

S.37

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

Having considered the contents of the submission dated/received 13/12/2023  
from Hazel and James Maxwell 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 Bue

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

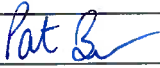
Date

EO

Signed

Date

AA

**Planning Appeal Online Observation****Online Reference**  
NPA-OBS-002942**Online Observation Details****Contact Name**  
Hazel Maxwell**Lodgement Date**  
13/12/2023 23:10:38**Case Number / Description**  
314485**Payment Details****Payment Method**  
Online Payment**Cardholder Name**  
Hazel Maxwell**Payment Amount**  
€50.00**Processing Section****S.131 Consideration Required**☒ Yes — See attached 131 Form☐ N/A — Invalid**Signed**

EO

**Date**

20/12/2023

**Fee Refund Requisition****Please Arrange a Refund of Fee of**

€

**Lodgement No**

LDG— 068 795-23

**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\_3ON1ZaB1CW0EN5FC0kN3ljgN

**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**

Hazel and James Maxwell,  
Lambs Croft,  
Dublin road,  
Oldtown,  
Co. Dublin

11/12/2023

**Planning Ref: F20A/0668**

**ABP Ref: ABP-314485-22**

**Name and location of the development:** 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, 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. (etc.)

**Re. Observation on Planning Appeal**

Dear Sir or Madam,

We would like to submit our observations on the above referenced planning file for your attention.

Firstly, we would like to note our concern regarding the short time period being afforded to members of the public to review the significant additional information submitted by daa, which is of a large volume and highly technical in nature. For members of the public who for the past year have found themselves unexpectedly underneath flight paths which were not approved as part of the original north runway planning permission, and who were never consulted on these flight paths, we believe this is insufficient time to read and absorb this information, as well as prepare a submission.

We wish to make the following observations regarding the above reference planning file.

**Background and context:**

Our family of four live in the village of Oldtown in North Dublin, having had family living in the village back as far as the 1920's approximately, and predating Dublin Airport. Oldtown, is a small but very beautiful rural village with a rich heritage and strong community. This context is important, because although small, Oldtown very much an important and cherished rural village by those that live there and those that visit.

In terms of land use and planning, Oldtown is one of a number of Rural Villages identified in the Fingal Development plan as a 'core village', along with Ballyboughal, Ballymadun, Garristown, Naul and Balscadden. These villages provide housing, services and employment functions for the wider rural hinterland. This is central to rural development policy which seeks to invest in towns and

villages to support the sustainable development of rural environment, and to promote a town centre first settlement strategy. Put simply, it is a key vision of the development of the rural area to promote settlement in villages including Oldtown, and the routing of flight paths directly through the centre of our village, and other towns/ villages in the North County Dublin is not consistent with this vision. It has a negative effect on the quality of life of those living in these settlements making them undesirable to live in. We believe this will directly impact the future planned development of our village, the provision of housing, as well as the delivery of long-overdue services which are dependent on the development of zoned lands. All of this has been put at risk by the noise associated with these unauthorised flight paths. This contrary to the proper planning and development of Rural North County Dublin.

### **The impact of north runway operation**

With this in mind, I wish to explain to you our experience since the opening of the North Runway in August 2022. When operations commenced, we were alarmed to find aircraft flying directly over our home and over the centre of the village of Oldtown, having reviewed the original planning application and understood this would not be the case. After a number of months of operation and following the receipt of a large volume of complaints, daa made public statements to the effect that communities were finding themselves 'unexpectedly overflown' and that they would rectify the flight paths more closely reflect those to those previously communicated (Ref.: <https://www.dublinairport.com/corporate/north-runway/latest-news/2023/02/21/north-runway-revised-standard-instrument-departures-from-february-23-2023>).

Expecting flight paths to be amended to reflect those in their approved planning permission, we were shocked in February 2023, upon commencement of revised routes by daa to find ourselves subjected to a concentrated and constant stream of aircraft directly over our home.

