessment has been done on psychological effects

15.1 No expert report has been done on the psychological effects. Perhaps this has been covered in earlier submissions? If not, this is a failure of due diligence as all parties are aware of the devastating psychological impacts on residents to date. Is there not a Duty of care to residents by some of these semi-state bodies to establish baseline health and track harms to residents? This is being ignored.

### 16 The lack of corporate governance.

Thus far is stark;

16.1 FCC took a long time to enforce their statutory obligations. Flights were correctly classified as unauthorised developments, but no immediate action was taken. FCC are now fully engaged.

Gardai won't act under disturbance of the peace statutes

EPA are almost silent

Dir of Corp end has failed to enforce.

The DAA et al expect to continue to operate with legal impunity. Thus far, they are answerable to no enforcing bodies except FCC. This, is a form of semi-state discrimination against ordinary residents in favour of those with Deep Pockets.

### 17 Lack of Access to Justice

17.1 Affected residents are having their constitutional rights absolutely flouted. We have rights to bodily integrity and rights to a livelihood. These flights have wiped out all equity in our homes. That is an attack on our livelihoods.

We have a right not to be discriminated against. But how do we exercise these rights when up against corporate conglomerates? We have very poor access to justice in comparison.

### 18 How many Assumptions have proven erroneous thus far?

1. Erroneous projection of return to growth post covid.
2. Erroneous design of flightpaths taking off from NR
3. Current night flights far in excess of 65.
4. Current totally unregulated flightpaths over homes
5. Lack of predictability that flightpaths would go over homes
6. Claiming only a small number of residents affected when 1 million is quoted in their own reports.
7. Breach of passenger cap in 2019 and scheduled to breach again in 2023
8. Breach of 2007 planning granted
9. Claiming he is engaging with residents. He has never met us.
10. He is blocking my last email.
11. Total lack of compliance with the FDP
12. The DAA et Al have had knowledge of expansion needs since 2019. They have refused to engage honestly with Fingal planning authorities since then

The amount of errors informs the lack of credibility of Mr Jacobs assertions in their entirety. Our community can no longer trust the DAA at all.

### 19 The Convention for the Protection of the Architectural Heritage of Europe

19.1 Rowlestown has a cluster of protected buildings at its core, my property, Rowlestown House an old graveyard and the Corn Mill. The surrounding area has been designated an ACA (Architectural Conservation Area) and thus, is protected also. Development cannot interfere with the character of the setting of a protected structure or the character of an ACA.

19.2 Overhead flights every two minutes is a reckless breach of these European protections and derivatives.

19.3 Otherwise known as the Granada convention, it was ratified by Ireland in 1997, making it incumbent upon Ireland to enact statutory measures to “*protect*” its architectural heritage. Note the legal obligation is to protect and not to “*balance, guide, have regard to*” etc.

19.4 The Local Government (Planning and Development) Act 1999, since consolidated in part iv) of the Planning and Development Act, 2000 implements appropriate supervision and authorisation procedures to protect listed buildings and their attendant grounds and ACA areas by force of law.

19.5 It is undesirable that the airport is struggling to accommodate passengers. But, it is more undesirable that historic buildings and landscapes be lost forever, smothered in aviation noise and air pollution, because the legal instruments to protect them have not been invoked which is, in itself, a breach of European Directives.

19.6 I note the current Fingal Development Plan refers to the DALAP Dublin Airport Local Area Plan for protections for protected structures.

9.8.2 of the DALAP refers to the protection of only specific structures within the curtilage of the airport. Protected structures and landscapes have been completely ignored in this plan and the current FDP with regards to the development of the airport.

Thus I refer to the older FDP 2023, as it is more in line with legal European Law protections.

20 Excerpts from;The Heritage Council Submission to the National Planning Framework  
2040  
November 2017

Pg 9, 3.3; *"Accordingly, it is submitted that new Section 28 Landscape Assessment Guidelines will be needed as the Section 28 Guidelines (2000) are still in draft form over 17 years later. The Heritage Council recommends that this chapter includes a National Policy Objective to support the formulation of a National Landscape Character Assessment/NCLA, as per the NLS 2015 - 2025. Council sees the development and use of such a resource as fundamental to the planning and management of landscape change in Ireland".*

Pg 11; 3.8, *"It is unclear how "change" in our landscape (i.e. ALL landscapes as per the ELC definition) will be monitored without a robust base-line....The Heritage Council submits that given the scale of landscape changes envisaged within the lifetime of the NPF 2040, a comprehensive monitoring framework for landscape and cultural heritage needs to be devised and implemented".*

Pg 12, 3.8; *"Given the degree of change projected in the NPF 2040, the monitoring of changes to cultural heritage will be a pressing area. At present, our "systems" are not measuring changes in historic environment in any meaningful way, e.g. trends in Protected Structures, Architectural Conservation Areas (ACA's), Recorded Monuments, developmental impacts or mitigation measures required through EIARs, etc. A review of how this is measured and monitored and viewed in terms of Strategic Environmental Assessment is also required (SEA)".*

Pg 18, 5.3, (3); *Robust Section 28 Guidelines are required in relation to Landscape Character Assessment, including Historic Landscape Characterisation".*

To my knowledge, this requirement has not been done.

