

8

S. 37

File With _____

SECTION 131 FORM

Appeal NO: ABP 314685

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/received 22/12/24
from

Labette Property Group Limited

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 m 185

E.O.: [Signature]

Date: 22/12/24

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 314485

A _____

Please treat correspondence received on 22/12/24 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 233. 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: [Signature]Plans Date Stamped ☐Date Stamped Filled in ☐AA: F. KhedherDate: 23/12/24Date: 23/12/24

David Behan

From: Marisa Rabbitte <rcsgroupproperties@gmail.com>
Sent: Sunday 22 December 2024 19:30
To: Appeals2
Subject: ABP case: 314885
Attachments: F20A-0668.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.

Good evening

Please find below my observation.

Regards
Marisa Rabbitte

Rabbitte Group Properties Limited

Mabestown, The Ward, Co Dublin, D11 XNOK

Email: r CSGROUPPROPERTIES@gmail.com

An Bord Pleanála
64 Marlborough St
Dublin 1
D01 V902

20 December 2024

Planning Authority Reference Number: F20A/0668

ABP Case Reference: PL06F.314485

Planning Authority: Fingal County Council

Re: 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, which relates to the night-time use of the runway system at Dublin Airport

Dear Sir/Madam

Further to your correspondence to us on the above case we wish to make the following observations/submissions:

Introduction

The Inspector's Report has rightly concluded that the adverse impact of the Relevant Action on the surrounding communities would be too severe to justify granting permission. The proposal's projected increase in night-time activity would result in significant additional awakenings, which are well-documented to cause substantial health and well-being consequences, including increased risks of cardiovascular disease, mental health disorders, and sleep-related cognitive impairments. These impacts underscore the urgent need for stringent controls to protect affected communities.

Given these findings, it is essential that any current or future expansion of airport activity during night-time hours be strictly limited by a movement cap of 13,000 annual night-time flights, as proposed. However, the severity of the projected health and environmental impacts suggests that a complete ban on night-time flights may ultimately be necessary to ensure the well-being of affected communities. Night-time operations present unacceptable risks to health and quality of life, and the evidence strongly supports minimising or eliminating such activity to meet public health and sustainability goals.

Without such measures, the application should have been refused outright by the planning authorities, as the adverse impacts clearly outweigh any potential benefits. Therefore, the application must now be rejected to protect the integrity of the planning process, uphold public health standards, and ensure that the needs of the local community are prioritised over operational convenience.

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.

Background

Fingal County Council has noted that there has been a substantial rise in the number of people exposed to excessive overnight aircraft noise near Dublin Airport in the last five years. According to the council's Noise Action Plan for Dublin Airport, the number of people exposed to noise above 55 decibels (dB) between 11pm and 7am almost tripled from 1,533 in 2019 to 4,465 last year.

The Noise Action Plan, which highlights the problematic aspects of aircraft noise exposure at the airport as well as identifying areas for improvement, states that night-time noise exposure remains a concern for residents living near Dublin Airport.

Fingal County Council's Noise Action Plan also shows an increase in the number of people exposed during "day-evening-night" periods above 65dB, rising by 285 in 2019 to 323 in 2023.

The [World Health Organisation](#) warns that aircraft noise above 45dB is associated with adverse health effects, including impact on sleep. The Noise Action Plan calls for the implementation of several noise mitigation measures in Dublin Airport, including promoting the use of quieter aircraft, **preferential runway uses** to avoid more populated residential areas and a **reduction in the number of overnight flights**.

The issue of noise around the State's main airport, particularly at night, has deepened tensions between residents living in the surrounding area and DAA who manage the facility. The DAA is a state-owned company who has an obligation to the country to operate a major international airport while at the same time minimise its impact on the citizens and abide by the country's planning laws.

The relevant action if approved would be extremely damaging for the families and communities which are already affected by the DAA's unauthorized development of low flying aircraft and illegal flight paths from the recently opened North Runway. It would mean a worsening of the current situation with increased night flights and an extension to

