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File With _____

SECTION 131 FORM

Appeal NO: ABP 314685

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 16/12/24
from

Alan Lynch 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 need

E.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 FORMAppeal No: ABP 314485

V _____

Please treat correspondence received on 16/12 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**Respected Alan Lynch* To be scanned**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 Filed in ☐AA: F. KhatipovDate: 20/12/24Date: 23/12/24

Lita Clarke

James.

From: Alan Lynch <axllynch@gmail.com>
Sent: Monday 16 December 2024 15:08
To: Appeals2
Subject: Ref 314485
Attachments: An Bord Pleanala Letter December 2024.pdf

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear ABP

Please find attached my submission on above case.

Kind regards
Alan

An Bord Pleanála
64 Marlborough St.
Dublin 1
D01 V902

RE: Case Number ABP- 314485-22 Relevant Action Application Dublin Airport

Dear Sir/Madam

Further to the release of the draft decision on the above case, we wish to make the following observations/submissions:

Introduction

The Inspector's Report has determined that the very negative impact of the Relevant Action on 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 points summarise the issues and 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. Divergent Flightpaths

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. It is shocking to see that the noise contours which have extended hugely into our community and beyond and which negatively affect a significant number of dwellings are effectively being approved in this draft decision. **To repeat what we said before**, tens of thousands of people are now negatively impacted by these flightpaths and noise contours without any consultation whatsoever and the vast majority of whom are not entitled to any mitigation. The current flightpaths from the north runway are devastating communities with continuous noise that is completely unreasonable and now proposed from 6am to midnight.

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.

Affected communities have experienced significant and unreasonable noise levels without proper consultation or mitigation measures. Local schools have been impacted resulting in ASD units struggling to use their outdoor yard space for students due to very loud aircraft noise from overflying aircraft at low altitude. The impact has been devastating for communities with families now feeling like they have no option but to sell their homes. This is tearing communities and families apart and it doesn't have to be this way.

Unfortunately, the Inspector has accepted on face value a combination of daa misinformation and an erroneous report by Vanguardia, because the IAA has not made a submission. The Inspector has disregarded the submission of hundreds of individuals regarding the routing of flights from the north runway for this reason.

The Inspector's position that they must accept the applicant's statements as factual in the absence of a submission from IAA is completely unreasonable. The inspector may have the misconception that IAA is an oversight body that can and must intervene in all aspects of aviation in Ireland. This is **not the case** and such authority and duty has never been assigned to IAA.

The IAA Safety Regulator must not be involved in designing solutions that it would later approve or reject. To do so would present a clear conflict of interests and undermine their role as independent regulator. Approval of the submitted procedure by the IAA Safety Regulator is purely on the basis of achieving minimum safety standards and does not in any way imply IAA's endorsement of that procedure as being the best way, the safest way or the only way of complying with the regulatory requirements. There are other ways and other flightpaths such as the original flightpaths which can be implemented to avoid the current noise problem for tens of thousands of people. For such a flightpath to be feasible and comply with ICAO requirements, it would require the missed approach on the south runway to be redesigned. This is a much better solution as the missed approach on the south runway averages one per day whereas the noise showering departures from the north runway amount to 300 per day.

IAA met with the SMTW Forum group in February of this year. The key points of that meeting are as follows:

- IAA do not take on board land use planning or environmental noise issues as these are outside the scope of IAA competent authority role.
- IAA highlighted that there are a number of requirements by ICAO and EASA regarding dual runway operations which include the need for flightpath divergence for simultaneous operations runways. IAA confirmed that divergence is not required if the runway is operated in dependent mode.
- IAA highlighted that straight out or parallel runway operations can be approved on the basis of dependant mode operations in order to meet ICAO requirements or through a suitable safety case demonstrating an equivalent level of safety.
- IAA highlighted that the procedures for go arounds or missed approaches on the south runway had to take into account other airspace operators in the vicinity of Dublin Airport.
- IAA confirmed that if procedures are provided to them for the operation of flightpaths at Dublin Airport by AirNav (as instructed by DAA), IAA would carry out a regulatory safety assessment of the procedures and if satisfied would approve them.

