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S. 37

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

**SECTION 131 FORM**

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐

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

Brian Murphy I recommend that section 131 of the Planning and Development Act, 2000 ~~be~~ not be invoked at this stage for the following reason(s): no issue

E.O.: [Signature]

Date: 23/12/24

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 314688Please treat correspondence received on 22/12 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

Beef

## 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. [Signature]Date: 23/12/23Date: 24/12/23

James

Daragh Cassells

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**From:** Brian Murphy <brianm1983@gmail.com>  
**Sent:** Sunday 22 December 2024 23:35  
**To:** Appeals2  
**Subject:** Case 314485 - Dublin Airport Relevant Action  
**Attachments:** ABP\_Response\_dec\_24\_final.pdf

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

Dear Sir/Madam,  
Please find my submission to this case attached. I have previously submitted an observation to the original ABP review.  
Please do not hesitate to contact if you require further information,  
Kind regards,  
Brian Murphy 0877855013

Dr. Brian Murphy  
Common Cottage,  
Chapel Midway,  
St. Margarets,  
Co. Dublin  
K67HE62  
0877855013

Case number:314485

I have previously submitted an observation to this process. While I may repeat some of my previous points to ensure they remain considered, I will try to concentrate upon additional observations upon the draft submission.

I appreciate that the focus of the relevant action is about the timings of permitted operations overnight and the issues around a noise quota system. However, there are a multitude of factors in relation to how the airport is operating that have knock-on consequences for these aspects of attention. There appears to be acceptance of the daa's narrative around the current deviation of flight paths (when departing in a westward direction from the north runway) from that which was depicted and described and used in the environmental assessment as part of the planning permission for the north runway granted by An Bord Pleanála in 2007 (PL06F.217429 (F04A/1755)). The following statement is contained in the inspectors report for this draft decision:

*"1.11.3. The mode of operation has been referenced in a significant number of submissions, mainly in relation to the new flight paths for departures from the NR. The supplementary information includes information on these new flight paths which will divert north, off the north runway, earlier than previously indicated in the EIS with the original NR application. This is referred to as a 15-degree divergence throughout my report. The applicant has stated that this new turn north, is an airspace safety requirement and is reflected in the noise contour areas. My planning assessment and EIAR details the implication of this divergence and concludes that this does not reflect an alteration to the mode of operation of the runway."*

I take issue with this - not least because it is actually a 30 degree divergence for planes typically beginning before they have even reached the end of the runway (as they have reached the specified height required before divergence). I would assert that it is giving undue credence to daa claims and that these cannot be taken at face value. The daa have never published flight path assessments for the flight paths that were actually used in the north runway planning permission. The CEO of the IAA has stated to members of the SMTW residents group in a formal meeting that they are now not able to access any of the written guidance given to the daa during the preparation of the original North Runway planning application. However, the CEO did say that the only way in which they would have described and approved these submitted flight paths would have been if they were asked to assess dependent mode operations for the runways. This is where landings and departures between the two runways would take place in a

staggered fashion so that only a single aircraft would be imminently landing or taking off at any one time, thus reducing go-around impacts from one runway to the other and allowing the straight-out flight paths depicted. Regulations from the International Civil Aviation Organisation from 2004, which preceded the NR planning permission decision in 2007, describes the divergence required when 2 runways in close proximity are operating in simultaneous, independent operation.<sup>1</sup> The IAA have assessed these current divergent flight paths as safe for use for simultaneous operations, though have not considered planning implications of changes caused by the new divergence. Additionally, the IAA CEO considered that using the runways in dependent mode operations as originally planned would likely satisfy safety concerns thus facilitating straight out operations and which would comply with the NR planning permission.

(While I am sure many members of ABP will be aware of the following, for the sake of clarity it should be noted that previously the IAA was responsible for both assessing and managing airspace safety as well as managing air traffic control and flight path planning operations. The latter aspects have been taken on by a distinct governmental entity, Airnav Ireland)

Why is this important? The daa are hiding behind the words 'safety' while being evasive with the truth about how this process has developed. The Airnav CEO has stated in a separate meeting with our local community representatives that they were only asked to develop flight paths with the requirements of 1: Simultaneous operations and 2: 60 sec intervals between departures. Airnav were *never* asked to assess or factor in compliance with environmental assessment reports submitted and to which compliance was Condition 1 of the 2007 planning permission. They have also *never* been asked by the daa to develop flight paths using straight out operations as described in the daa's north runway PP. Letters from these entities to back up my assertions have been included in the submission from SMTW residents group.

