

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 13/12/2023
fromAidan Bodkin 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: 28/12/2023

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-069016-23**

Case Number: **ABP-314485-22**

Customer: **Aidan Bodkin**

Lodgement Date: **13/12/2023 13:58:00**

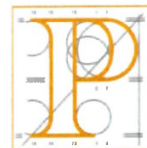
Validation Officer: **Patrick Buckley**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Fixed
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

✓

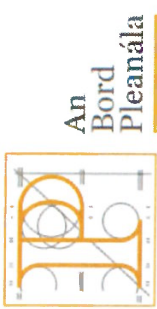
F. K

28/12/23

Run at: 28/12/2023 10:04

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069016-23



Details

Lodgement Date	13/12/2023
Customer	Aidan Bodkin
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069016-23
Map ID	
Created By	Karen Byrne
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
Refund Amount	

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

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	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, at Dublin Airport,
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Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning

		<p>Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.'</p> <p>Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night</p>
PA Case Number	F20A/0668	Development Description

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'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to nighttime use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning

PA Decision Date	08/08/2022
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

	<p>Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.</p>
Applicant	
Additional Supporting Items	Yes

Mary Tucker

fabneer

From: Bord
Sent: Wednesday 13 December 2023 16:40
To: Appeals2
Subject: FW: Planning reference 314485
Attachments: PLanning ovjection to 2022 relevant action.docx

From: aidan bodkin <aidanbodkin30@yahoo.co.uk>
Sent: Wednesday, December 13, 2023 4:32 PM
To: Bord <bord@pleanala.ie>
Subject: Planning reference 314485

Dear Sir or madam

I am writing to you in reply to your letter sent to me as an objector to the DAA relevant action Planning reference 314485. As such I have been afforded the opportunity to object again.

Please see my attached file which i hope will be added to the other objections in relation to this matter.

I believe that this case should be at least afforded an oral hearing and was deeply disappointed with the boards decision not to do so. When you receive the details from both residents and community groups you will see the level of anger and impact the unauthorised development has had on the local community. There is a duty that ABP must uphold to its citizens to not only act judicially but to be seen to do so. I submit to you that this action not to have an oral hearing does not meet any of those duties.

I firmly believe that the DAA are not in compliance with their current planning permission and I am shocked that ABP has already approved their second planning application aka the "relevant action", while not been in compliance with its current planning.

Your sincerely,
Aidan Bodkin

TO whom it concerns,

Planning reference 314485 aka Relevant Actions 2022

I object to the development of Dublin airport due to its use of the north runway is not in compliance with its current planning permission as set out in the 2008 planning granted by An Bord Pleanála. I make this specifically on a number of grounds firstly, they are not obeying the flight path that was indicated and on which the EIAR was based on. In the documentation outlined it stated the flight paths will continue straight out for 5 nautical miles or circa 9 kilometers or attain a minimum altitude of 3000 feet and then begin their turn north or south. This is clearly not happening, they are currently turning at the end of the runway at circa 600 feet. The turn that was indicated was also to be no more than a 30 degree turn. Currently the turn is at least 75 degrees.

They are currently operating night time flight in excess of the 65 flight movement cap. They have not insulated all schools and residents before the runway opened.

The Fingal County Council have issued a notice of enforcement in this regard but we have yet to see anything happening which would give the residents any confidence that their basic human rights are being accounted for.

So if they are not operating the north runway according to its current planning permission it seems completely inappropriate to reward this entity with further loosening of the restrictions that they are seeking, namely an effective unlimited quota of night time flights and a completely different flight path.

Further it is clear that all fail safes have completely been rendered useless as the DAA are acting without any regard to planning. We have an entity which is the least regulated airport in Europe looking to further its economic interests at the expense of the health and safety of the citizens which have funded this development. ANCA has completely failed in its response to this unauthorized development and it has simply deleted all of the complaints that were made to it for the first six months of the north runway being operational. They are only going to report on anything one year after any complaints which leaves the residents with no access to justice.

Lastly, this application was done during COVID, where there were very limited opportunities to facilitate any consultation in person with the local residents. In fact when the notices went up around the airport to inform people of this planning permission the whole of Ireland was under lockdown where we were not able to travel more than 5 km. When everybody was being asked to act for the benefit of others we had a state sponsored entity in the DAA actively using the COVID restrictions as a way to get their application through the planning process.

