

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated/received 12/12/2023  
 from Eithna Ratcliffe 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

EO

Date

Signed

SEO/SAO

Date



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

To

Task No

Allow 2/3/4 weeks

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-002897

### Online Observation Details

Contact Name  
Eithna Ratcliffe

Lodgement Date  
12/12/2023 19:27:01

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Eithna Ratcliffe

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed



EO

Date

19/12/2023

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068716-23

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\_3OMbbdB1CW0EN5FC1u48jkNB

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

**Planning Authority: Fingal County Council**

**An Bord Pleanála appeal case number: PL06F.314485**

**Planning Authority register reference number: F20A/0668**

**Location of proposed development: Dublin Airport**

**My name and address: Eithna Ratcliffe, Shallon, The Ward, Co. Dublin D11DD85**

The Relevant Action application (RA) is seeking to remove night time restrictions entirely on use of the north runway and remove the limit on total number of night time flights on the south runway permitted under F04A/1755 / PL06F.217429 granted permission in 2007 (referred to as the 2007 permission below).

On the basis of the submissions made in connection with the planning application and appeal, it is evident that the proposed development relates to a site where the current operations do not have planning permission, namely the flight paths in operation do not comply with planning permission F04A/1755 / PL06F.217429, specifically non-compliance with condition 3 and is therefore unauthorised.

Condition 3 of F04A/1755 / PL06F.217429 states: 'On completion of construction of the runway hereby permitted, the runways at the airport shall be operated in accordance with the mode of operation – Option 7b – as detailed in the Environmental Impact Statement Addendum, Section 16 as received by the planning authority on the 9th day of August, 2005'. Mode of operation 7b extracted from the EIA is shown on the image below. Following complaints from residents across South Fingal and east Meath a warning letter was issued to daa relating to non-compliance with condition 3 outlined above. The warning letter relates to non-compliance with the permitted flight paths.

The EIS referred to in condition 3 above included the following map of flight paths showing 'straight in and straight out'.

The proposed development would facilitate the consolidation and intensification of this unauthorised use. Accordingly, it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances and the relevant action should therefore be refused.

Having regard to above, I consider it appropriate that An Bord Pleanála refuse permission under section 35 (1) of the Planning and Development Act for past failures to comply. Section 35 (2) states 'In forming its opinion under *subsection (1)*, the planning authority shall only consider those failures to comply with any previous permission, or with any condition to which that permission is subject, that are of a substantial nature'. I consider this relevant to daa's failure to comply with conditions 3 noting the impact this is having on residents.

I urge An Bord Pleanála to avail of noise experts to review the details submitted and for the planning inspector and noise experts to visit the communities of St Margarets, Kilsallaghan, and The Ward during various weather conditions so that they can experience the noise currently being experienced and that would be extended into night time hours if this RA is permitted.

The EIA report is flawed in that it assesses the impact based on unauthorised flight paths when comparing the EIS for the 2004 planning application with the subject EIAR.

In the EIAR supplement submitted with the further information, the methodology for assessment of impact in chapter 7 population and human health in Table 7.1 in Section 7.3.21 identifies the scale description associated with various decibel bands, noting the noise impact greater or equal 70 dB

Lden and greater or equal to 60dB Lden as very high impact. Section 7.3.22 refers to the scale description for changes in noise level.

Section 7.4.5 refers to the strong direct causal relationship between noise disturbance and health outcomes and quality of life effects, dependent on the level of disturbance. A number of key outcomes identified are noise annoyance, sleep disturbance, cardiovascular health, mental health and children's learning.

Section 7.8 states that air noise and vibration impacts associated with the proposed RA that a package of existing and proposed sound insulation schemes is offered and will continue to be offered to deliver noise improvements in internal noise levels. The assessment in the EIAR considers the residual significant effects of air noise and vibration after allowing for the benefit of existing and proposed sound insulation schemes.