Pg 28; *The "Historic Landscape Characterisation" should provide a wider and more varied landscape context for historic landscape resources such as Records of Protected Structures".*

## 21 Noise and Tranquillity

21.1 The amenities that would be lost should this Relevant Action and other actions succeed includes the visual enjoyment and the tranquility and privacy of the settings of the protected structure and an ACA.

21.2 The nuisance of loss of quiet enjoyment of ones property is actionable. My own and my neighbours' quality of life is hugely impacted. The loss of amenity is actionable especially where the loss is as a direct consequence of breaches of statutory protections for historic landscapes, amongst other numerous breaches.

21.3 Airport noise; Pursuant to EU Directive

*"Obstacles Limitation Requirements of Regulation No 139/ 2014", it is not possible to mitigate for aircraft noise in an external amenity or open space".* Rowlestown is in Zone D and is comprised of the ACA and unzoned, historic land,

21.4 National Planning Framework regarding Historic Landscape Characterisation  
NPO 61;

*"Facilitate landscape protection, management and change thro the preparation of a National Landscape Character Map and development of guidance on local landscape character assessments, (including historic landscape characterisation), to ensure a consistent approach to landscape character assessment, particularly across planning and administrative boundaries".*

## 22 Architectural Heritage Protection; Guidelines for Planning Authorities 2011

22.1 (13.1) The statutory basis for these guidelines is set out in the preamble and is pursuant to Part iv) of the Planning and Development Act, 2000 (as amended), S52(1) for the Protection of Structures or parts of Structures, and the preservation of the Characteristics of

ACA's.

## Chapter 13 (13.3) Determining the Attendant Grounds of a Protected Structure

(13.2.1); *The attendant grounds of a structure are landscapes outside the curtilage of the structure but which are associated with the structure and intrinsic to its ..setting and /or appreciation.*

This definition captures Rowlestown House, the Corn Mill and their setting/ attendant grounds/ historic landscapes and ACA.

### 22.2 (13.7.1) Development within the Attendant Grounds, including settings

As the flightpaths constitute an unauthorised development, the criteria listed below for protecting historic landscapes applies.

*“...The planning authority should consider;*

- a). Would the development affect the character of the protected structure?*
- b). Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds.*
- c). Would the protected structure remain the focus of its setting?*  
*How would this affect the character of the protected structure and its attendant grounds?”*
- e). Do the proposals respect important woodland and parkland? Do they conserve significant landscape features?”*
- f). Are there important views to or from the structure that could be damaged by the proposed development?*  
*Would important vistas be obstructed by the new development?*
- g). Would distant views of important architectural.....landmarks be blocked or changed?*

#### ***Would a significant skyline be altered?***

- h). “Even where the proposed development is at a distance from the protected structure, could it still have an impact?*
- i). “Where the new works would not be directly visible from the protected structure, would they be visible from the approaches to the structure or from other important sites or features within the attendant grounds?”*

In applying these criteria and questions to this Relevant Action, the answer to each question is a resounding confirmation of the travesty that this plan represents for Rowlestown's historic lands and ACA.

#### 22.3 13.8 Other Developments affecting the setting of a Protected Structure or an ACA

*13.8.1 "When dealing with applications for works outside the curtilage, or attendant grounds of a protected structure or outside the ACA, which have the potential to impact upon their character, similar consideration should be given to as for proposed development within the attendant grounds".*

#### 22.4

*13.8.2 'New development both adjacent to, and at a distance from a protected structure can affect its character and..impact on it in a variety of ways".*

*"A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible of or from the protected structure".*

#### 22.5

*13.8.3 "The extent of the potential impact of a proposal will depend on the location of the new works, the character and quality of the protected structure, its designed landscapes and its setting, and the character and quality of the ACA. Large buildings, sometimes at a considerable distance, alter views to or from the protected structure or ACA and thus affect their character".*

*"Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA".*

### 23 DRAFT FINGAL DEVELOPMENT PLAN 2016-2023

23.1 I bought my house based on the reassurances in this legally binding document. As Rowlestown is under constant threat of urban expansion, I have dedicated most of my limited energy to trying to protect this sylvan setting from having its character destroyed. I

appreciate the beauty of our heritage. I appreciate the beauty of Ardgillen Desmesne hugely. It is a bastion of tranquillity in Fingal. I am trying to prevent Rolestown ACA from losing its exquisite, historic tranquillity. There is no other hamlet in west Fingal with such an historic setting, as far as I know.

#### 23.2 Pg 329 Landscape character type - sensitivity

*“...where any proposed development would seriously damage a character or eliminate an irreplaceable value, such a landscape would be considered to be highly sensitive’.*

The ACA setting of Rowlestown is categorised as highly sensitive historic landscape/attendant grounds. It would be permanently obliterated by this development and not just seriously damaged.

*“The protection of views and riparian corridors from inappropriate development is of paramount importance in these areas”.*

The original tranquil parkland views will no longer exist if these plans succeed with flights every couple of minutes across the skyline, if not adequately protected.