The impact that this has had on my family has been profound. The quiet enjoyment of our house has been shattered. We have a brief respite from this incessant noise from 11 pm to 7am. However even then we are still woken up by departing flights from the south runway as that runway has also operated under a new flight path which has not been approved by anyone. This has severely impacted our sleep and our health. It is also very concerning

that the WHO recommendations has not been taken into consideration when this planning permission has been granted. In addition the fingal county development plan has also removed these recommendations which further ennforces the view that there is a complete lack of regard for the health and well being of the citizens who live near the airport.

The unfair competition is between socio-economically dominant corporate conglomerates with huge global ambition and ordinary people who sought out peace and tranquility in the rural settings of Fingal and Meath.

For the ordinary resident, this is a David V Goliath situation of having our home lives destroyed by highly monetized corporate conglomerates coupled with the borderline paralysis of many semi state bodies.

Also omitted from this submission is any input whatsoever from a medical, psychological or psychiatric expert specialising in toxicology.

Flight Path Changes

The proposed changes are "*based on actual routes flown*". The applicants are basing their plans on an assumed acceptance of their illegal, unauthorised flightpaths. There is a total democratic deficit in asserting their assumption. Local residents are being seriously harmed by these flights Yet, despite this, the applicant is assuming their current flight paths are a basis for modelling their future routes. The IAA was consulted prior to the North Runway completion. The IAA thus share liability for the deleterious health effects on Fingal residents. Minutes of these meetings should be made available in the interests of due diligence, transparency and corporate accountability.

FCC 2007 planning stipulations have been absolutely flouted. There is a clear arrogance in this assertion. It flies in the face of WHO and all academic research on harm done by air traffic. How safe is it for the stakeholders in this matter to not accept the reality of the harms done by these unauthorised flights?

What is the cost benefit analysis to the state and other stakeholders when people in our demographic become ill with actionable symptoms that can be causally linked to aircraft noise and air pollution? This certainly, could have a detrimental effect on airport and airline profits. It might be more frugal to build a third terminal in an area that is compliant with planning strategies into the future. This might ameliorate liability. These stakeholders can certainly afford to plan and strategise for an effective expansion of business that is compliant with planning.

The intention is to use the current flight paths, which are harming residents, to model "*assumptions into the future*". Their perception is that it is a foregone conclusion that their illegal flightpaths have now, somehow assumed legitimacy for future planning. I want to know the precise legal mechanism whereby this legitimacy has been accepted? There is no such legal mechanism to legalise the illegal regarding very harmful flightpaths.

Earlier Fleet Modernisation

Research has shown that neither electricity nor hydrogen are or will be suitable fuels into the future

Increasing flight numbers will nullify any possible benefit of flying more modern aircraft.

No detail is given by the EIAR quantifying the noise reduction with new aircraft. This information is available. Certainly, on the ground there is no discernible difference in noise level, if some of these aircraft are already in use.

No detail is given in this report regarding the decrease in emissions of these new aircraft. This is a glaring omission in an environmental report, whether this information had been requested or not. Perhaps it is detailed in an earlier submission? If not, this report is deeply flawed. I understand the EIAR are responding to the narrow and specific remit of the RFI, but this matter is too serious to omit ominous data even when not specifically requested.

Modernisation of aircraft will never evolve in our lifetimes to an acceptable level to justify unbridled flights over homes.

Thus the perception of the DAA that the modernisation of aircraft "*will continue to evolve*" is, in effect, a red herring. Aircraft will always involve noise and air pollution as they are not suited to quieter combustion fuels.

"No G3 types are assumed by 2040 at DUB". This assumption is proffered by those responsible for strategic development and planning at DUB. If they can only assume whether or not noisy aircraft will still be in use, then how credible are their other assumptions? Assumptions do not constitute a plan.

Report on awakenings by noise during sleep

Prof Penzel states one of the purposes of his report is to assess whether the approach suggested is an appropriate assessment tool. In his report, it remains unclear as to what an appropriate assessment tool might be.

What constitutes an awakening and how do we measure significance?

"The number may vary with age, it increases with age, the number may vary with worries due to any condition like stress, family or workalike issues".

"This means the perception of the air traffic appears to have a real objective impact on health and sleep".

Indeed, the "*perception*" of ones home being rendered unfit for human habitation, the financial stress involved in watching children being constantly upset by planes flying overhead, the fact that the DAA have never tried to ease the impact on residents other than glazing for a few, the knowledge of the known effects of aircraft noise and pollution, etc form collectively quite a realistic perception that would indeed keep any sentient being awake at night with sheer dread.