It cannot be allowed to be stated in the ABP decision that the current flight paths are due to safety without stating that they are due to safety only to facilitate simultaneous mode operations and 60 sec intervals between departures. The daa *can* facilitate compliance with their current planning permission if they choose to do so. The fact that they can *choose* to ignore their planning permission appears to be a significant anomaly in the planning system.

I will point out that the IAA have declined to factor in planning permission considerations when approving these flight paths despite considering planning permission aspects when considering slot allocations and factoring in the current planning permission restriction of 32m ppa. While the courts are involved in assessing this aspect, it seems a glaring hole within the various processes that planning permission may not be an allowable factor in these decisions.

It falls on the daa to ensure these flight paths matched what was submitted as part of their planning. For whatever reason, they failed to do so. As a result, noise zones around the airport which were drawn up dependent upon the planning permission and its related EIAR, now do not match the way in which the planes are flying. Homes, like ours, that have gone through planning permission for zones <50dB are now living in zones much higher than this. This does not describe the full problem however. In our own instance we opted for an open plan barn style

home (as local planners agreed it fit in with local agricultural vernacular). As a result we have sheet metal overlying 2 sheets of plywood with fibrous wool thermal insulation underlying. While thermally efficient (A3 rated), we do not have an attic cavity and do not have any 'heavy' material that will mitigate noise conductance to lower frequency soundwaves. We have informally assessed noise within our bedrooms when planes fly overhead and we are detecting noise inside the bedrooms with windows closed in excess of 60dB peak. We can hear glasses clinking in our cabinets when the larger planes fly over in close proximity. Even if we were to be offered the mandated insulation from the daa, it will not adequately ameliorate our noise situation. Having read through the described components of 'full insulation', many would not be feasible. We already have MHRV. We have no attic space which can be insulated. Having a list of potential solutions limits the potential solutions that the daa are obligated to offer affected residents. It should not be this way. The daa have caused this mess, and their business model is benefiting from noise that they are facilitating; they should be required to offer insulation to achieve satisfactory specified internal noise levels and have an outcome measure as part of the offering. If they are unable to offer sufficient insulation to reduce the internal noise sufficiently, they should be mandated to offer to purchase the home and its related site outright at a value that would reflect its purchase price had the home *not been exposed* to this noise. We are aware of situations locally where the daa have offered to give a purchase price *without* reflecting the value of the site upon which this home is located and declaring that the offer was all they were obliged to give and it was up to the resident to take it or leave it. For example if a home was on a 1/4ac site, they would just give the value of floor area of the home without reflecting the associated value a garden etc can have on the home's true value. This is unacceptable. The daa are creating the noise impacts but not willing to enable people to relocate to a similarly valued property by this underhanded undervaluing process.

Additionally, by creating the noise situation they have devalued homes in the areas subject to this noise. To then ascribe a value to the home which is lower than market value if there was no noise just compounds the issue. There is limited oversight to this process and another example of how the daa are policing themselves.

While I welcome the additional noise insulation threshold of any external peak >80dB, it fails to adequately address specified *outcomes* of the insulation as I detailed above. It is, in my opinion, not sufficient to offer a token of insulation while knowing it to be sufficient to adequately prevent night time awakenings and sleep disturbance. Additionally, I do not feel it adequate to have a grant 'towards' the cost of noise mitigation measures. While 20k is not insignificant, why is there a price limit? It will almost certainly prevent some people from accessing this if they are unable to come up with the balance. There is a 'polluter-pays' principle within European law.<sup>2</sup> The daa is benefiting from the fees airlines pay to fly; they should be the ones to fully cover adequate noise insulation schemes. Additionally, this figure came from the relevant action process, ie pre-covid. We are all acutely aware of the inflation in prices since, including in the building trade. Having a fixed offering like this does not stand up to scrutiny.

Additionally, the daa may query the necessity of this condition saying that the north runway is not used after 11pm as it is currently. There are a number of flaws in this argument.

