

File With

SECTION 131 FORM

Appeal No

ABP— 34485-12

Defer Re O/H

☐

Having considered the contents of the submission dated/received 11/12/20
from John Delaney 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

Date

20/12/2023

EO

Signed

Date

SEO/SAO

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

B140-Task No: 364753-27



Planning Appeal Online Observation

Online Reference
NPA-OBS-002865

Online Observation Details

Contact Name
John Delaney

Lodgement Date
11/12/2023 12:57:17

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
John Delaney

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

John Delaney
EO

Date

14/12/23

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068604-23.

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_3OM92vB1CW0EN5FC0LhYI3qE

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

To: An Bord Pleanála
Subject: Objection to PL06F.314485

Dear Sir/Madam,

I am writing to express my strong objection to the proposed relevant action by DAA which is the subject of the Bord Pleanála case reference PL06F.314485. I and my Family are one of thousands of people now living under illegal flight paths in what were once quiet rural areas of north County Dublin such as Rolestown Oldtown and Ballyboughal and the surrounding areas but which are now subject to horrific low flying aircraft noise often over 60dB lasting approximately 40 seconds and occurring as frequently as every 2-3 minutes between 7am and 11pm daily. This is despite the DAA claiming that they are now operating their "intended" paths. Their intended Paths versus their "permitted" paths are radically different and I will point out how in this observation that follows.

My family and I are directly affected by the noise pollution caused by these illegal and currently in use but not permitted flightpaths. (See attached files clearly highlighting nighttime flights approximately 9:37pm peaking to 79.6dB.) The proposed development would allow the airport to operate even more flights on these already unpermitted flightpaths and if DAA are successful here, not only that but also during later night-time hours, which would have an even greater negative impact on the health, well-being and quality of life of the surrounding communities.

The proposed development is contrary to the planning permission granted by An Bord Pleanála in 2007, which imposed a condition that the new northern runway would not be used between 11pm and 7am but also that its flightpaths would travel for 5 Nautical Miles (nm) west or 3000ft before commencing a turn. These conditions were based on the findings of the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) that accompanied the application. The conditions were intended to protect the environment and human health from the adverse effects of noise pollution with a number of houses under these proposed flight paths being insulated as a result. Yet these are no longer being overflown as the flight paths DAA have chosen to operate both since the opening of the North Runway and since they amended their Flight paths in February 23 are in no way comparable to what they were granted permission for in 2007. I will illustrate this in the attached. This was also illustrated on RTE prime time investigate programmed aired on October 3rd [How an unexpected Dublin flight path has caused airport outrage \(rte.ie\)](http://www.rte.ie/news/2017/10/03/how-an-unexpected-dublin-flight-path-has-caused-airport-outrage/) It has also been the basis of the "Wrong Way DAA" campaign by effected residents in the Fingal area.

The applicant, DAA plc, has not provided any independent justification or evidence to support the proposed development apart from biased consultants reports whom DAA have paid to draft and as such one must assume those reports are heavily weighted in DAAs favour. In contrast we are simply a Local family without the means to pay the thousands or more required for our own consultant's reports so we placing our faith in An Bord Pleanála to deny DAA the use of these illegal flightpaths over Ballyboughal Oldtown and the surrounding areas, as they are causing such undue stress and suffering to so many residents in the area who through no fault of their own now find themselves unexpectedly overflown and potentially forever more, due to DAA wilfully disobeying their 2007 planning conditions which they are now covertly seeking retention for in this relevant action.

The EIAR Supplement submitted by the applicant is inadequate and flawed, as it bases noise Modelling and contours on the currently in use flight paths not the permitted 2007 paths which we know are radically different. So there is a very real danger due to the cunning manner in which the DAA have worded this application that **ABP could accidentally grant retention permission to the currently in use illegal flight paths which we know are not permitted.**

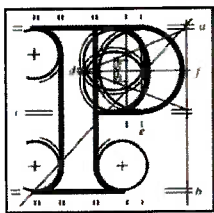
I urge An Bord Pleanála to reject the proposed development and uphold the original planning

condition that defines the originally modelled 2007 flight paths and limits the night-time use of the runway system at Dublin Airport. The proposed development would have unacceptable and irreversible consequences for the environment and our human health and would undermine the rights and interests of all the affected communities underneath them.