#### 23.3 Pg 330 Principles for Development

*“The skyline should be protected”.*

The skyline of the historic landscape is not being protected.

#### 23.4 Pg 332 Landscape Character Assessments Objectives;

Obj NH 34

*“Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as...historic heritage, local vernacular heritage, land-use and tranquillity”.*

How can this objective be reconciled with constant flights overhead?

23.5 At all other times Rowlestown House and her setting provided a haven for children playing hide and seek in her gardens and grounds. These ancient trees remain intact in a



purposeful tho eclectic design and have a distinctive, haunting nature.

Loss of the amenity of tranquillity or the nuisance of noise was is the primary impact these flights are having on Rowlestown House and her grounds. The tranquillity will be entirely lost if the DAA plans succeed. This finding directly contravenes this objective that places a premium on tranquillity and sense of place, especially for the setting of an historic house.

#### 23.6 Obj NH 35

*“Resist development...which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value which it is necessary to preserve”.*

A protected structure is highly sensitive. Rowlestown House and her grounds and the Corn Mill should be protected. Likewise the views towards Rowlestown house should be preserved under this Objective.

#### 23.7 Obj NH 36

*“Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not distract from the scenic value of the area”.*

This unauthorised development is destroying the tranquillity and scenic value of the setting of a protected structure.

***“New development in highly sensitive areas SHALL NOT BE PERMITTED if it;***

***Causes unacceptable visual harm***

***Introduces incongruous landscape elements***

***Causes the disturbance or loss of***

***i): Landscape elements that contribute to local distinctiveness***

***ii) Historic elements that contribute significantly to landscape character...such as field..”.***

***iv) the visual condition of landscape elements***

This development will cause unacceptable visual harm. It will introduce an entirely incongruous landscape. This objective precludes such development of this ACA. The local distinctiveness will be lost and the historic element will be obliterated. Because of the gentle rolling topography of the landscape, these flights are completely obstructing the historic

skyline.

#### 23.8 Obj NH 38

*“Protect skylines and ridge lines from development”.*

These flightpaths are already a material contravention of this Objective.

#### 23.9 Obj NH 39

*“Require any necessary assessments including VISUAL IMPACT ASSESSMENT, to be prepared prior to approving development in highly sensitive areas.*

The visual impact of these flights are destroying the historic rural views from and to Rowlestown House and her attendant grounds and the ACA.

### 24 Chapter 10 Cultural Heritage Fingal Development Plan (FDP)

#### 24.1 Statement of Policy

*“The Council is committed to the protection and conservation of ...areas...sites..of ..historical, artistic, cultural, social,..interest”.*

*-“By safeguarding..monuments, objects AND THEIR SETTINGS listed in the Record of Monuments and Places (RMP).*

*- “By protecting the architectural heritage of Fingal through the identification of protected structures, the designation of ACA’s, the safeguarding of designed landscape and historic garden....”.*

*- “By the preservation in -situ...of ALL sites and features of historical interest.*

These flights are a material contravention of this Objective. Undoubtedly, the setting of Rowlestown House and ACA should be preserved as an area of historical, cultural and social interest.

The Heritage Council commits to the preservation of all sites of historic interest, ie not only designed landscapes.

### 25. Architectural Heritage FDP

25.1 *“Part (iv) of the Planning and Development Act, 2000(as amended), provides the legal*

*basis for the conservation.... of the Architectural heritage”.*

Pg 355- Designed Landscapes, Historic Gardens, Demesnes and Country Estates

*“Historic designed Landscapes relate to gardens, parklands, estates and public parks that were deliberately designed for artistic effect”.*

*“By using both natural and built features such as trees...watercourses, vistas/views,..gates, an architectural and horticultural composition was created for the enjoyment of the owners or the general public”.*

*“These Landscapes could be “naturalized” parkland made to look like the rural countryside but which had been carefully planned thro the placement of independent or groups of trees, expanses of open lawns...that allowed uninterrupted views of pastoral scenes”.*

25.2 Hence, the historic landscape is captured and protected in its entirety by these instruments to enforce the legal protections afforded by part (iv) of the Planning and Development Act.

25.3 The gardens at Rowlestown House are listed on the NIAH. An old water feature was omitted. The map shows the designed orchards, gardens, vistas from the gardens across the parklands to the gates.

25.4 Obj CH 45

*“Utilise existing surveys to identify and evaluate the surviving historic designed landscapes in Fingal and promote the conservation of their character, both built and natural”.*

Granting the Relevant Action is a material contravention of this objective.

26 “A Future For Irish Historic Houses? A study of Fifty Houses

26.1 In this study sponsored by the Department of the Environment, Heritage and Local Government, and the Georgian Society, Prof Dooley states the following;

*“At Ardgillan, Malahide and Newbridge, parts of the landscape have been compromised by the creation of football pitches”.*

*“..who would buy a house such as Rathfarnham, which is quite literally situated in the middle of a public park..?”*

*“At Headfort, ...the parkland has been greatly compromised by its transformation into a golf course”.*

*“The historic parks, gardens and demesnes which provide the setting for historic houses are all an important component of our national heritage..”.*

Prof Dooley and other experts lament the development of golf courses having *“damaging repercussions for the integrity of houses and their settings”*.

