

File With _____

SECTION 131 FORM

Appeal NO: ABP 314655

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 19/12/24
fromWilliam Dempsey 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 m r ssedE.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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 3M485

VI _____

Please treat correspondence received on 19/12/20 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**Keep recd from William Deming* To be scanned**4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☒(e) Inspectorate ☐(c) Processing ☒RETURN TO EO ☐EO: [Signature]Plans Date Stamped ☐Date Stamped Filled in ☐AA: F. KhosraviDate: 20/12/20Date: 23/12/20

James Sweeney

From: William Dempsey <wdemp@outlook.com>
Sent: Thursday 19 December 2024 14:23
To: Appeals2
Cc: Duncan Smith
Subject: PL06F.314485-22 Draft Decision Observations
Attachments: 314485 William Dempsey Draft Decision Comments .docx

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Dear, Sir / Madam

I would like to make observations on the draft Decision by An Bord Pleanála case number 314485-22 regarding planning application F20A/0688 by the DAA for a relevant action to change the operating conditions of the planning permission for the North Runway concerning night-time flights.

Please see attached a copy of my observations and comments regarding the draft decision.

Regards William

An Bord Pleanála Case No:	PL06F.314485-22 Draft Decision Observations
Planning Application:	F20A/0668
Planning Authority:	Fingal County Council
Development Location:	Dublin Airport
Name:	William Dempsey
Address:	Wheatfield, Ballyboughal, Co Dublin

I would like to make observations on the draft Decision by An Bord Pleanála regarding planning application F20A/0688 by the DAA for a relevant action to change the operating conditions of the planning permission for the North Runway concerning night-time flights.

I agree with the general intent of the draft decision to protect the health and welfare of residents in area of the night-time flightpaths. However, given the history of the DAA's lack of compliance with planning conditions and the subsequent impact on residents, I would ask that An Bord Pleanála set a condition to ensure that the DAA responds to confirm that they will abide by the conditions of this decision and that an independent body such as An Bord Pleanála will monitor the DAA's compliance with the decision.

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.

Please see below specific observations regarding the An Bord Pleanála decision:

1. Flightpaths and Noise Contours:

An essential prerequisite of the measures and conditions to mitigate aviation noise on the human population is that aircraft follow the approved flightpath and altitude limits known as the noise preferential route (NPR). If aircraft vary from the approved NPR, planning noise mitigation measures and conditions will not be effective. NPR control and monitoring is a fundamental pillar of any noise quota scheme, if aircraft do not follow the authorised NPR, noise exposure measurements and statics will not be accurate, and noise abatement objectives will not be achieved.

The An Bord Pleanála inspectors report page 223 states:

“12.6.75. As per my assessment below, and in the interest of clarity, the Board will note that the flight patterns submitted in the applicant’s supplementary information and included for the purpose of the proposed scenario of the EIAR, differ to those submitted in the original EIS for the NR application. The Board will note that the flight patterns submitted to the planning authority for the original Relevant Action also differed from those submitted with the original EIS for the NR application. The main difference between the revised EIAR and the amended supplementary EIAR is the divergence north from the NR, earlier than previously indicated in the revised EIAR permitted by the planning authority.”

The flightpaths and noise contours presented in the DAA’s EIAR supplement (in response to An Bord Pleanála’s Request) are materially different from those approved in the application for the North Runway EIS 2004 -2007 Option 7b. and Noise Abatement & Flight Procedures in the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) documentation. See extract below:

“6.2.4 Aircraft of Categories C/D (medium to heavy jets) departing to the west (Runway 28) are required to maintain straight ahead after take-off to 5NM before commencing turn, unless otherwise cleared by ATC above 3000 feet.

6.2.5 Aircraft of Categories C/D (medium to heavy jets) departing to the east (Runway 10) are required to maintain straight ahead after take-off to 5NM before commencing turn (if turning left), and 6NM (if turning right), unless otherwise cleared by ATC above 3000 feet. The disparity here is to ensure that southbound aircraft do not over-fly Howth Head. Northbound aircraft will turn over the sea thereby avoiding the communities of Portmarnock and Malahide.”

The unapproved flightpaths currently being used and presented in the DAA EIAR supplement are based on aircraft turning before the 5NM and 3000 feet limits. This has resulted in intolerable noise problems for thousands of residents in North County Dublin who were not included or consulted in the original planning.