Thank you for your attention and consideration.

Yours sincerely,

John Delaney



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

John Delaney

(b) Address

Kilronan, Clonswords, Ballyboughal, Co Dublin

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Postal address for letters

3. During the appeal process we will post information and items to you or to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Fingal County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

PL06F.314485

(c) Planning authority register reference number

(for example: 18/0123)

F20A/0668

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Dublin Airport, Co Dublin

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I support the current appeals lodged with An Bord Pleanála and wish to add the following comments listed below.

I request that An Bord Pleanála provide their findings to the following questions as part of their assessment of the application,

1. Compare the applicant's proposal for additional night flights and quota system to other European and UK airports where movement limits apply in addition to quota systems. This is the newest runway in the world, and it should be operated to the highest standards of noise mitigation.
2. Examine how the applicant derived the Noise Quota System proposed. It would appear that the quota count provided was simply selected to allow daa unrestricted movements.
3. The adverse health impacts of additional night-time noise should be thoroughly investigated. The applicant's EIAR has a very limited view of health impacts and fails to consider the impact of awakenings from noise events at night.
4. The assertion that modern aircraft are quieter is vague at best. Can DAA provide specific evidence that quantifies the precise reduction in noise per aircraft type and per tenant? ABP should consider how insignificant the reduction of noise from more modern aircraft actually is and view it as negligible.
5. Divergent flight paths are proposed but these are dramatically different to the flight paths being implemented at Dublin Airport since the North Runway opened. How can any of the applicant's forecasts be trusted if they cannot determine the flight paths to use on their own runway? DAA claim the current flight paths in use since the last alteration in February 2023 are the originally "intended". They are not the "permitted" flight paths that were modeled in the original 2006 EIS of which home insulation grants and an EIAR were modelled. Since the new February 23 flight paths, residents of Fingal and north county Dublin through no fault of their own are now living under exceptionally busy and loud air traffic. DAA are inflicting untold suffering and misery on residents of Rural North Dublin from 7am to 11pm daily. **The information provided by DAA in the original 2006 EIAR report was misleading given the flightpaths in use today and amounts to willful wrongdoing on the part of DAA by persisting with these unauthorized**

flightpaths. Please have DAA adhere to the permitted flight paths as modelled in the Original 2006 EIS as below so all those who in good faith live and reside in quiet rural surroundings are no longer subject to abhorrent noise in areas that were never considered would be overflowed during the original EIAR.

6. Why will DAA not engage with AirNAv and IAA to redesign and implement flightpaths to align with those originally modeled? See extract from Oireachtas transport committee presentation. *"While I understand no instruction was given to IAA ANSP to design the SID aligned to this modelling, Im sure you can understand that is now causes us a challenge that a significant number of aircraft are overflying areas not indicated in the relevant action or communications material issued publicly".*
7. **Is it plausible that an airport can simply change the flight paths and therefore impact on an entirely different area at its own discretion?**

In conclusion I request that permission is refused for this relevant action application on the basis that it will seriously impact on the health of communities closest to the airport and underneath unauthorized flightpaths with adequate mitigation not been provided by the applicant.