26.2 The prospect of golf courses was not acceptable to these expert historians. I expect the prospect of being under a relentless flightpath would be considered a travesty. I would have been delighted with a golf course on the historic landscapes. At least the grasslands would not be built on and the beauty of the skyline would not be totally obliterated.

## 26.2 Conclusions

Each and every point made by myself in this document should end with the sentence *“The proposed development would be contrary to the proper planning and sustainable development of the area”*.

In November 2019, a developer lost their challenge to An Bord Pleanála's decision to refuse planning for a wind farm in Cork. The decision to refuse permission was in part due to the cumulative impact on the landscape the development would have.

The ratio decidendi of another case refusing an Bord Pleanála leave to appeal a decision was that the proposed development by Burkeway in Bearna, Co Galway, was found to be in material contravention of the development plan and among other things that the Board did not properly comply with the CDP for Galway. Thurs Dec 5th 2019 J Garrett Simons

Likewise, the Ratio Decidendi of the recent Durkan case in the high court "*The Durkan development involved a material contravention of the development plan, policies and objectives in relation to the housing density and public open space*". Judge Garrett Simons.

These findings also could apply to the proposed Relevant Action development.

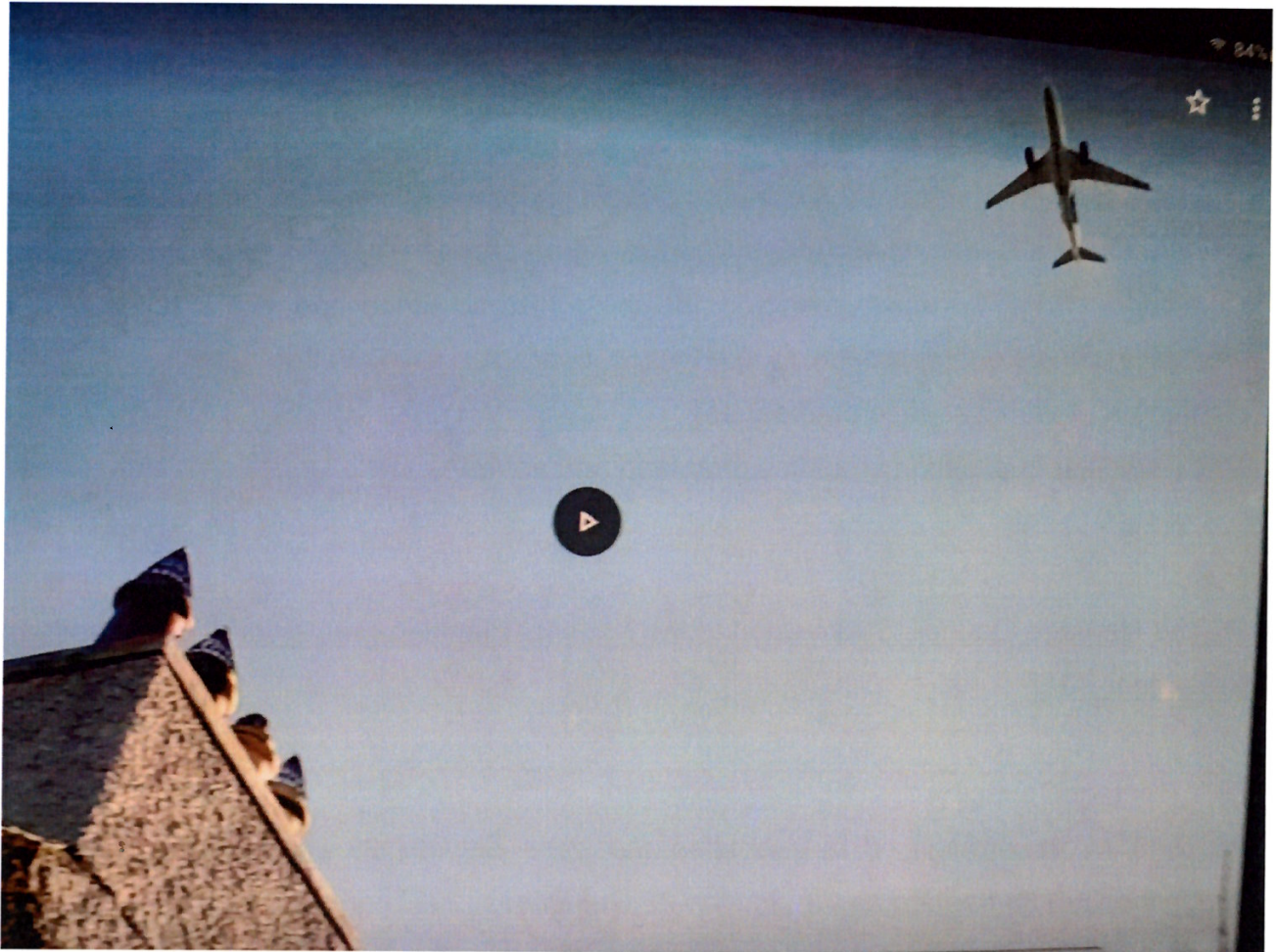
26.3 Overriding all these matters is the compliance or otherwise of this development with EU



law and the legal instruments that enforce it to protect historic landscapes.

