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File With _____

SECTION 131 FORM

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission ~~dated~~ received 18/12/20
from

Christopher D. Acliff recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): As per 133

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No.: ABP 314485

VI _____

Please treat correspondence received on 18/12/24 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 ☐(b) GIS Processing ☒(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: AA: F. KeppDate: 20/12/24Date: 24/12/24

James Sweeney

From: Christopher Ratcliffe <cr81ratcliffe@gmail.com>
Sent: Wednesday 18 December 2024 20:29
To: Appeals2
Subject: Submission on case number 314485
Attachments: 00206B4DB115241217172911.pdf; Emails of daa denying being in breach of planning permission Christopher Ratcliffe.docx

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

Email to appeals@pleanala.ie

Dear an Bord Pleanala.

Please find attached my submission and my sister Catherine's submission in respect of

Case number 314485

Kind regards

Christopher Ratcliffe

0863490888

To: An Bord Pleanála

Re: Appeal of Relevant Action Draft Decision

Case Number: 314485

Contact Details:

Name	CATHERINE RATCLIFFE
Address	Shallon The WARD CO DUBLIN
Contact Number	083 0523619.
Email Address	
Date	14 /Dec/2024.

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 unreasonable 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.

From: **North Runway** <northrunway@daa.ie>
Date: Fri 31 Mar 2023, 17:29
Subject: North Runway Queries
To: Christopher Ratcliffe <cr81ratcliffe@gmail.com>

Dear Mr Ratcliffe,

I refer to your twelve emails from March 16 to March 31, 2023.

Regarding logging of noise complaints as previously advised, it is not possible to submit noise complaints to us for record. Dublin Airport's Noise and Flight Track Monitoring service investigates complaints regarding aviation noise and any complaints should be submitted to them. All noise complaints must be reported within seven days of the incident through the dedicated free phone noise complaint line 1800 200 034 or via the complaint form <https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/complaint-form> which can be submitted online or by post to Noise and Flight Track Monitoring Service, Energy, Environmental & Utilities Department, Asset Care Base (Landside), Dublin Airport or via Webtrak, our flight monitoring system.

In relation to your query about our conferring with the noise monitoring team, we have advised you of the information received from them including noise monitor locations, new noise monitoring terminals and noise complaints logged.

Regarding your query on health, we refer to the previously provided link and information regarding air noise guidance that can be found in Appendix 13 of the Environmental Impact Assessment Report at <https://www.dublinairport.com/corporate/north-runway/operating-conditions/public-information>.

We previously provided you with information relating to the North Runway leaflet that was dropped to your premise on August 19, 2022, I can further add that it was delivered at 13.33 on that day. We will not be providing the company name however as previously advised, this was organised by and delivered on daa's behalf. Regarding the content of this leaflet, as you are aware an issue regarding North Runway's departure flightpaths was identified and the revised Standard Instrument Departures (SIDs) for North Runway's westerly departures came into effect on February 23, 2023. Further detailed information regarding this issue has been previously provided to you in responses sent

in January and in subsequent correspondence as part of the collective responses and North Runway notifications you have received.

As previously advised, daa disagrees with your assertion that planning permission has been breached. The matter is the subject of ongoing planning enforcement proceedings and it is inappropriate to comment further at this juncture.

Regards,

North Runway Team.

From: **North Runway** <northrunway@daa.ie>
Date: Fri 7 Apr 2023, 11:35
Subject: North Runway Queries
To: Christopher Ratcliffe <cr81ratcliffe@gmail.com>

Dear Mr Ratcliffe,

We refer to your eight emails from March 31 to April 7, 2023.

As previously advised, because you are posing the same questions to multiple people in daa, all of your queries are being answered via collective response, the last of which issued from the North Runway team on March 31. I outline some of these answers here again for clarity.

Regarding logging of noise complaints as previously explained, it is not possible to submit noise complaints by email for record. Dublin Airport's Noise and Flight Track Monitoring service investigates complaints regarding aviation noise and any complaints should be submitted to them. All noise complaints must be reported within seven days of the incident through the dedicated free phone noise complaint line 1800 200 034 or via the complaint form <https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/complaint-form> which can be submitted online or by post to Noise

and Flight Track Monitoring Service, Energy, Environmental & Utilities Department, Asset Care Base (Landside), Dublin Airport or via Webtrak, our flight monitoring system at <https://webtrak.emsbk.com/dub1>.

As advised, daa disagree with your comments about our commitment to our neighbours. We have kept local communities fully informed every step of the way in the pre-planning, planning, construction, pre-operational and operational phases of the North Runway project. daa continues to engage with local communities and residents on a regular and frequent basis via its extensive engagement programme to provide updated information when available including the North Runway advance notifications which you opted to receive and have been provided to you since January.

As previously advised, daa disagrees with your assertion that planning permission has been breached. The matter is the subject of ongoing planning enforcement proceedings and it is inappropriate to comment further at this juncture.

Regards,

North Runway Team.

From: **North Runway** <northrunway@daa.ie>
Date: Tue 18 Apr 2023, 10:56
Subject: North Runway Queries
To: Christopher Ratcliffe <cr81ratcliffe@gmail.com>

Dear Mr Ratcliffe,

We refer to your nine emails from April 7 to April 16, 2023.

As previously advised, it is not possible to submit noise complaints by email for record. Dublin Airport's Noise and Flight Track Monitoring service investigates complaints regarding aviation noise and any complaints should be submitted to them. We have referred your comments to the Noise and Flight Track Monitoring team and they advise that they have received your complaints and they are being investigated and will be responded to in due course.

