

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated received 02/04/2024
fromSheelagh Morris and others 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 raisedE.O.: Pat BDate: 17/04/2024

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

M _____

Please treat correspondence received on 02/04/2024 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"/>
--	--

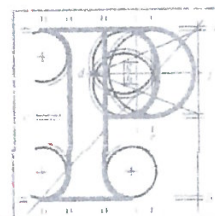
Amendments/Comments <u>Shedagh Morris and others response to S.131</u>
<u>12/03/2024 - 02/04/24 ✓</u>

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 <input type="checkbox"/>
--	---------------------------------------

	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>17/04/2024</u>	Date: <u>25/04/2024</u>

Our Case Number: ABP-314485-22

Planning Authority Reference Number: F20A/0668



An
Bord
Pleanála

Sheelagh Morris and others
Millhead
Saint Margaret's
Co. Dublin
K67 A364

AN BORD PLEANALA

LDG- _____
ABP- _____

02 APR 2024

Fee: € _____ Type: _____
Time: 9:00 By: Reg Post

Date: 12 March 2024

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.
Dublin Airport, Co. Dublin

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the submission dated 4th March 2024 received from Tom Phillips and Associates on behalf of DAA plc.

The submission has been posted on the website of An Bord Pleanála at <https://www.pleanala.ie/en-ie/case/314485>.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this submission on **or before 2nd April 2024**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board may proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Patrick Buckley
Executive Officer
Direct Line: 018737167

BP70 Registered Post

Tell
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

SUBMISSION
TO
AN BORD PLEANALA
In the interests of Justice
With regard to DAA submission
Dated 4th March 2024

Case ABP-314485-22
F20A/0668

By
Sheelagh Morris & Others.

Date: 25th March 2024.

Tom Philips & Associates states in the first paragraph

As outlined in our response to the Third Party Appeal by St. Margaret's The Ward Residents Group (SMTWRG) and others, dated 17th October 2022, it is the Applicant's position that FCC's Decision should be upheld. .

As outlined in our submissions to Fingal County Council and to An Bord Pleanala and that of our fellow appellants , that this application should be rejected for what is, a breach of the planning conditions issued by An Bord Pleanala in 2007 , following an Oral Hearing in 2005 which we attended and participated.

It must be noted, at this juncture:

DAA failed to uphold the planning conditions 12(d) by commencing works on the North runway, without a Waste Management plan, signed off by FCC. This was the subject of an S160 in the High Court under Justice Barrett in 2017 where the issue was downgraded to an acknowledgement, by the Judge that , the applicant was wrong and the issue of a signed waste management plan – signed after the event occurred, after the waste was removed, was then accepted as OK . Note this was a very serious issue given that asbestos material was removed as part of this preparation works to construct North runway.

DAA failed to adhere to 65 ATM – Aircraft Movements on and after the opening and operation of North Runway on 23rd August 2022. This was a significant and specific part of the planning conditions – Condition 5 stating:

On completion of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 and 0700hours) when measured over a 92 day modelling period as set out

in the reply to the further information request received by ABP on 5th day of March 2007.

Reason : to control the frequency of night time flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway.

DAA have totally disregarded the Irish Planning laws and process and refused to accept the conditions, in construction and operation of North Runway.

Already there could be up to 120 ATMs from 11pm to 7am on South runway, mainly up to 12pm and from 5.30am to 7am with most of the flights operated by Ryanair.

Should this be granted by ABP, not only will there be 120 ATMs on Southern runway, but there will be an additional 2 hours – total 10 hours of scheduled flights with flights taking -off every 2 minutes in the summer season from April to October, due to the slot allocation.

Ryan Air have called us “ some looney objectors” - when aircraft take off over your home at 60-80db and 90db every 2 minutes in peak season. We can assure you, it certainly causes significant impacts – covered under MENTAL impacts .

For this very valid reason , we would appeal to ABP to come out to our homes, and perhaps select one that is being denied any insulation, due to the wrong side of a “ Contour” line, when the busy season starts , to HEAR first hand , the real time , audio, and mental impact that continuous, disturbing, take offs, have on the human mind and body. Note 70-80% of the take-offs are towards St Margarets, Kilreesk , Millhead, The Ward, Kilsallaghan , depending what flightpath ATC designate.

No amount of looking at coloured contour lines equate to the aircraft noise that is heard in our homes and gardens. It is most frustrating that is decided upon by data fed to a computer to be eligible for noise insulation, and for some, the noise insulation will make little difference.

DAA are taking 2025 as a benchmark for insulation per the ANCA Regulatory decision, again projected data and based on Noise quota system – where aircraft manufacturers determine the rating, not those impacted. Per my previous submissions the NQS System increases the frequency of ATMS, therefore will not be beneficial to those adversely impacted. To take away or reduce the offending fishes from the fish bowl and fill it to the brim with others to full capacity, impacting on the environs, does not justify or make for sensible rational to make it ok.