At peak times, aircraft fly over often at approximately 90 second intervals. An aircraft can be heard for approximately 50 seconds of that period, with noise peaking directly over our home in the centre of this once quiet village. Aircraft appear to use our village as a turning point, with the effect that the noise is prolonged as it loops around the village core. The experience of this noise in our garden is jarring and is so loud that it stops conversation. It is intrusive and has impacted us deeply. Having once spent a lot of our time outdoors, we are devastated to have lost the peace and quiet that we have always enjoyed. Over the summer months, we retreated indoors and closed windows and doors behind us because the noise is so bad it is simply not bearable. We now can no longer enjoy a walk in our local area the area, with aircraft both a constant annoyance, and making it difficult to hear oncoming traffic on our rural roads and in our village, making them too dangerous to walk, especially for our children. This noise then follows indoors.

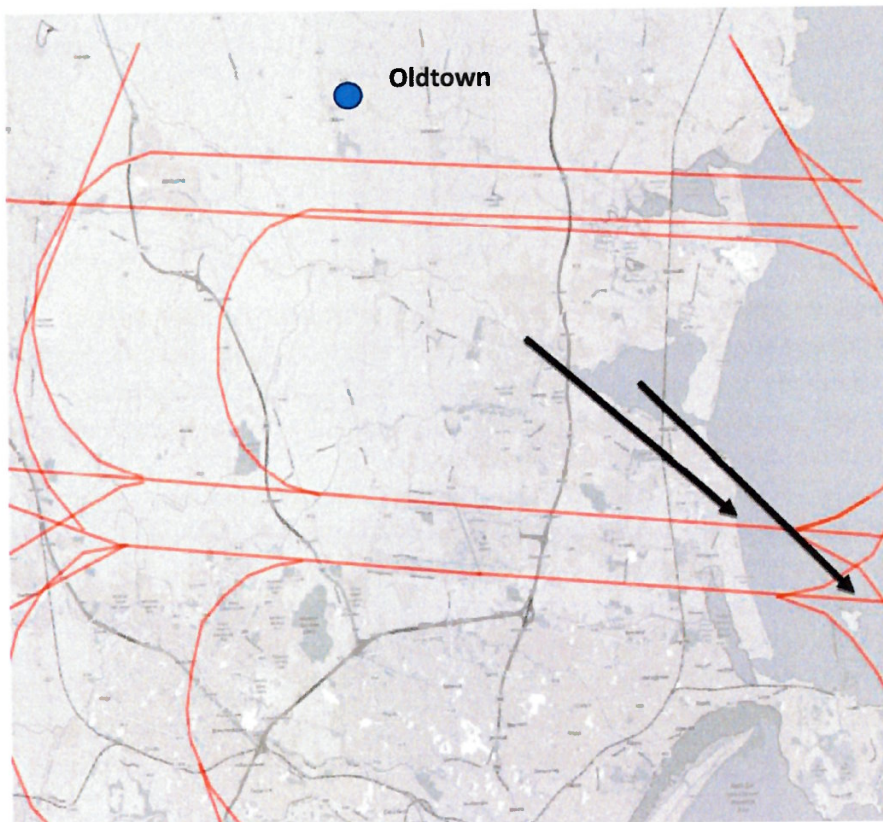
Inside our home, the noise can be heard throughout. From early morning to late at night, aircraft noise is now in our lives as a constant and very unwelcome companion. It is the first and last thing we hear each day, often waking us from our sleep. With both of us working from home for a portion of the week, this follows us into our working lives, and there is no break, except for days when the wind is from the East. Over the past year members of our family have experienced health issues which we believe are a result of aircraft noise and associated stress and sleep disturbance. We have observed a general deterioration in our health, welfare, and quality of life. Although I am reluctant to reveal personal health details in a public space, these impacts are not insignificant, and I am confident are directly related to the noise associated with aircraft and consistent with those identified by the WHO (Ref: Environmental Noise Guidelines for the European Region 2018' - <https://www.who.int/europe/publications/i/item/9789289053563>).