I consider the methodology used and outlined above is flawed as it is based either on permitted flight paths which are not actually being used, or is based on unauthorised flight paths which are currently in use. I ask An Bord Pleanála to fully assess the methodology used in the EIAR for assessing noise impact and satisfy themselves that the EIAR adequately considers the impact on the receiving environment and that this is correctly measured and assessed.

Chapter 13 of the EIAR supplement outlines that the assessment of air noise for the purposes of the methodology used measurements recorded by Dublin Airports Noise and Flight Track Monitoring System.

Section 13.3.24 states that 'if a receptor experiences a high absolute noise level but no change due to the proposed Relevant Action then this is not a significant effect'. This statement is based on the methodology referred to above which is based on unauthorised flight paths. Section 13.3.26 outlines that the change in noise level is used for the purposes of air noise impact criteria (relative) as shown in Table 13-3. This is flawed as it is measuring the change in noise level from the current unauthorised flight paths and not from the permitted flight paths under condition 3 of permission reference F04A/1755 / PL06F.217429, which explicitly states mode of operation option 7b shall be used. Therefore a resident currently experiencing a high decibel may be identified as having a low impact due to the change in noise level. If aircraft were flying on the permitted mode of operation 7b (straight out) the residents in St. Margarets, Kilsallaghan and The Ward would not currently be experiencing a high noise impact and as such the noise impact of the relevant action based on Table 13-3 would be different.

Table 13-10 illustrates noise levels at representative locations (Lden) in 2018 and shows St. Margarets as recorded 62 Lden and 54 Lnight. Table 13-19 indicates the noise at St. Margarets in 2025 permitted will be 63Lden and in 2035 will be 60Lden.

Section 13.5.5 states St Margaret's in 2025 will be exposed to noise levels associated with a medium impact.

Figure 13-6 refers to 65dB Lden noise contours for 2018, 2025 Permitted and 2035 Permitted. However, the actual current use of the north runway is not reflected in these contours. I have measured aircraft noise at The Ward well in excess of 65dB outside of the contours shown on map 13-6 in the EIAR. I consider the EIAR is flawed in its portrayal of predicted noise contours and resulting impact of the RA.

Noise modelling for Lnight metric in section 13.5.26 notes a medium impact for St Margarets with a change from 54dB Lnight in 2018 to 53 in 2025 and 50 in 2035. How can this be accurate when there was very limited aircraft noise at night time in 2018 in St. Margarets prior to the north runway opening compared to the noise now experienced.

I request An Bord Pleanála to fully consider the noise contours used in the EIAR to determine predicted noise impact. Are these the option 7b noise contours permitted in condition 3 of the permission for the north runway granted in 2007? If so then the EIAR is flawed as it is not assessing the actual locations that will experience noise as a result of the changes. Do the noise contours which predicted noise impact is based on show the current flight paths in use which are substantially different from those permitted under condition 3? If so then the assessment of impact is inaccurate. In this case it would appear that the information contained in the EIAR does not identify the significant effects that may arise from the RA or the extent of population that will be impacted and does not adequately assess the likely significant effects as required by the Planning and Development Regulations, 2001 (as amended).

Noting the permanent nature of the proposed RA it will have a considerable adverse environmental effect. The impact will be on highly sensitive receptors (human beings in their homes during the early morning and late evening).

This impact will be felt across large areas of south Fingal, including areas zoned RU, RV and RS. I note that the zoning objectives RS seeks to protect and improve residential amenity and RV seeks to promote the character of the rural village and promote a vibrant community. I consider the noise impact of the proposed amendment to operating restrictions will materially contravene these zoning objectives having regard to the impact of noise on residential amenity and on communities.

Huge attention is being placed on the economic impact of not permitting the RA. I note the report included in the further information by InterVISTAS relating to the economic impact of operating restrictions and numerous recent media reports in this regard. The economic impact should not be used to facilitate a significant negative impact on human population.