"There are researchers who consider that the probability of additional awakenings is an appropriate measure of the impact of aircraft noise".

"...the paper identifies a link between aircraft noise and awakenings"..

Prof Penzel concludes the definitive method for assessing awakenings is be EEG as in the NORAH study.

As this methodology is highly unlikely to be executed in Fingal and Meath homes, it would be advisable to accept residents subjective complaints of how the noise affects their sleep.

So this is the answer to ABPs RFI.

Bickerdale Report

Bickerdale assumes 1 million persons is affected to a greater or lesser extent.

pg 6 *"Changes to the distribution of the aircraft on the runways following analysis of the distribution of the flights in 2022".*

Again, the assumption is that the flightpaths with no planning permission are now the basis of the future modelling of flightpaths.

pg 7 *"the percentage of the population highly sleep disturbed, self reported, assessed with a standardised scale is "the most meaningful, policy relevant measure of this health outcome" WHO.*

So in order to accurately assess the effects of noise pollution, each individual would have to fill in a questionnaire, possibly a simple analogue scale. The result of air pollution to date remains unquantified.

EIAR supplement 2023

This is prepared for the DAA and thus, is not independent of potential bias.

Again, their report is based on the illegal flightpaths from the NR. The authorised flightpaths with planning permission have been ignored. Thus their future projections are not valid.

Their literature review is incomplete. There are omissions in their review that could pose a huge danger to already compromised health of residents. Due diligence would require the inclusion of all important, relevant literature. For instance, the IARC have categorised outdoor air pollution as carcinogenic to humans. Specifically there is a provable causative link between lung and bladder cancers to air pollution exposure. There is no safe level that can protect humans from the various harms. This runs contrary to the report wherein it is stated that the Relevant Action, if passed would pose no further threat to affected residents. On every level, this is nonsensical. If the Relevant Action is successful, there will be more flights and inevitably more human suffering from increased noise and pollution. One doesn't need an expert report to ascertain this.

cf, WHO press release no 221;

IARC,; Outdoor air pollution a leading environmental cause of cancer deaths.

Basner, Loomis, leading global experts in noise pollution and the WHO have all concluded that the only way to definitively assess noise annoyance and its impact is by analogue, individual assessments, as impact is dependent on perceptions. So how valid can these projections be when this methodology has not been used in Fingal? The conclusions in the report are a white wash.

Omitted from the report are at least a further 60 academic studies. There is a proven link between breast cancer reoccurrence and aircraft pollution. There is a provable link between delayed neonatal neurodevelopment. Where are these even mentioned in this report? Of course, the perception is a knowledge of the decimation of the value of homes, the knowledge that the DAA fully intend to continue flying over our homes with total disregard for the mental and physical health of residents.

Air pollution has been linked with neonatal deaths. Listed below is a mere sample of five reviews of a multitude of studies available on a simple google search;

1. *"Air pollution to blame for one-fifth of the global burden of newborn health disorders"*, environment.ec.europa.eu
2. *"Ambient air pollution and infant health"*; a narrative review, the lancet.com
3. *"Before the first breath; why ambient air pollution and climate change should matter to neonatal-perinatal providers"*, Journal of Perinatology 2022 M Long
4. *"Air pollution and children's health - a review of adverse effects associated with prenatal exposure from fine to ultra fine particulate matter"*, NM Johnson 2021 environheafthprevmed.biomedcentral.com.
5. "State of Global Air 2020 Report, the Guardian newspaper, *"Air pollution is now the fourth highest cause of death globally, just below smoking"*.

Link of air pollution with breast cancer;

Again, there are a plethora of articles on a quick google search on this topic.

1. *"Association of air pollution with post-menopausal breast cancer risk in UK Biobank"*, C Smotherman 2023, breast-cancer-research.biomedcentral.com.

2. Air pollution is also causally linked to a recurrence of breast cancer. Cf. *infra*

Link of air pollution with brain cancer;

1. *"Air pollution nanoparticles linked to brain cancer for first time"*, the Guardian newspaper *"Air pollution may be damaging every every organ and virtually every cell in the human body"*.