Firstly, it assumes that they are being honest when they say this. They are not. Having gone through 2024, there have been 24 nights of night flight operations on the north runway due to routine maintenance of the south runway. There are also additional nights where they close the south runway for mandatory testing, meaning almost a month every year of night flights. People need a full night's sleep to perform at their optimal level. Concentration, manual dexterity and logical thinking all suffer if sleep deprived. Consider our example: my wife is a relatively light sleeper. She wakes on multiple times a night, both if flights stick to the npr and also if the flights departing do not stick to the npr and come over the house, something which the cargo planes tend to do. She then drives an hour to work to run antenatal clinics, operate on patients, and to deliver babies for the day. And because she does call, she can spend the next night awake as well, delivering babies and operating on sick patients. All after a night disrupted by the daa's planes overhead. Extend this logic to everybody who is awoken from sleep and then works the following day; why is this acceptable?

Secondly it assumes everyone who lives in these homes sleep between 12 and 6am. This, clearly, is also incorrect. Any reasonable person will accept that children go to sleep much earlier. They need more sleep than adults, no one will fault them for this. They are growing, they are developing. However the daa casually see no issue with disrupting their sleep, every night of the week. How is this acceptable?

Thirdly, it assumes that nobody does shift work, working through the night, or that nobody starts work at an ungodly hour of the morning and thus needs to go to bed in the evening. Our nation's hospitals are staffed by people who are sleeping during the day and working at night. Our nation's *airports* are staffed at night by people who have to sleep during the day and work at night. Why can the daa be allowed to disrupt their sleep without consequence? It is not good enough to say 'well they can always move'. People's families are rooted in their communities in so many ways. Forcing people to move like this is unfair on so many levels. Moving itself is a stressful situation. Being forced to move just compounds this.

I note that the ABP's inspectors report discusses the idea of reducing awakenings at night with the use of mitigation measures. However, as per the SMTW submission and the commissioned report written by their expert Dr. Garvey, if the relevant action is permitted without a movement limit, it will increase awakening for the local community, and it will worsen peoples health and well being. The SMTW report includes submission by noise experts assessing what noise monitoring data is available which show that even with a 13000 annual night-time movement limit, additional awakenings will increase significantly.

Mr. Kenny Jacobs has stated on RTE's *Prime Time* that the current flight paths 'align more closely with the flight paths from the planning permission'. Setting aside the idea of 'complying *more closely* with planning permission' (i.e. admitting that the daa is not actually complying with the pp), there still is an issue with the flight paths and the noise preferential routes described by the daa. They have described flight paths but on many occasions on a daily basis, flights do not actually adhere to this, thus spreading noise to areas not being covered by insulation schemes. For example in a 3 week period from 13/11/24 to 4/12/24 I submitted 41 complaints due to what

I perceived as excessive noise within my home. Of these, 23 were planes that deviated off the NPR track. Off NPR track planes happen numerous times daily and are not an occasional occurrence. Please see Appendix 1 for evidence of this. Separately in Appendix 2, I have received an email from the daa's acting community liaison officer Ms. Molloy confirming that other than requesting airlines to comply with the npr, there are no fines or inducement methods in place to actually force planes to fly in these zones. This is at odds with other international airports which fine airlines for breaking local procedures around noise, for example Heathrow Airport.<sup>3</sup> The daa can talk about NPR's all day, but unless they are required to force airlines to curtail operations to within these areas, it is of limited benefit to us. Please enforce noise monitoring in the zones adjacent to their stated flight paths to ensure no home is exposed to these noise thresholds yet unaccounted for due to lack of daa measurements.

It is worth reflecting on why this may be happening, and what this may mean for the future expansion of the airport. Ultimately any relevant action decision has to be taken in the context of other planning applications and public utterances by daa management as this has impacts on what the noise picture will be over the coming decades and this action should be constructed in such a way as to mitigate this as well.

