

**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

Kevin Doran & Marie McHale 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: 24/12/24

For further consideration by SEO/SAO

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: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

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

**CORRESPONDENCE FORM**Appeal No: ABP 314485-22

M \_\_\_\_\_

Please treat correspondence received on 23/12/24 as follows:

- |   |  |
|---|--|
| 1. Update database with new agent for Applicant/ Appellant _____<br>2. Acknowledge with BP _____<br>3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____<br>2. Keep Envelope: <input type="checkbox"/><br>3. Keep Copy of Board's letter <input type="checkbox"/> |
|---|--|

**Amendments/Comments****4. Attach to file**

- |  |   |
|--|---|
| (a) R/S <input type="checkbox"/><br>(b) GIS Processing <input type="checkbox"/><br>(c) Processing <input type="checkbox"/> | (d) Screening <input type="checkbox"/><br>(e) Inspectorate <input type="checkbox"/> |
|--|---|

RETURN TO EO ☐

|       |   |
|-------|---|
|       | Plans Date Stamped <input type="checkbox"/>     |
|       | Date Stamped Filled in <input type="checkbox"/> |
| EO:   | AA:   |
| Date: | Date:   |

# Validation Checklist

Lodgement Number : **LDG-076971-24**

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

Customer: **Kevin Doran & Marie McHale**

Lodgement Date: **23/12/2024 12:12:00**

Validation Officer: **Cathy Carleton**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An  
Bord  
Pleanála

| Validation Checklist                          | Value               |
|---|---------------------|
| Confirm Classification                        | Confirmed - Correct |
| Confirm ABP Case Link                         | Confirmed-Correct   |
| Fee/Payment                                   | Valid – Correct     |
| Name and Address available                    | Yes                 |
| Agent Name and Address available (if engaged) | Not Applicable      |
| Subject Matter available                      | Yes                 |
| Grounds                                       | Yes                 |
| Sufficient Fee Received                       | Yes                 |
| Received On time                              | Yes                 |
| Eligible to make lodgement                    | Yes                 |
| Completeness Check of Documentation           | Yes                 |

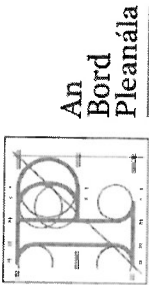
New observation

· BP40 - receipt. ✓ FD 24/12

Run at: 23/12/2024 16:58

Run by: Cathy Carleton

Lodgement Cover Sheet - LDG-076971-24



An Bord Pleanála

Details

|                                  |   |
|----------------------------------|---|
| Lodgement Date                   | 23/12/2024                                  |
| Customer                         | Kevin Doran & <del>Other</del> Maire McHale |
| Lodgement Channel                | In Person                                   |
| Lodgement by Agent               | No  |
| Agent Name                       |   |
| Correspondence Primarily Sent to |   |
| Registered Post Reference        |   |

|                                 |               |
|---------------------------------|---------------|
| Lodgement ID                    | LDG-076971-24 |
| Map ID                          |               |
| Created By                      | Anthony Kelly |
| Physical Items included         | No            |
| Generate Acknowledgement Letter |               |
| Customer Ref. No.               |               |
| PA Reg Ref                      |               |

Categorisation

|                |                          |
|----------------|--------------------------|
| Lodgement Type | Observation / Submission |
| Section        | Processing               |

|                                |                       |
|--------------------------------|-----------------------|
| PA Name                        | Fingal County Council |
| Case Type (3rd Level Category) |                       |

Fee and Payments

|                        |        |
|------------------------|--------|
| Specified Body         | No     |
| Oral Hearing           | No     |
| Fee Calculation Method | System |
| Currency               | Euro   |
| Fee Paid               | 50.00  |
| Refund Amount          |        |

|                                |               |
|--------------------------------|---------------|
| Observation/Objection Allowed? |               |
| Payment                        | PMT-060055-24 |
| Related Payment Details Record | PD-059912-24  |

Observation

|                     |  |
|---------------------|--|
| PA Case Number      |  |
| PA Decision Date    |  |
| County              |  |
| Development Type    |  |
| Development Address |  |
| Appellant           |  |
| Supporting Argument |  |

|                             |  |
|-----------------------------|--|
| Development Description     |  |
| Applicant                   |  |
| Additional Supporting Items |  |