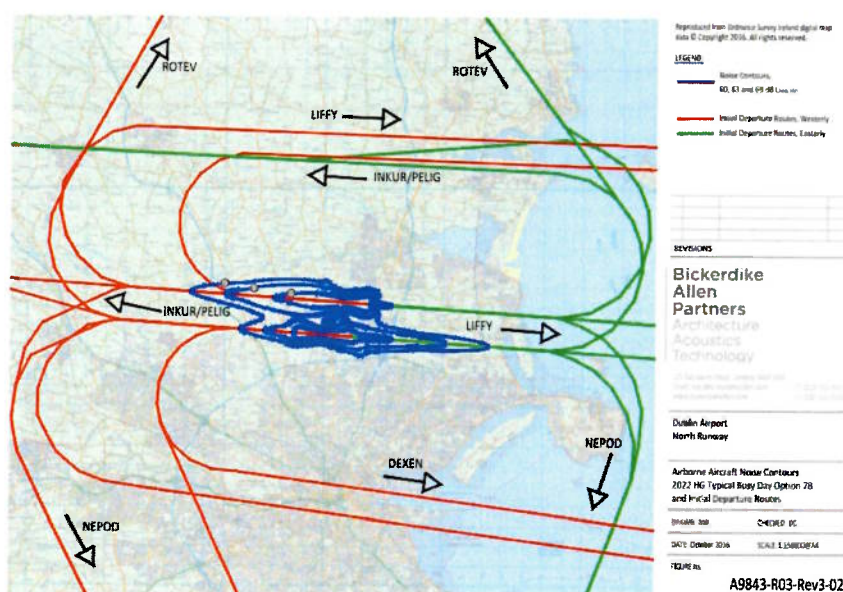
Further background information to many of the questions raised above can be found in the following sections.

Non-adherence to An Bord Pleanála planning conditions of 2007

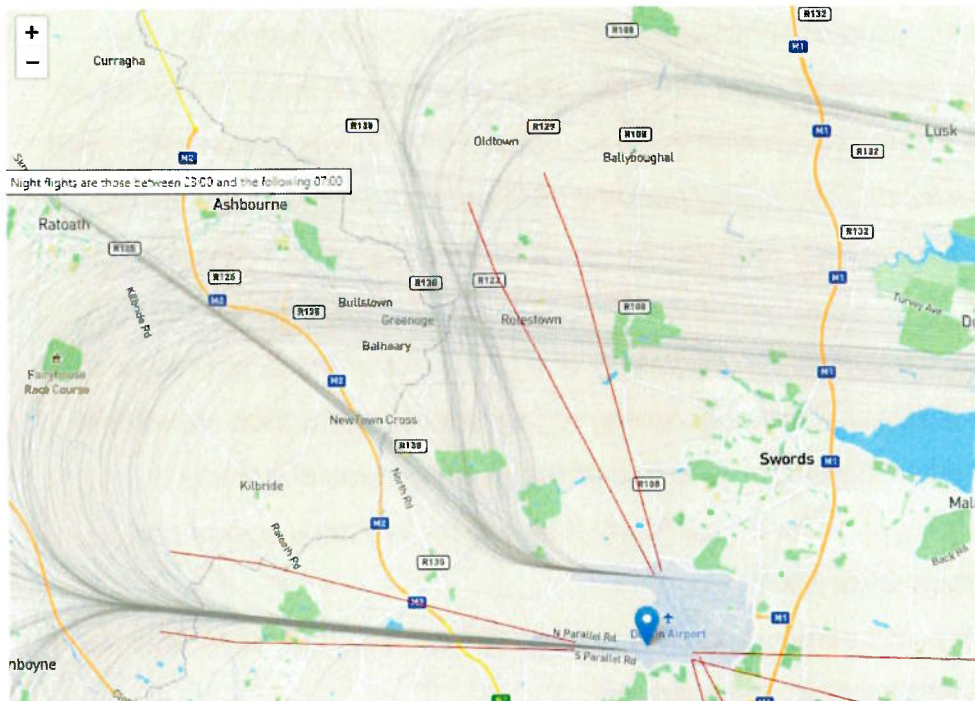
- Continuing to fly over 65 aircraft at night since the North Runway opened on August 24th, contravening Condition 5
 - *“On completion of construction of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007.*

Reason: To control the frequency of night 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”.

