

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22.

Defer Re O/H

☐

Having considered the contents of the submission dated/received 23/12/24.  
 from Karl Cassidy. 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 new material Issues.

Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

Dan Wigglesworth

EO

Date

31/12/24.

Signed

F. Medipal 21/12/25

SEO/SAO

Date

21/12/25

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004147

## Online Observation Details

Contact Name  
Karl CassidyLodgement Date  
23/12/2024 10:32:33Case Number / Description  
314485

## Payment Details


Payment Method  
Online PaymentCardholder Name  
Marisa CassidyPayment Amount  
€50.00

## Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form☐ N/A — Invalid

Signed



EO

Date

31/12/24

## Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50.

Lodgement No

LDG-076995-24

Reason for Refund

Overpaid

Documents Returned to Observer

☐ Yes ☒ No

Request Emailed to Senior Executive Officer for Approval

☒ Yes ☐ No

Signed



EO

Date

31/12/24

## Finance Section

Payment Reference

ch\_3QZ8w9B1CW0EN5FC1PTHmHT3

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

An Bord Pleanála  
64 Marlborough St.  
Dublin 1  
D01 V902

Rosewood  
Coolquay  
The Ward  
Co.Dublin. D11Y89X

23<sup>rd</sup> December 2024.

**Planning Authority Reference Number:** F20A/0668

**ABP Case Reference:** PL06F.314485

**Planning Authority:** Fingal County Council

**Re:** A proposed development comprising the taking of a relevant action only within the meaning of Section 34C of the Planning and Development Act 2000, as amended, which relates to the night-time use of the runway system at Dublin Airport

Dear Sir/Madam

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

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

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

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

The following expanded summary highlights the inadequacies of the DAA application, the breaches of planning conditions, and the need for a comprehensive approach to managing night-time flights, which includes the retention of the movement cap as an immediate measure and consideration of a full ban on night-time operations to safeguard public health and community welfare.

### **1.0 Inadequacy of DAA Application and Necessity of Movement Limit**

- **Failure to Address Noise Impacts:**
  - The Dublin Airport Authority (DAA) application fails to assess or mitigate the adverse effects of nighttime noise adequately.
  - Average metrics like % Highly Sleep Disturbed (HSD) and  $L_{night}$  fail to capture acute impacts such as awakenings, which have immediate and long-term health consequences.
- **Health Implications of Nighttime Noise:**
  - Chronic sleep disruption contributes to cardiovascular disease, mental health disorders, and reduced cognitive performance.
  - The WHO highlights that even one additional awakening per night represents a significant adverse health impact, ignored in the DAA's proposals.
- **Projected Impacts:**
  - The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact.
  - The inspector has concluded "in conjunction with the board's independent acoustic expert that the information contained in the RD and the RA does not adequately demonstrate consideration of all measures necessary to ensure the increase in flights during the nighttime hours would prevent a significant negative impact on the existing population."
- **Insulation Limitations:**
  - Insulation measures cannot fully mitigate nighttime noise due to factors like open windows, low-frequency noise, and peak noise events.
  - The WHO average insulation value of 21 dB assumes windows are open 20% of the year, making insulation less effective.
  - The introduction of a new insulation criteria of 80dB  $L_{ASMax}$  is welcomed, however, without a detailed set of maps indicating who qualifies for this the decision is incomplete.
  - Furthermore, the grant value of €20,000 is considered inadequate to fully insulate those homes that qualify. Comparisons to other EU countries are incomplete and do acknowledge the fact that construction costs in Ireland and particularly Dublin are close to the highest in the EU.
  - It is fundamentally wrong that anybody who is so significantly affected by the negative impacts of noise from the proposed development should have to carry the cost of any mitigation works needed.
  - The scheme should be redesigned to cover the full cost of insulation.
- **Necessity of the Movement Limit:**
  - The movement cap of 13,000 nighttime flights is critical to reducing noise impacts and protecting public health.
  - Without this cap, noise exposure levels will rise significantly, endangering the well-being of nearby residents.
- **Conclusion on Permission:**

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

## **2.0 Unauthorised Flight Paths and Breach of Planning Conditions**

- **Deviation from Approved Flight Paths:**
  - The DAA has implemented flight paths that deviate significantly from those approved in the Environmental Impact Statement (EIS).
  - These unauthorised deviations expose previously unaffected areas to significant noise impacts, creating unassessed risks.
- **Failure to Seek Updated Permissions:**
  - The deviations breach Condition 1 of the planning permission, which requires adherence to the *originally assessed flight paths*.
  - No updated Environmental Impact Assessment (EIA) or planning application has been submitted for these changes.
- **Community Impacts:**
  - Affected communities have experienced noise levels without proper consultation or mitigation measures.
  - Local schools have been impacted.
  - The impact has been devastating for communities with families now feeling like they have no option but to sell their homes.
  - Trust in the DAA has been severely eroded due to a lack of transparency and accountability.
- **Legal and Procedural Concerns:**
  - The unauthorised flight paths undermine the planning system's integrity, setting a dangerous precedent for future projects.
  - Granting permission under these conditions violates planning laws and obligations under the EIA Directive.
- **Conclusion on Permission:**
  - Permission should be unequivocally denied until unauthorised flight paths cease and comprehensive reassessments are completed.