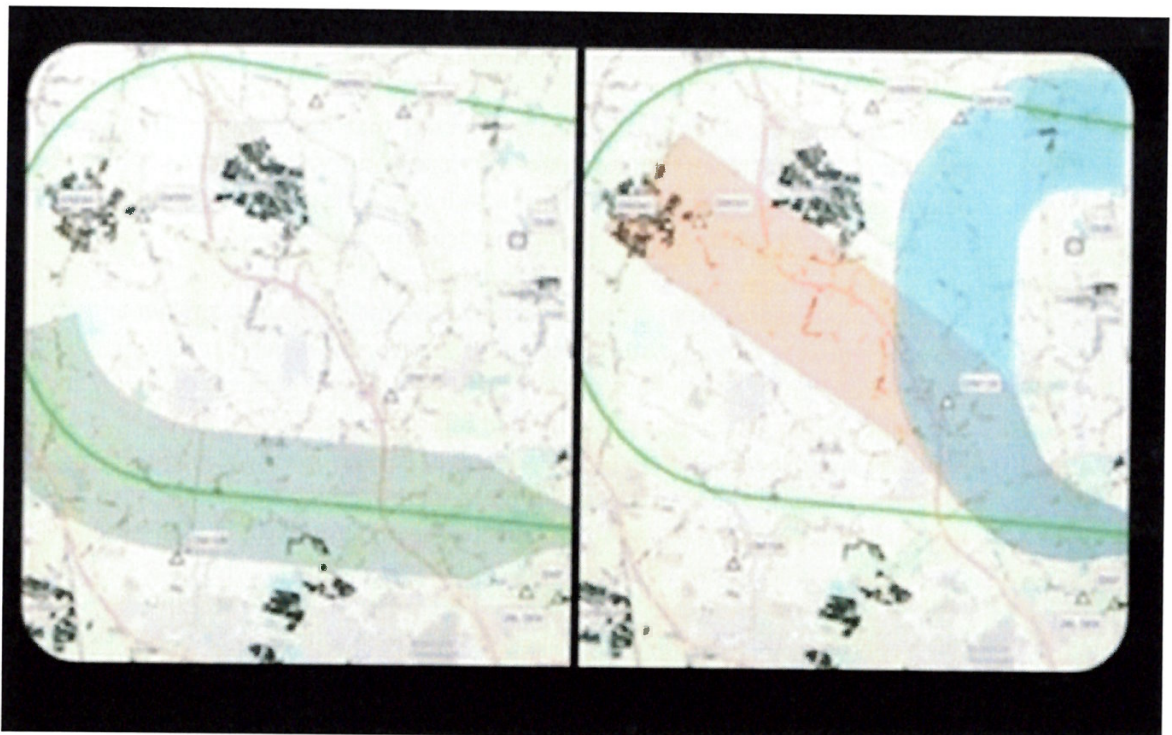
A key point to note regarding the difference on the amount of homes affected under the original vs the deviant flightpaths. This makes no sense in planning and environmental terms.

Original 2007 Flightpaths granted by ABP

Deviant flightpaths designed by DAA in 2022 without any environmental assessment or consultation.

934 homes

3115 homes



2. Other key points in relation to the north runway departure procedures:

- IAA did not dictate the route used by the RWY28R SID including requiring deviation of the departure route to the north by any angle.
- Aircraft do not deviate from the runway heading by only 15 degrees as the inspector and Vanguardia have misunderstood. The minimum deviation is 30 degrees and approximately 50% of aircraft have completed a heading change of 86 degrees from runway heading by 2.5 nautical miles west of the departure end of the runway. The IAA does not characterize this as a minor change for operational reasons.
- To claim that daa deviated the route “for safety reasons” is too simplistic. Daa chose a mode of operation for the runways for which ICAO regulations require a divergence between the departure traffic and the parallel missed approach track of 30-degrees.
- Neither ICAO, nor IAA prescribe how that 30-degree divergence is to be achieved. Daa, and their subcontractor AirNav, chose to deviate the north runway SID by 30 degrees from the runway heading. Acceptance of this 30-degree deviation by IAA as being compliant with the safety regulations does not imply endorsement of this route by IAA “for safety reasons”.
- There are multiple possible means of compliance with the pertinent ICAO regulations.
- IAA has received and approved only the one chosen by daa as Aerodrome Operator.
- Any inference or implication that IAA instructed or caused daa to deviate from the route approved in their planning permission is **not correct**.