Above is a video showing just two of the yew trees on the grounds. The peacefulness emanates from this video. This is prior to August 2022. If you click on the middle of the picture, it might play. You can hear the relief in my voice at finding such a peaceful place as a victim of a murder attempt that left me with chronic headaches. I thought I had finally found the perfect place for me.





Since August 2022. There is no peace now. Its shattered entirely. Flights come over the house and close to the house on no authorised flightpath.

27 Architectural heritage Protection; Guidelines for Planning Authorities 2011

28 Excerpts from Project Ireland 2040, National Planning Framework, npf.ie;

Of note, there is no meaningful reference to aviation expansion planning in the npf to date. There are opportunities to correct this with submissions in the future. There should be a

Ministry of Aviation established, or at least a working group on aviation expansion within this framework.

#### 28.1 National Policy Objective 61

The Objective is to *“Facilitate landscape protection, management and change through the preparation of a National Landscape Character Map and development of guidance on local landscape character assessments, ( including historic landscape characterisation), to ensure a consistent approach to landscape character assessment, particularly across planning and administrative boundaries”*.

This particular application straddles rural land and an ACA.

#### 29 The Heritage Council; Submission to the National Planning Framework - Excerpts from; November 2017

##### 29.1 HeritageCouncil.ie

Pg 9, 3.3; *“Accordingly, it is submitted that new Section 28 Landscape Assessment Guidelines will be needed as the Section 28 Guidelines (2000) are still in draft form over 17 years later. The Heritage Council recommends that this chapter includes a National Policy Objective to support the formulation of a National Landscape Character Assessment/NCLA, as per the NLS 2015 - 2025. Council sees the development and use of such a resource as fundamental to the planning and management of landscape change in Ireland”*.

29.2 Pg 11; 3.8, *“It is unclear how “change” in our landscape (i.e. ALL landscapes as per the ELC definition) will be monitored without a robust base-line....The Heritage Council submits that given the scale of landscape changes envisaged within the lifetime of the NPF 2040, a comprehensive monitoring framework for landscape and cultural heritage needs to be devised and implemented”*.

29.3 Pg 12, 3.8; *“Given the degree of change projected in the NPF 2040, the monitoring of changes to cultural heritage will be a pressing area. At present, our “systems” are not measuring changes in historic environment in any meaningful way, e.g. trends in Protected Structures, Architectural Conservation Areas (ACA’s), Recorded Monuments, developmental impacts or mitigation measures required through EIARs, etc. A review of how this is measured and monitored and viewed in terms of Strategic Environmental*

*Assessment is also required (SEA)".*

29.4 Pg 18, 5.3, (3); *"Robust Section 28 Guidelines are required in relation to Landscape Character Assessment, including Historic Landscape Characterisation".*

29.5 Pg 28; The *"Historic Landscape Characterisation"* should provide a wider and more varied landscape context for historic landscape resources such as *Records of Protected Structures*", including *"Demesne Landscapes"*.

30 Anecdotal case, how I am personally affected as a resident

Copy of body of email I sent to the DAA some time ago. No response. Please forgive repetition. I am attaching email in its entirety.

A subsequent email giving him an update on my circumstances was blocked by Mr Jacobs. I have only sent two emails. So his claims of meeting residents over their concerns is just more spin on his narrative.

Dear Stakeholders,

I am hereby informing all stakeholders of the circumstances I am enduring due to the illegal flight path activity directly over my house Rolestown House, Swords. I am putting parties on notice of possible current causes of action and future causes of action should night flights be allowed. I note the allowance of night flights would serve to allow an amendment to the illegality of the current flight paths.

I want to bring to your attention the far reaching and devastating consequences of your actions on my life, my health and the huge financial loss I have incurred as a direct result of this illegal flightpath.

**Damage to my health, an attack on my right to bodily integrity:**

**Stress;**

I am extremely stressed at the frequency of flights coming over the house. I would be a case of egg shell skull. I had a serious head injury over 20 years ago. I suffer chronic headaches and earache, etc. The stress of flights overhead every few minutes because of the nature of my disability is not tolerable. The illegal flights by the DAA and allowed by the IAA have made it impossible for me to live in my house. With each airplane, I am reminded of the decimation of the value of my property



as well as the exacerbation of my earache.

The earache is diagnosed as neuropathic neurogenic pain. It is excruciating and impossible to control. Aircraft directly overhead is beyond torture. Research shows the noise and pollution does kill people at this level. Knowledge of this makes my situation impossible.

The stress of this is exacerbating my headaches and my PTSD symptoms. I hold all culpable stakeholders responsible for my having to live elsewhere. This has also brought the restoration of my property virtually to a halt as I am not there long enough now. The knock on effect of this is a decimation in the market value of the property.

### **Cancer;**

I also have cancer for which I had 2 operations in November / December last. My main risk factor is stress and air pollution. I don't have a genetic propensity. Neither is drinking or smoking a risk factor for my cancer. Should my cancer recur, I again will hold the stakeholders responsible in so far as causation can be ascribed. This situation is my main stressor. It has been established in the literature that air pollution and, or stress can cause cancer or the progression of an existing cancer. So how am I supposed to ever return to my home? Who can I sell it to? Someone with no history of cancer, yet?