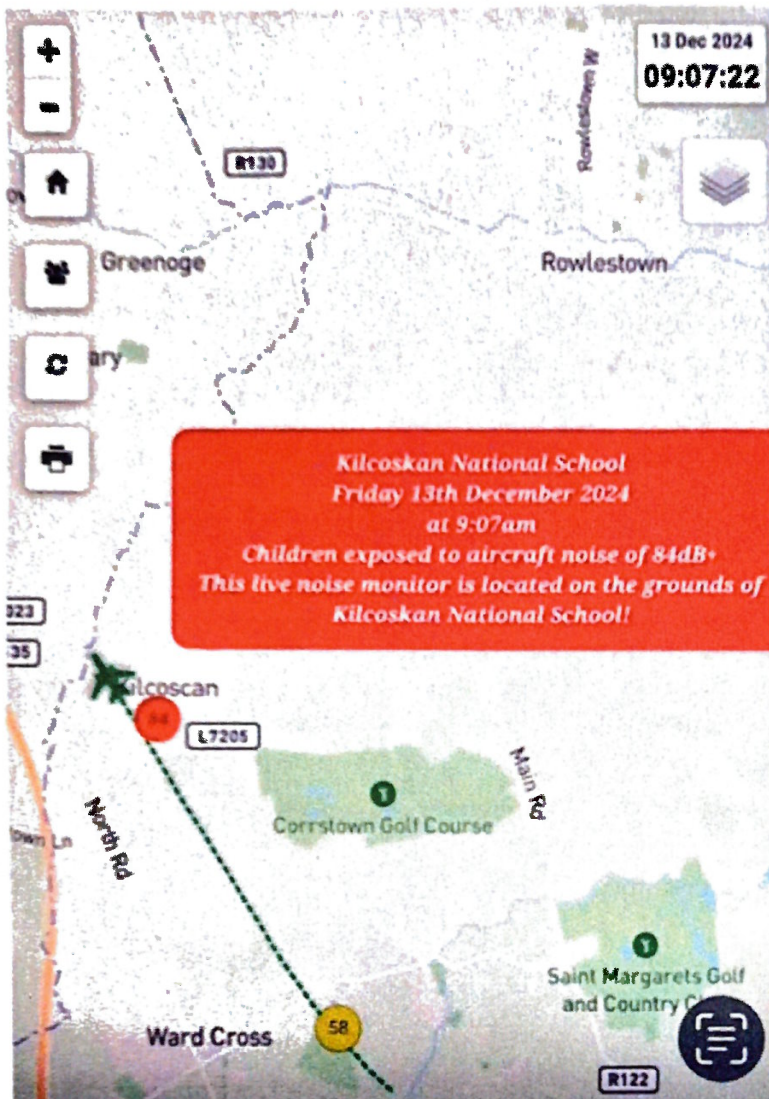
the permitted day hours from 6am to midnight. How can families be expected to live with only 6 hours of uninterrupted sleep time per day. The relevant action, if permitted, would make it intolerable for people to live in the local communities affected by the DAA's actions.

The DAA's focus is to maximise the full potential of the new North Runway with no consideration of its impact on the local communities or the environment. They continue to ignore the misery they are inflicting on the local communities and arrogantly refuse to meet with the communities to discuss the issues.

Our planning system is the only hope that the affected communities have to rely on to protect their wellbeing and the health of their families. The relevant planning authorities must appreciate the negative impact that the current flight paths are having on the affected communities notwithstanding that they are illegal.

We reside circa 6km from the North Runway and the enjoyment of our home has been taken away from us, whereby we cannot enjoy the use of our outside space and garden when planes are flying overhead with noise levels recorded at 80+db, and flight heights between 2000 ft- 2400ft every 90 seconds during busy periods. It is similar inside in our home (noise levels of 60+db constantly recorded). This makes life extremely difficult, particularly during holiday periods and especially Christmas with the increased intensification of flights at a time when families should be enjoying the peacefulness of their homes.

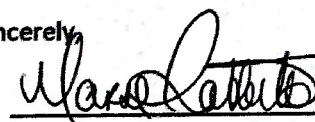
One shocking issue is the impact of the north runway's flight path on the local school at Kilcoskan. This school is not referred to in the DAA's reports yet is one of the party's most affected. The reason it is not referred to in the DAA planning and reports is because the flight paths were not previously planned to take this route. However, the school is now directly under the current flight path, and this is being ignored just like the surrounding community. This school has over 100 children enrolled and caters for autistic children. How can the DAA ignore the plight of this school permitting aircraft to fly its illegal route directly over the school, enduring the children and staff to exorbitant noise levels and air pollution. The height of aircraft flying over the Kilcoskan school and the Coolquay area is extremely low at c.2000ft – 2400ft with noise levels reaching 80+ db. This noise level is confirmed on the Dublin Airport Webtrak App (see screenshot below for Kilcoskan national school at location 84 on 13th December 2024) and this is substantiated by a certified noise monitoring consultant who is employed to continually record noise levels at the school. These heights are well below those proposed in the planning permission for c. 6km travelled and the noise levels are far in excess of all guidelines both national and the WHO.



We request that An Bord Pleanála act within the limits of its powers and compel the DAA to comply with the 2007 planning permission and restrict the DAA to the current nighttime cap and flight time operations.

Yours Sincerely,

Signed:


Marisa Rabbitte

Date: 20th December 2024