## **3.0 Right of Appeal in the Aircraft Noise Act 2019**

- **Legal Framework:**
  - Section 10 of the Aircraft Noise Act permits appeals of Regulatory Decisions (RDs) by relevant persons who participated in the consultation process.
  - SMTW (St. Margaret's The Ward Residents Group) qualifies as a relevant person under this framework.
- **Inappropriate Refusal of Appeal:**
  - SMTW's appeal against noise-related RDs was inappropriately denied by An Bord Pleanála, despite clear legislative provisions supporting it.
  - Denial of appeal prevents critical scrutiny of noise mitigation measures and exacerbates community disenfranchisement.
- **Importance of Appeals:**
  - Appeals are vital for maintaining transparency, ensuring accountability, and balancing airport operations with community welfare.
- **Conclusion:**
  - Denying appeals undermines public trust and violates the Aircraft Noise Act's intent to provide affected parties a voice.

## **4.0 Noise Quota System in the Fingal Development Plan**

- **Policy Objectives:**
  - Objective DAO16 supports a Noise Quota System (NQS) to reduce aircraft noise impacts, particularly during nighttime operations.
  - The policy prioritizes community health, sustainability, and the use of quieter aircraft.
- **Challenges in Implementation:**
  - Without a cap on nighttime flights, cumulative noise impacts will persist despite efforts to incentivize quieter aircraft.
  - Current plans increase noise exposure above 2019 levels, violating noise abatement objectives.
- **Recommendations:**
  - Enforce a movement limit alongside the NQS to ensure it effectively reduces noise disturbances.
  - Align the system with best practices observed at major European airports.

## 5.0 Night Flight Restrictions in Europe and Implications for Dublin

- **European Comparisons:**
  - Major airports like Schiphol, Heathrow, and Frankfurt enforce strict caps or curfews on nighttime flights.
  - Dublin's proposed 31,755 annual nighttime flights far exceed these airports' limits relative to passenger numbers.
- **Health and Environmental Alignment:**
  - European airports prioritize reducing noise exposure to mitigate sleep disruption, cardiovascular risks, and stress.
  - Adopting the 13,000-flight cap aligns Dublin with international best practices, ensuring proportional and sustainable operations.
- **Conclusion:**
  - The proposed number of flights is disproportionate and poses unacceptable health and environmental risks.
  - Without the movement limit the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.

## 6.0 Inadequacy of Insulation in Mitigating Aircraft Noise-Induced Awakenings

- **Technical Limitations of Insulation:**
  - Insulation does not address critical noise issues, such as low-frequency noise penetration and sharp peaks triggering awakenings.
  - Dormer-style housing near the airport is particularly susceptible to noise, rendering insulation largely ineffective.
- **Existing Schemes Are Insufficient:**
  - Residential Noise Insulation Scheme (RNIS) and Home Sound Insulation Program (HSIP) do not meet modern health protection standards.
  - Insulation is unsuitable for nighttime impacts and cannot substitute for operational restrictions like movement caps.
- **Alternative Mitigation Measures:**
  - Voluntary purchase schemes for residents in high-noise zones should be expanded to address the most severe impacts effectively.
- **Conclusion:**
  - Insulation alone cannot mitigate nighttime noise impacts; operational restrictions must remain central to mitigation strategies.

## **7.0 Health and Environmental Impacts**

- **Noise-Induced Health Risks:**
  - Chronic exposure to nighttime aircraft noise increases the risks of cardiovascular disease, hypertension, and mental health issues.
  - Children's cognitive development is adversely affected, impairing memory, learning, and overall performance.
- **Economic Costs:**
  - Health-related costs, including healthcare expenses and reduced productivity, are substantial and long-term.
  - For example, Brussels Airport's health cost analysis suggests similar impacts at Dublin could reach €750m annually.
- **Population Exposed:**
  - The DAA analysis has not used the correct population datasets in determining the impacts. This underestimates the impact on the communities around the airport.
- **Public Health Submissions:**
  - Evidence from health agencies emphasizes that noise-induced sleep disturbance is a significant environmental health risk.
  - Ignoring these risks contravenes principles of sustainable development and public health protection.

