

27th February 2022

To: The Aircraft Noise Competent Authority

Re.: Planning Application F20A/0668 and Public Consultation on Aircraft Noise (Dublin Airport) - Draft Determination by the Airport Noise Competent Authority

Dear Sir or Madam,

We write on behalf of the Seapark Residents' Association, Malahide, County Dublin. Our Association represents approximately 1,000 residents in over 350 houses in this area. We wish to make a formal submission to the above-mentioned public consultation process and would be grateful if you would note

OUR STRONG OBJECTION

to the proposed lifting of night-time restrictions at Dublin Airport. Among the reasons for our opposition are the following:

- The proposal is illegal because it has never gone through the planning process. In the adjudication by An Bórd Pleanála (Planning Application F04A/1755, Reference Number PL 06F.217429, the application by Aer Rianta for planning approval to develop the north parallel runway, Condition 1 stated that:
"The development shall be carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application as amended by the further plans and particulars received by the planning authority on the 9th day of August 2005, including the Environmental Impact Statement Addendum, and the 3rd of March 2006 and received by An Bord Pleanála on the 30th day of August 2006, the 5th day of March, 2007 and in the oral hearing, except as may otherwise be required in order to comply with the following conditions."
- In none of the voluminous documentation lodged with the planning authorities was there ever any proposal for divergent flight paths on departure. Thus, no planning approval was granted for such a mode of operation and to proceed as if there was such approval is to proceed with the planning and development by stealth.
- County Development Plans adopted by Dublin County Council in the early 1970's had made provision for the development of a north parallel runway at Dublin Airport. As a result, housing developments planned at that time in the North Portmarnock area - that is, those directly under the projected flight path - were required to provide additional sound insulation measures as a condition of the development. There is no suggestion anywhere that the homes that would now be affected under these new proposals would be facilitated in the same way.

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- This stipulation did *not* apply to the significant volume of housing planned for development in East Malahide at the same time, obviously because it was *never* envisaged that those areas would have flights in the skies directly above their heads.
- At all times, the approved County Development Plans incorporated provision for the second parallel runway always on the unconditional basis that the noise and safety zones were determined on the absolute assumption of straight-out departures from both runways.
- The current Fingal County Development Plan made similar provision. However, it was *subsequently amended to facilitate divergent flight paths on departure*.
- Divergent flight paths are an essential requirement if the parallel runways are to be operated as “Independent Parallel Runways.” Such is possible at Dublin Airport as the separation between the parallel runways is sufficient to allow this mode of operation. However, while Independent Parallel Runway operation is not a requirement under international regulations, it can be utilised by the Airport Authority to increase the number of aircraft movements per hour by 15%.
- Please note that the Planning Application F20A/0688 by the Dublin Airport Authority *explicitly* states that the *only* changes sought to planning decision F04A/1755 (An Bórd Pleanála ref No PL 06F.217429) is to amend conditions no. 3(d) and no.5, relating to night flight restrictions.
- It is incontestable that the documentation submitted to the Aircraft Noise Competent Authority by the Dublin Airport Authority and its consultants clearly indicates the intent to operate with divergent flight paths on departure, thus exposing the homes of residents in Malahide to significantly increased aircraft noise that were never designed to have inflicted on them.
- As no planning application has been made for approval of this mode of operation and its consequent adverse impact on Malahide residents, we strongly contend that any decision by Aircraft Noise Competent Authority implying approval for a mode of operation for which no planning approval was sought or obtained would be in breach of the planning laws.
- We support our colleagues in the Malahide Community Forum therefore in also requesting that in its final determination the Aircraft Noise Competent Authority makes it explicitly clear that any decision it makes is on the basis of Condition 1 of the Bórd Pleanála approval, that is, for straight out departures as provided for in the planning applications by the applicant and the relevant decision of An Bórd Pleanála.
- If the proposal is accepted, Malahide will be contained in the 40dB Lnight contour. As representatives of this area, we oppose this significant increase in night-time noise and carbon emissions.
- In particular, for the Seapark/Robswall area, 15 flights between 6.00 and 7.00 am when operating in the easterly direction is sufficient to cause the average night-time Lnight to exceed the stated 40dB.

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- The proposal as presented makes no mention of exposure to >40dB Lnight for Malahide.
 - There is no data presented to warrant dual departures between 6.00 and 7.00 am.
 - Dual departures are *not allowed* under Condition 3 (a-c) of the North Runway Planning Permission and the Dublin Airport Authority have not submitted any application to change Condition 3 (a-c)
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- The night-time insulation scheme contravenes the Fingal Development Plan by not adhering to the Noise Zones identifying areas >55dB Lnight
 - This proposal would adversely affect approximately 120,000 people to a greater or lesser degree by 2025, three years' time.
 - The Health Service Executive states in *their* submission that every effort should be made to minimise the number of people subjected to the adverse health effects of aircraft noise, recommending that aircraft noise levels be reduced to below the World Health Organisation's 'safe' limits of 45dB Lden and 40dB Lnight.
 - Science says that exposure levels beyond these World Health Organisation's safe limits lead to hypertension, cardiovascular disease, cognitive impairment in children and mental health issues
 - We respectfully submit that the Aircraft Noise Competent Authority has not engaged any medical expertise, other than acoustic experts, in their consideration of the proposal to date.
 - The revised Environmental Impact Assessment Report demonstrates significantly increased levels of noise exposure than the initial such report.
 - The Dublin Airport Authority's own submission asserts that they can reach some 42 million passengers in 2040, with restrictions.
 - Fingal County Council 'Noise Action Plans' show exponential growth in noise levels which were allowed to grow without controls are already in contravention of the Environmental Noise Directive.
 - The proposed Night Quota Scheme is not representative of the schemes in the United Kingdom as no movement limit is proposed as part of it.
 - The Night Quota Scheme's proposed figure of 16260 has been developed to allow for all the Dublin Airport Authority's future forecasts, without as much as one flight being curtailed, clearly showing the Authority's thinking and objectives.
 - The Noise Quota Scheme does not take account of the number of noise events.
 - The suggested count of 16260 is far higher than what is applicable in the United Kingdom, indicating that the suggested count should be reduced significantly
 - If the Aircraft Noise Competent Authority imposes no restrictions on night-time flights on the South Runway, Dublin will then become an outlier amongst European airports, and it is hard to see how this could be justified or explained. Many European airports already have night-time restrictions, for example, Frankfurt and Zurich, and still do well economically.

