

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 25/03/2024
fromPatricia A. Byrne 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 issuesE.O.: Pat BDate: 07/04/2024

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 25/03/2024 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>23</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments Patricia A. Byrne response to S13112/03/24: 02/04/24 ✓

4. Attach to file

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

RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>04/04/2024</u>	Date: <u>25/04/2024</u>

Anthony McNally

From: Alwyn Byrne <alwynbyrne@gmail.com>
Sent: Monday 25 March 2024 17:09
To: Appeals2
Subject: response to DAA submission re Relevant Action 314485
Attachments: Relevant Action Word.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.

314485
F20A/0668

Dear Sir or Madam,

Please forward my email to the appropriate recipient if necessary.

I attach my response to the "Relevant Action" due by April 2nd next.

When making my previous submission, I did not understand the difference between submitting as an appellant or making an observation. I would like to change my status to appellant? Is this possible please? I understand it costs more.

I also wish to change my address on your records please. I cant stay at Rolestown House , Swords K67PK75, because of the constant noise. So your letter to me by registered post has been returned to yourselves despite my making numerous efforts to have delivery rescheduled. My current address is;

Leggykelly
Belturbet
Co Cavan
H14 PK29

Kind regards
Patricia A Byrne

Relevant Action

I have observed the proposed Legend eligibility contour map September 2023 issued by the DAA. The DAA dare to assume that the illegal flightpaths they operate will somehow persist into the future. This is despite all evidence of the stress and ill health they are currently causing affected residents who can no longer enjoy their homes because of the noise and knowing the longterm decimation of health that the DAA et al are quite happy to inflict on us in order to bolster their profits.

The proposed mitigation insulation is only to apply to bedrooms? Is this true? How outrageously disingenuous is that? So people have to stay confined to their bedrooms not to be annoyed by the noise? Murderers in prison have more human rights than us if this plan gets approved. What kind of mind can concoct such an outrageous suggestion and expect it to be taken seriously?

ANCA;

Are the planning authorities going to blindly accept the false data provided by ANCA and the DAA? Residents know from monitoring noise decibel levels that ANCA are greenwashing their data on noise pollution. We know there is usually adequate inter rater reliability among our community. We exchange information about noise monitoring amongst ourselves. As a statistically significant number of people observing noise on flights over our homes and recording Google or other phone app decibel levels, we know ANCA are illegally greenwashing their results.

So we have reached an impasse with ANCA. They cannot be trusted to present reliable data on noise. They refuse to accept data presented by our community. They refuse to accept phone app decibel monitoring. They refuse to monitor in areas of maximum exposure to noise. San Diego and other airports were found against in litigation for the same behaviour.

As a community, we know the ANCA readings are conveniently erroneous to favour the DAA. But on what grounds do they refuse to accept the data this community present? Are they claiming Google or other global companies aren't sufficiently competent to design a simple app?

Or are they claiming our community are too stupid to operate these apps even tho they are designed to be user friendly by persons with an average IQ?

ANCA are exposing themselves to litigation too by the same behaviour as observed in San Diego airport.

Upon what grounds did they refuse to acknowledge the independent assessment of noise in a home by forensic engineering expert Karl Searson? Joe Mahon of ANCA has a lot of questions to answer.

What is ANCA's remit? Are they worthy of salaries courtesy of the taxpayer when they refuse to be informed other than by a company steeped in unlawful behaviour?

ANCA are not fit for purpose and should be disbanded. They have a corporate duty of care to safeguard our community from the hardship of almost constant noise exposure. They have failed utterly in their duty to us. They serve absolutely no purpose now except to try to facilitate further

harms to the community they have a duty to protect. They need to go now and an enquiry into their behaviour initiated. There can be no justification for their continued existence.

The massaging of the metrics in measuring noise quotas is an exercise in futility;

The average quota system requested dilutes individual effects. This is an acceptable international standard in the world of statistical analysis.

The device of manipulating the noise quota metrics will achieve nothing. It will not lessen a persons measured and actionable anguish when measured by standardised questionnaire forms. Accountability in the courts for damaging people seriously will not be lessened by trying to manipulate the metrics. The perception of the harms visited on affected residents including;

1. Never having restorative sleep, 8 hours is not enough for some people.
2. Continuous dread wondering when this nightmare will stop
3. Losing the monetary value of ones home
4. Having very little energy
5. Knowing we are now predisposed to mental ill health
6. CVA
7. Cancer
8. Respiratory and Cardiac Disease
9. the total loss of quality of life
10. the inevitable loss of years of life

Juggling with the metrics won't provide a statistical device sufficient to obscure this reality. In fact, air quota systems might allow unlimited flights and a constant noise in our skies. Those who accept this standard international practise when applied to matters of human health, need to critique this approach.

Data provided by the DAA et al

Any data presented by the DAA et al is highly suspect and cannot be relied upon as a basis for important planning decisions.

For instance, the DAA pride themselves on their complaints online form as a valid mechanism for data gathering. It is anything but. Exhausted residents have wasted hours trying to complain online on a defunct interactive portal. It is conveniently user unfriendly. Its use for data input cannot be relied upon. People are using it less and less. Please be advised that most residents affected are boycotting this system so any data based on it is groundless.

Kenny Jacobs states that as soon as planning is approved for this expansion, they will immediately apply for the next expansion. The man is also devoid of a conscience. He is convinced that his company can continue to fly over our homes along unauthorised flightpaths, destroying our lives, and that he will have the full backing of planners and the government as he continues his mission to expand indefinitely. Its time for our demographic to call in the environmental lawyers to stop him and his backers in his insidious but injurious tracks.