Recent submissions as part of the daa's operational expansion 'additional information' requirement help clarify this. Media have reported that the daa's stated ultimate aim for passenger numbers is to reach 55 million passengers, a 23 million increase on the current cap of 32 million.<sup>5</sup> Indeed Mr. Jacobs was interviewed on newstalk on 21st Dec 2024 in which he states that the intention is submit a new planning permission to bring the passenger numbers to 55 or 60 million 'within a year' of the '40 million' planning permission being granted.<sup>4</sup> For a population of 5.5 million, this appears an anomaly. But not if the airport is being planned to grow, not for its own population, but to act as an interlocutor between North America and mainland Europe. There are big international hub airports in europe: Heathrow, Frankfurt, Paris, Schiphol; which are all in the top 20 airports in the world for passenger numbers, all in excess of ~60 million passengers per annum. There is another commonality between these airports - the limits on night flights via both Noise quota systems and also a restrictive movement limit. While a handful of arrivals or departures is facilitated, the movement limits are many times less than is facilitated during day operations. As has frequently been stated in the media during debates around the passenger cap, aeroplanes are the most valuable moveable asset that businesses have. Aeroplanes do not make money for airlines when they are parked. They earn money when flying. Nighttime restrictions at other airports have impacts both in terms of aeroplanes taking off as well as landing. With continued restrictions at major European hub destinations, aeroplanes on continental USA are parked at airports and unable to take off until such time that they are allowed land at these destinations. However, if another hub airport developed on the west coast of Europe with a tokenistic noise quota system (which in effect meant no night time restrictions on number of flights) it would facilitate a share of these flights to fly to this destination from which transfer onto smaller planes and on to their final destination can be done. At the same time, the larger plane can be turned around to depart out of this night-flight-limit-free hub and back to the USA. This is why having a hard movement limit on nighttime flights is so important, and vital to our communities health and well being.



Additionally, the deviated flight paths facilitate greater numbers of planes taking off in a short period of time than could be managed if the flight paths from the north runway actually aligned to their planning permission. Using the straight-out departures as depicted in the planning permission environmental assessment slows both planes departing as well as arriving during the busy parts of the day, and in particular the early morning period. However rather than getting planning permission granted in a proper fashion, they are attempting to get to this position via stealth, where a number of disparate planning permissions each chip away at the original

This all makes business sense. It maximises the use of expensive assets. It increases profits for companies and their shareholders. As someone who owns a private pension, this should not be dismissed out of hand. However there are also costs to doing business, and in this instance I feel the daa wishes to maximise the profits of its business, but is not willing to pay the full costs associated with it. Indeed, by underplaying the noise pollution impacts, and inadequately addressing the real costs to its resident neighbours, it is simply transferring these costs to them in terms of effects on health, diminished wellbeing, diminished enjoyment of their homes, and the devaluing of the most valuable asset that these residents are likely to own. This is not right. If the daa fixed my home so we could not hear them, so that my kids, my wife or me did not wake up or have our sleep disturbed, to be frank they could fly as many flights as they wished. Indeed, if they sterilised the area around the airport to residents, they could have the busiest airport in the world and no-one would complain. But they have not offered this, and are unlikely, i feel, to do so. In that case, it is imperative that a flight movement limit is in place to ensure the wellbeing of us living here.

Finally I would ask you to reflect on the following. The original ABP inspectors report recommendation on the NR planning permission was to *reject* the north runways planning permission. The board at the time decided not to accept their inspectors report based ultimately on the idea that the conditions attached to the planning permission would ameliorate the effects of the north runway upon opening. If the daa had issues with their planning permission they should have sought them amended *prior* to building the runway. They did not. They built it first *then* sought to have the conditions amended, hoping no doubt that the passage of time would cloud the rationale for their inclusion. This is morally wrong. If they felt that the conditions were so prohibitive as to make the north runway non-viable then they should not have built it. By preceding with the build of the north runway they have tacitly accepted their current planning permission is acceptable to their operations. Please do not erode these conditions to make our home life intolerable. Please keep the daa accountable to their responsibilities. Do not let them alter flight paths via stealth. Do not eliminate night flight limits as they are necessary to ensure local communities health and well being.

## Appendix

1. Copy of emailed .pdf from Noise Complaints office in the daa to me via [noiseinformationonly@daa.ie](mailto:noiseinformationonly@daa.ie)

Teach Cléiríochán  
Bosainn an Chéiríocháin  
Aerfort Breithe Átha Cliath  
Bord  
Co. Bhaile Átha  
Cliath

Claghairín Músaic  
Cairdeáil Réil  
Dublin Aerport  
Seirbhís  
Ch. Dublin



Date:

05-Dec-2024

Mr Murphy  
Your 41 Noise Complaints Between 13/11/2024 and 04/12/2024

Dear Mr Murphy,

I am writing to you following your recent contact with us concerning aircraft noise disturbance in your area.