Perhaps some aircraft seem somewhat quieter , but the cost of a new aircraft and replacement of a fleet, will be a commercial and slow process for airlines, particularly when Dublin Airport does not penalise noisy aircraft. It would be hypocritical for DAA to administer such a system, as they themselves, DAA , are not penalised for breaching the planning conditions.

The hours from 10pm to 7am in the morning are considered night time – and sleep hours. Children, shift workers, and elderly, will need more sleep and rest and additional 2 hours 11-12pm and 6am – 7 am - doing the maths – only gives 6 hours of tranquil sleep , if that does indeed happen as South runway has 24 hour flights currently with no curfew. (10pm to 11pm has already been taken from us, since the full operation of Runway 10L-28R)

any box. - This is Millhead and Kilreesk Lane lower - this need to be addressed as to what is the db level for this Longitudinal corridor – that has been omitted.

While the applicant is in the process of installing Sound Insulation – in these homes, per PL06F. 217429 - F04A/1755. – Condition 7

Condition 7.

Prior to commencement of development, a scheme for the voluntary noise insulation of existing dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 63dB LAeq 16 hours within 12 months of the planned opening of the runway for use. The scheme shall include for a review every 2 years of the dwellings eligible for insulation.

Reason: In the interest of residential amenity.

This insulation was based on DAA complying with the conditions set out in the planning permission – with 65ATMs only from 11pm – 7am - EIGHT hours of a reprieve and rest and tranquility for those suffering 16 hours of continuous aircraft noise.

DAA now installing that same insulation and have stated they cannot guarantee 40db per the WHO after the insulation for night time.

Condition 10 - PL06F217429 states the following:

Noise and flight track monitoring shall be operated at all times as detailed in the Environmental Impact Statement Addendum received by the planning authority on the 9th day of August, 2005 and in accordance with the recommendations of ECAC. CEAC.Doc 29. An annual report on noise contours shall be submitted to the planning authority. A noise and flight track monitoring report shall be made available for public inspection. The results of the noise and flight track monitoring shall be used to re-evaluate noise impacts and the application of mitigation measures, including (a) the noise insulation scheme(including residences and schools) and (b) the property buy-out scheme, biannually.

REASON: To protect the amenities of the area and to ensure ongoing monitoring and verification of the proposed noise mitigation measures.

In the Document – Residential Noise Insulation Scheme – Condition 7 – North Runway daa - the same condition is quoted on page 5 (planning background)

Residential Noise insulation Scheme Document – Revised twice.

A – 21.10.2016

B- 16.11.2016

C. 08.12.2016

Noise and flight track monitoring shall be operated at all times as detailed in the Environmental Impact Statement Addendum received by the planning authority on the 9th day of August , 2005 and in accordance with the recommendations of ECAC. CEAC.Doc 29. An annual report on noise contours shall be submitted to the planning authority. **A noise and flight track monitoring report shall be submitted to the planning authority on a quarterly basis and shall be made available for public inspection.** The results of the noise and flight track monitoring shall be used to re-evaluate noise impacts and the application of mitigation measures, including (a) the noise insulation scheme(including residences and schools) and (b) the property buy-out scheme, biannually.

REASON: TO protect the amenities of the area and to ensure ongoing monitoring and verification of the proposed noise mitigation measures.

Note the word change – **shall be submitted to the planning authority on a quarterly basis and shall be made available for public inspection.**

When North Runway opened in August 2022 – the flight track monitoring was not captured in the quarterly monitoring reports and DAA failed to submit the

impact of north runway to the planning authority. At this time, the flightpaths used, were not per the planning permission.

In the Residential Noise Insulation Document Revised twice – also the following:

A minimum improvement of 5db in the sound insulation performance of buildings is necessary to ensure a subjectively noticeable change.

Physical noise surveys are generally used as a quality control tool to ensure that the desktop assessments are accurate and that construction work is achieving the required standard of workmanship.

An objective of achieving an improvement in sound insulation in the range of 5 to 10db has been specified. In addition where possible the guidelines recommended in BS8233 and by the WHO for internal ambient noise levels will be targeted .

Note that a minimum improvement of 5db will be targeted where possible for all properties However IN SOME INSTANCES WHERE THE ELEMENTAL ANALYSIS DEMONSTRATES VERY HIGH LEVEL OF NOISE INSULATION IS ALREADY BEING PROVIDED BY THE EXSITING CONSTRUCTION THIS IMPROVEMENT MAY NOT BE POSSIBLE .