On Sunday evening April 9, an emergency was declared at Dublin Airport following the arrival of a flight from Liverpool. Due to the closure of the South Runway, North Runway remained in operation to allow for the aircraft recovery and runway inspections to take place. Regular runway operations resumed on Monday morning. We apologise for any disturbance caused to you and hope you understand that the usage of North Runway on this occasion was necessary and due to the nature of the incident, advance notification of its use was not possible.

As advised in our previous correspondence, daa disagrees with your assertion that planning permission has been breached. The matter is the subject of ongoing planning enforcement proceedings and it is inappropriate to comment further at this juncture.

Regards,

North Runway Team.

From: **North Runway** <northrunway@daa.ie>
Date: Wed 24 May 2023, 14:13
Subject: North Runway Queries
To: Christopher Ratcliffe <cr81_ratcliffe@gmail.com>

Dear Mr Ratcliffe,

I refer to your 13 emails from May 3 to 20 and your call to our customer experience team which was forwarded to us for response.

Regarding your comments about our engagement, on numerous responses we have provided you with answers to the queries you raised with colleagues across the daa with collective responses and with the most recent responses sent to you by email on May 3. I outline some of these answers here again for clarity.

With respect to your comments regarding noise monitoring, as previously advised, daa monitors noise levels with multiple noise monitoring terminals in areas surrounding the airport and in consultation with the Noise Competent Authority, locations for additional noise monitoring terminals were agreed and the nearest one to your location continues to be at Bishopswood. Information on these noise monitoring terminals and the monitoring results can be found in Dublin Airport's quarterly noise reports at <https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/airport-noise-noise-reports>.

In relation to your query regarding environmental monitoring, as advised, daa carries out ambient air monitoring at Dublin Airport and the surrounding areas to ensure air quality is not effected by airport activities. Information relating to all air monitoring can be found at <https://www.dublinairport.com/corporate/corporate-social-responsibility/air>.

Regarding Webtrak, we are aware of an intermittent issue that arose on Webtrak that resulted in some aircraft not appearing. This was due to a radar issue and was resolved on May 18 and we are working with our stakeholders to restore this information.

Regarding the noise complaints you have logged, I have referred your comments to the Noise and Flight Track Monitoring team who advise that responses will issue to you in the coming weeks.

In relation to last week's essential maintenance works, the South Runway was temporarily withdrawn from service to facilitate these night-time works and North Runway was in operation. Unfortunately, there was an issue with communications that resulted in the advance notification not being sent. We sincerely apologise for this and want you to know that we are taking steps to ensure this situation is not repeated.

As advised in our previous correspondence, daa disagrees with your assertion that planning permission has been breached. The matter is the subject of ongoing statutory proceedings and it is inappropriate to comment further at this juncture.

Regards,

North Runway Team.

From: **North Runway** <northrunway@daa.ie>
Date: Wed 21 Jun 2023, 17:09
Subject: North Runway Queries
To: Christopher Ratcliffe <cr81ratcliffe@gmail.com>

Dear Mr Ratcliffe,

I refer to your seven emails from May 25 to June 20.

We have, on numerous occasions, addressed comments raised by you with respect to our engagement. We have provided you with collective responses which you have raised with colleagues across daa over the past number of weeks and months, with the most recent response sent to you by email on May 24. Additionally, our Community Engagement and Customer Experience teams have spoken with you by phone on a number of occasions. We are not aware of any missed communications.

In relation to your recent queries raised, I outline below, our response.

As advised, it is not possible to submit noise complaints by email for record. Dublin Airport's Noise and Flight Track Monitoring service investigates complaints regarding aviation noise and any complaints should be submitted to them. We have referred your comments to the Noise and Flight Track Monitoring team who advise that responses will issue to you in the coming weeks. Regarding your query on the number of noise complaints, as previously advised, monthly noise reports are available on the Dublin Airport website at <https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/airport-noise-noise-reports>.

With respect to your comments regarding noise monitoring, as advised, daa monitors noise levels with multiple noise monitoring terminals in areas surrounding the airport and in consultation with the Noise Competent Authority. Locations for additional noise monitoring terminals were agreed and the nearest one to your location continues to be at Bishopswood. Information on these noise monitoring terminals and the monitoring results can be found in Dublin Airport's quarterly noise reports at <https://www.dublinairport.com/corporate/corporate-social-responsibility/noise/airport-noise-noise-reports>.

Regarding the essential maintenance works in May, as advised, there was an issue with communications that resulted in the advance notification not being sent when the South Runway was temporarily withdrawn from service to facilitate night-time works and North Runway was in operation. daa sincerely apologise for this and has advised that steps are being taken to ensure this situation is not repeated.

Regarding your comments on the impact of wind direction on our operation - at times in recent weeks due to the change in wind direction, Dublin Airport was in easterly operations where arrivals were on North Runway and departures were on the South Runway with flights taking off into the east. When in easterly operations, i.e. the wind is coming from the east and when the winds are easterly (30% of the year), North Runway is used for arrivals between 0900 and 2000 (currently) and South Runway is used for departures. For easterly operations outside the hours of operation of North Runway, South Runway is the active departures and arrivals runway.

In relation to North Runway, notice of the extension of operational hours was provided in advance to the local residents and community groups and on Dublin Airport's website and media channels on May 24. Additionally, following your request, you were added to our advance notifications list and updates have been provided to you through this channel, including said update on May 24.

As advised in our previous correspondence, daa disagrees with your assertion that planning permission has been breached. The matter is the subject of ongoing statutory proceedings and it is inappropriate to comment further at this juncture.

Regards,

North Runway Team.