## **8.0 Other Environmental Impacts**

- **Use of Outdated Surveys:**
  - The Appropriate Assessment (AA) relied on outdated ecological surveys that do not accurately reflect current environmental conditions.
  - Failure to update surveys undermines the validity of the assessment and risks overlooking critical impacts on local habitats and species.
- **No AA on Full North Runway Development:**
  - The AA did not assess the full scope of the North Runway development, focusing only on limited aspects of the proposal.
  - Significant components of the development were excluded, leaving major potential impacts unexamined.
- **No Cumulative or In-Combination Assessment:**
  - The AA failed to consider cumulative impacts arising from the interaction of the North Runway with other existing and planned projects in the vicinity.
  - The absence of an in-combination assessment violates key legal requirements and risks underestimating the overall environmental impact of the development.
- **Non-Compliance with Legal and Regulatory Standards:**
  - The failure to provide an accurate, comprehensive, and up-to-date AA breaches obligations under the EU Habitats Directive.
  - The planning process has been compromised by this omission, exposing the development to potential legal challenges.
- **Potential Environmental Risks:**
  - The lack of thorough assessment could lead to significant unmitigated impacts on protected habitats and species, including cumulative degradation of local ecosystems.

## **9.0 Recommendations and Final Position**

- **Cease Unauthorised Flight Paths:**

- Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS.
- Conduct a new EIA to assess the impacts of any proposed deviations.
- **Retain Movement Limit:**
  - Maintain the cap of 13,000 nighttime flights to prevent further degradation of community health and well-being.
  - Implement the Noise Quota System to incentivize quieter aircraft and ensure proportional operations.
- **Refuse Permission:**
  - Granting permission under these circumstances undermines planning integrity and public trust.
  - Upholding planning law and ensuring transparent, evidence-based assessments are essential for future airport operations.

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

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

The relevant action if approved would be extremely damaging for the families and communities which are already affected by the DAA's unauthorized development of low flying aircraft and illegal flight paths from the recently opened North Runway. It would mean a worsening of the current situation with increased night flights and an extension to the permitted day hours from 6am to midnight. How can families be expected to live with only 6 hours of uninterrupted sleep time per day. The relevant action, if permitted, would make it intolerable for people to live in the local communities affected by the DAA's actions.

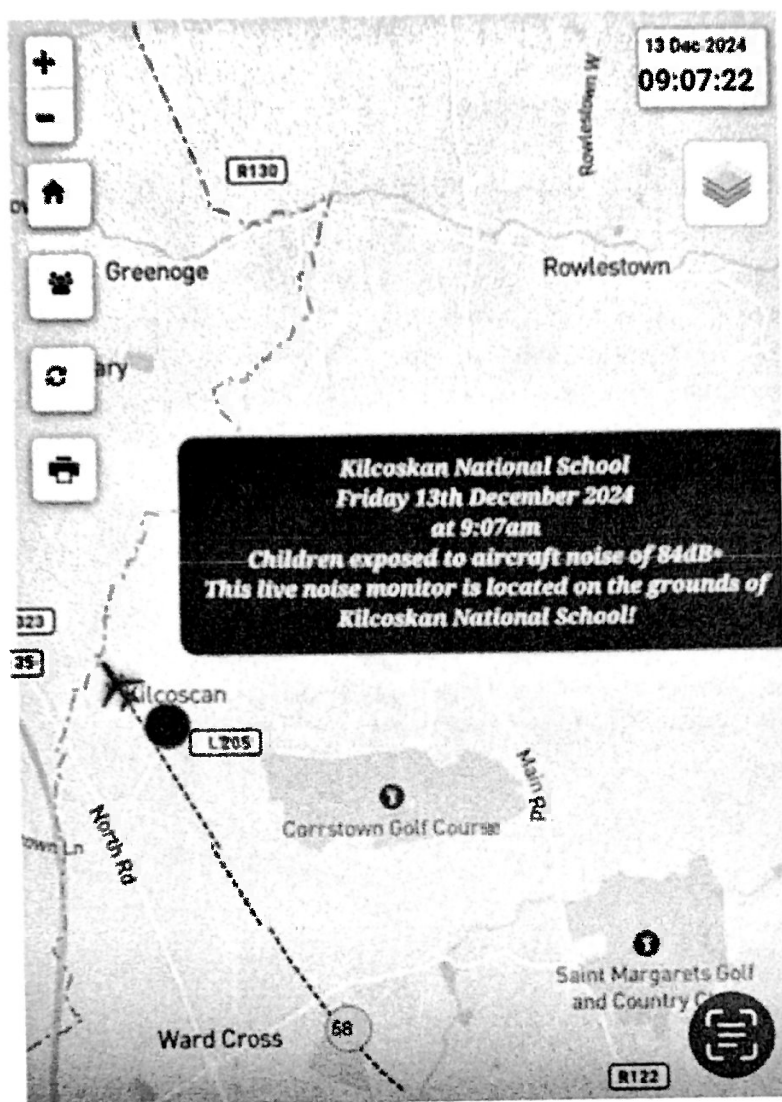
The DAA's focus is to maximise the full potential of the new North Runway with no consideration of its impact on the local communities or the environment. They continue to ignore the misery they are inflicting on the local communities and arrogantly refuse to meet with the communities to discuss the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

Our planning system is the only hope that the affected communities have to rely on to protect their wellbeing and the health of their families. The relevant planning authorities must appreciate the negative impact that the current flight paths are having on the affected communities notwithstanding that they are illegal and without proper environmental assessments/ approvals.