The Appellants included in this submission live in the Longitudinal Corridor and are currently on the list for Insulation. This area is not covered in the boxed areas. DAA have stated verbally, meeting us that success in reaching 40db inside out homes, cannot be guaranteed. It is aspirational . So in our world of 80db on take offs or more – what will 5db or 10db bring the level of aircraft noise and disturbance down to???? This information has not been supplied to ABP and no guarantees given.

Therefore the additional two hours from 11pm to 12pm and 6am – will destroy the quality of life for us in this Longitudinal corridor. Earlier I stated 10pm – 7am is sleep time . Already we have lost the 10-11pm precious time .

I am calling to AN Bord Pleanála to come out and HEAR the aircraft noise at the height of the summer season , with the Lamax Noise, the frequency of take-offs and landings and continuous levels for 16 hours currently on North Runway. The only day there are no flights is Christmas Day at Dublin Airport.

What is not known Taken from - The National institute for Occupational safety and Health (NIOSH)

- Hearing loss accumulates over a lifetime. If you are exposed to aircraft noise and have health problems, we cant tell if it was caused by your work conditions or if it was caused by something else. *(DAA use this to mask the truth about the annoyance levels, we experience every day and the long term affects over time – with the example of placing the frog in cold temperature and slowly raising the temperature to boiling point)*
- Although we know general ranges of noise levels on aircraft, noise levels have not been measured on all aircraft and can vary.
(so calculating Noise quota counts will not be correct)

So far, since the grant of planning permission was granted on PL06F.217429 DAA have consistently lobbied government to have direct influence to sidestep the planning laws and democracy of Fingal and this country.

The agenda of commercial gain v the loss of Health Safeguards - has been evident with Ryan Air - vocal media campaign and dismissing the residents adversely affected as “looney objectors “ who are trying to defend what is correct and already in place – per the planning conditions and which DAA chose to breach.

Recently the Dutch court ordered the Authorities to rein in pollution at Amsterdam Airport. Aircraft traffic has caused a “Serious Nuisance” to around 259,000 people according to the National Public Health Institute Associated Press. The Dutch government has systematically put the interests of the

aviation sector above those of people who live near Schiphol Airport, one of Europe's busiest aviation hubs, a Dutch court ruled Wednesday, saying that the treatment of local residents amounts to a breach of Europe's Human rights Convention.

This has been the case with DAA, and the local Authority, now with ANCA – set up by the Government, parallel to DAA and FCC, to sidestep the conditions by bringing in variation to planning, to change and obscure the written wording of Condition 3(d) and 5 as set out in PL06F.217429 which came into effect - August 2007 and continues as valid to this day and into the future.

ANCA are directed by the END – Environmental Noise Directive, under European Law – and responsible for the Aircraft Noise regulatory Directive to ensure a balanced approach which each state are permitted to set out what they deem as **their “balanced approach”** – there is no balanced approach for the residents adversely affected in the flightpaths of Runway North - ANCA are funded by DAA and receive payment for their role and services. This is a total conflict of interests.

Conclusion:

As stated in the submission. DAA have consistently breached the planning conditions - namely 12D (waste Management pre-commencement condition) and Condition 5 (ignoring the 65 ATM movement cap on commencement of operation of Runway North – 23rd August 2022) and there have been breaches reported in flights operating after 11pm on North Runway by myself and others in St Margarets.

This demonstrates very clearly that DAA have a sense of entitlement to trample on local residents, the planning laws of this country. In recent media news, we have seen Michael O Leary try to manipulate the planning laws, by forcing the Minister for Transport to override the planning conditions.

Recommendations:

To resolve this finally - An Bord Pleanála field study to HEAR FIRST HAND in the area of the flight path, the full impact of aircraft noise, from its intensity, of continuous take-off and landing movements, at the height of the summer time

schedule – which occurs every 60 – 90 – 120 seconds. This takes place from April to October with the summer months the most intense.

No field study has taken place independently, outside DAA, ANCA and the local Authority FCC, apart from St Margarets Concerned Residents Group in 2005 and again for the High Court Case in 2016-2017. So these contours are not independently validated.

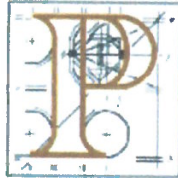
DAA have maintained complete control and monopoly citing the importance of Dublin as an international hub. We now see the ruling from the Dutch court on Aircraft nuisance and pollution at Amsterdam. This ruling should apply to residents under and beside the flightpaths.

LINES ON MAPS DO NOT EQUATE TO THE REALITY OF THE SOUND OF JET ENGINES OVER OUR HEADS AND HOMES.