- Flying divergent flight paths on the North Runway for Westerly operations contravening the EIS of 2007
- Divergent flight paths currently in operation do not align with EIAR for this current planning application that is under appeal.
- 30-degree divergence was not proposed in the 2016 consultation
- Condition 3 of planning does not allow for dual runway departures under Option 7b
- Flight paths used in Insulation Scheme approved by Fingal County Council in 2016, based on 2007 planning permission, show straight out operations



- Departures on North Runway on August 25-27th and all dates of westerly departures since opening are showing divergent routes contravening the planning permission from 2007

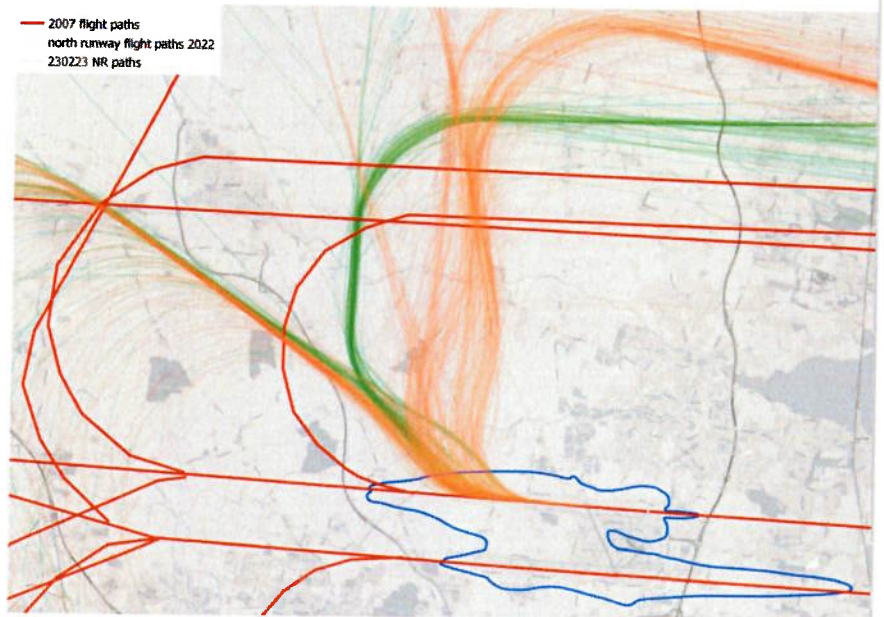


In addition, in Chapter 1.2.3 of the most recent EIAR submitted by DAA states that it, *"identified that some of the Instrument Flight Procedures¹ (IFPs) were not aligned to modelling assumptions included in the Applicant's planning submissions. The outcome of the review, in consultation with the Irish Aviation Authority (IAA), proposed updates to the affected IFPs, specifically the current Standard Instrument Departures² (SIDs), which will result in flightpaths aligning more closely with the information previously communicated by the Applicant"*.

As is borne out below the green lines which represent the updated SID are still wholly misaligned with the Red lines which were originally modeled and where the current flight paths should be.

North Runway 2023 Flight Paths

- Red lines show flight paths
- Orange lines are actual flights in 2022
- Green lines are new SID in Feb 2023
- Blue line is the noise insulation scheme boundary – 63dB



34

The Green lines should be overlaid on top the Red lines to prove compliance with original planning permission but unfortunately are not. Green lines are the areas where residents and families are now unlawfully overflown and suffering due to DAA's non compliance with the 2007 Planning.

My family and many others in Rural fíngal are now suffering noise exposure levels of 40-60db lasting approximately 50 seconds every 2-4 minutes daily between 7am and 11pm daily because of DAAs disregard for the planning granted in 2007 and the modeled flightpaths contained therein.