3. **You will see from the attached report from DAA received on 30 October 2024** that my home is not entitled to any mitigation measures whatsoever because I am marginally outside a NPR (noise preferential route). This is despite my home being subject to continuous high and unreasonable noise levels and my home being overflown by turboprop aircraft at very low altitude from 6am daily which don't have any NPR. This is nothing short of a complete disgrace as we purchased our home in 2021 on the basis of straight-out flightpaths. For this to suddenly change is completely unacceptable.

If ABP approve the Relevant Action, this means that not only am I not entitled to home insulation, but we have to endure daily traffic that currently amounts to 300 flights per day passing our home emitting significant noise levels. This renders our enjoyment of outdoor space as null and void as well as disrupting sleep for my family which includes five children.

DAA's ultimate plans are to grow the airport to 55 million passengers per annum. Right now, we experience an aircraft disturbance every 90 seconds. What is this going to be like with 55 million capacity? It's likely to result in a disturbance every 40 seconds all day and throughout the night. ABP must do the right thing and refuse this application based on the obliteration it would cause to local communities as a result of continuous noise in what would be every 40 seconds in a 55 million scenario. This means there is never a situation of 'no noise' or silence because noise from one aircraft lasts about three minutes for us as it passes by our house and continues turning at low altitude.

The report shows that the DAA believe that flightpaths are not under the jurisdiction of territorial authority and are not subject to council planning consent. If this is the case, any flightpath can be chosen by the daa without any controls or environmental analysis. ABP need

to make it very clear in their decision that the original flightpaths that were planned **must be used and that flightpaths are the subject of planning consent** in order to protect public health and rightful enjoyment of a home and garden. See extract from report below sent by DAA.

You have commented that “flightpaths not as per 2007 planning”. It can be noted that the original planning application for the North Runway included only indicative flight paths, and the airspace design process did evolve over the planning and implementation process. But should be noted that flight paths are not under the jurisdiction of the territorial authority and are not subject to council planning consent.

4. Inadequacy of DAA Application and Necessity of Movement Limit

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. 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.

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.

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

5. 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.

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

6. 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.

7. 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.

8. 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.

9. 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.

Recommendations

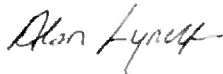
- **Cease Unauthorised Flight Paths:**
 - Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS.
 - Conduct a new EIA to assess the impacts of any proposed deviations.
- **Retain Movement Limit:**
 - Maintain the cap of 13,000 nighttime flights to prevent 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.

ABP must make the correct decision and refuse this application in entirety. Rather than obliterating the local areas with noise and air pollution, further attention should be given

to apportioning traffic to our regional airports who don't have these environmental concerns due to their location and design. Those airports are not saturated and have confirmed that the added business to those airports would be welcomed and create a much needed economic stimulus for those areas, without causing the issues to hand at Dublin Airport.

Yours Sincerely,

Sign:



_____ Date: 16 December 2024

Address: Alan Lynch, Castlefarm House, Kilsallaghan, Co Dublin, K67WE52

Report received from DAA on 30 October following my repeated complaints and request for investigation

K67 WE52 Lynch

October 2024

Key Points:

- Concern has been raised regarding propeller and jet aircraft near the Eircode K67 WE52.
- Departures of jet aircraft to the West from Dublin Airport's North Runway are required to remain in a Noise Preferential Route (NPR) (also called an Environmental Corridor) up to an altitude of 4,000 ft (unless directed by Air Traffic Control.) The Eircode K67 WE52 lies just outside the NPR.
- Turboprop and other propeller aircraft are not subject to the NPR requirement and generally turn northward earlier than jet aircraft.
- Figure 1 depicts all departures from North Runway (in a westerly direction) of jet aircraft between 1 and 15 August 2024.
- Figure 2 depicts all departures from North Runway (in a westerly direction) of turboprop aircraft between 1 and 15 August 2024. In this 2-week period there were a total of 481 such turboprop departures, which represent 9.6% of the total departures (including all aircraft and all runways).
- In Figure 1, the jet aircraft NPR are indicated by the black, lined structure. Eircode K67 WE52 location is highlighted by the black T at the base of the arrow.