For more than a year, we have been subjected to noise which according to our own home monitoring device regularly exceeds 70dB, and is wholly unacceptable to us. We strongly object any application by daa to intensify the use of routes, to extend hours of operation, to remove any caps on flights or to seek the retention or regularisation of flight paths which have not been properly assessed. We are strongly of the view that these flight paths should be considered unauthorised development, and they should cease to be used without any further delay for the purpose of protecting the communities now affected and as they have not been subjected to the appropriate environmental assessment or approval process.

We draw your attention to the following points:

**1. Use of unapproved flight paths/ unauthorised development.**

- These flight paths do not reflect the approved flight paths, or those that formed part of their original public consultation or EIA assessment.
- The use of flight paths now submitted did not form part of the original approved planning permission and are subject to an enforcement investigation by Fingal County Council. We have not received an update on the status of this enforcement investigation.
- The issue of flight paths is not insignificant, but highly material to the original planning and the assessment of the current appeal, particularly in regard to the validity of the approved EIA, noise mitigation measures, land use management and the integrity of the public consultation process.
- The approved flight paths take a direct route out for several kilometres, before retuning at a much high altitude. See extract from approved planning documents (below), showing the location of Oldtown Village for reference (blue dot), and note that the approved flight paths extend well beyond the N2 / M2 before turning and returning at a high altitude, with little to no impact on the village of Oldtown.



- It is a requirement of the planning permission (condition 1) that development is carried out in accordance with the documentation submitted, including the EIS. The EIS used the above flight path for purposes of assessment, and as such, the location of flight paths is highly material to the validity of the approved EIS.
- For more than a year, we have been subject to ongoing intense noise on flight paths that do not align with the above. Please see below an overlay showing actual flights on typical day over the past year. The village of Oldtown is shown for reference, and you will also note the location of the N2 / M2 for reference. You will see Oldtown (blue dot) is now directly under an intense stream of aircraft.

