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Planning Appeal Online Observation

Online Reference NPA-OBS-002983

Online Observation Details		
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The Secretary, An Bord Pleanala Dublin 1 December 14, 2023

Re: Dublin Airport Authority (Further Information Request on Relevant Action)

Case No: PL06F:314485 F20A/0668

Introduction

My name is Michael O'Rourke. My family and I live to the immediate west of Dublin Airport.

We make this submission on foot of the recent letter sent to myself and my wife seeking observation on the DAA's submission of additional information to the Board.

We are directly affected by aircraft movements on the South Runway of the airport. We are frequently awoken at all hours by night-time movements between the hours of 2300 and 0700 and find it difficult to enjoy a peaceful night's sleep.

I attach hereto a copy a log (Appendix A) 2018/2019 of my phone calls to DAA (returned to me by the DAA on foot of a GDPR request) indicating some of the complaints I made to DAA due to being awoken during the night. Note: These include the times that the phone calls were made. Additionally, there are numerous times when I am awoken and do not make a complaint but attempt to get back to sleep.

Although DAA have provided a noise insulation scheme to my home it is totally useless as regard reducing night-time noise to a degree to allow me to obtain a full night's sleep. Consequently, I totally oppose the proposal by DAA to implement a noise quota system to replace the 65 movements per night restriction that should have come into effect upon the opening of the new North Runaway.

I would note that the interpretation of the 65 night-time movements is currently before Justice Humphreys in the High Court due to DAA having sought an injunction to overturn the night-time restrictions imposed by An Bord Pleanala. (Dublin Airport Authority (DAA) against Fingal County Council (2023-0916-JR). I am a named notice party in that proceeding.

I also believe that the degree of new material presented to An Bord Pleanala is of such an extent that it should have required a completely new planning application to Fingal County Council.

Impact on Quality of Life

My home existed prior to the use of lands at Collinstown becoming an "aerdrome". So, it is not a case of me and my family moving beside a nuisance; the nuisance moved, and expanded, beside me. It is obvious to everyone that living in close proximity to an airport presents a range of challenges, particularly when it comes to noise pollution. However, the

proposed implementation of a noise quota for night-time movements will facilitate movements beyond the 65 movement limit will significantly exacerbate these issues.

As a "neighbour" (DAA's term for me), I have experienced first-hand the adverse effects of increased noise levels on my well-being. Sleep disturbance, stress, and anxiety are just a few of the consequences that I and my neighbours face on a regular basis.

Health and Environmental Implications

In addition to the negative impact on residents' quality of life, the increase in night-time movements may have serious health and environmental implications which have yet to be costed. The World Health Organization (WHO) has identified noise pollution as a significant environmental health hazard, emphasizing its association with cardiovascular diseases, cognitive impairment in children, and overall reduced quality of life. Allowing movements throughout the night will undoubtedly contribute to elevated noise levels during crucial sleeping hours, further jeopardizing the physical and mental well-being of residents.

Moreover, the increased emissions from additional movements will contribute to air pollution and climate change, further endangering the health of local residents and the environment.

Economic Monopolistic Concerns

The DAA's proposal to implement a noise quota for night-time movements could have significant economic consequences for the local community. Reduced sleep quality and increased stress levels may lead to decreased productivity and a decline in overall well-being. In addition the monopolisation tendencies of DAA management will have a negative impact on regional airports:

- 1. Decline in Passenger Traffic: Cork and Shannon airports will experience a significant decline in passenger traffic, as more travellers would opt for Dublin Airport due to the convenience of a single-airport monopoly. This decline would affect the economic viability of these airports, leading to potential closures or severe downsizing.
- 2. Loss of Jobs: The closure or downsizing of regional airports would result in job losses for employees working in these airports, as well as for businesses that rely on the airport industry. This could have a detrimental effect on the local economy and the livelihoods of many individuals.
- 3. Reduced Connectivity: With Dublin Airport monopolizing air travel in and out of Ireland, regional airports would lose their connections to key international destinations. This would make it more difficult for people in the regions to access international travel, thus reducing the overall connectivity of the country.
- 4. Increased Congestion at Dublin Airport: As more travellers are funnelled into Dublin Airport, the infrastructure at the airport would struggle to cope with the increased demand. This would lead to overcrowding, longer wait times, and reduced service quality for passengers.