**To: An Bord Pleanála**

**Re: Appeal of Relevant Action Draft Decision**

**Case Number: 314485**

|                         |                  |
|-------------------------|------------------|
| <b>AN BORD PLEANÁLA</b> |                  |
| LDG- <u>96971-24</u>    |                  |
| ABP- _____              |                  |
| 23 DEC 2024             |                  |
| Fee: € <u>50-</u>       | Type: <u>CNH</u> |
| Time: <u>11.47</u>      | By: <u>HANN</u>  |

**Contact Details:**

Name KEVIN DORAN - Marie McHale

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Contact Number 086 2442735

Email Address mmaringo@gmail.com

Date 21st December 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 request for additional hours of operation on the north runway and a 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.

Given these findings, it is essential that any current or future expansion of airport activity during night-time hours be disallowed but at the very least strictly limited by a movement cap of 13,000 annual night-time flights, as proposed.

Proposed operations on the north runway from 6am to midnight presents unacceptable risks to health and quality of life, and in particular will cause further catastrophic and unreasonable sleep disruption for residents and families already suffering due to north runway flightpaths.

The following summary points highlights the inadequacies of the DAA application:

**1.0 Inadequacy of DAA Application**

- 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.
- The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise is a significant adverse impact.

## **2.0 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.
- The proposed 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. The scheme should be redesigned to cover the full cost of insulation.
- 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.

## **3.0 Necessity of the Movement Limit and Rejection of the Additional North Runway Operating Hours:**

- 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.
- The proposed additional operating hours from 6am to 7am and from 11pm to midnight on the north runway are completely unacceptable. The flightpaths in operation from north runway are causing huge suffering, distress and sleep disturbance for tens of thousands of people in Fingal and Meath.
- Adding a further two hours to the schedule when most people are trying to sleep only makes and

unreasonable situation even worse. The flightpath issue must be solved firstly before any other changes can be considered. For context, there were 40 departures between 6am and 7am on Monday 16 December 2024. This is the busiest hour of each day at the airport. It would be disastrous if these 40 departures were switched to the North Runway because they would now be taking a divergent turn and flying low (on full power while turning) over communities who should not be under or near to a flightpath. The volume and frequency would be much greater in the summer period.

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

- 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.
- The deviations breach Condition 1 of the planning permission, which requires adherence to the originally assessed flight paths. No updated Environmental Impact Assessment (EIA) or planning application has been submitted for these changes.
- Affected communities have and are experiencing 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.
- 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.
- There are multiple possible means of compliance with the pertinent ICAO regulations. IAA has received and approved only the one chosen by daa as Aerodrome Operator.
- Any inference or implication that IAA instructed or caused daa to deviate from the route approved in their planning permission is **not correct**.

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

- 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.

- 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.
- Without the movement limit the Noise Abatement Objective (NAO) set by ANCA for Dublin Airport cannot be fully achieved.

## **6.0 Health and Environmental Impacts**

- 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.
- 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.
- The DAA analysis has not used the correct population datasets in determining the impacts. This underestimates the impact on the communities around the airport.
- 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.

## **7.0 Recommendations**

- Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS.
- At the very least, maintain the cap of 13,000 nighttime flights to prevent further degradation of community health and well-being, however due to the severity of the projected health and environmental impacts that nighttime aircraft noise presents, a complete ban on night-time flights should be strongly considered.
- Implement the Noise Quota System to incentivize quieter aircraft and ensure proportional operations.
- Reject the proposed additional hours of operation on the north runway for reasons outlined.

**To: An Bord Pleanála**

**Re: Appeal of Relevant Action Draft Decision**

**Case Number: 314485**

**Contact Details:**

|                       |  |
|-----------------------|--|
| <b>Name</b>           | Kevin Doran<br>Maive Whelan                            |
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| <b>Contact Number</b> | 086 244 2735   |
| <b>Email Address</b>  | MMARIN90@gmail.com                                     |
| <b>Date</b>           | 21. 12 - 24  |

**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 DA016 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.