A full and proper assessment cannot be made without considering balanced regional development and the use of regional airports. The National Planning Framework and subsequent Regional Spatial and Economic Strategies seek to support growth of Ireland's main cities including Cork, Galway and Limerick. Facilitating the growth of key infrastructure serving these regional cities, including Cork and Shannon airport needs to be considered in making any decision on operations at Dublin Airport.

**I have set out below my personal impact statement of how noise is currently impacting me without the additional night time flights. Please consider how extending the hours of operation will result in further negative impacts on populations surrounding the airport, including in St Margarets and The Ward.**

I am one of over 30,000 people who are now living under an illegal flightpath since the opening of the North Runway. The 2007 planning condition documentation includes flightpath assumptions which many people have built their lives around. The flightpaths in the 2007 planning permission are much different to the ones in use today and since it opened. The North Runway became operational on August 24<sup>th</sup>, 2022.

The noise from the current flightpaths is sickening. A TD visited our homeplace and witnessed the horrible impact of planes flying over the roof of our house. He described it as "an intolerable living environment". These flightpaths must be changed back to what was proposed in 2007. No further changes can be considered until this crucial issue is addressed first. There is a major health risk to tens of thousands of people due to excessive aircraft noise.

Representatives from ANCA were invited by me to come to our home and assess and experience the effects of aircraft noise at our homeplace. They assessed the noise and then did nothing, despite readings off their own equipment of 96 decibels.

An oral hearing is absolutely necessary given the gravity of the situation.

The An Bord Pleanála Inspector at the time of the 2004 planning permission submission recommended a refusal for all the right reasons.

Our Eircode as above is D11DD85. I would urge you to visit within the vicinity of this Eircode on different days with different prevailing weather conditions e.g., westerly winds etc to truly experience the impact that these flightpaths which were never discussed with us are having on us. DAA apologised to us for being 'unexpectedly overflowed' shortly after the North Runway opened and that the new 'sids' in February 2023 would be more aligned to the original agreed flightpaths. This is absolutely not the case and the difference is negligible.

Having read through the daa newly submitted documents, it is clear in the submission from daa, that they have used the current flight paths for their "permitted" drawings instead of the permitted noise zones from the original 2007 planning permission. They seem to be hoping that An Bord Pleanála grants this on the basis of the relatively small difference between before and after with respect to night flights. **If that occurs, ABP would effectively be accidentally granting retention to the current flight paths which are currently illegal and causing continued untold distress for tens of thousands of people. This means that flightpaths are now a very important element of this relevant action submission and must be considered within it.**

So-called "permitted" Noise zones in this submission do not match the Environmental Impact Statement for the only granted permission.

Acceptance of the relevant action by ABP and thus retention of the flightpaths would set a precedent that ABP conditions should be ignored if inconvenient.

The daa are breaching their current planning permission and flightpaths as per below:

- daa have breached the passenger cap in 2019 and will most likely do so again this year.
- daa are consistently breaching the 65 movement cap per night.
- daa are not using the flightpaths they used in their 2007 planning permission.

Our enjoyment of our home and garden has been severely impacted since the opening of the North Runway. Everyone expected something different in terms of flightpaths based on the 2007 planning permission and what has happened is completely different. The current operation is causing huge distress and disturbance for tens of thousands of people not to mention the negative health effects and illnesses which can be attributed to excessive aircraft noise.

The prospect of granting further changes to increase the day hours and night flights seems ludicrous when there is a major noise issue already in place.

- Well documented negative health effects and illness which can be attributed to excessive aircraft noise.
- Flightpaths in use bear no resemblance to what was approved in 2007 planning and people have built their lives around that.
- Straight out flightpaths will largely improve the noise issue. Noise abatement: Aircraft departing from the North Runway are required to maintain course straight out for 5 nautical

miles (1 nautical mile = 1,852 metres) after take off before commencing a turn, unless otherwise cleared by IAA-ATC. Quicker turns were only to be for exceptional circumstances. Instead DAA has implemented a take-off route directing aircraft in a North Westerly direction as soon as they reach 650ft above sea level (400ft above Airport level). Aircraft making a turn must use more thrust, cannot implement noise abatement procedures and hence create more noise.

