

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated received 14/12/2023  
from Jason McEneaney 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

Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

Pat B

EO

Date

21/12/2023

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-003008

### Online Observation Details

Contact Name  
Jason Mc Eneaney

Lodgement Date  
14/12/2023 16:41:15

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Jason mc eneaey

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

*Pat B.*

EO

Date

21/12/2023

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068882-23

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

### Finance Section

Payment Reference

ch\_3ONHyJB1CW0EN5FC14w4Aqqw

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board  
Member

Date

Date

Personal response to the additional information supplied by the DAA for the proposed relevant action

My name is Jason McEaney, managing director of Kilshane Autos, live and based at Chapel Midway, St. Margarets, K67 HX51.

I am one of the original appellants to the proposed relevant action. The opening of the north runway in August 2022 was the beginning of a living nightmare for me and my family. Initially I thought there were teething problems and an error was made that would be adjusted, but this has not occurred.

How has this affected my family and I?

Since the north runway became fully operational in July 2023, all the departing flights from the north runway, between 7 am and 11 pm, in westerly directions, fly over my home. These flight paths were never communicated, never 'intended'. If they were, we would never have chosen to move to this area.

We are woken by the first plane every morning at 7am or earlier and cannot sleep until the last plane passes over at 11pm - irritated and unsettled by the profound increase in noise which we experience on a daily basis 7 days a week.

We cannot use our garden in any enjoyable fashion or peaceful rest in doors due to the constant barrage of noise. We are unmitigated, as, according to all previous 'engagement' and information provided prior to the opening of the north runway we were not meant to be within a significant noise contour zone or red zone. But now we are.

The proposed relevant action asks two things officially, conditions 3d and 5 to be changed, but it is really asking a whole lot more. It is essentially a new planning application, not a relevant action.

An except from the introduction of the additional information - 'The principal changes addressed by the EIAR supplement (September 2023) are:

1. Actual flightpaths from North Runway upon commencement differing from assumed flightpaths used for modelling/assessment purposes in the previous EIARs;
2. Updated air traffic forecast data;
3. Earlier fleet modernisation;
4. The North Runway becoming operational in August 2022;
5. Other 'passage of time changes' that include changes to the environmental baseline conditions and changes to relevant aviation, planning and environmental legislation, policy, guidance and best practice'.

There are new noise contours modelled which align more closely with the noise experienced due to the 'divergent flightpaths'. However these are not the contours that were used for land use planning by Fingal county council or for mitigation measures prior to the opening of the new north runway.

There is an admittance that the flight paths have been changed. As part of original planning from 2007 there needed to be appropriate mitigation in place or at least offered prior to the opening of the north runway in 2022. **This did not happened.** And those homes that were mitigated and knew they would be affected are now not under the westerly departing flight paths. The current environment being subjected to the westerly departing flight paths, i.e. us, was never environmentally assessed (condition 1 of 2007 planning for the north runway).

The DAA state fleets have been modernised.

This in reality means that the noise is reduced by 50%. Which in decibels on a logarithmic scale equates to 3 dB. Not a lot when a plane is still flying over your home at 83dB. The WHO in 2018 (1) strongly recommended that day time average noise levels should not exceed 45dB and night time noise, 40 dB. The DAA use the approved European guidance of 55dB (2). We had noise monitoring professionally done outside our home last year which showed average levels of 64-65 dB.

From the noise modelling report in the additional information-

### '3.5 Discussion

When considering the expected number of nightly awakenings given in Section 3.4 it should be noted that they relate to a population of over 1 million people, and that awakenings occur irrespective of the any aircraft noise events. The WHO notes a healthy adult briefly awakens ca. 20 times during an 8 h bed period. Combining these values gives an underlying level of awakenings of ca. 20 million. In comparison to this the additional awakenings due to aircraft noise are much lower. Given the size of the population under consideration, this also means that for much of the population the chance of an additional awakening is low, and on average it is under 3%'.

The DAA state aircraft noise generally and more specifically at night, may have an effect on your cardiovascular health and may lead to additional awakenings at night, but the risk is small, 3%. The diluted manner in which the increased probability of awakenings is presented undermines the true magnitude of the night-time noise effect on those that will be at least significantly affected. Other European airports (ie Heathrow), show more transparency in their advertisement of the probability of additional awakenings in the more significantly affected areas (3).

Relating to the effect of aircraft noise on health, it is indisputable that night-time aircraft noise in particular, is absolutely detrimental to your cardiovascular health (4-7). The literature supports this and the mechanism of action is very similar to how the traditional risk factors for cardiovascular disease exert their influence. Those with pre-existing cardiovascular disease are at increased risk of a major adverse cardiovascular event (MACE) due to night-time aircraft noise (8). The potential to develop diabetes is also significantly increased (9-12). Children exposed to aircraft noise 24/7 have increased risk of cognitive impairment (13), reduced reading age (14), anxiety and depression. Those with pre-existing respiratory disease can have exacerbation of their conditions due to fumes from aircraft (15).

These health effects are pertinent as to why I have such strong objections to the proposed relevant action.

We are already being seriously harmed by the current operations of the north runway. We are fighting to be heard regarding the injustice of how these operations have transpired to be. I am managing a Company in stressful environment also I am asthmatic. My partner and I are also expecting a baby. These determinants expose us even more so to the adverse effects of the noise being emitted daily from the departures off the north runway. When the south runway is closed for maintenance, we cannot sleep as the north runway is in use most of the night and have been unable to function adequately in my working role the subsequent days.

Who takes accountability and responsibility for that?

