

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 16/12/24
fromCedars Ridgewood
Management LLCI recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): no wE.O.: [Signature]Date: 16/12/24

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

VI _____

Please treat correspondence received on 16/12/24 as follows:

1. Up date database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 2233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Reopen red Cedars Ridge wood Management GIS*OO To be send**4. Attach to file**(a) R/S ☐(b) GIS Processing ☐(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: [Signature]AA: F. MotiponDate: 20/11/24Date: 23/12/24

Jones .

Lita Clarke

From: Noel Wilson <noelbwilson@gmail.com>
Sent: Monday 16 December 2024 14:41
To: Appeals2
Subject: Follow-Up response to ABP-414484-22
Attachments: ABP Responce Final 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.

Please find attached our response to case ref: *ABP-314484-22*
Please note we have already paid the submission fee previously on this case.
Please acknowledge receipt of this mail and attachment.

Thank you,

Noel Wilson
On behalf of the members of Cedars Ridgewood Management GLC

Follow Up Response to previous submission.

Our Reference: **Cedars Ridgewood Management GLC**

Your Case Number: **ABP-314485-22**

Planning Authority Reference: **F20A/0668**

Monday 16th December 2024.

Dear Sir/Madam,

We refer to your letter and draft decision dated 16th September 2024, and wish to make the following observations pertaining to same:

We have always, and continue to, contend that the Dublin Airport North Runway (10L/28R) is too close to the conurbation of Swords and under certain environmental conditions (principally wind direction & speed) large parts of residential Swords are subjected to unacceptable levels of proximity noise emanating from aircraft movements on the North Runway (10L/28R). You now appear to be doubling down on one bad decision in 2007 (to permit the North Runway in the first place) with another equally bad decision (to extend the operating hours of this runway (10L/28R) further into the night and early morning!). On two previous occasions we have supplied detailed descriptions and maps explaining this proximity noise impact and invited you to come freely and observe the impacts for yourself, which presumably you have decided not to do for reasons unknown to us. We now see that you continue to ignore or discount our observations as there is no mention of our specific concerns in either the inspectors report or the draft decision. You have joined the ranks of the DAA and ANCA who have both previously ignored our specific complaints and pressed ahead with your own agenda for reasons unknown to us.

Under your draft decision there will typically only be 6 (SIX) hours of respite from proximity noise pollution between 12 midnight and 6am! This is entirely insufficient for human health and development of children who require a MINIMAL of 8 hours rest per day on average. You are effectively allowing the DAA to burn the candle at both ends to our detriment. We also predict that the insatiable demands of the applicant will see future attempts to further extend North Runway (10L/28R) operating hours, and you have in effect set a very dangerous precedent in this regard with this recent draft decision. We predict that the applicant will seek to extend to operating hours from 5am to 1am thus allowing only 4 (FOUR!) hours of proximity noise respite for residents. You could have struck a compromise and allowed extended operating hours from 6.30am until 11.30pm (1 hour extension, not two) on 10L/28R but you have failed to do so and effectively given the applicant carte blanche to operate for a full additional two hours per day.

We observe that you have additionally chosen to replace a simple system (no North Runway (10L/28R) flights between 11pm and 7am) with a very convoluted and complex system of noise "quotas". In fairness we ask how this system can *credibly* be enforced when even the simple system was not adhered to previously! Your new proposed system is wide open for abuse by the applicant who can simply not report certain aircraft movements or alter aircraft types etc., to contrive compliance with the noise quotas you propose. We do not trust this new system as proposed. At the very least these logs should be published to the public to allow transparent scrutiny and real-time legitimate dispute, but we see no process for doing so in your draft decision. Also, you propose allowing very large (and thus noisy) aircraft to use the North

Follow Up Response to previous submission.

Runway's (10L/28R) longer span during the night! We submit that this should only be for cases of *emergency* and that *no scheduled* flights of these large noisy aircraft should be allowed (especially take-off) during the night-time (11pm thru 7am).

You have granted the applicant take-off only between 6am and 8am on the North Runway (10L/28R), but have failed to realise that take-off is much, much more noise impactful here than landings, so this is the worst possible decision for us given we are more likely to woken by take-offs than landings in the early morning period. We would have preferred Landings Only during this sensitive early morning period when many residents are still asleep.

Once again you appear to prioritise operational convenience and corporate profits (from the airport's operator and their airline customers' perspective) and subordinated the human health needs of the local community. This is an astonishing admission and a public scandal. You have acceded to the insatiable growth demands of the airlines and applicant and your authority does not seem to be applicable at Dublin Airport anymore. We can all observe this in the flagrant violation of the airport passenger cap and the existing night-time movement cap (65/night) to date. The applicant has breached both planning conditions with apparent impunity. You appear to now seek to appease the applicant's insatiable appetite for flight growth further by scarifying our sleep and wellbeing in the process. This is poor decision making, Sir! We cannot rule out further legal class-action in this regard and strongly advise that you keep all related materials and correspondence discoverable and accessible should it be required. There must be accountability for poor decision-making of this scale, many thousands of residents are affected, and you seem oblivious. Ask yourselves please; In who's interests are you operating here?

Your new proposed Condition 6 (seeking to apparently limit the overall night-time use of the airport to 13,00 aircraft movements per annum) looks and feels (to us) like an afterthought thrown in without being fully thought through. While on the face of things it may seem welcome, until we of course consider that the applicant has never, and probably will never, comply with any such cap requirement in reality, and you seem unwilling or unable to enforce compliance of this (or any other) airport cap limitation. We observe that the applicant themselves is unhappy with Condition 6; if that really be so, then let them withdraw their application for a relevant action entirely and let us return to the status-quo of conditions attached to the 2007 planning decision. The fact that they have not done so only further demonstrates to us that they indeed do not *intend* to comply with condition 6 even if they can't alter it beforehand.

For these reasons we implore you to regain your authority, recommit to the wider community needs & reject the applicant's relevant action and return us to the North Runway (10L/28R) 2007 planning conditions which (while imperfect) are at least better than your new draft proposals from our perspective.

We enclose and endorse too the submission of the wider community forum action forum as set out PS below.

Yours sincerely,

Noel Wilson on behalf of the members of The **Cedars Ridgewood Management GLC**.

SWORDS

Monday 16th December 2024.

PS. Additional Material as outlined by the Overall Anti-Airport Noise Community Forum which we also endorse:

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.

Follow Up Response to previous submission.

- **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.

Follow Up Response to previous submission.

- **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.

Follow Up Response to previous submission.

- **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.

Follow Up Response to previous submission.

- **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.