Below are just 4 sample articles re air pollution and breast cancer. There are loads more.

2. [aacrjournals.org](http://aacrjournals.org). *"Air pollution and Breast Cancer; An Examination of Modification By Underlying Familial Breast Cancer Risk". "Nitrogen dioxide (NO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), traffic derived air pollutants, have been consistently associated with an increased risk of breast cancer"*.
3. [nature.com](http://nature.com). *"Impact of air pollution on breast cancer incidence and mortality; a nationwide analysis in South Korea". "There is growing evidence indicating that air pollution is a risk factor for breast cancer"*.
4. [aacr.org](http://aacr.org). *"Air Pollution May be Associated With Many Kinds of Cancer". "A new study suggests that pollution is also associated with increased risk of mortality for several other types of cancer, including breast, liver and pancreatic cancer"*.
5. [nationalgeographic.com](http://nationalgeographic.com). *"Plane Exhaust Kills More People Than Plane Crashes"*.

## Noise;

I note on page 3 of Comhairle Chontae Fhine Gall, Record of Executive Business and Chief Executives Order, re planning reference number F19A/0626;

*"Subject site is located within the Dublin Airport Assessment Zone D therefore noise mitigation measures would be required for residential development".*

This appears to contradict the EU Directive "**Obstacles Limitation Requirements of Regulation No 139/2014** which states it is not possible to mitigate for aircraft noise in an external amenity or open space.

Hence the need for planning permission for flightpaths over open fields and the need to buy out affected households.

Insulated glazing is an insult to those who would like to enjoy being outdoors on their gardens too, as is their legal right. Are we expected to sit in our kitchens for the rest of our lives?

It is now established in academic medical literature that aircraft noise causes an increased "**Risk of cardiovascular mortality, stroke and coronary heart mortality associated with aircraft noise around Congonhas airport: Brazil**"

## Pollution;

According to the Los Angeles Times; *"aircraft exhaust is the main source of airport pollution at major urban areas in the US. Scorching exhaust vapour from airplanes creates ultra fine particles, which can worsen lung and heart conditions and even lead to blocked arteries".*

It has also been accepted by academics that although most air pollution research is done on traffic exhausts, the same results apply equally to particulate pollution produced by aircraft in the conclusion remarks in this study; "**A review of health effects associated with exposure to jet engine emissions in and around airports**". [Biomedcentral.com](http://Biomedcentral.com)

The DAA will be aware of all these risks to a persons physical and mental health that are now undeniable. Presumably these risks form the rationale for the buyout schemes for houses most affected. There are now a host of households affected due to these illegal flights. The stakeholders responsible can no longer deny the harm being caused to residents of considerable expanses of Fingal that are now being overflown continuously. A plethora of research is now being done on the effects of foetuses in utero, one example of such articles is listed here. The DAA is heading for a cascade of health claims against it by injured parties into the future. Causation will be much easier to prove over the next few years with the extent of current research. Rest assured, insulated glazing

will not appease injured parties.

6. ScienceDirect.com. "In-utero exposure to air pollution and early life neural development and cognition". "Air pollution is a significant threat to developing brains the very beginning of life, even at low levels".

There are about 30 research articles on this topic.

### **Breach of my Constitutional rights;**

I have a constitutional right to the peaceful enjoyment of my property i.e not the peaceful enjoyment of my house but not my garden. I have an equal right to the peaceful enjoyment of my garden. Prior to purchasing the house, I referenced the Local Area Plan, the County Development Plan and the 2007 Planning Permission for flight paths. I was reassured by these legally binding documents and bought my lovely property thinking my right to its peaceful enjoyment is legally well protected. I bought in this rural location precisely because it is quiet, peaceful and the air is not polluted. I claim my legal right to the peaceful enjoyment of my house and its historic landscape.

The landscape is indeed historic as has been documented by landscape historian Finola Reid. Dr Reid has done a recent report on Rolestown House, detailing its historic significance, its habitat for bats and birds and its ancient circle and walkway of Irish yew trees. She expressed concern that any disturbance to this fragile eco-system could have deleterious effects eventually. Her report is available upon request.

I am deeply concerned about the environmental impact the air and noise pollution is having on the fauna and flora of my grounds. The trees, dating from the mid 1700's, are ancient and vulnerable. In a submission to Fingal Co Co previously, I stated that it was my ambition to restore my property in an historically respectful manner so that it might function some day as a peaceful, historic sanctuary or retreat centre with intact ancient trees and grounds. The DAA /IAA is making that impossible with constant flights overhead. There is no chance of a mindfulness moment knowing the fuel exhaust is directly overhead and the roar of an aircraft every couple of minutes during waking hours.

### **Damage to my house, a protected monument / structure;**

It is deeply concerning that my fragile house, built around 1740, is subjected to constant particulate pollution. The damage caused to ancient buildings by air pollution is also well established in academic literature. The exhaust particulate corrodes the lime mortar and can destabilise old structures. I will attribute any further structural defects in my house to the pollution to which she is

now exposed. It has taken me 4 years to structurally salvage just the house. The outbuildings and walls are now seriously threatened by being directly under the flightpath.