I am respectfully requesting that An Bord Pleanála reject this application, as was the case in 2008, when DAA attempted to change the decision of ABP

PL06F:217429

An Bord Pleanála



Development: Construct, on airport lands, a runway 3110m in length and 75m in width. The permission sought, to include all associated road works including internal road network, substations, navigational equipment, equipment enclosures, security fencing, drainage, ducting, lighting, services diversions, landscaping and all associated site development works including the demolition of an existing derelict house and associated outbuildings; the relocation of the Forrest Tavern Monument; the removal of a halting site including the demolition of any structure whether temporary or permanent on that site which is currently leased from the applicant. The road works include the realignment of an 800m section of the Forrest Little Road; the rerouting of a 700m section of the Naul Road (R108) and a 200m section of Dunbro Lane and replacement of these latter roads with a new 2km long road (7.5m wide carriageway) running in an east-west direction connecting to the St.Margaret's ByPass at a new junction. The proposed duration of this permission is 10 years.

The development is located on lands of approx. 261 hectares in the townlands of Millhead, Kingstown, Dunbro, Barberstown, Pickardstown, Forrest Great, Forrest Little, Cloghran, Collinstown, Corballis, Rock and Huntstown north and north west of the airport terminal building. An EIS accompanies the application.

VOLUME 1 – ASSESSMENT

It is noteworthy that the LAP, the boundary of which directly borders St. Margaret's village, does not make any specific reference to it or reiterate the comments and objectives made in the County Development Plan in terms of potential impact except by way of a note in Appendix I.

Inevitably the proximity of the airport complex and indeed the flight path associated with the existing runway have already had a material impact on the amenities of St. Margaret's community and the immediate area with noise inevitably of significant concern. I do not believe that it could be sustainably argued that the proposed parallel runway system, which will effectively sandwich the village between two flight paths, would not have a detrimental impact. Over and above the extension of the areas which would be materially affected by way of noise and safety risk, the issues pertaining to quality of life and impact on the community in a more aesthetic sense are also of significant relevance. Effectively the mitigation measures proposed by the applicant do not and realistically cannot address same. In this regard I would also suggest that the applicant, in proposing a voluntary buy-out scheme and subsequent renting out of properties acquired through the scheme, would, in itself, have a fundamental impact on the community effectively replacing one group of people with attachments to the area with another with, most likely, no connections. While the said scheme is voluntary I would concur that the perception of the area being under siege from an ever encroaching airport complex (in this regard due consideration should be given to the proposed extent of future development and road improvements as detailed in the Local Area Plan and road closures required by the current proposal) effectively places the residents and indeed the community in an intangible position. I would submit that the advancement of the project will result in the said community, in its current embodiment, being largely relinquished.

The above is taken from An Bord Pleanála – Oral Hearing 2006.

The lack of information, raises concerns for those adversely affected by approach to change the night time restrictions while this is not permitted under the Planning conditions as set out by ABP in August 2007.

The night time impact of Benzene and other harmful air pollutants, CO₂ and PM_{2.5} and pm₁₀ must be fully explored.

The above text is taken from our submission – The harmful pollutants CO₂ and PM_{2.5} and PM₁₀ must be fully explored. The contour lines do not highlight the impact of air pollutants excreted by aircraft over our homes.

Given the issue of Fingal County Council asking the applicant to hand over forever chemical Information – relating to PFAS and the extraction and taking off site contaminated soil.

Note an Environmental campaigner Paddy Fagan sent a Freedom of Information request to FCC, but the DAA launched an Appeal with the information commissioner to redact certain parts of the report. DAA were not happy to release the full report.

In this live case, and considering the harmful pollutants, CO2 and Partical Matter , and the lack of a field survey and report by ABP to witness and hear the full impact of summer time aircraft nuisance noise, we are recommending a rejection to the application – with the status quo to be recognized once and for all – the Planning conditions per PL06F.217429.

We thank The Board form coming back to the residents, and in recognition of the grave issue of justice and planning procedure in relation to this application which has been ongoing from 2005 with an oral hearing on the application to construct a new runway at Dublin Airport. We thank The Board for hearing our voices, and granting respect that is not forthcoming from the applicant, or Ryanair that continues to dismiss us, treatment that amounts to a breach of Europe's human rights convention.

We hereby reject any attempt to overturn the conditions as set out by the *Board of An Bord Pleanala in August 2007.*

Dated : 26th March 2024

Compiled by Sheelagh Morris to include others as follows:

On behalf of Sean Fox – Dunbro – Helena Merriman Kilreesk Lane



Council asks airport to hand over forever chemical info

Continued from page 1

The most recent meeting of Fingal County Council heard that the DAA have not been co-operating with the Council on the issue, despite being sent letters of enforcement.

Independent member of Fingal County Council Cathal Boland said "I am concerned we have made no real progress with regards to the enforcement issue. I know it's not the fault of this council or the executive. The DAA decided, in their wisdom, to challenge it in the High Court."