- In a bid to circumvent the independence of the Planning process DAA Chairman Basil Geoghegan sent a letter to the Taoiseach Leo Varadkar in an attempt to have him intervene in the planning process. This is just wrong.
- The effects on the environment are monumental and Ireland are one of the worst countries in the world in terms of GHG emissions. Increasing aircraft activity in the midst of a climate crisis seems counterintuitive.
- Extending day hours for residents is only going to cause more noise exposure it doesn't make any sense given how serious the current noise situation is.
- Unlimited night flights using a pure noise quota system is only going to cause more sleep disturbance for residents. Any noise quota system **must be accompanied with a cap to ensure residents can get a nights sleep.**
- 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. daa had to include noise contours as part of the environmental assessment. THESE CONOURS WERE BASED ON STRAIGHT OUT ROUTES. THE ENVIRONMENTAL IMPACT OF THE CURRENT SIDS HAVE NOT BEEN ASSESSED AND CONSULTED ON. There is a raw 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 flight paths? The daa wants to ignore the law and do whatever it likes to turn Dublin Airport into a major **24hr European Hub** for passengers and freight traffic. This will have a number of negative impacts on the health and welfare of people, especially children across our communities. daa need to be stopped and forced to obey the Law.
- The EIAR supplement 2023 within the significant additional information is prepared for the daa and thus, is not independent of potential bias. Again, their report is based on the illegal flightpaths from the North Runway. The authorised flightpaths as per 2007 planning permission have been ignored. Thus their future projections are not valid.
- daa never raised issue with 2007 planning permissions until now: did they think they would bulldoze through the Planning Authorities?

Why all of a sudden urgency about the 40million now, why did they not apply for this years ago. daa breached the cap in 2019 and it was never acted upon.

I'm concerned about contaminated soil in Dublin Airport.

I'm concerned about Air quality monitors or lack of close to the vicinity of the Airport and surrounding communities

Regarding Noise Complaints, I wish to have it noted that all flights off the North Runway are diverging off the flight paths which daa obtained permission for. I want to make it aware that every flight departing off the North Runway is the subject of a noise complaint as I have to live my life and cannot sit by phone all day lodging complaints. It is making me ill. daa have disregarded a monumental amount of complaints lodged by residents from August 2022 until the new sids came into effect in February 2023. The reporting system is completely cumbersome and flawed.

An Bord Pleanala are responsible for creating the conditions of planning not daa, but daa are totally flouting these conditions and laws.

We as residents report to the offender when we make noise complaints and the offender is then relied upon to pass data to ANCA??

Attached videos:

First video 7<sup>th</sup> January 2023

<https://youtube.com/watch?v=zzFrffgA8sY&feature=share>

Second video April 2023 after 'new sids' implemented from February 2023

<https://www.facebook.com/share/r/sA4fTPEx4DuGkiXo/>

Date: Thu, 19 Jan 2023, 22:54

Subject: Illegal operation of North Runway

To: Michelle Molloy <[michelle.molloy@daa.ie](mailto:michelle.molloy@daa.ie)>

Hi Michelle,

Thanks for your reply.

Can I ask on what exact date in August did this unexpected unforeseen situation regarding daa flightpaths come to light?

Over a decade planning for this?

I can't understand the attached document but what I clearly understand is that the planning permission granted by an Bord Pleanala in 2007 set out conditions that are not being followed by daa and therefore this unexpected unforeseen situation is operating outside of planning permission

Can you answer the above and also forward me contact email on your new ceo.



Regards,

Eithna

Date: Thu, 18 May 2023, 13:40

Subject: North Runway Noise and concerns

To: Aircraft Noise CA <[aircraftnoise@fingal.ie](mailto:aircraftnoise@fingal.ie)>, Alan Farrell <[alan.farrell@oireachtas.ie](mailto:alan.farrell@oireachtas.ie)>, <[aideen.meagle@fingal.ie](mailto:aideen.meagle@fingal.ie)>

Dear ANCA,

Thank you for meeting with us at our house in Shallon The Ward on Tuesday.