Figure 1: NR Departure tracks of jet aircraft (1-15 August 2024)

3,838 departures

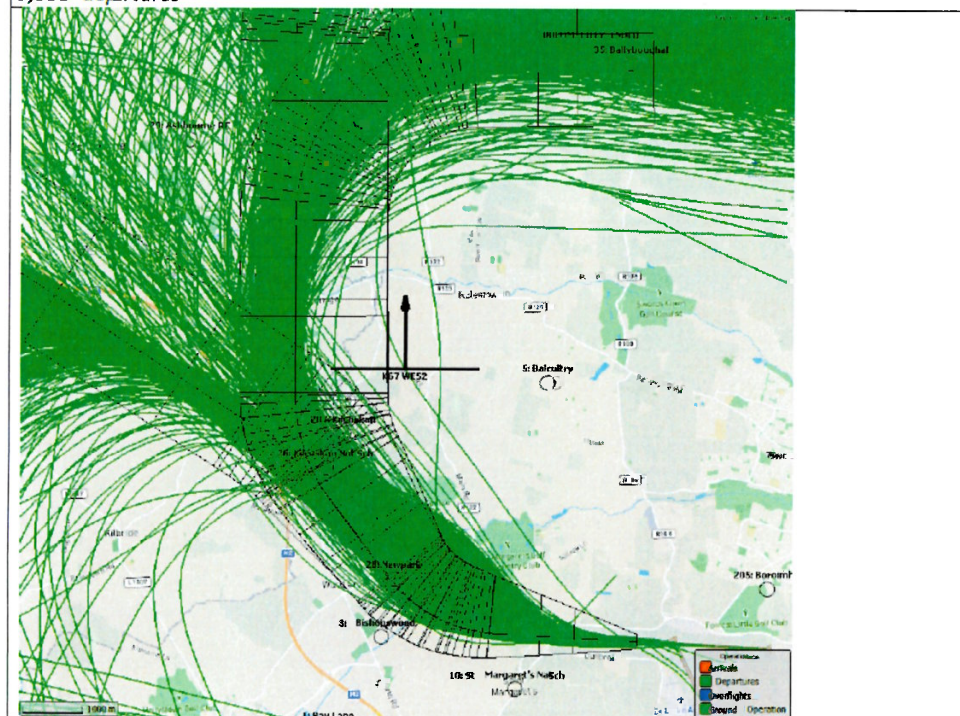


Figure 2: NR Departure tracks of turboprop aircraft (1-15 August 2024)
481 departures