We reside circa 6km from the North Runway and the enjoyment of our home has been taken away from us, whereby we cannot enjoy the use of our outside space and garden when

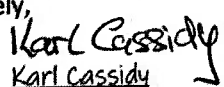
planes are flying overhead with noise levels recorded at 80+db, and flight heights between 2000 ft- 2400ft every 90 seconds during busy periods. It is similar inside in our home (noise levels of 60+db constantly recorded). This makes life extremely difficult, particularly during holiday periods and especially Christmas with the increased intensification of flights at a time when families should be enjoying the peacefulness of their homes.

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



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

Yours Sincerely,

Sign: Karl Cassidy  Date: 23<sup>rd</sup> December 2024  
Karl Cassidy

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22.

Defer Re O/H

Having considered the contents of the submission dated/received 23/12/24.  
from Sarah Maguire, 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 new material issues.

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

Signed

Dan Wigglesworth

EO

Date

31/12/24.

Signed

SEO/SAO

Date

F. Khatipov

21/1/25

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004156

LDG: 076987-24

### Online Observation Details

Contact Name  
Sarah Maguire

Lodgement Date  
23/12/2024 15:51:04

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Sarah Maguire

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

*Don Wigglesworth*

EO

Date

31/12/24

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50.

Lodgement No

LDG— 076987-24

Reason for Refund

Overpaid

Documents Returned to Observer

☐ Yes ☒ No

Request Emailed to Senior Executive Officer for Approval

☒ Yes ☐ No

Signed

*Don Wigglesworth*

EO

Date

31/12/24

### Finance Section

Payment Reference

ch\_3QZDuOB1CW0EN5FC0hDz75ie

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

An Bord Pleanála case 314485

Dear Sir/Madam,

Could I please make a further submission in "relation action".

#### Environmental Impact Assessment

Communities in the area have been informed that flightpaths do not form part of the planning permission for the North Runway. However, that is not correct as under the chapter on noise in the EIAR for the North Runway, flightpaths were specifically asked to be included by An Bord Pleanála, in order to assess impact.

The flightpaths used and assessed within the EIAR, were subsequently adopted by Fingal County Council to control development under those same flight path contours for nearly 15-years post the grant of permission. The purpose of this was to prevent future communities being impacted by noise, and to allow for appropriate decision making by people purchasing or developing property in North County Dublin.

Before purchasing my house in the Ward, County Dublin, I checked these maps to ensure that that I would not be impacted by the north runway. However, I find my property is now directly below the new flightpath, and I am impacted every day by continuous noise, with air traffic in excess of the level envisaged in the planning permission.

The draft decision ABP-314485, is silent on this. DAA say the changes to flightpaths are due to a safety requirement approved by IAA. The IAA say that they only assess the safety of the paths that have been submitted to them, and that they have not been asked to review the originally proposed flightpaths.

The draft decision now extends the use of Runway 10L-28R to be used (6:00 to 11:59), without addressing the issue of the flightpaths, therefore compounding this issue. This entirely undermines the EIAR process, as it appears as though there is no penalty on a developer for failing to accurately identify and assess impacts. Given the scale and importance of this project, it has the potential to impact confidence in the consent and delivery of the National Development Plan.

It is unclear how An Bord Pleanála can assess a permission to alter the operation of a previously consented development without addressing conformance with the original EIAR, and why none of the authorities are inclined to ask IAA to confirm whether it is possible to use the originally proposed flightpaths. Safety is being used as a reason, however, the safest form of take-off is a direct straightline takeoff. It is a sight to behold to witness large airplanes struggle to bank right at low altitude, immediately after takeoff. This action also results in increased noise at ground level and increased fuel use.

The noise control proposals also do not stipulate how these will be measured, which is of concern, as the current levels are far above those indicated by DAA (I have measured levels over 60dB inside my house in early morning). There are no noise monitoring points directly under the new flightpaths, and the noise levels are modelled based on altitude and distance. There does not appear to be any check between modelled and actual. Also the use of average figures is not reflective the lived experience beneath a flight. If eight flights take off and four fly directly over my house, I do not experience 50% of the noise level of a flight. It merely means that I will be woken up 4 times instead of 8 times.

Kind Regards,

Sarah Maguire, Fleenstown, The Ward Co Dublin. D11 XT85