Your query specified that there was aircraft noise disturbance in your area from aircraft using Dublin Airport. I have now investigated your concerns on our noise and flight track monitoring system and have found that there were aircraft in your vicinity. Of those 41 aircraft movements, there were 23 track deviations. The departure aircraft in question left the Noise Preferential Route (NPR or environmental corridor) below the releasing altitude of 3,000ft (or 4,000ft when using the North Runway). All departure aircraft must follow the NPR until they reach the releasing altitude unless vectored by air traffic controller for safe separation of aircraft, weather avoidance or emergency.

The flight event will be shared to AirNav, our air navigation service provider, for further investigation. All aircraft arriving and departing Dublin Airport come under the direction of AirNav Ireland who provide air traffic control services in Ireland, and it is they who are responsible for the routing of aircraft. Nonetheless, we in Dublin Airport have regular meetings with the AirNav Ireland and operators to continuously review the track keeping of aircraft in the vicinity of the airport.

Your query has been logged in our noise database. All queries are reported on a monthly basis and are published on our airport website.

Classification: Class 2 - Confidential



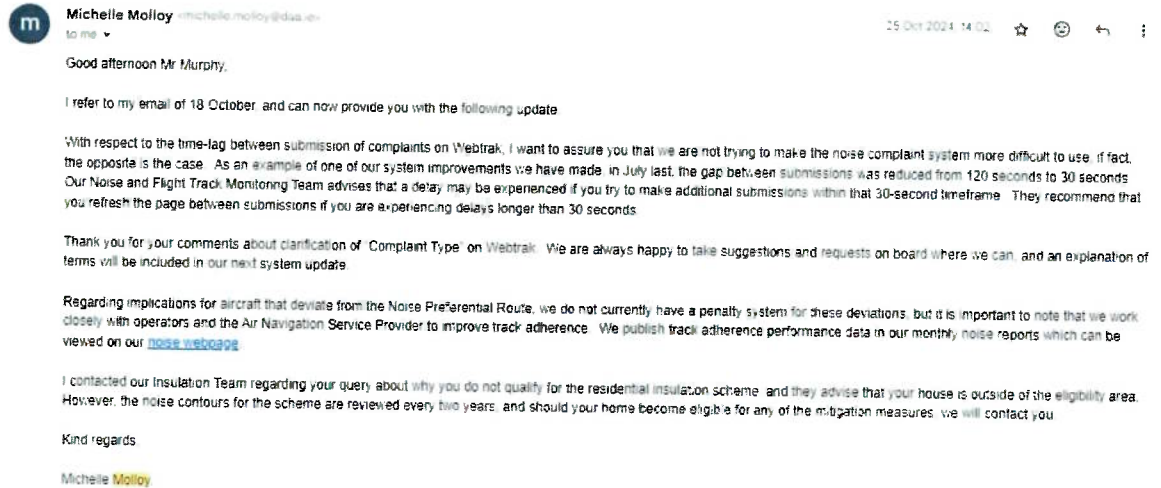
<https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/airport-noise-noise-reports>

I can assure you that we take concerns regarding aircraft noise very seriously and strive to do all we can to minimise any adverse impact from airport operations on both the community and the environment. In that regard we welcome all feedback concerning aircraft noise.

For more information on aircraft noise at Dublin Airport, please visit  
<https://www.dublinairport.com/corporate/corporate-social-responsibility/noise>.

Yours sincerely,  
Noise and Flight Track Monitoring Team

## 2. Emailed response to query re insulation eligibility from Ms. Molloy, acting community liaison officer



### References

1. Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument Runways (SOIR). International Civil Aviation Organization. 2004. Available from <https://skybrary.aero/sites/default/files/bookshelf/4647.pdf>
2. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E191%3AEN%3AHTML#~:text=2.,various%20regions%20of%20the%20Union>
3. Heathrow Airport Noise Fines, available from <https://www.heathrow.com/company/local-community/noise/making-heathrow-quieter/departure-noise-infringement-fines>
4. Mr. Jacobs newstalk interview 21/12/24, available from <https://www.goloudplayer.com/episodes/dublin-airport-cap-YTExZjAwMTdiMzU0ZDQzNDQ5MDgzYTMyYmZhOTE4ZWY=> from 9.00 Mr. Jacobs states intention to apply for 55 or 60 million passenger cap
5. Irishtimes.ie article, 'DAA 'ultimate' plan is for 55 million passengers a year through Dublin Airport', 30/11/24, Available from <https://www.irishtimes.com/business/2024/11/30/daa-ultimate-plan-for-55m-passengers-a-year-through-dublin-airport/>