Areas such as Ashbourne, Oldtown and Ballyboughal are being overflowed by aircraft causing aviation noise in the region of 60 to 70 dBA. These areas were not previously overflowed by aircraft until the opening of the North runway and were not included in any insulation scheme. This is in breach of condition 6 of Planning Permission (ABP Ref. No.: PL06F.217429).

As a result of the intolerant noise being created by the DAA unapproved flightpaths, there has been public protest and complaints to the DAA, Fingal County Council and local TDs. Based on this An Bord Pleanála should consider reiterating the approved flightpath conditions above for the purpose of clarity and to ensure that the noise mitigation measures are effective.

2. Unauthorised Flightpaths and Breach of Planning Conditions

The DAA have breached previous planning conditions resulting in public protests and enforcement orders from Fingal County Council.

- The DAA has implemented flightpaths 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**.
- Permission should be unequivocally denied until unauthorised flightpaths cease and comprehensive reassessments are completed.

3. 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.

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."

4. Night Flights Operational Hours:

An Boad Pleanála restricted the quantity of night flights to 56 per night and made a condition that the North runway should not be used between the hours of 11pm and 7am, in order to ensure that there would be no deterioration in noise conditions at night, per the decision on the planning application by the DAA (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429).

There have been numerous news articles on the subject and an RTE Prime Time programme on the noise problems caused by the DAA change to flightpaths and exceeding the 56 flights per night.

Permission is being sought to amend part 3 (d) of the condition only so that it reads (changes highlighted):

*“Runway 10L-28R shall not be used for take-off or landing between **0000 hours and 0559 hours** except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type”.*

The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 07:00 to 23:00 (16 hours/day) to 06:00 to 00:00 (18 hours/day).

In the interest of public health, residential amenity and the proper planning and sustainable development of the area, the operations hours of the North Runway should not be increased from 16 hours / day to 18 hours per day. As it will lead to a deterioration in noise conditions at night and will reduce sleeping hours for residents in the area of the airport from 8 hours to 6 hours.

The DAA have shown that they can meet their passenger numbers and aircraft movements within 16 hours per day so there is no need to extend operating hours to 18 hours per day.

The DAA have demonstrated that they can achieve in the region of 97000 passengers per day under the present An Bord Pleanála conditions which is approx. 35M passengers per year.

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.

Approving a change to increase the hours for daytime operation of the North runway will result in increasing capacity and will give the DAA the ability to further exceed their regulatory limit of 32M passengers. This is detrimental to the residents of North County Dublin and puts extra pressure on the services (such as Garda, bus service and road maintenance) while at the same time overloading existing infrastructure (such as Terminals, roads to the Airport and carparks). Why would any reasonable manager or neighbour do this. This should not be approved before approving an increase to the Dublin airports capacity limit, which is another application within the planning process.

5. Noise Quota System:

The DAA in conjunction with ANCA are planning to amend operating conditions per the DAA planning application (F20A/0668) to allow night flights while introducing a new noise quota system based on average noise levels without a cap on the number of flights (movements) per night.

They propose a noise quota annual limit of 16,260, which can result in a very large number of flights on any given night.

The An Bord Pleanála inspectors report page 19 states:

1.10.4. The applicant's breakdown of the NQS includes an estimation of the ratio of quota count to aircraft movements (QC/ATM). The initial proposed annual night quota for the 6.5hr night quota period (i.e. 7,990) derived a mid-value QC/ATM between 2018 and 2025 of 0.49 per aircraft movement. The updated annual night quota for the 8hr night quota period (i.e. 16,260) for the same time is 0.51. The Board's noise expert has equated the QC budget of 16,260 over the annual 365-day period as c. 87 aircraft movements per night. Under this quota scenario, I have calculated, there is a potential for 31,755-night flights.

Normal practice at major European hub airports is to have a limit on flights (movements) per annum or per night.