Any noise, including aircraft noise, has a destructive impact on human health. It affects not only the hearing organ, but also other organs through central nervous system. The harmfulness of noise depends on its physical characteristics as well as its duration, frequency of occurrence, nature

(impulsive, intermittent, continuous), noise level values and spectral characteristics. Noises with a level A of 35-70 dB have a negative impact on the body, causing fatigue of the nervous system, decreased visual acuity, make it difficult to understand speech and communicate, and adversely affect sleep and rest. Continuous exposure to noise negatively affects work efficiency, works harmful to health.

My point is that because this is our home, our place for rest and recuperation, this has been taken - **robbed** from us. We had no choice in this matter, it has been forced upon us and relayed back to us by the DAA, that it was always 'intended' to be that way.

I loved peaceful area, found, and purchase the house in 2021 – moved same year – unaware DAA plans... I was not informed and not required to insulate our home to any specific noise mitigation requirements as planes were not meant to be flying over us, not according to the development plans for the Fingal region anyway.

The county council were not even aware of these 'intended' flight paths.

Now to add insult to injury, the DAA want to torture us more by increasing the hours of use of the north runway by 2 hours and have the majority of the departures (27) occurring after 6 am over our home?

The shoulder hours of the night and the morning are important for getting to sleep and staying asleep in the am. In the mornings we are even more susceptible to disturbance by noise due to the sleep stage we are in. Our sleep quality and quantity is going to be even more seriously disrupted.

It is also important to note that the DAA plan to apply for a 40 million passenger application on the 15th of December. Surely this inevitability should have been factored into both the proposed and predicted scenarios?

Approximately 10,000 people will be significantly affected by these proposed changes, and highlights the absence of appropriate mitigation measures in place for a large cohort of people.

If this relevant action is approved, the noise problem at Dublin airport will get a whole lot worse. It is proven that if a population are angry and annoyed by how operations are occurring presently, by forcing another significant adverse change on that population the effect on health will be magnified due to annoyance.

The noise quota has no fleet movement limit and will potentially allow as many planes as feasible to fly out overnight. This will not help those living under those flight paths. Due the nature of aircraft noise, its frequency and pattern, it will lead to more sleep disruption.

The National Sleep Foundation recommend an adult has an average of 7-9 hours sleep per night, to ensure adequate rest and recuperative sleep. For children the average time is even longer, ranging from, for a young child 10-13 hours, to a teenager being 8-10 hours (16). Even presently it is impossible to achieve the normal average for an adult.

It is clear that there is a preference to use the north runway for westerly departures and maximise its use at the cost of the communities that now have to live under this flight path.

As a member of one of those communities I cannot understand how the DAA are allowed to abuse us in this manner. Not to forget the alleged breaches in the north runway planning permission already sitting with Fingal county council, one already enforced relating to condition 5 of the 2007 planning permission. The DAA repeatedly choose to ask for forgiveness as opposed to permission.

As far as I am concerned, the law is the law.

The DAA have not engaged appropriately with the community stakeholders whose lives are being destroyed with their non adherence to previously advertised flight paths. Community liaison, or indeed Kenny Jacobs himself, have never come to our door, despite repeated attempts on our side of engagement. This proposed relevant action, if approved, will be the final nail in the coffin for us all.

The DAA have not carried out any appropriate noise monitoring in the affected communities of the current noise and continue to model the noise as opposed to what is happening in real time with the north runway being operational. There is one mobile noise monitor in use in the vicinity of the north runway, is this really appropriate given the magnitude of the development?

The DAA, in their additional new information, chapter 7, attempt to undermine the significance of the health effects of aircraft noise and indeed the effects on sleep due to stating there is no way to reliably measure sleep disruption-which is not the case according to the literature and experts in this field such as Mathias Basner (17-20). Both objective and subjective assessment are thought to be appropriate. The dilution of the probability of awakenings occurring, as already mentioned, is another attempt to diminish the perceived effect of night-time aircraft noise on those living closer to the airport.

The fact that it is stated that the flight paths are now closer in alignment with what was originally planned is completely incorrect. The flight paths now are wildly different to what has been previously communicated. These paths may have been the ones that the DAA wanted but they are in no way similar to those previously advertised.

Due to the substantial amount of additional information provided by the DAA it appears as though they are looking for a new planning permission without having to go through the actual process of applying for one as the north runway is already built and operational. Surely this should be a retention application and not a relevant action?

Also due to the enormity of the impact that the changes to condition 3d and 5 will have, conditions that were put in place to protect communities, might I add, during the original planning application, this discussion surrounding granting of these changes should at the very least be occurring in an oral hearing setting. I would strongly suggest that this should still be considered.

The DAA are showing disregard for the planning laws. An Bord Pleanála need to show everyone in this country, the DAA included, that planning laws matter, are meant to be balanced, should be adhered to and cannot be broken.

#### References

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- 16) The National Sleep Foundation. <https://www.thensf.org/>
- 17) Basner M, Barnett I, Carlin M, Choi HG, Joseph J, Czech 3, Ecker AJ, Gilad Y, Godwin T, Jodts E, Jones CW, Kaizi-Lutu M, Kali J, Opsomer JD, Park-Chavar S, Smith MG, Schneller V, Song N and Shaw PA. (Nov 2023). 'Effects of Aircraft Noise on Sleep: Federal Aviation Administration National Sleep Study Protocol.' Unit for Experimental Psychiatry, Division of Sleep and Chronobiology, Department of Psychiatry, University of Pennsylvania Perelman School of Medicine, Philadelphia, PA 19104, USA
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- 19) Basner, M. et al. Auditory and non-auditory effects of noise on health. *Lancet* 383, 1325–1332 (2014).
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