Current EU Environmental and Human Rights caselaw;

Recent anti-"greenwashing" litigation is holding major airlines to account for false claims of being "sustainable, low carbon or contributing to net zero" or similar claims that are unfounded. Such spurious claims are littered throughout the DAA's justification for its expansion plans. That is now

illegal. It will take about 2 years for member states to transpose this directive. Are planners going to approve the expansion knowing full well the effects of building the expansion will be illegal by the time it is built and contrary to the spirit of the law in the meantime?

The DAA needs to be forced back to the drawing board. FCC need to enforce fines for flights along unauthorised flightpaths retrospectively. We citizens are entitled to this money which could fund our human rights litigation. The plans for expansion needs to be relocated away from our area so that air and noise pollution levels are more tolerable for all and that no longer meet the threshold for legal action.

Pilots are concerned;

Some brave pilots have shown concern in the media and at a meeting recently. They state there is no effort on behalf of the DAA to mitigate the effects on residents. There is a refusal to entertain engaging Baldonnell as a satellite airport or to fly in "Dependent Mode". Gareth O'Brien in the media, reported this would not be difficult to do. The DAA erroneously declared this approach to be impossible for aircraft. The pilot flying the craft knows it is not difficult. The DAA just won't do it.

How many Assumptions by Mr Jacobs and the DAA have proven erroneous or untrue thus far?

11. Erroneous projection of return to growth post covid.
12. Erroneous design of flightpaths taking off from NR
13. Current night flights far in excess of 65.
14. Current totally unregulated flightpaths over homes
15. Lack of predictability that flightpaths would go over homes
16. Claiming only a small number of residents affected when 1 million is quoted in their own reports.
17. Breach of passenger cap in 2019 and scheduled to breach again in 2023
18. Breach of 2007 planning granted
19. Mr Jacobs claiming he is engaging with residents. He has never met me despite requests.
20. He has blocked my last email.
21. Total lack of compliance with the FDP
22. The DAA et Al have had knowledge of expansion needs since 2019. They have refused to engage honestly with Fingal planning authorities since then.
23. Misleading us over PFAS at the airport
24. Kenny Jacobs has greenwashed again stating "*the noise has halved*".
25. Their key defence is that the "**economy will suffer**" if they are not allowed expand.

The amount of errors informs the lack of credibility of Mr Jacobs assertions in their entirety. Our community can no longer trust the DAA at all. Some still refer to the airport as "*friends*" or "*good neighbours*". Friends and neighbours don't engage in torture by noise and slowly killing people by air pollution.

Regarding the last claim, have they done a cost-benefit analysis on how the economy will suffer? No one is against expansion as long as it is safe and compliant with 2007 planning. Have they assessed their economic losses if and when they have to respond to decades of litigation by residents asserting their rights under human rights law and environmental law? We know this area of law is getting more effective due directly to global aviation caselaw.

Who is liable?

The situation with the illegal flights is causing monumental damage to residents close to them. I note Mr Dalton has left the company. What role did he play in this botched design? The original modelling was not complied with. Where did the breakdown in communication occur in the design of the north runway that has ended up a total fiasco. The CEO and board of directors of the DAA would have commissioned an architect. Did the architect not research the required designs competently? Liability lies somewhere between the DAA executives and the architects and engineers involved in the design. Yet I can find no evidence of the DAA pursuing the designers. The DAA knew from the outset that they were going to flout planning for the sake of saving fuel.

The IAA is liable for instructing flight operations with no planning permission in situ. They should be subject to the injunctive relief of an order of mandamus for failing to enforce as per their statutory duty.

ANCA needs to go.

Is the DAA exempt from FOI requests for information, as they have informed me? Why is a semi state body exempt, if this is not another untruth?

The EPA have told members of our community that they have no remit over Dublin airport. Which statute is this claim pursuant to?

There has been a lack of enforcement by others in authority in blocking the illegal flights. Unfortunately, although Fingal County Council has considered these flightpaths to be an unauthorised development. Under normal circumstances, a citizen would be forced to get rid of any unauthorised development. But, despite its legal obligation to enforce, there is no effective enforcement by FCC against a state body, the DAA.

The DAA have told complete untruths on all aspects that inconveniences them. They have lied about the noise, the number of nightlights, the passenger caps, PFAS etc.

In Company Law, it is an offence to not keep proper books of accounts. The DAA have not kept proper books of the number of night flights etc. Either that or Kenny Jacobs is being dishonest, which is also a breach of Company Law. Dishonesty or fraud is an indictable offence in this jurisdiction. Mr Jacobs has been dishonest on numerous occasions. Again, the director of Corporate Enforcement is turning a blind eye and ignoring its statutory obligation to enforce? Where these authorities seek to enforce breaches by other bodies now seems disingenuous when the DAA state body has, thus far gotten off scott free with their illegal activities.

Greenwashing is illegal and has been litigated in the EU. Litigation focussed on air pollution. It can also apply to pollution by noise as all have a deleterious effect on human health.

Class action

Class action is now legal in Ireland. I am proposing that the first class action in the history of the state is the citizens against the DAA and all stakeholders that have facilitated the DAA in harming our community. There is too much damage done already. This situation is awash with illegality that

has continued with impunity and ignored and encouraged by all state bodies with FCC finally realising how badly residents are affected and are now, thankfully, supportive. We need to rely on EU Environmental and Human Rights law to vindicate the terrible harms visited upon us.