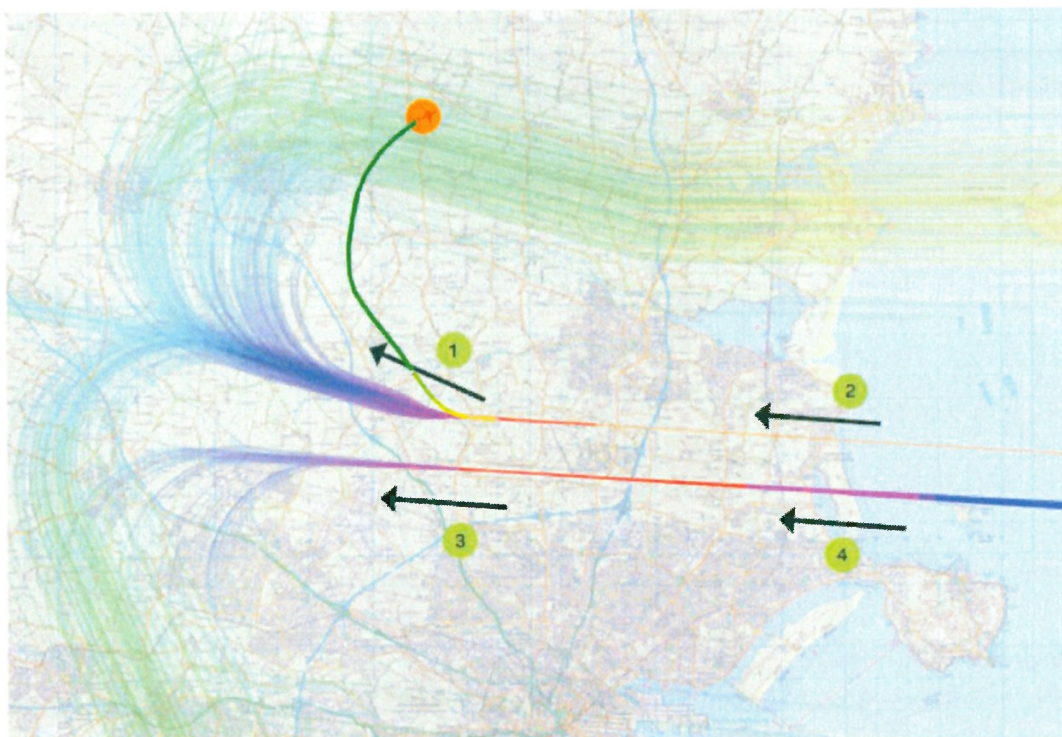


- Please take a moment to reflect on the difference between what was originally approved, and what has actually been happening. Please also take a moment to consider what this has been like for communities and individuals such as us, who despite being quite literally being bombarded with incessant noise, have been told repeatedly that the routes being flown were 'the intended route' (ref. Mr Kenny Jacobs, Primetime - <https://www.youtube.com/watch?v=jV78GFDwA6Y>). This is, at best, highly misleading, and there has been a complete failure to properly communicate with communities on this very real and serious issue, or for any mitigation or protective interventions to be undertaken by those with the power to do so.
- As a result of flights turning immediately upon take off, and then continuing to turn, they are flying directly over the village of Oldtown at a low altitude and with unacceptable noise levels.
- You will see the intensity of flights directly over the centre of our village, resulting in maximum impact over the population centre of the village of Oldtown. There was no consultation on this

and we submit that there has been absolutely no effort to mitigate the impact on our community.

## 2 Integrity of the consultation process:

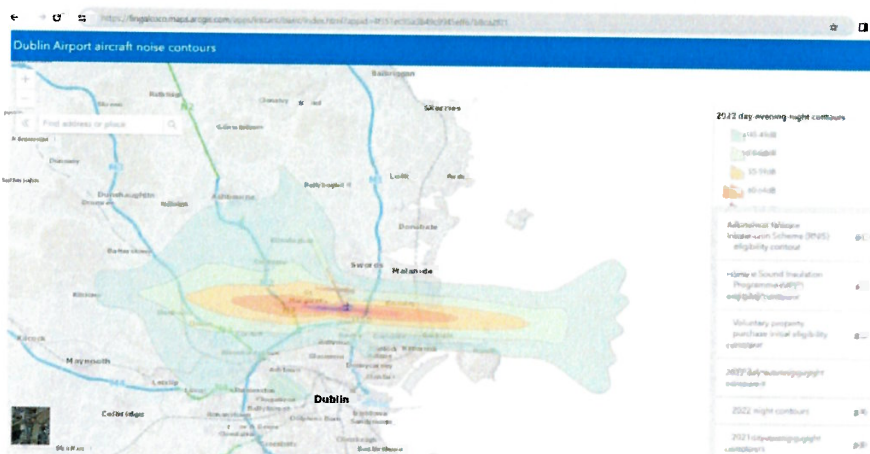
- We believe that the integrity of the consultation process is compromised. For over the past year, the daa have publicly denied that they have been using flight paths that are not those approved through planning. This additional information is first time that accurate flight paths have been put forward to members of the public for consultation, over a year since the runway began operations. Communities such as ours, and individuals such as us, have been subjected to a year of noise without having ever been afforded their right to submit an observation on a development that directly affects them in terms of health, welfare, and quality of life. As such, our concerns have never been taken on board, and no mitigation put in place. No assessment of the impact on our village has taken place (in terms of health impact, land use or environment). How are we to be expected to live with the very real consequences of living under an intense and loud flight path, without first having been consulted and informed of the implications and health consequences.
- In 2016, daa undertook a consultation regarding changes to the flight path (ref: [https://www.dublinairport.com/docs/default-source/north-runway-downloads/consultation-on-flight-paths-and-change-to-permitted-operations.pdf?sfvrsn=63261c6e\\_2](https://www.dublinairport.com/docs/default-source/north-runway-downloads/consultation-on-flight-paths-and-change-to-permitted-operations.pdf?sfvrsn=63261c6e_2)), however this was not approved through a planning process. This consultation again shows paths that are not currently in use, with routes extending well beyond the N2 / M2 before returning at a much higher altitude and in a dispersed pattern. This difference is a matter of several kilometres distance, and thousands of meters in altitude. An overlay of actual flight paths affecting Oldtown (shown in orange) over those proposed at that time is detailed below.