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- There are no health costs assigned or dealt with in the cost-effectiveness analysis; so, who is going to pay for the inevitable additional health costs associated with night flights?
 - There are no carbon emissions costs assigned in the cost-effectiveness analysis. How are they going to be dealt with?
 - The suggested Noise Abatement Objective uses 2019 as its reference year, one in which the planning limit of 32 million passengers was exceeded.
 - The Noise Abatement Objective Target 2 of the overarching European Commission's Action Plan '*Towards zero pollution for air, water and soil*,' adopted in May 2021, uses 2017 as the reference.
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- Significant increases in aircraft flight numbers and consequently aircraft noise are projected under plans being advanced by the Dublin Airport Authority. It is important that you acquaint yourself fully and urgently with the implications of these major proposals, as they have serious implications for aircraft noise levels and public health in the Malahide area generally, including Seapark.
 - We regret to say – but feel obliged to state – that our Association has reservations about the good faith of elements within the Fingal County Council when it comes to evaluating this proposal and its effects on the general population. It is noteworthy that in a previous legal case taken by a group of North Dublin residents objecting to the application of the Dublin Airport authority to extend the then-lapsed planning permission, a submission to Fingal County Council was refused consideration by the officials at the time.
 - Mr. Jerry Healy SC, acting for residents who were challenging Fingal County Council's decision to extend that expired planning permission to allow the Airport Authority to construct the runway, told the High Court that the Council would not accept any submission or comment from the residents and returned a cheque the residents had included with their submission.
 - Mr. Healy told the Court that the Council had told him that "it did not have to consider the residents' submissions as part of any application" to extend the planning permission, despite the significant implications on the many residents of the proposed runway.
 - The concept of the Council serving the public interest seemed wholly absent on that occasion, being replaced by an inherent hostility to entertaining the views of those they are supposed to serve. In the experience of our Association, swathes of the Fingal County Council's management are still obdurately unresponsive to communications and legitimate requests from citizens and associations representing the public interest.
 - We also wish to put on record that, whereas we in no way question the integrity of individual members of the Aircraft Noise Competent Authority, the essential fact is that the authority is not independent having a formal relationship with the Fingal County Council, with the latter depending for part of its funding on the former.

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- If this proposal were to proceed, and the proposed new 2025 Lnight contours came into being, within three years the aircraft noise would spread to include all of Malahide castle, most of Malahide village and Seapark, all within the 40dB area.
- Recently, Mr. Liam O'Grádaigh, a local engineer and authority on this matter, arranged an online talk for the Malahide Community Forum with Prof. Dr. Thomas Münzel, Chief of the Department of Cardiology at the University Medical Centre for Cardiology, Mainz University, Germany. The latter is a leading authority on how excessive noise affects the cardiovascular system.
- Dr. Münzel is a cardiologist who has been working in this area for years and is at present seeking to further limit the night-time flights at Frankfurt Airport, which airport does not see the need to operate any flights between 10pm and 5am. Many other airports have similar restrictions in place, including Dusseldorf, Berlin, and Lanzarote, while still managing to thrive economically.
- It is clear from Doctor Münzel's lifetime work that there are significant negative health implications arising from excessive noise and the environmental impact generally of aircraft flights. Obviously, if the existing number were to increase, this would increase the negative health implications.
- The proposal, if it were to proceed, would facilitate at least an additional 15 flight departures every morning, crossing over the area between 06:00 and 07:00 a.m. when using easterly operations, that is other words about 30% of the time. This 30% of the time is enough to transfer Malahide into the 40dB Lnight contour, making it inevitably very noisy, particularly for that one hour when flights are operating in that easterly direction.
- For all of the foregoing reasons, with its many environmental, health, social and legal implications and weaknesses, we wish to express the overwhelming view of the many people we represent, that the proposal should not be exceeded to. We would greatly appreciate you giving earnest consideration to the foregoing.
- We wish to add that this submission has been put together by an informal voluntary committee and have not received financial support from anyone to do so, nor have we sought to engage lobbyists or paid professionals to assist in our endeavours to convince the Authority of the strength of our arguments. We feel that if other interests *have* done so, they should be asked to declare that in or attached to their submissions.
- We would appreciate an acknowledgement of this submission in due course and we thank the Authority for their consideration of our point of view.

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