"The problems have been caused because the DAA has been slow in performing their functions in terms of processing court applications."

"We can reasonably expect to hear the outcome of the case sometime in March, but I notice that the DAA has engaged in a cloak of secrecy with this report."

Boland told the meeting that a Fingal resident had applied to see the EPA report, but the DAA sought an injunction from the information



commissioner.

"The DAA ran for cover; what is it are they hiding? That's what I want to know, and that's what the citizens of Fingal want to know. If there's nothing wrong, why don't they fess up? I think the case is made; bad neighbours, they're certainly not good neighbours."

Green Party Councillor Ian Carey said while on a canvass, he noticed an enforcement issue in the locality, with a constituent remarking "if Fingal County Council can't get the DAA to enforce their laws, how are they going to get person X down the road to stick to planning?"

"The idea that the DAA is breaking the law has percolated right down to the community; that's a

major reputational risk for Fingal and the country at large."

"What we're doing as a council is holding the DAA to account but we need to be firmer in our stance," he said. He echoed Boland's sentiments that the DAA are "working hard not to release information that is critical, and I don't think that's acceptable."

"In this case, releasing the info will be reassuring. People in my community are asking me if they are affected by PFAS and these are people who are kilometres away from the airport. They are asking because they don't understand the impact and we need to fill in the gaps."

Carey's Green Party colleague David Healy said "there are a lot of planning issues associated

with the airport, the most recent one has been the issue of the PFAS and the extraction and taking off site of contaminated soil and it's not clear from the report if those are one of the issues covered by the council and their enforcement letters."

Social Democrats Councillor Paul Mulville noted that environmental campaigner Paddy Fagan sent a freedom of information request to Fingal County Council, but the DAA launched an appeal with the information commissioner to redact certain parts of the report.

"Obviously, they're not happy with some of the information being released," he remarked and called on the DAA to release the information in full.

Independents4Change Councillor Dean Mulligan said "as Councillors, we are often asked what is the Council doing in terms of enforcement notices and we get back 'you are meant to be representing us' but we put in the same complaints as members of the public."

"We don't have the facts, and don't have the information; I appreciate it's prudent and sensitive

to a High Court case, but in terms of the specific notices that were issued in the first place I think they should be public knowledge."

Labour Councillor James Humphreys said the Council is not getting the support from central government that it needs, and the PR campaign by the DAA and airlines is drowning out the noise, accusing them of publishing misinformation about airport operations.

Sinn Féin Councillor Ann Graves said that the Council is doing their job in terms of holding the DAA to account.

"It's clear that they show contempt for our planning application on the basis that we'll come back and ask them for additional information and push the process further down the line."

She noted that the DAA and Ryanair are "outspoken" in the media.

"They're not sitting here in this chamber, they're not calling the shots, they're not calling the shots in the planning office either, I think they are a bit contemptuous of the council," she said.

Stephen Sutton

From: Bord
Sent: Tuesday 2 April 2024 11:49
To: Appeals2
Subject: FW: ABP-314485-22 - submission to Additional Information received by ABP on 4th March by Tom Phillips and Associates for DAA
Attachments: Final document - F20A0668 response to ABP in relation to 3th march AI..docx

From: Sheelagh Morris <sheelaghmorris@gmail.com>
Sent: Tuesday, April 2, 2024 11:38 AM
To: Bord <bord@pleanala.ie>
Subject: ABP-314485-22 - submission to Additional Information received by ABP on 4th March by Tom Phillips and Associates for DAA

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.

Good Morning Patrick

I have posted off my submission to the above and I see from the tracking number - it has not been delivered to your offices as of yet.

I am forwarding on the submission by email and attaching the submission forthwith.

Please confirm receipt of this email and our submission as this is of high importance .

Kind regards
Sheelagh Morris

SUBMISSION
TO
AN BORD PLEANALA
In the interests of Justice
With regard to DAA submission
Dated 4th March 2024

Case ABP-314485-22
F20A/0668

By
Sheelagh Morris & Others.

Date: 25th March 2024.

Tom Philips & Associates states in the first paragraph

As outlined in our response to the Third Party Appeal by St. Margaret's The Ward Residents Group (SMTWRG) and others, dated 17th October 2022, it is the Applicant's position that FCC's Decision should be upheld. .

As outlined in our submissions to Fingal County Council and to An Bord Pleanala and that of our fellow appellants , that this application should be rejected for what is, a breach of the planning conditions issued by An Bord Pleanala in 2007 , following an Oral Hearing in 2005 which we attended and participated.