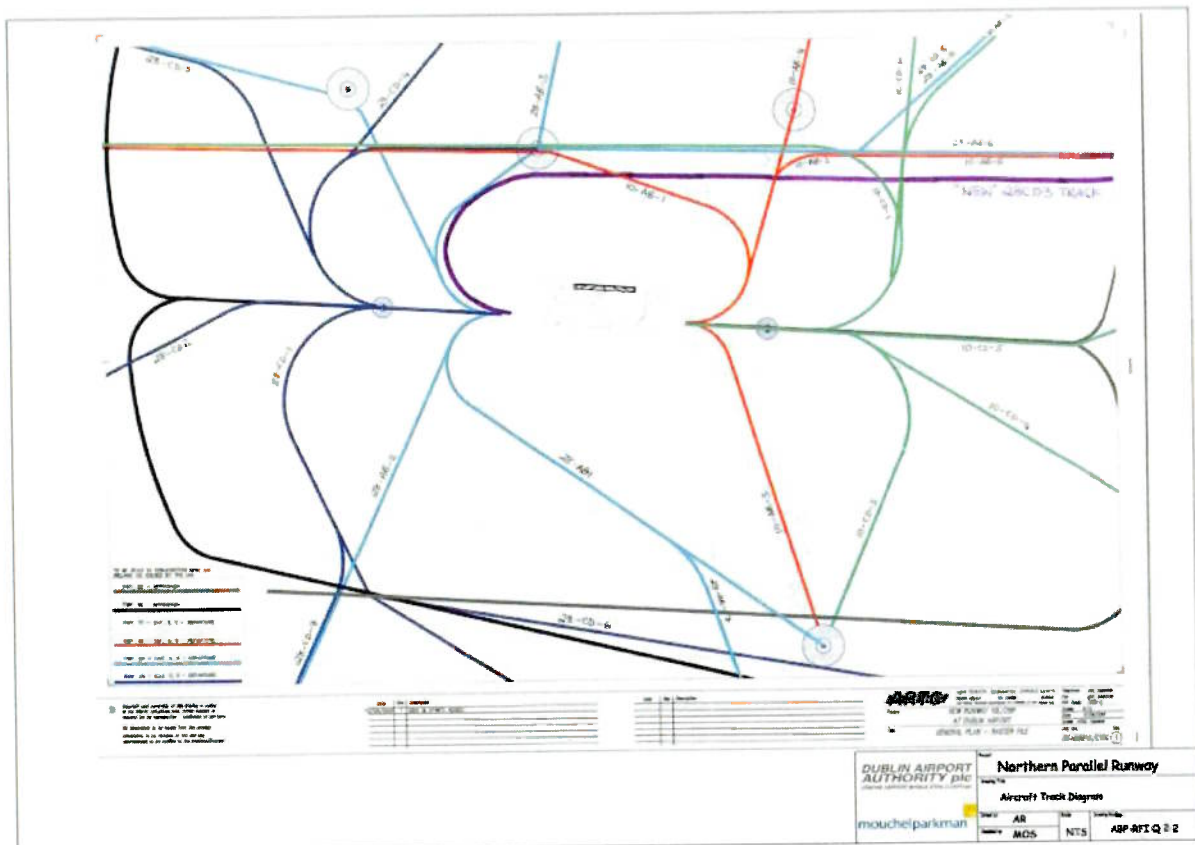
Another alarming concern I wish to point out to ABP is that DAA have worded the Relevant action in such a cunning and clandestine manner. Having read through the submitted documents DAA are claiming the current flight paths are "Permitted" paths which we know they are not. This amounts to a trap for ABP in that there is a real **danger that ABP could accidentally grant retention permission to the current unauthorized flightpaths** in green above which we know are illegal and causing distress to so many people in Rural Fíngal.

As such these illegal flightpaths which bear no resemblance to those modelled in the original planning application are now a very important element of this relevant action and must be considered within it. The token changes that DAA made to the flightpaths in February 23 are still wildly different to the modelled paths in the EIS of the 2007 application. Compare the green and red lines in the graphic above.

Extract from Condition No. 1 of the planning permission granted for the North Runway represent in the graphic below. It states that "The development shall be carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application". The conditions go on to clarify that all additional information and plans submitted to An Bord Pleanála during the course of the planning application assessment and oral hearing must also be complied with. Critically part of the information that was submitted was a description of how the flights would operate to and from the North Runway. The daa submitted that they would replicate the flight paths

used by the south runway which was operational at the time. They clarified that this would result in departures from the runway flying straight out for a distance of 5 nautical miles or until an altitude of 3000 feet was reached.