We are extremely concerned as you are aware about daa's North runway operations which cause us a noise and health hazard and is detrimental to our health and wellbeing and is destroying our community.

Further to our meeting I would appreciate a response to the below questions some of which we touched on on Tuesday.

I am trying to understand what is going on and how wrong this is after years in the making.

1: When will the current review announced in December 2022 be published? I know Joe said at our meetingg it would not be imminent but surely there is even an indicative timeframe after 9 months since the North Runway opened. Can we have clarity on this please.

2: When can the public access the data provided by daa in this assessment?

3: Have ANCA hit the new insulation contours from daa?

I know Joe said they are queued to be published soon. Can we have an expected date please for this?

4: We requested noise monitoring at our house. Nearest monitor is at Bishopswood, well away from us. As you saw decibels hit 96 at time on Tuesday on ANCA's monitor which you brought with you.

Can we formally request noise monitoring from ANCA now please.

Also can ANCA re explain how noise data is not monitored from existing monitors as I took from Joe at our meetings. I'm a bit confused on this one.

5: The flight paths now are wildly different to what daa got planning for and what they put in the relevant action. How can ANCA be satisfied with the relevant action assessment when the flight paths are obviously so different?

6: ANCA were not aware that daa are offering insulation to new houses. Should ANCA not be part of that under your competency? All houses to be impacted were supposed to be insulated prior to opening of the new North Runway.

7: What do ANCA have exclusive remit for in your view and what Aviation noise management can local authorities implement outside of ANCA?

8: Joe spoke about flightpaths over less populated areas. Is this ANCA's vision? Is this what ANCA is promoting?

9: daa are on record about expanding the airport. That means more flights and more noise. How do ANCA achieve your noise Abatement objectives?

10: We need Legislation changed to allow complaints to go direct to ANCA not to daa who in effect are policing themselves. You agreed when we talked about this at our meeting. As Joe explained, daa are the only authority with the data and ANCA validates the data provided to ANCA by daa. How is there any independent oversight with a set up like this?

Legislation needs to change.

11: I again want to highlight I and my family were lied to by daa at face to face consultation at Roganstown Hotel, where I was clearly told that our home would not be adversely affected by noise from the New North Runway. Blatant lies. daa knew all along what their plan was and their mantra about communities being 'unexpectedly overflown ' is yet another lie to add to the list.

12: What enforcement tools are available to ANCA to deal with daa?

13: I again want to highlight as discussed at our meeting the health impacts concerns I have in particular with regard to mental health, heart health and sleep disturbance.

14: Our rights under the Aarhus Convention has been disregarded also. What is ANCA'S view on this?

15: Flights from North runway after 2am past couple of nights? Another breach and example of how daa do what they want and not as they say? What is ANCA's view on this?

I appreciate your feedback and views on the above questions.