It must be noted, at this juncture:

DAA failed to uphold the planning conditions 12(d) by commencing works on the North runway, without a Waste Management plan, signed off by FCC. This was the subject of an S160 in the High Court under Justice Barrett in 2017 where the issue was downgraded to an acknowledgement, by the Judge that , the applicant was wrong and the issue of a signed waste management plan – signed after the event occurred, after the waste was removed, was acceptable. Note this was a very serious issue given that asbestos material was removed as part of this preparation works to construct North runway.

DAA failed to adhere to 65 ATM – Aircraft Movements on and after the opening and operation of North Runway on 23rd August 2022. This was specifically part of the planning conditions – Condition 5 stating:

On completion of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 and 0700hours) when measured over a 92 day modelling period as set out

in the reply to the further information request received by ABP on 5th day of March 2007.

Reason : to control the frequency of night time flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway.

DAA have totally disregarded the Irish Planning laws and process and refused to accept the conditions, in construction and operation of North Runway.

Already there could be up to 120 ATMs from 11pm to 7am on South runway, mainly up to 12pm and from 5.30am to 7am with most of the flights operated by Ryanair.

Should this be granted by ABP, not only will there be 120 ATMs on Southern runway, but there will be an additional 2 hours – total 10 hours of scheduled flights with flights taking -off every 2 minutes in the summer season from April to October, due to the slot allocation.

Ryan Air have called us “ some looney objectors” - when aircraft take off over your home at 60-80db and 90db every 2 minutes in peak season. We can assure you, it certainly causes significant impacts – covered under MENTAL impacts .

For this very valid reason , we would appeal to ABP to come out to our homes, and perhaps select one that is being denied any insulation, due to the wrong side of a “ Contour” line, when the busy season starts , to HEAR first hand , the real time , audio, and mental impact that continuous, disturbing, take offs, have on the human mind and body. Note 70-80% of the take-offs are towards St Margarets, Kilreesk , Millhead, The Ward, Kilsallaghan , depending what flightpath ATC designate.

No amount of looking at coloured contour lines equate to the aircraft noise that is heard in our homes and gardens. It is most frustrating that is decided upon by data fed to a computer to be eligible for noise insulation, and for some, the noise insulation will make little difference.





Pack 1 and Pack 3 – note area - Millhead and Kilreesk Lane Lower - not in any box - as in the Longitudinal Corridor.

Note the above screenshots taken from the map packs submitted. Note : there is not clear indication on what is the DB level for this area that is not covered in any box. - This is Millhead and Kilreesk Lane lower - this need to be addressed as to what is the db level for this Longitudinal corridor – that has been omitted.

While the applicant is in the process of installing Sound Insulation – in these homes, per PL06F. 217429 - F04A/1755. – Condition 7

Condition 7.

Prior to commencement of development, a scheme for the voluntary noise insulation of existing dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 63dB LAeq 16 hours within 12 months of the planned opening of the runway for use. The scheme shall include for a review every 2 years of the dwellings eligible for insulation.

Reason: In the interest of residential amenity.

This insulation was based on DAA complying with the conditions set out in the planning permission – with 65ATMs only from 11pm – 7am - EIGHT hours of a reprieve and rest and tranquility for those suffering 16 hours of continuous aircraft noise.

DAA now installing that same insulation and have stated they cannot guarantee 40db per the WHO after the insulation for night time.

Condition 10 - PL06F217429 states the following:

Noise and flight track monitoring shall be operated at all times as detailed in the Environmental Impact Statement Addendum received by the planning authority on the 9th day of August, 2005 and in accordance with the recommendations of ECAC. CEAC.Doc 29. An annual report on noise contours shall be submitted to the planning authority. A noise and flight track monitoring report shall be made available for public inspection. The results of the noise and flight track monitoring shall be used to re-evaluate noise impacts and the application of mitigation measures, including (a) the noise insulation scheme (including residences and schools) and (b) the property buy-out scheme, biannually.

REASON: To protect the amenities of the area and to ensure ongoing monitoring and verification of the proposed noise mitigation measures.

In the Document – Residential Noise Insulation Scheme – Condition 7 – North Runway daa - the same condition is quoted on page 5 (planning background)

Residential Noise insulation Scheme Document – Revised twice.

A – 21.10.2016

B- 16.11.2016

C. 08.12.2016

Noise and flight track monitoring shall be operated at all times as detailed in the Environmental Impact Statement Addendum received by the planning

authority on the 9th day of August , 2005 and in accordance with the recommendations of ECAC. CEAC.Doc 29. An annual report on noise contours shall be submitted to the planning authority. A noise and flight track monitoring report shall be submitted to the planning authority on a quarterly basis and shall be made available for public inspection. The results of the noise and flight track monitoring shall be used to re-evaluate noise impacts and the application of mitigation measures, including (a) the noise insulation scheme(including residences and schools) and (b) the property buy-out scheme, biannually.