Journal of Epidemiology

2. *"We have measured these outside primary schools in the UK where UFP particle numbers regularly exceed 150,000 per cubic centimetre of playground air"*. Prof Barbara Maher, University of Lancaster, UK.

In Fingal, the best the DAA et al can do is offer insulated glazing in playgrounds. What an inappropriate and irrelevant suggestion. So the children can hear a little better in the classroom, but they are in real danger of developing serious illnesses over time, and even more so if they go out to play.

The Effect of Noise Annoyance on Human Health:

The term annoyance is used to describe the abject despair of having to endure almost continuous overhead flights. If more accurate terminology was used such as stress, depression, GAD, PTSD was used, the effects of these flights without any increase in flight numbers, would already result in literally thousands of studies leaving no doubt as to the connection of these flights with deleterious effects on mental and physical health.

A brief google search on effect of noise annoyance on human health reveals hundreds of studies and academic articles.

"WHO 2018 The WHO states that noise annoyance leads to anger, disappointment, dissatisfaction, withdrawal, perceived loss of control or even helplessness, depression, anxiety, distraction, agitation or exhaustion and sleep disturbance". Annoyance- anima project.eu

"Association between Noise Annoyance and Mental Health Outcomes: A systematic review and Meta-Analysis." International Journal of Environmental Research and Public Health ncbi.nlm.nih.gov.

The researchers found 350 articles in Web of Science, PubMed, Scopus, and PsycINFO database searches on annoyance and health.

They conclude *"Highly annoyed participants had an almost 119% increased risk of mental health problems as assessed by short form (SF) or (GHQ)"*.

SF or GHQ are the most accurate assessment tools. This form of assessment has not yet been undertaken in Fingal, where up to 1 million persons may be adversely affected, according to EIAR demographic reports.

Inaccurate baseline renders all future projections and assumptions unreliable

The annoyance levels relied upon in this EIAR report date from 2022. Was this before the DAA commenced their illegal flights or after? If after, then only four months of this data, or one third of it is perhaps reliable. Thus the baseline measures of this report are completely inaccurate. If before August, the data baseline is also inaccurate as the amount of flights was not particularly problematic before August 2022.

Summary on EIAR supplement;

The projections and multiplicands and assumptions of this report are based on an erroneous baseline of actual illegal flights at some point in 2022. This invalidates the projected effects into the future.

There is a serious omission in chapter 7 where the literature review was updated. Critical information on the health effects on neonatal health, delayed development in childhood, studies done on air quality in Playgrounds, role of air pollution in causing and increasing cancers including breast, lung and bladder.

This is a failure of corporate due diligence on the author's part. It is a failure of omission. The consequences of such an omission could prove deleterious to the future of the DAA and IAA. Huge resources would be required to compensate our community for such foreseeable injury. This report as is, would render these particular harms unforeseeable. Thus I urge ABP to further research the additional harms so that you can be better

informed of these devastating results from air and noise pollution. Again proper research of this information is a matter of corporate due diligence.

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. Paul 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.

There are staggered flights out of Germany and the UK to ease the looming health burden on residents. The DAA have not bothered doing this.

This also demonstrates a gap in EU Law. There should be uniformity in flightpath regulations across member states.

There has been a suggestion to re-route freight flights away from Dublin. Has this been done? Probably not.

No assessment has been done on psychological effects

No expert report has been done on the psychological effects. Perhaps this has been covered in earlier submissions? If not, this is a failure of due diligence as all parties are aware of the devastating psychological impacts on residents to date. Is there not a Duty of care to residents by some of these semi-state bodies to establish baseline health and track harms to residents? This is being ignored.

The lack of corporate governance.

Thus far is stark;

FCC took a long time to enforce their statutory obligations. Flights were correctly classified as unauthorised developments, but no immediate action was taken. FCC are now fully engaged.

Gardai won't act under disturbance of the peace statutes

EPA are almost silent

Dir of Corporate enforcement has failed to enforce.

The DAA et al expect to continue to operate with legal impunity. Thus far, they are answerable to no enforcing bodies except FCC. This, is a form of semi-state discrimination against ordinary residents in favour of those with Deep Pockets.

Lack of Access to Justice

Affected residents are having their constitutional rights absolutely flouted. We have rights to bodily integrity and rights to a livelihood. These flights have wiped out all equity in our homes. That is an attack on our livelihoods.

We have a right not to be discriminated against. But how do we exercise these rights when up against corporate conglomerates? We have very poor access to justice in comparison.