Even if insulated glazing was offered to me as a temporary appeasement, the house can only have single glazing to comply with conservation measures.

Please note the contents of the research listed below. I include this for the attention of An Bord Pleanála who have duties under European law to protect historic buildings and landscapes. I ask that ABP do not give planning for flight routes near the older buildings in Rolestown. Currently, planes are flying low, every few minutes, directly over all the historic structures in Rolestown. Every article has a multitude of reference articles on this topic. The science is now well established.

1. *"Air pollution puts Cultural Heritage at risk \_ UNESCO". "Air pollution is a key factor in the degradation of surfaces of historic buildings. The impact of pollutants emitted into the atmosphere on materials is enormous and often irreversible".*
2. [meritnation.com](http://meritnation.com). *"Air pollution leads to acid rain mainly oxides of sulphur play a prominent role in acid rain which corrodes metallic installations and degrades marble, stone monuments as acid rain helps in the easy degradation of carbonates and stones".*
3. Acid rain. Effects on human made structures - [britannica.com](http://britannica.com). *"The most common effects occur on marble and limestone which are common building materials found in many historical structures.*
4. [byjus.com](http://byjus.com). *"Acid rain can cause damage to buildings, historical monuments". "Statement: Acid rain can cause damage to buildings, historic monuments, **plants and animals**". "Acid rain contains acids like nitric acids, which corrodes the upper layers of the buildings and monuments and damages them".*
5. *"Dirty air endangers UNESCO world Heritage sites".*
6. [ScienceDirect.com](http://ScienceDirect.com). *"Mapping the susceptibility of UNESCO World Cultural Heritage Sites in Europe to ambient (outdoor) air pollution". "Air pollution accelerates the natural processes of deterioration of the materials of Historic Buildings and Monuments, causing premature aging".*
7. [PBS.org](http://PBS.org) *"Monuments at Risk: European city sites are being Damaged by pollution, rain".*
8. [researchgate.net](http://researchgate.net). *Damage caused to European monuments by Air Pollution, Assessment and*

### **Decimation of property value;**

I had an offer on my property that would have set me up financially for life. This very generous offer was withdrawn directly as a result of the uncertainty of whether tranquil skies will ever be restored over Rolestown. Mr Daly, the prospective buyer cannot trust that the DAA will conform to the flightpaths for which they have planning in a fully democratic manner, since 2007. He thinks that if the DAA are prepared to fly illegally directly over thousands of peoples houses, ruining their lives in many respects, then they are beyond any trust.

There is a serious issue around trust now and how this affects the market value of our houses. I have lost a secure financial future because of the DAA et al. If they were to compensate me for this loss, simply compensating me at market value or 30% above, does not adequately compensate me for losing the sale of the house last month. I hadn't marketed the house. I wasn't going to sell. But I couldn't refuse the offer that was made and the prospect of being financially secure for the rest of my life. The DAA destroyed this future.

When assessing the decimation of the value of my property, it is an attack on my livelihood to not include this failed purchase in my losses. The property is unique and quite beautiful. Hence, the offer from Mr Daly being a lot more than current market value.

### **Who is liable?**

The situation with the illegal flights is causing monumental damage to residents close to them. I note Mr Dalton has left the company. What role did he play in this botched design? The original modelling was not complied with. Where did the breakdown in communication occur in the design of the north runway that has ended up a total fiasco. The CEO and board of directors of the DAA would have commissioned an architect. Did the architect not research the required designs competently? Liability lies somewhere between the DAA executives and the architects and engineers involved in the design. Yet I can find no evidence of the DAA pursuing the designers.

The IAA is liable for instructing flight operations with no planning permission in situ. They should be subject to the injunctive relief of an order of mandamus for failing to enforce as per their statutory duty.

Is ANCO fit for purpose at all?

There has been a lack of enforcement by others in authority in blocking the illegal flights. Unfortunately, although Fingal County Council has considered these flightpaths to be an unauthorised development. Under normal circumstances, a citizen would be forced to get rid of any unauthorised development. But, despite its legal obligation to enforce, there is no enforcement by FCC against a state body, the DAA.

Is the Director of Corporate Enforcement likewise ignoring its statutory obligation to enforce? Where these authorities seek to enforce breaches by other bodies now seems disingenuous when the DAA state body has, thus far gotten off scott free with their illegal activities.

Some ask were residents adequately informed. To my mind, thats a moot point as to be adequately informed of a company breaking the law doesn't render it less of an illegal activity. Being informed does nothing to legitimise illegal flightpaths and lessen the harm thereof.

## 31 Report on Rowlestown House and settings by Landscape Historian

*Finola Reid*

*Historic Gardens & Demesne Landscapes Consultant*  
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tel. 353-1-4541980 e-m ail hortus @eircom.net mo bile. 086 8178800

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Rowlestown House



Aerial View

### Report on Curtilage, Environs and Setting of Rowlestown House, County Dublin.

May 2020

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#### 31.1 Excerpts from landscape historian's report;

This report in its entirety is available upon request.