- Additionally, as part of the above mentioned consultation, posters locations and leaflet drops did not include Oldtown, now directly under an intense flight path (ref: [https://www.dublinairport.com/docs/default-source/north-runway-downloads/public-consultation-report-flight-paths-and-change-to-permitted-operations.pdf?sfvrsn=b06d628\\_2](https://www.dublinairport.com/docs/default-source/north-runway-downloads/public-consultation-report-flight-paths-and-change-to-permitted-operations.pdf?sfvrsn=b06d628_2))

### 3 Proper Planning and Development of the North County Dublin Area:

- The Fingal Development plan 2023 – 2029 came into effect in April 2023, with the North runway having come into operation in August 2022, and revised flight paths in February 2023.
- Development plan objectives associated with the airport, including DAO24 (housing development and Dublin Airport Noise zones), illustrate the importance of properly planning for the noise and the development in the Fingal area, with airport noise zones having direct impact on communities, land use zoning and noise management.
- Crucially the flight paths currently in use do not reflect the Strategic noise maps, referenced by the new development plan at time of adoption despite unauthorised flight paths already being operational (ref: <https://fingalcoco.maps.arcgis.com/apps/instant/basic/index.html?appid=4f351ec95a3849c9945eff67b8ca2f01>). This is because maps are based on the approved flight paths, rather than those currently in use, and now proposed for retention.
- This has a direct impact on the proper planning and development of the North County Dublin area. Years of land use planning, noise mitigation measures, noise insulation schemes, and other relevant planning and development considerations are rendered void due to the failure to adhere to approved flight paths. This has implications for land use, noise mitigation and monitoring, and the proper planning and development of the whole North County Dublin Area, and stretching into County Meath, which we suggest is extremely serious. The granting of such a retention permission would set a highly undesirable precedent particularly where an EIA is involved and unauthorised development has taken place.



### 3 Environmental Impact:

- We are deeply concerned about the health impacts of flights now overflying us, both in terms of noise and emissions, and we have not been provided with information on those impacts.
- The concentration of aviation related emissions and fumes, directly over our home and garden is not acceptable to us, and we believe will have a detrimental impact on our health.

- The discover of PFOAs in the environs of the airport, and potential contamination of ground water in the Fingal area has not been adequately incorporated in the EIA.
- The environmental impact assessment submitted and associated maps deal with hypothetical noise data over the village of Oldtown. This is despite a year of operating current routes, when actual noise levels could have been monitored. We have requested noise monitoring in our village through the daa complaints portal (daa have failed to respond to the majority of our noise complaints) and through ANCA, but no noise monitoring has not been put in place, either temporary or fixed.
- We experience aviation noise in excess of 70dB regularly, and this indicates to me that the noise contour maps are not accurate. It is unacceptable to us that accurate measurements of noise have not been provided. We do not consider that the use of hypothetical data is a substitute for real data, that could have been provided, particularly when the village of Oldtown appears on submitted documents regularly on the edge of noise zones.
- Following a review of the submitted documents, we cannot locate the LaMax for Westerly departures on the north runway. Is this an omission? The receiving environment in Oldtown is a quiet rural community. We believe that LaMax is a key measurement for understanding the impact on a community at any given time and particularly in a quiet rural community such as ours that has low background noise levels.
- The area between Kilsallaghan and Oldtown is home to a number of nesting Red Kites. The Red Kite is an IUCN red list threatened species (ref: <https://www.iucnredlist.org/es/search?taxonomies=22672970&searchType=species> ). These Red kites were reintroduced a number of years ago as part of a successful breeding programme aimed at protecting the species. They have a large hunting area and are to be seen most days over the village of Oldtown, and the surrounding area. They can fly at an altitude of approximately 5,200ft and often do so in groups of three or four directly over our village. With flights passing over our village at between 4,000 ft and 5,500ft, we have very real and serious concerns both about the impact of flights on these birds, and the potential for bird related aviation incidents over our home.