Kind regards

Eithna

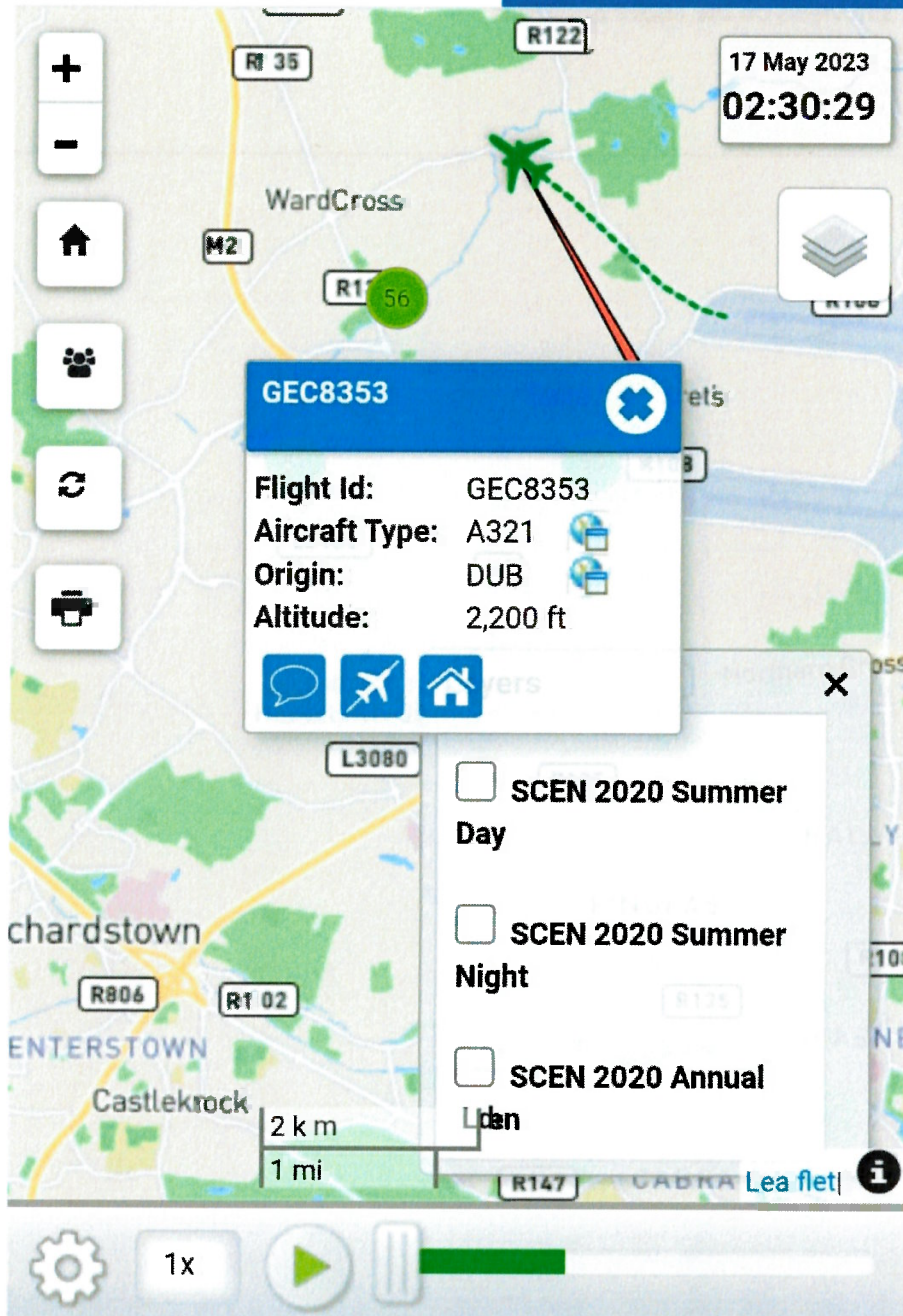
08:11



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 Dublin Airport



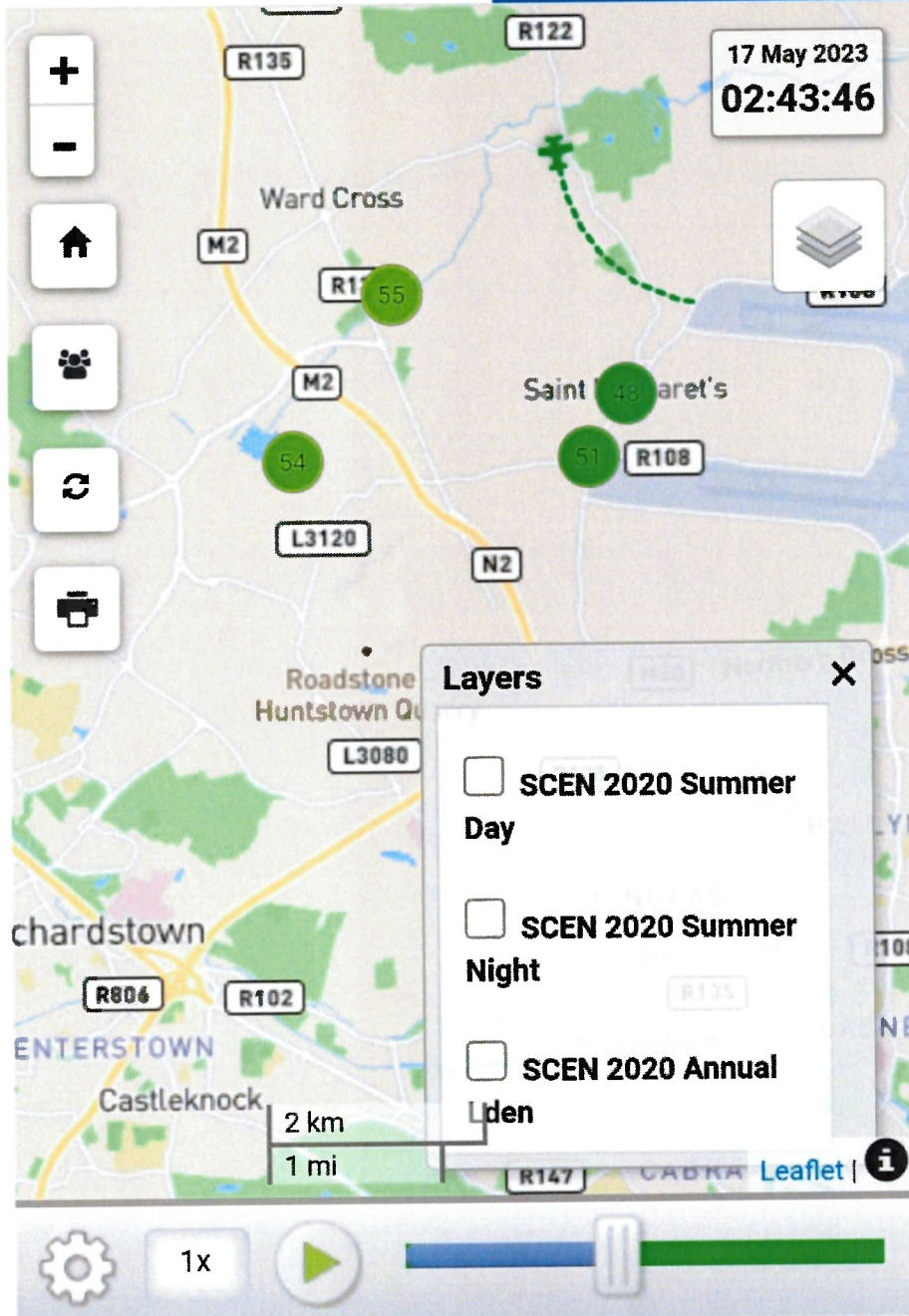
08:11



webtrak.emsbk.com



 **DublinAirport**



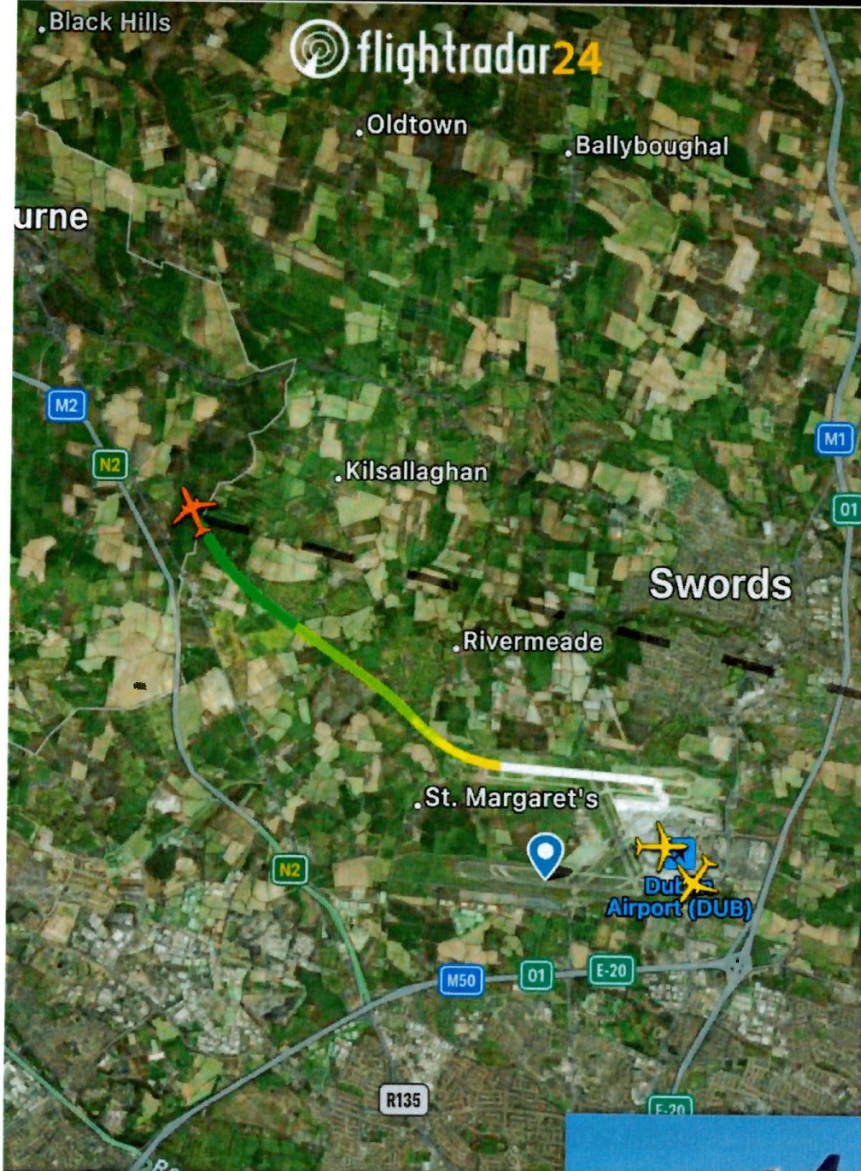


02:31



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DUBLIN



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FRANKFURT

CALIBRATED ALT.  
2,883 ft  
GROUND SPEED  
212 kts

Airbus A321-211(P2F)

REG: D-AEUC



3D view



Route



More info



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## We Have Received Your Complaint



Thank you. We have received your complaint.

Your receipt key is:

[57c73e3751805e49566c289eb21863b36eb3836e](#)

You will be able to use this key to follow up on this complaint later, if you wish. If you would like to do this, copy the key to your clipboard and save it somewhere.

[Submit another complaint](#)

Complaint submitted at	17 May 2023 08:36
First name	Eithna
Last name	Ratcliffe
E-mail	eithnaratcliffe@gmail.com
Address	Shallon The Ward Co Dublin
Suburb/Area	The Ward
County	Co Dublin
Postcode / Eircode	D11DD85
Would you like us to contact you?	Yes
Disturbance date	17 May 2023
Disturbance time	02:30
Description of Complaint	Noisy low flying aircraft causing sleep disturbance and heart health hazard over our home from north runway waking us up. Illegal use of runway against an Bord Pleanala's planning permission and conditions. Illegal use of north runway after 6pm. You are destroying our mental health, and our wellbeing. All flights tgat have flown over our house since opening of the north runway are operating illegally as we are not under an approved flightpath and you are taking away our rights as cirizens under the Aarhus Convention



Thank you an Bord Pleanála for receiving my submission.

Yours sincerely,

Eithna Ratcliffe