5. Limited Competition: The monopolization of air travel would stifle competition within the industry, leading to higher prices and potentially lower quality services for passengers. This would have a negative impact on consumers and could limit the innovation and growth of the Irish aviation industry.

Lack of Consultation with Local Community:

The DAA's proposal has been met with significant opposition from local residents and community groups and local elected representatiives. Many feel that their concerns and objections have not been taken into consideration, and that the decision to implement a noise quota for night-time movements has been made without adequate consultation. It is essential that all stakeholders are given the opportunity to voice their concerns and contribute to the decision-making process. Consequently, the DAA submission, which contains elements outside the remit of the Aircraft Noise Competent Authority (ANCA) should be rejected and DAA should be instructed to submit a full planning application to Fingal County Council

International Agreements:

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The use of international agreements as an argument to increase night flights, especially between the EU and the USA, raises complex legal issues that intersect with both domestic and international law. While international agreements such as Open Skies agreements may govern air traffic rights between countries, they do not necessarily supersede local planning permissions or environmental regulations.

In analysing relevant case law from the UK and Ireland, it is important to consider how courts have interpreted the relationship between international agreements and domestic planning permissions in the context of aviation. One notable case is R. (on the application of London Luton Airport Operations Ltd) v Secretary of State for Transport [2020] EWCA Civ 1308, which involved a challenge to the expansion of Luton Airport in light of environmental concerns.

In this case, the Court of Appeal emphasized the importance of balancing national policy objectives with local environmental considerations. The judgment underscored that while international agreements may facilitate air traffic rights, they do not automatically override domestic planning decisions that are made in accordance with national laws.

Similarly, in Ireland, cases such as Friends of the Irish Environment CLG v An Bord Pleanála [2017] IEHC 616 have addressed the interplay between aviation development projects and local planning regulations. These cases highlight the significance of ensuring that aviation expansion complies with domestic legal requirements, including planning permissions and environmental impact assessments.

Based on an analysis of relevant court judgments in the UK and Ireland, it is evident that international agreements alone cannot be used to circumvent local planning permissions for

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aviation projects such as runway expansion at Dublin Airport. While international agreements play a crucial role in governing air traffic rights, they must be implemented in a manner that respects domestic legal frameworks and local regulatory processes.

EU 598/2014

The Dublin Airport Authority (DAA) cannot use EU 598/2014 to allow an increase in night-time flights due to several reasons. These reasons include the specific provisions of EU 598/2014, the importance of maintaining noise levels and reducing aircraft noise pollution, and the need to adhere to international and national environmental policies.

EU 598/2014, also known as the "EU Flight Paths Regulation" or "Regulation (EU) No 598/2014," was enacted to improve the efficiency and sustainability of air traffic management in Europe. The regulation establishes a framework for the development and implementation of noise mitigation measures and the reduction of noise exposure around airports. While the regulation does allow for some flexibility in managing flight paths and night-time operations, it does not permit an unlimited increase in night-time flights.

One of the main objectives of EU 598/2014 is to maintain and reduce the noise exposure of people living near airports. This is achieved through the implementation of noise-related mitigation measures, such as the establishment of noise exposure contours and the development of noise management plans. The regulation also requires airports to consult with local communities on noise-related issues and to take their concerns into account when making decisions about night-time flights.

Another reason why the DAA cannot use EU 598/2014 to allow an increase in night-time flights is the importance of maintaining international and national environmental policies. The regulation aligns with the objectives of the United Nations' International Civil Aviation Organization (ICAO) and the European Union's Aviation Strategy, both of which aim to reduce the environmental impact of aviation. By increasing the number of night-time flights, the DAA would be contradicting these policies, which focus on reducing aircraft noise pollution and greenhouse gas emissions.