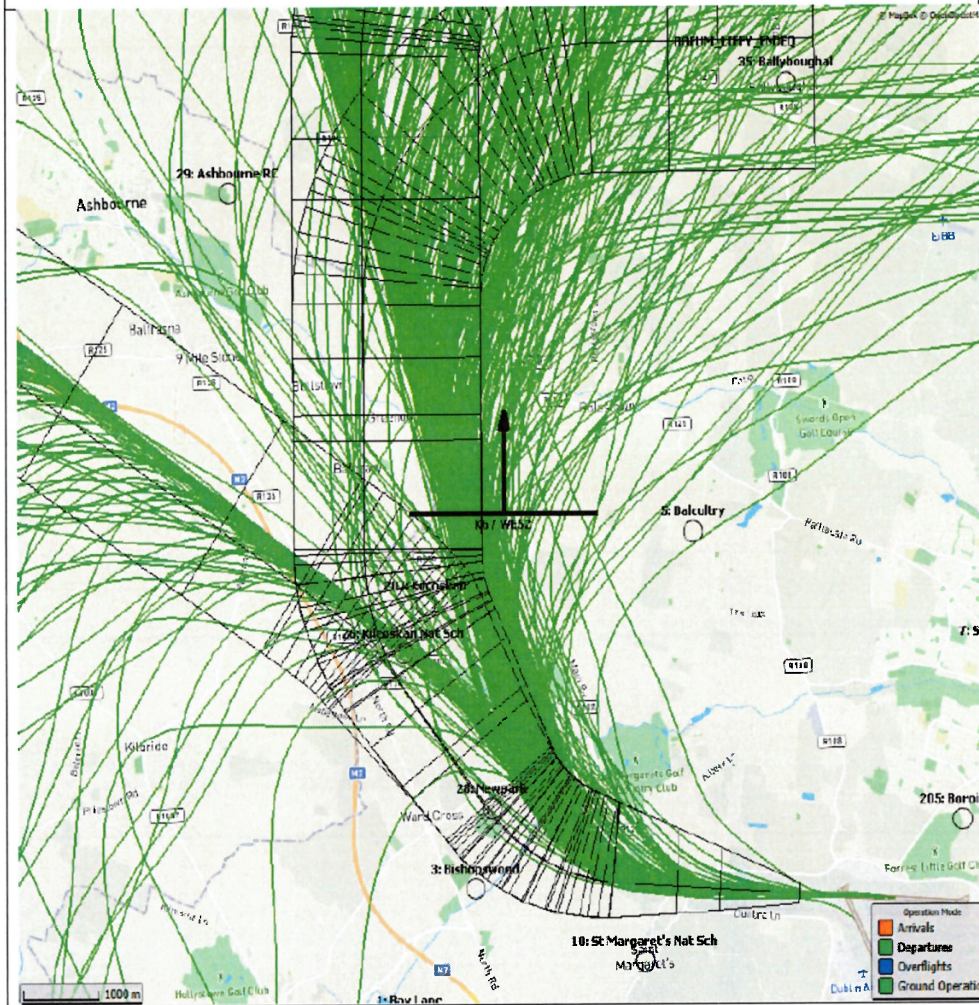


Figure 3 :Gate (3km x 5,000ft) Penetration Chart (1-15 August 2024)
Departure traffic at altitudes of 1,600 to 3,000 ft.
(Directly over K67 WE52 altitudes were 2,000-2,500 ft.