*"The Ecology Report is thorough in many respects and makes interesting recommendations in regard to bats. However, the fact that six species have been recorded tells how important is the ecosystem of the parkland and how it is intrinsically connected with the grounds, trees and vegetation of Rowlestown House and loss of this habitat would severely damage its integrity. It is remarkable how few bird species were recorded in this survey/report.*

*Researches show that many historic landscape features still survive, notably a good*

number of veteran trees; yew, beech, chestnut, sycamore, ash and exotic conifers. Within the grounds of Rowlestown house and in the parkland 'fields' there are trees of 18th and 19th century date. Many of the parkland trees are clearly visible from within the grounds of Rowlestown House and form a green canopy and indeed to some degree shelter from the east.

The owner of Rowlestown House would be at a great financial loss and at a loss for the ecological damage and aesthetics of these mature specimens. Financial compensation could not adequately replace these losses.

There are a number of veteran trees in Rowlestown grounds, notably the copper beech which dominates the pleasure ground, a towering sentinel, probably planted for the purpose of guiding horses and carriages towards Rowlestown House as well as being a spectacular specimen amongst the varied shades of green. This is a designed landscape feature I've recorded on previous occasions on other sites of major significance, such as Duckett's Grove, Co. Carlow and Dowth Hall, Co. Meath, part of the UNESCO world heritage site Bru na Boinne.

While Rowlestown House is not as historically significant in size or possessing as many features as other better known Georgian houses it does demonstrate a sophisticated understanding of historic landscape design. Rowlestown is ...a classic Georgian house of middle size with well laid out pleasure grounds and gardens.

There is an 'ancient' Yew Walk leading to an Octagon of Yew in the pleasure grounds. This 'ancient' tag is not misplaced, because the growth habit of these yews are extraordinary to behold and they do seem to be truly ancient. This octagonal/circular planting of Yew is a rare surviving feature, similar to ones in other 18<sup>th</sup>/19<sup>th</sup> century pleasure grounds. Its presence hasn't been recorded by NIAH or, to my knowledge, by any other garden history body or organisation. This feature is protected as part of the curtilage and environs of Rowletown house but it **must also be safeguarded against any adverse changes**



*to its environs and location.*

### *Summary*

*This is a brief report intended to better inform decision making in the planning process but it will also alert the owner of Rowlestown House to the possibilities and capabilities of her grounds and gardens. The local community should also be made aware, if not already so, that at the heart of their village is a rare and historically significant heritage property which can benefit them in so many ways...it would be better left as parkland, managed as a protected native habitat and used as a green open space for passive recreation.*

### 32 Current FDP

Protection of historic structures and landscapes are almost entirely overlooked

Emphasis is on noise pollution in this framework. Damage to human health is completely ignored except to stipulate that there is to be communication with those residents being harmed. This is not happening. There are no mitigation measures offered for air pollution.

### My Education and Work Experience.

1982 - Physiotherapy UCD. I worked in the burns unit in James St Hospital, Dublin.

1982 - 1986 I was sole-in-charge of acute surgical and medical units, Cavan Surgical and Medical hospitals. I gained extensive experience in Acute care and Intensive Care for pulmonary patients. I watched their disease process first hand. These years of experience have informed my opinion regarding air pollution.

1986 - 1990 I worked in Princeton Medical Center, Princeton, NJ, USA. Because of my expertise in Intensive Respiratory and Cardiac Care, I was selected from 55 PTs and educated in ECG interpretation and Cardiology in order to run their Cardio-Pulmonary Rehabilitation Clinic. Again, I observed first hand the misery of cardiac pathology.

1988 - 1991 I commuted to Long Island University, New York, USA from Princeton to complete an Advanced Masters of Science Degree in Orthopedic and Sports Medicine. Part of this program included studying Research Methodology and Statistical Analysis at third degree level. These modules are also informing my opinion on the reports furnished by the DAA.

2004 - 2008 I studied law at the Kings Inns and was called to the bar in 2008. I studied Company law, Tort law and Constitutional Law, all of which are core issues in this matter

2017 I was financed by Cavan Credit Union, where I was a Director for three years, to complete a Diploma in Corporate Governance. I studied in particular;

1. Conflict of interest,
2. Duty of Care of stakeholders
3. Due Diligence
4. Corporate Governance

I wrote up the Code of Conduct for Directors when in Cavan Credit Union. From my legal background, I realised that all levels of officers in a corporate structure are subject to Codes of Conduct, except the Directors. It is at Director level that most corporate governance issues arise. At the time when my Code Of Conduct for Directors was endorsed by Cavan Credit Union, very few Irish companies had any code for directors whatsoever. Many Directors exploited this obvious legal lacuna to the full, sometimes to the embarrassment of other Board members who often lost their positions and employability status by the unfettered actions of a few.

I believe my education and work experience in Medical, Legal and Corporate Governance place me in a unique position to have a somewhat informed opinion on the actions of the DAA et Al. However, most importantly, like all affected residents, I am subjectively experiencing first hand the torture of constant overhead flights affecting me to such an extent that I cannot live in my own home. I can have no peace of mind there.