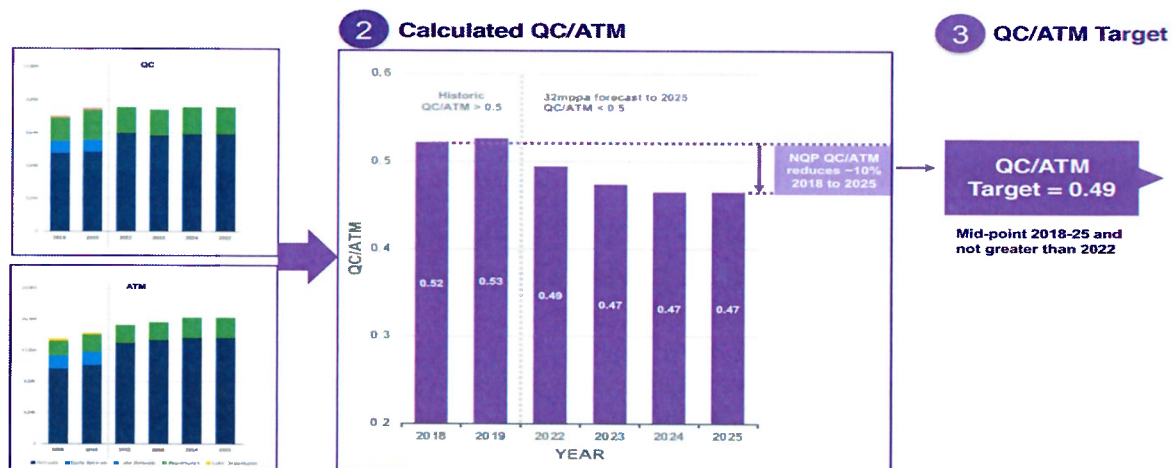
An Bord Pleanála recognised this and correctly proposes a limit of 13,000 aircraft movements between 11pm and 6:59am, with 3,900 of those in the winter and 9,100 in the summer, along with the noise quota limit of 16260.

The noise quota limit of 16260 is problematic and needs to be reduced to be in the region of 7990 as originally suggested by the DAA to achieve a ratio of quota count to aircraft movement of .49 per the extract below from the DAA proposal for a noise quota system.

2 Calculate NQP QC Total and QC/ATM and 3 QC/ATM Target

QC/ATM forecast to reduce by 10% from 2018 (0.52) to 2025 (0.47).

QC/ATM mid-value between 2018 and 2025. Target = 0.49.



Dublin Airport Proposed Night Quota System



In the UK they have a similar limit of night flights and a similar noise quota process but with a noise quota limit which is lower than night flights limit. This is an important feature of the quota process to ensure that the noise level over time is driven downwards.

Proposed structure of the regime is set out in table 1 below from the UK site: [Night flight restrictions: Heathrow, Gatwick and Stansted airports from October 2025 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/night-flight-restrictions-at-heathrow-gatwick-and-stansted-airports-from-october-2025)

Table 1 – proposed structure of the night flight regime, October 2025 to 2028

Airport	Seasonal Period	Movement Limit	Noise Quota Limit
Heathrow	Winter	2,550	2,415
	Summer	3,250	2,735
Gatwick	Winter	3,250	1,785
	Summer	11,200	5,150
Stansted	Winter	5,600	3,310
	Summer	8,100	4,650

As you can see from the above the UK airports have similar allowed movements per night to Dublin but a noise quota limit of at least half that being proposed by ABP in its draft decision.

When ANCA and the DAA initially proposed using the noise quota system, they based it on a passenger Cap 32M passengers and a noise quota count of 7990 which is closer to the London noise quota count numbers above and much less than the 16260 being proposed now.
Base on the above I would request that you use the 7990 as the noise quota count limit.

6. 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.

7. 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.

8. 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_{A5Max} 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.

Eligibility to the insulation scheme shall be **reviewed every 2 years commencing in 2027** with residential dwellings situated in the 55 dB L_{Night} contour being eligible under the scheme. A period of 2 years is unreasonable for residents affected by noise levels and with the amount of new housing being planned by the Government.

The DAA have not conducted an insulation programme to affected residents along the unapproved flightpath over Ballyboughal and have just recently introduce noise monitoring there. Without having reviewed the results of the current noise monitoring, the DAA cannot confirm that they have adequate noise mitigations measures in place for residents.

9. Recommendations

Immediately halt unauthorised deviations and revert to the flight paths approved under the original EIS.

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 incentivise quieter aircraft and ensure proportional operations.

Reject the proposed additional hours of operation on the north runway for reasons outlined.

Restate the flightpaths and NPRs to be followed with the approved flightpath conditions.

Review the proposed noise insulation scheme along the flightpaths that are actually been used.

Review eligibility to the insulation scheme yearly.