In summary, the Dublin Airport Authority cannot use EU 598/2014 to allow an increase in night-time flights due to the specific provisions of the regulation, the importance of maintaining noise levels and reducing aircraft noise pollution, and the need to adhere to international and national environmental policies.

Intensification:

Dublin Airport, the primary international gateway to Ireland, has experienced a significant increase in air traffic movements in recent years. This surge in activity must raise concerns about the potential impact on the surrounding environment, noise levels, and the overall quality of life for local residents. As a result, the question of whether this intensification of air traffic can be classified as a breach of Dublin Airport's planning conditions becomes relevant.

The Irish Planning Acts, which govern the development and management of land in the country, provide guidelines for the assessment and management of development projects. Intensification, in this context, refers to an increase in the scale or density of a particular activity, such as air traffic movements at an airport. When assessing whether an increase in air traffic movements at Dublin Airport constitutes intensification, the relevant planning conditions must be examined.

Planning conditions typically include maximum noise levels, restrictions on flight paths, and limitations on the number of air traffic movements allowed per day. If the increase in air traffic movements at Dublin Airport exceeds these thresholds, it can be considered a breach of planning conditions and, as a result, may require restrictions to be imposed.

There are several reasons why Dublin Airport's significant increase in air traffic movements should be restricted as a breach of its planning conditions:

- Environmental Impact: An increase in air traffic movements can lead to higher levels
 of noise and air pollution, which may have detrimental effects on the surrounding
 environment and local ecosystems.
- Quality of Life: The intensification of air traffic movements can negatively impact the
 quality of life for local residents, as they may experience increased noise levels and
 disruptions to their daily routines.
- 3. Infrastructure Capacity: An increase in air traffic movements may also put strain on the existing infrastructure at Dublin Airport, such as runways, taxiways, and terminals, potentially leading to delays and reduced efficiency.
- 4. Climate Change: Air traffic movements contribute to greenhouse gas emissions, which are a significant factor in climate change. By restricting air traffic movements at Dublin Airport, the environmental impact of aviation can be reduced, helping to mitigate climate change.

Conclusion

Considering the numerous concerns raised by local residents and the potential negative impact on health, the environment, and the economy, it is crucial that An Bord Pleanála rejects the DAA's attempt to implement a noise quota for night-time movements. At a very minimum the remedies sought by DAA should be rejected with an instruction a full planning application should be submitted.

Due to the specific provisions of the regulation, the importance of maintaining noise levels and reducing aircraft noise pollution, and the need to adhere to international and national environmental policies Dublin Airport Authority cannot use EU 598/2014 as a basis to facilitate its attempt to increase night-time movements.

I fully support and wish to have included in this submission the arguments tendered by the Saint Margaret's, The Ward Residents Environmental DAC in this matter.

In conclusion, I strongly oppose DAA's attempt to implement a process that would allow night-time movements at Dublin Airport based on a noise quota. It is imperative that alternative solutions be explored to address the needs of the airport while prioritizing the welfare of local residents.

A Comment

Michael and Margaret O'Rourke

9th House, Broughan, The Ward, County Dublin. D11 V968

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Name 1	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michigel	Michael	Michael	Michael	Niamh	Michigen	Mchael	Machael	Alar-Property	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Michael	Machael	Michael	Michael	Michael	MICARE	L.KChSer	Michael	Michael	Machael	Mcnast	Michael	Michael	Michael	1													
Inc Time	Before 13:05:00	General General	22.19	22.20	1	06:03:00 on		02 02	05.42	05.44 approx	05:44 approx	05:43	05.32	81.90	22 13	05.46	06.30	05.32	00.40	08-90	05.38	04.35	96 39	05.49	06.15 on	06 15	00.00	04.41	04 50	03 59	05:35 (approx)	DE DO DO	JUST BE US 20	05.10	06.35	05.25	05,30	2,90	Since 06:00	06.35	06:40	76.00	04.14	00.40	06.28	06 12	from 06.36	00 30	05.23	05.33	77.00	05.52	10m 06.34	from before 05.51	04.33	04:46	04.49	0.00
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