#### 4 Sustainable development

As the daa have raised the issue of sustainability repeatedly in their submission, I think it is important to look at this issue on first principles basis. Sustainable development was defined in the 1987 Brundtland report as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. This simple definition remains relevant as we understand the proposal and the very real implications for future generations. During the past week, world leaders assembled at COP28, with a key aim of reaching an agreement on reducing our dependence on and phasing out the use of fossil fuels. This is because fossil fuel and greenhouse gas emissions are a key driver for human induced climate change.

The IPCC 6 Synthesis Report on climate change (Ref: [https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC\\_AR6\\_SYR\\_SPM.pdf](https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf)) is very clear on the science. It sets out the future pathways scenarios if we fail to keep average global temperature increases to the 1.5 degrees Celsius, with increases above that having very serious impacts and real world implications globally. These impacts will be experienced by our children's generation, and the window to act is quickly closing. The science is also clear, that we are not on track to meeting our

emissions targets. We are actively compromising the ability of future generations to meeting their own needs, by not acting with urgency on the issue of emissions reduction.

daa was the largest emitter of Co2 in the country in 2022, according to Climate Trace (ref: [Climate TRACE](#)). Despite various assertions made around their sustainability, and clear improvements in the area, the fact is that aviation is the most Co2 intensive form of travel. A key part of the transition to a low carbon future is reducing dependency on fossil fuel, and this includes reducing or at the very least not increasing aviation related emission. The notion that aviation activity can continue to grow and expand unfettered without further negatively impacting our climate is simply not credible.

Sustainable development is the balance of economic, environmental, and societal considerations. The proposals put forward by daa we suggest rely too much only on economic considerations and arguments, with expansion proposals made at the expense of both environmental and societal impacts. There is little to no consideration of the very serious economic repercussions of climate change, and following extreme flooding events earlier this year in Cork and other international extreme weather events, climate impact is no longer a problem of the future, but of the present.

#### **Summary:**

Based on the above, we wish to raise very strong objections to the proposals put forward by daa in their submission.

The use of a noise quota system will have the effect of increasing noise over our home and increasing incidents of awakening. The increase of activity, particularly at night will have a serious negative impact on us and our community in Oldtown, with consequences for our health, wellbeing, and quality of life.

The proposed changes to hours of operation will mean awakening events earlier in the morning, and later into the night, impacting our sleep, health, wellbeing, and quality of life.

Of primary concern to us is the use of the current flight paths, which we consider are not compliant with their approved planning and have not been environmentally assessed or subject to the appropriate assessment and consultation. We raise concern of the lack of accurate noise data for the village of Oldtown after a year of operation, and the omission of LaMax noise maps for westerly departures from the north runway. We consider the use of these flight paths to be contrary to the proper planning and development of the North County Dublin area. Any intensification of this unapproved route should not be considered.

We would like to encourage you to visit the village of Oldtown and the communities now affected by unapproved flight paths, to experience first hand the noise and impact it has had on communities.

We trust you will take the above into account in your deliberations.

Yours sincerely,



Hazel Maxwell



James Maxwell