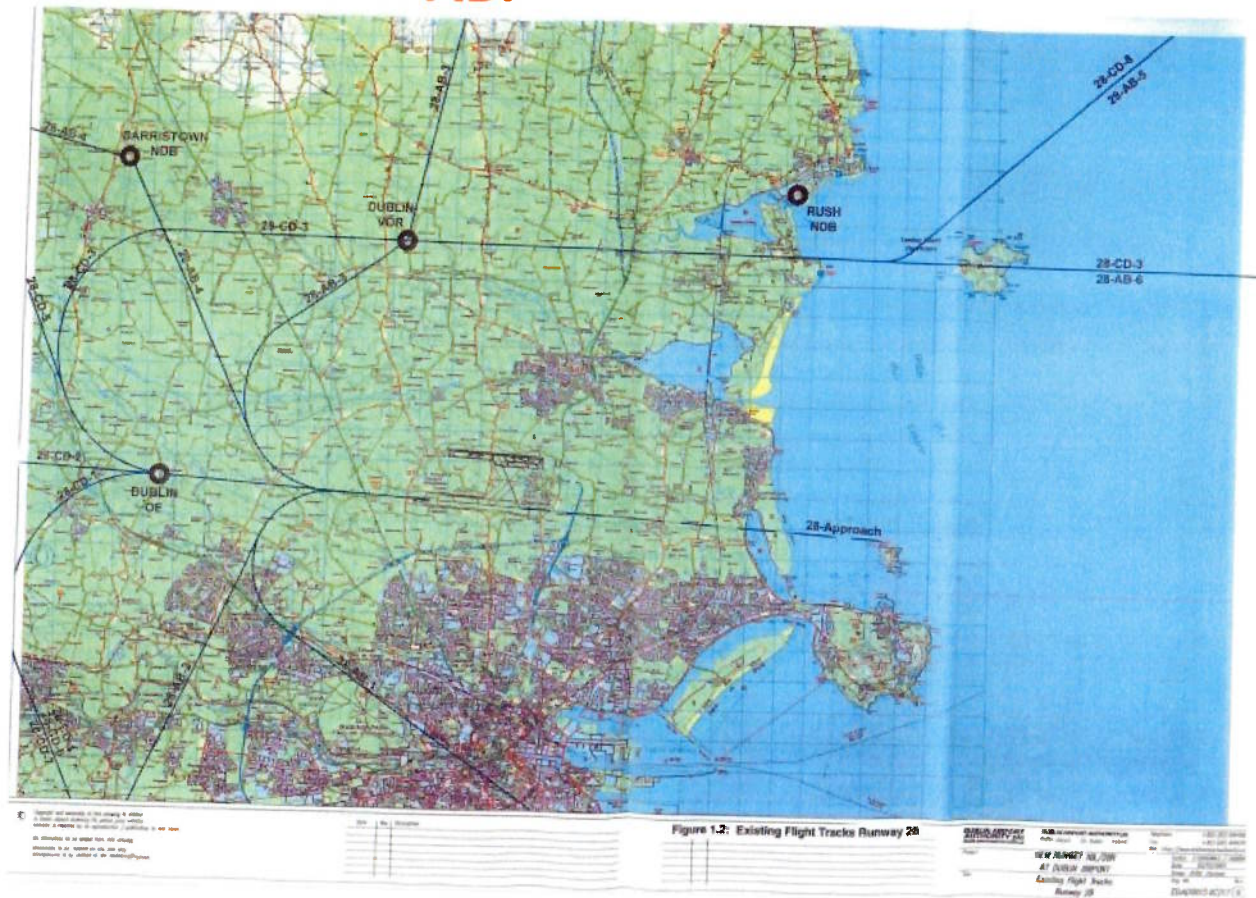
Flight tracks submitted as additional information to ABP



Graphic below show the flight tracks from the 2007 oral hearing where departures are straight out. Also extract below from the noise abatement procedure daa and IAA developed and submitted to An Bord Pleanála where it is clear that departures would be directed to fly straight for 5 nautical miles and stay within the environmental corridors for the runways.

