

~~106-068~~

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 14/12/2023  
from John Stamford 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

21/12/2023

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-003000

### Online Observation Details

Contact Name  
John Stamford

Lodgement Date  
14/12/2023 16:05:02

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
John Stamford

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

*Pat B.*

EO

Date

21/12/2023

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068966-23.

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\_3ONHPGB1CW0EN5FC1SCbH2TA

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

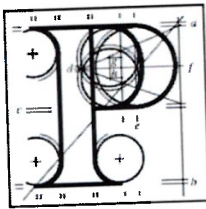
SEO (Finance)

Authorised By (2)

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

Date

Date



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

Dr John Stamford

(b) Address

2 The Close, Cnoc Dubh, Ballyboughal, A41 Y778

### 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

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

## 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

## 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 bought my house in Ballyboughal in September 2022 only to find during the summer of 2023 that the DAA decided to breach previous planning permission and create a flight path directly above my house.

These flight paths are not aligned with the planning permission granted.

They have been implemented without proper planning, authorisation and environmental impact studies.

Had I known the DAA would create a flight path directly above my house, I would not have bought the house.

I would also like to comment, that the behaviour of the DAA and its board is one which does not act morally or ethically towards the local residents or local government. This is seen by...

- Total disregard for the local planning process
- Not adhering to the agreed planning permission
- The DAA chair trying to circumvent existing legislation and planning regulations by directly contacting the Taoiseach
- Ignoring residents complaints about noise

### **Further observations...**

The noise modelling report from Bickerdike Allen Partners LLP uses the World Health Organisation (WHO) as a reference for noise levels.

One item from the report shows that approximately 46,000 people of the population affected by the flight paths will be woken up by aircraft noise. This equates to 10% of the population in that area waking up every night due to aircraft noise.

While the report tries to mitigate this by stating "*a healthy adult briefly awakens ca. 20 times during an 8h bed period*" the cause and duration of these awakenings are not discussed. In fact, these awakenings are through the natural sleep process and not due to a sudden and abrupt increase in noise, as produced by an aircraft flying overhead, as explained by Prof. Dr. Thomas Penzel's report. Therefore, the impact on residents can not be ignored or mitigated by that statement by Bickerdike Allen Partners LLP twitch

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And while, Bickerdike Allen Partners LLP estimate awakening, the statement from Prof. Dr. Thomas Penzel further explains more study would be needed to truly know the impact. Therefore, at this stage the true impact of the thousands of residents impacted can not be truly estimated, and therefore a more robust environmental impact is needed which covers the proposed flight paths, and should also cover the current flight paths.

In fact, aircraft noise has been studied greatly across the medical research literature with links to many health-related issues such as high blood pressure, the prevalence of arterial hypertension, and indices of asymptomatic organ damage, to name a few. [I can produce a separate independent report on this if needed, and given time].

As such, the WHO strongly suggested the following...

- strongly recommends reducing noise levels produced by aircraft below 45 dB Lden, as aircraft noise above this level is associated with adverse health effects.
- strongly recommends reducing noise levels produced by aircraft during night time below 40 dB Lnight, as nighttime aircraft noise above this level is associated with adverse effects on sleep.

And when looking at the noise modelling diagrams produced by Bickerdike Allen Partners LLP we see a huge increase in noise levels in excess of 45 dB Lden for many residents, villages and towns.

This shows that the current proposals will result in noise levels in excess of those outlined by the WHO.

**Additional commentary on noise...**

There is a significant difference between average noise and sudden/abrupt noise. Residents are having a spike of noise every 2 to 3 minutes. This will reduce the average but increase the impact on people.

I live in a small village with very little traffic and noise, and the difference between the ambient sound and abrupt aircraft noise is significant.

Noise levels vary depending on weather conditions. On strong wind days, the aircraft sounds quieter due to the ambient sound, however, on calm days the aircraft noise is substantially louder. Therefore the noise problem will become more prominent over the summer months.

The use of an average should always be supported with standard deviation, this would explain actual data more accurately. You should consider using the p90/p10

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value to show the upper 10% noise levels people are hearing and the average can be misleading. Therefore, the submitted documentation does not contain sufficient data to support a decision, and any decision made would be based on missing data.

The planes have been flying illegally over the routes for months now. Why does the submission not show any real noise readings?

I have complained about the noise directly to the DAA, but I have not had any response. Other residents have been told there have been too many complaints and the DAA can not respond to them. (EDIT – today I received a letter from the DAA acknowledging they are unable to cope with the large amount of complaints received an attached a copy of a document showing that noise has been spread to new areas of Dublin. The document also contained outdated facts and figures relevant to the issue to further confuse the issue)

Finally, I don't understand the rationale for why the flight path is directly over Ballyboughal instead of the open countryside. This doesn't make any sense.

**Futhermore...**

The large Emirate flights are particularly loud, the house feels like it's vibrating.

I live 10km / 6 miles from the airport, and I just don't understand why the planes are turning at Oldtown then head towards my house. Especially when there is so much open countryside.

And I don't understand how this behaviour is tolerated, how can someone have planning permission approved for one thing and be able to do something totally different? If I had planning permission for a 1 storey extension but decided to build a 3 storey extension, you'd force me to knock it down or I face a prison sentence. We have the same scenario here with the DAA, they had planning permission for one thing and are doing something totally different, and even trying to circumvent official channels by directly approaching the Taoiseach. Disgraceful behaviour.

## Supporting materials

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.