REASON: TO protect the amenities of the area and to ensure ongoing monitoring and verification of the proposed noise mitigation measures.

Note the word change – **shall be submitted to the planning authority on a quarterly basis and shall be made available for public inspection.**

When North Runway opened in August 2022 – the flight track monitoring was not captured in the quarterly monitoring reports and DAA failed to submit the impact of north runway to the planning authority. At this time, the flightpaths used, were not per the planning permission.

In the Residential Noise Insulation Document Revised twice – also the following:

A minimum improvement of 5db in the sound insulation performance of buildings is necessary to ensure a subjectively noticeable change.

Physical noise surveys are generally used as a quality control tool to ensure that the desktop assessments are accurate and that construction work is achieving the required standard of workmanship.

An objective of achieving an improvement in sound insulation in the range of 5 to 10db has been specified. In addition where possible the guidelines

recommended in BS8233 and by the WHO for internal ambient noise levels will be targeted .

Note that a minimum improvement of 5db will be targeted where possible for all properties. However IN SOME INSTANCES WHERE THE ELEMENTAL ANALYSIS DEMONSTRATES VERY HIGH LEVEL OF NOISE INSULATION IS ALREADY BEING PROVIDED BY THE EXSITING CONSTRUCTION THIS IMPROVEMENT MAY NOT BE POSSIBLE .

The Appellants included in this submission live in the Longitudinal Corridor and are currently on the list for Insulation. This area is not covered in the boxed areas. DAA have stated verbally, meeting us that success in reaching 40db inside out homes, cannot be guaranteed. It is aspirational .

Therefore the additional two hours from 11pm to 12pm and 6am – will destroy the quality of life for us in this Longitudinal corridor. Earlier I stated 10pm – 7am is sleep time . Already we have lost the 10-11pm precious time .

I am calling to AN Bord Pleanala to come out and HEAR the aircraft noise at the height of the summer season , with the Lamax Noise, the frequency of take-offs and landings and continuous levels for 16 hours currently on North Runway. The only day there are no flights is Christmas Day at Dublin Airport.

What is not known Taken from - The National institute for Occupational safety and Health (NIOSH)

- Hearing loss accumulates over a lifetime. If you are exposed to aircraft noise and have health problems, we cant tell if it was caused by your work conditions or if it was caused by something else.
- Although we know general ranges of noise levels on aircraft, noise levels have not been measured on all aircraft and can vary.

So far, since the grant of planning permission was granted on PL06F.217429 DAA have consistently lobbied government to have direct influence to sidestep the planning laws and democracy of Fingal and this country.

The agenda of commercial gain v the loss of Health Safeguards - has been evident with Ryan Airs vocal media campaign and dismissing the residents adversely affected as “looney objectors “ who are trying to defend what is already in place – per the planning conditions.

Recently the Dutch court ordered the Authorities to rein in pollution at Amsterdam Airport. Aircraft traffic has caused a “Serious Nuisance” to around 259,000 people according to the National Public Health Institute Associated Press. The Dutch government has systematically put the interests of the aviation sector above those of people who live near Schiphol Airport, one of Europe’s busiest aviation hubs, a Dutch court ruled Wednesday, saying that the treatment of local residents amounts to a breach of Europe’s Human rights Convention.

This has been the case with DAA, and the local Authority , now with ANCA – set up by the Government, parallel to DAA and FCC , to sidestep the conditions by bringing in variation to planning, to change and obscure the written wording of Condition 3(d) and 5 as set out in PL06F.217429 which came into affect - August 2007 and continues as valid to this day and into the future.

Conclusion:

As stated in the submission. DAA have consistently breached the planning conditions - namely 12D (waste Management pre-commencement condition) and Condition 5 (ignoring the 65 ATM movement cap on commencement of operation of Runway North – 23rd August 2022) and there have been breaches reported in flights operating after 11pm on North Runway by myself and others in St Margarets.

This demonstrates very clearly that DAA have a sense of entitlement to trample on local residents, the planning laws of this country . In recent media news, we have seen Michael O Leary try to manipulate the planning laws, by forcing the Minister for Transport to override the planning conditions.

Recommendations:

To resolve this finally - An Bord Pleanála field study to HEAR FIRST HAND in the area of the flight path, the full impact of aircraft noise , from its intensity, of continuous take-off and landing movements, at the height of the summer time schedule – which occurs every 60 – 90 – 120 seconds.

No field study has taken place independently, outside DAA, ANCA and the local Authority FCC, apart from St Margarets Concerned Residents Group in 2005 and again for the High Court Case in 2016-2017

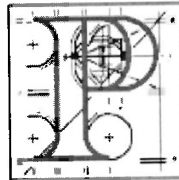
DAA have maintained complete control and monopoly citing the importance of Dublin as a Hub. We now see the ruling from the Dutch court on Aircraft nuisance and pollution at Amsterdam.