Flight tracks superimposed on a land map as

submitted to ABP



Noise Abatement Procedures from AIP Ireland submitted to ABP*

- Noise Abatement Procedures issued by the IAA stating that all jets must go straight out for 5nm on Runway 28

Appendix 1.1

Noise Abatement Procedures taken directly from AIP Ireland as issued by the Irish Aviation

Authority

3.2 Cat C, D Aircraft

- 3.2.1 Departures aircraft from all runways except runway 10, must maintain straight ahead after take-off to 5NM before commencing turn, unless otherwise cleared by ATC above 3000 feet.
- 3.2.2 Departures from Runway 10 must continue straight ahead to 5NM or 6NM ID, as appropriate to the SID, before commencing turn.
- 3.2.3 Take-off climb shall comply with the recommendations for Aeroplane Operating Procedures - Take-off, Procedure A, detailed in Part 5, Chapter 3 of PANS-OPS ICAO Doc 8168, Volume 1, the principal provisions of which are as follows:

Noise Abatement Procedures from AIP Ireland submitted to ABP*

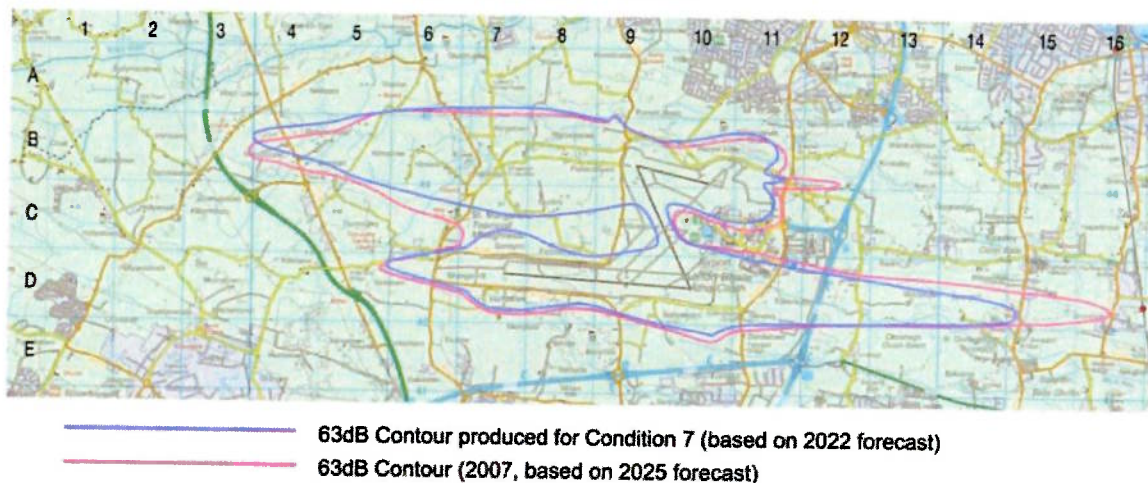
- Noise Abatement Procedures issued by the IAA detailing the environmental corridors that aircraft must adhere to for all runways
 - The environmental corridors extend for 5nm or until the aircraft achieve 3000feet
8. Cat C and D aircraft using Runways 10, 28, 16 and 34 shall operate within environmental corridors which are based on runway take-off flight path areas. The corridors have a width of 180m at the departure end of the clearway, diverging at 12.5% on each side to a maximum width of 1800m, and extending in length to 5NM from the point of origin (6NM for Runway 10). The corridors extend vertically from surface to 3000FT AMSL. The corridors apply for departures from each runway and also for approaches to the reciprocal runway, except for circling approaches.

In 2016 daa submitted compliance documentation to Fingal County Council showing how they would implement the noise insulation schemes for dwellings and schools. Even as recently as this daa presented to Fingal in this documentation that the noise insulation contours they would use for the scheme were based on a combination of the original contour from 2007 plus a revised contour created in 2016 based on more current information. Below shows this information. As part of their compliance submission, they also submitted a detailed report outlining how they calculated the noise contours and what flight paths were used. Again below highlights an extract from that report once more stating that flights were modelled being straight out from the runway for 5 nautical miles before turning. This is illustrated in an image extracted from that report shown below. At no point did they ever indicate that the flight paths would follow the curved green trajectory (shown above) which has is now in use or over flow the areas now overflowed as a result.