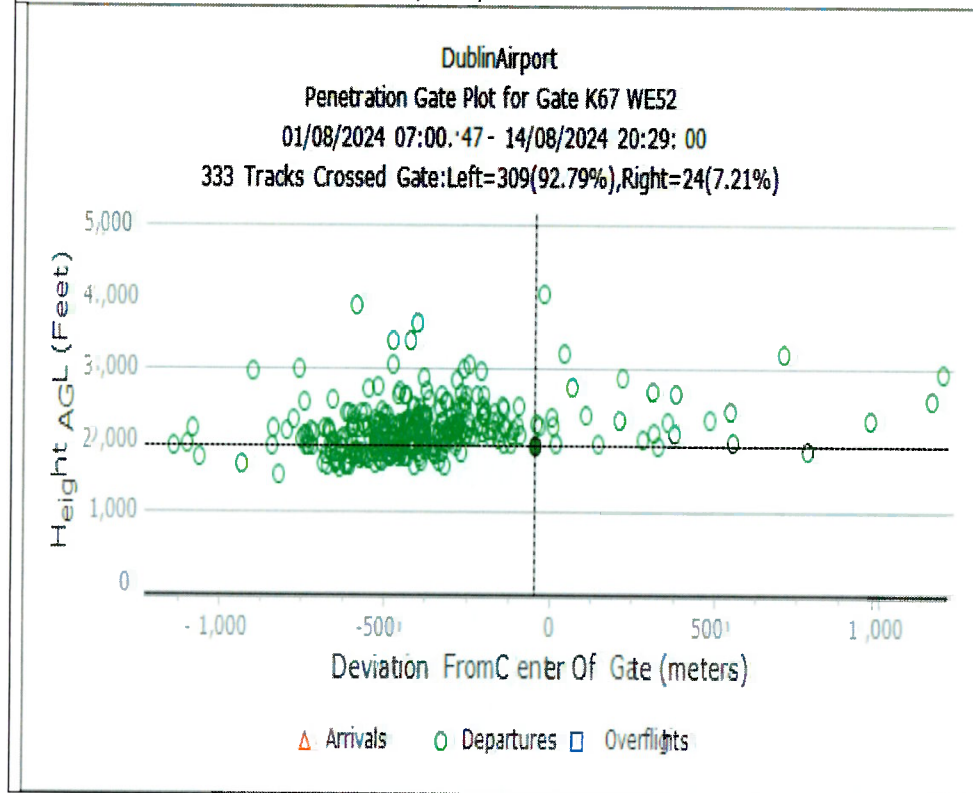
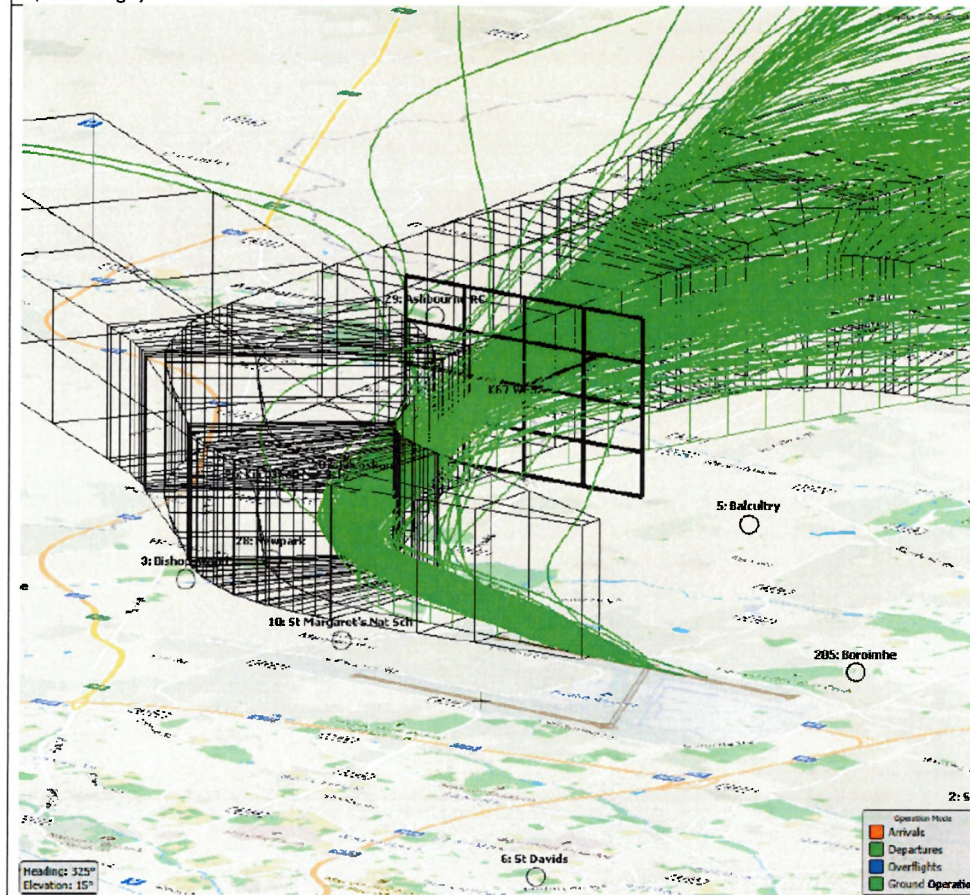
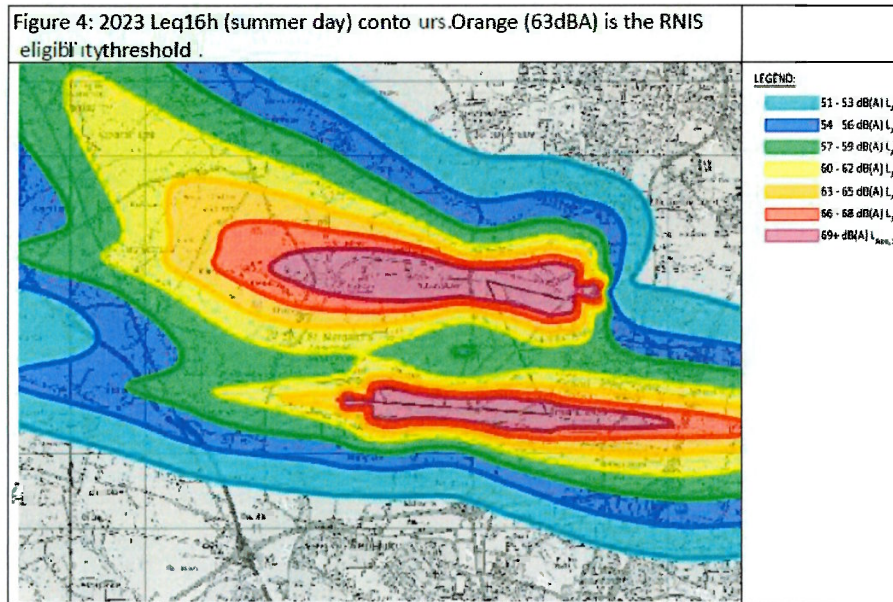