LINES ON MAPS DO NOT EQUATE TO THE REALITY OF THE SOUND OF JET ENGINES OVER OUR HEADS AND HOMES.

I am respectfully requesting that An Bord Pleanála reject this application, as was the case in 2008, when DAA attempted to change the decision of ABP

PL06F:217429

An Bord Pleanála



Development: Construct, on airport lands, a runway 3110m in length and 75m in width. The permission sought, to include all associated road works including internal road network, substations, navigational equipment, equipment enclosures, security fencing, drainage, ducting, lighting, services diversions, landscaping and all associated site development works including the demolition of an existing derelict house and associated outbuildings; the relocation of the Forrest Tavern Monument; the removal of a halting site including the demolition of any structure whether temporary or permanent on that site which is currently leased from the applicant. The road works include the realignment of an 800m section of the Forrest Little Road; the rerouting of a 700m section of the Naul Road (R108) and a 200m section of Dunbro Lane and replacement of these latter roads with a new 2km long road (7.5m wide carriageway) running in an east-west direction connecting to the St.Margaret's ByPass at a new junction. The proposed duration of this permission is 10 years.

The development is located on lands of approx. 261 hectares in the townlands of Millhead, Kingstown, Dunbro, Barberstown, Pickardstown, Forrest Great, Forrest Little, Cloghran, Collinstown, Corballis, Rock and Huntstown north and north west of the airport terminal building. An EIS accompanies the application.

VOLUME 1 – ASSESSMENT

It is noteworthy that the LAP, the boundary of which directly borders St. Margaret's village, does not make any specific reference to it or reiterate the comments and objectives made in the County Development Plan in terms of potential impact except by way of a note in Appendix 1.

Inevitably the proximity of the airport complex and indeed the flight path associated with the existing runway have already had a material impact on the amenities of St. Margaret's community and the immediate area with noise inevitably of significant concern. I do not believe that it could be sustainably argued that the proposed parallel runway system, which will effectively sandwich the village between two flight paths, would not have a detrimental impact. Over and above the extension of the areas which would be materially affected by way of noise and safety risk, the issues pertaining to quality of life and impact on the community in a more aesthetic sense are also of significant relevance. Effectively the mitigation measures proposed by the applicant do not and realistically cannot address same. In this regard I would also suggest that the applicant, in proposing a voluntary buy-out scheme and subsequent renting out of properties acquired through the scheme, would, in itself, have a fundamental impact on the community effectively replacing one group of people with attachments to the area with another with, most likely, no connections. While the said scheme is voluntary I would concur that the perception of the area being under siege from an ever encroaching airport complex (in this regard due consideration should be given to the proposed extent of future development and road improvements as detailed in the Local Area Plan and road closures required by the current proposal) effectively places the residents and indeed the community in an intangible position. I would submit that the advancement of the project will result in the said community, in its current embodiment, being largely relinquished.

The above is taken from An Bord Pleanála – Oral Hearing 2006.

This should be supplied to the Planning Authority for completeness sake, in the full interest of the health and welfare and should be validated independently.

The lack of information, raises concerns for those adversely affected by approach to change the night time restrictions while this is not permitted under the Planning conditions as set out by ABP in August 2007.

The night time impact of Benzene and other harmful air pollutants, CO2 and PM2.5 and pm10 must be fully explored.

The above text is taken from our submission – The harmful pollutants CO2 and PM205 and PM10 must be fully explored. The contour lines do not highlight the impact of air pollutants excreted by aircraft over our homes.

Given the issue of Fingal County Council asking the applicant to hand over forever chemical Information – relating to PFAS and the extraction and taking off site to contaminated soil.

Note an Environmental campaigner Paddy Fagan sent a Freedom of Information request to FCC, but the DAA launched an Appeal with the information commissioner to redact certain parts of the report. DAA were not happy to release the full report.

In this live case, and considering the harmful pollutants, CO2 and Partical Matter , and the lack of a field survey and report by ABP to witness and hear the full impact of summer time aircraft nuisance noise, we are recommending a rejection to the application – with the status quo – the Planning conditions per PL06F.217429.

We thank The Board form coming back to the residents, and in recognition of the grave issue of justice and planning procedure in relation to this application which has been ongoing from 2005 with an oral hearing on the application to construct a new runway at Dublin Airport. We thank The Board for hearing our voices, and granting respect that is not forthcoming from the applicant, or Ryanair that continues to dismiss us, treatment that amounts to a breach of Europe's human rights convention.

Dated : 26th March 2024

Compiled by Sheelagh Morris

On behalf of Sean Fox – Dunbro – Helena Merriman Kilreesk Lane