Residential Noise Insulation scheme*

- Residential Noise Insulation scheme comprised of all dwellings inside the 2007 63dB contour and the revised 63dB contour based on later 2016 inputs
- Both sets of contours show clear alignment with straight out routes

The original 63dB contour published as part of the EIS in 2007 was based on a future year of 2025. The current updated 63dB contour was produced based on 2022 forecast for the opening year of the runway in accordance with Condition 7. Both 63dB contours are illustrated in the following figure which shows there are differences between the two.

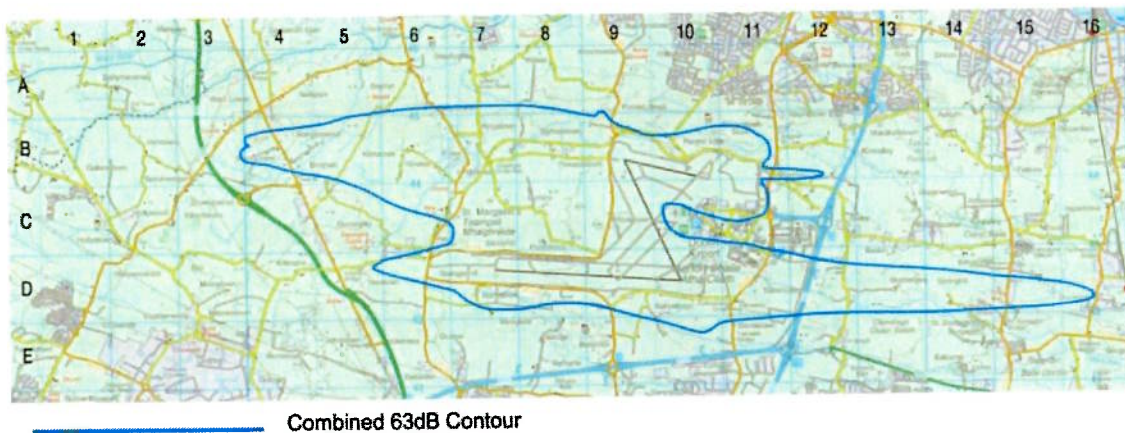


Residential Noise Insulation scheme*

- Resultant combined 63dB contour approved for Residential Noise Insulation
- Contour shows clear alignment with straight out routes

RESIDENTIAL NOISE INSULATION SCHEME

The union of the 2007 63dB contour and the current forecast 63dB contour, will be used to determine eligibility for the scheme. This contour will be known as the combined 63dB contour. The combined contour is shown in the following figure.



The proposed flightpath changes are “based on actual routes flown”. The applicants are basing their plans on **assumed acceptance of their illegal unauthorized flightpaths**. This assumption shows a blatant disregard for the planning process, the original EIS and the thousands of people effected. Local residents are being seriously harmed by these flightpaths as borne out by WHO studies and academic studies on the adverse health effects of over exposure to airtraffi noise. The 2007 Flight paths were granted based on the paths projected at the time and for good reason. Yet the applicant is insisting on and is willfully breaching their planning permission by operating their current flight paths and expecting these will form the basis of future paths. How can this be permitted and what does it say about the applicant’s ability to abide by future conditions when one as serious as this and effecting so many people adversely goes unchecked. I request that ABP reject this relevant action on the basis of the current illegal flightpaths currently in use unless DAA revert to those modelled in 2007.

The EIAR supplement recently submitted in the significant additional information is prepared by a 3rd party for the DAA. DAA have paid commercially the company for this report. Therefore is it not an independent report if DAA are paying a 3rd part to draft it and so is potentially biased as a result. You will note the report is based on the illegal flightpaths from the north Runway to give the veneer of permitted flightpaths and try to mislead ABP to **accidentally grant retention for these already illegal flightpaths**.

The authorized 2007 flightpaths have been ignored. Hence how can any future projections

be valid if they are based on the current illegal flightpaths. The applicant could be seen as trying to dupe ABP by misleading the process with **“intended” rather than “permitted”** flight paths.

Supporting materials

Ballyboughlal Night time 60-80dB

<https://youtu.be/f6459OmxSGI>

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct **fee** is included with your observation. You can find out the correct fee to include in our **[Fees and Charges Guide](#)** on our website.

This document has been awarded a Plain English mark by NALA. Last updated: April 2019.