Figure 4 : 3-Dimensional view of Figure above
Departure tracks of aircraft (1-15 of August 2024) passing through K67 WE52 Gate (5km wide
5,000ft high)



Mitigation Measures:

- Eligibility for Dublin Airport's Residential Noise Insulation Scheme (RNIS) is based on the threshold of 63 dBA for the summer day-time noise level (Leq16h)
- The 2023 Leq16h contours are shown in Figure 4
- Eircode K67 WE52 lies just outside the 51 dBA Leq16h (light blue) contours and is currently not eligible for the RNIS.

**COMPLAINTS RECEIVED BY POST**

I can confirm receipt of three letters regarding your noise complaint (post stamped 29/08, 18/09, no date) sent by post. These three noise complaint letters have been recorded in our noise complaint management system as per our Policy on Handling Aircraft Noise Complaints.

As per request, the SID (Standard Instrument Departures) routes of the South Runway could be found on the AIRNAV webpage links at the bottom of this letter. The SIDs were approved by IAA. CAT C/D aircraft is required to follow the NPR until they reach 3,000ft unless vectored by air traffic control. ATC is allowed to vector aircraft off the NPR above 3,000ft for South Runway departures and therefore you may see early turn towards north direction from south runway departing aircraft. Turboprop and other propeller aircraft are not subject to the NPR requirement and generally turn northward and eastward earlier than jet aircraft. The aircraft remained within the Dublin airspace and therefore did not infringe any track procedure in force at Dublin Airport. I am providing the links to the AIRNAV's departure charts for your reference.

Link to Runway 28L CAT A/B departure chart: https://www.airnav.ie/getattachment/f6ca4462-9d19-4ecd-ab4a-4d943448d3ff/EI_AD_2_EIDW_24-10-1_en.pdf?lang=en-IE

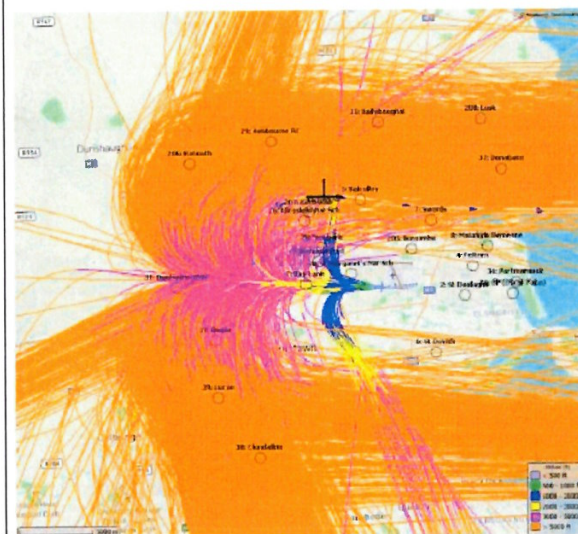
Link to Runway 28L CAT C/D departure chart: https://www.airnav.ie/getattachment/ff9a26f0-93e1-40f2-84c9-7a5e65d37c71/EI_AD_2_EIDW_24-11-1_en.pdf?lang=en-IE

You have commented that “flightpaths not as per 2007 planning”. It can be noted that the original planning application for the North Runway included only indicative flight paths, and the airspace design process did evolve over the planning and implementation process. But should be noted that flight paths are not under the jurisdiction of the territorial authority and are not subject to council planning consent.

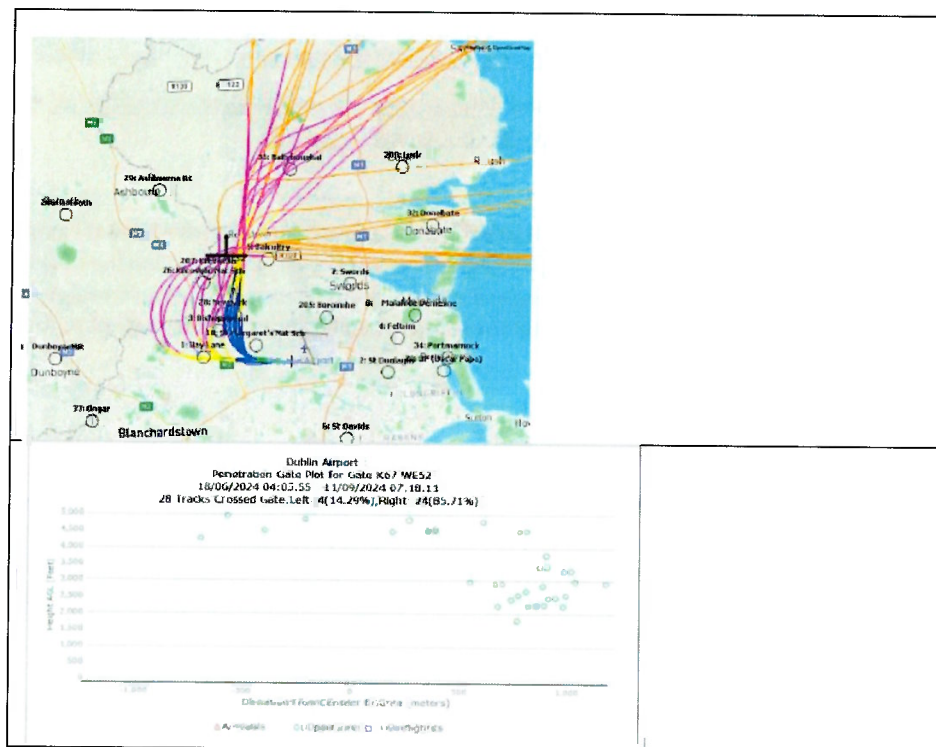
Night time (2300-0700h) SR 28R departures and early turns north

In summer 2024 (15 June to 15 September) there were 3,294 night-time departures from the SR 28L heading into a westerly wind. Of these 28 (0.9%) passed through the gate at Eircode K67 WE52. Of these the jet aircraft were generally above 4,000ft through the gate, while the turboprop aircraft turned earlier and passed through the right-hand (easterly) half of the gate at altitudes between 1,800 and 3,500 ft. See track and gate plots below.

92-day summer 2024 all 3,294 departures



92-day summer departures passing through K67 WE52 Gate (28 departures in 92 nights)



Missed Approach on SR 28L

The ICAO Document 9643 (SOIR) Para. 4.3 has the rule requiring at least a 30-degree turn to separate independent operations from parallel runways.

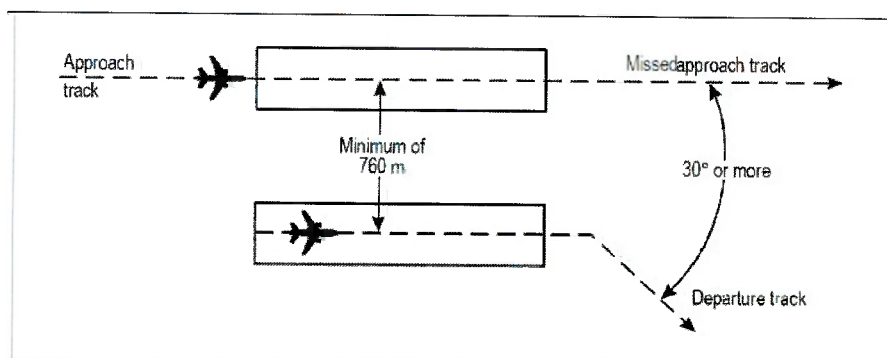


Figure 4-1. Segregated parallel operations where thresholds are even