

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 Neil Carey 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

EO

Date

21/12/2023

Signed

SEO/SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-003009

### Online Observation Details

Contact Name  
Neil Carey

Lodgement Date  
14/12/2023 16:43:26

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Neil Carey

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒

Yes — See attached 131 Form

☐

N/A — Invalid

Signed

*Pat Bui*

EO

Date

21/12/2023

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 068878-23

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\_3ONI0QB1CW0EN5FC09hybUJ9

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

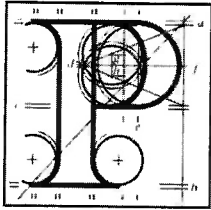
SEO (Finance)

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

Neil Carey

(b) Address

Baltrasna Road, Ashbourne, Co. Meath, A84R762

### 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

Not applicable

(b) Agent's address

Not applicable

## 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, Co. Dublin

## 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 I attach them separately.

I am lodging this observation in the hope that common sense and compassion will prevail. As a society, we need to have faith in our planning system and it should be consistent for all. While I am typing, there are planes roaring over my head, as I find my family and I under a flightpath that was never intended to be. The feedback from all the local councillors of Fingal and Meath is that there is a big issue here and it would be remiss of ABP to ignore this.

My family home is on a rural lane just outside Ashbourne, County Meath. This lane has developed into a very strong and close-knit community over the last 60 years. We are approximately 100 homes that form part of the 30,000 people which have been impacted severely since the opening of the North Runway. One of An Bord Pleanála's core values is "Respect, Dignity, Equality and Fairness". None of these things are currently being shown to the people of Ashbourne and its surrounding communities. There will be children and elderly who have no voice that will be suffering for years to come if the application is accepted. Indeed my own children's school in Kilcoskan is currently being overflowed. A school that has existed since 1864 and has been in its current location since the early 1940s. How can these children be made to suffer because of a mistake that can easily be undone by DAA? If ABP accept this application, they will merely compound the mistake by justifying and legitimising the illegal and unassessed flight path that DAA are currently using.

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 I attach them separately.

As previously stated, my family home is on rural lane. In 2020, I applied for planning to Meath County Council ref **21337** to build my own family home. I had decided to move back to the area I grew up in to look after my ageing father who is a widower and raise my young children in a peaceful setting. This dream has now been shattered and I cannot sleep at night for the stress and anxiety that has been caused. No where in the evaluation of the application for my house did Meath County Council inform me about the need for noise mitigation due to a flight path directly over my head. The reason for this is quite simple. It is because no one at Meath County Council knew there would be a flight path. It clearly states in the EIAR from the 2007 application for the North Runway that the flight paths to be used are assumed to be the same as those currently in use (with the possibility of very minor deviation).

All planning decisions and life choices in this locality have been made around the fact that flights from Dublin airport always flew straight out to the West when taking off from the South Runway. Indeed, the areas of St Margarets and Ballycoolin have effectively been sterilised of domestic development for this very reason. Where was the duty of care for me and my family in regard to my planning application ref **21337**. There is no way to justify this and no mitigation that can undo this mistake. The flight paths represented in this current relevant action must be dismissed and the 2007 planning application must be upheld. This cannot be allowed to go any further and continue to devastate a community.

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 I attach them separately.

**Consultation on current planning application**

- This EIAR must not be accepted as it was drafted using assumptions and modelling in 2021. We can now get true data that shows what is actually happening rendering the document invalid. There is a duty of care on ABP to seek actual data that exists relating to the true noise Impact of the North Runway since its opening to the present moment. This is the only fair and equitable way to decide on this planning application. Not through flawed and outdated data
- No one that lives here has been consulted on the Impact of this current "Relevant Action" planning application and to say otherwise is a fabrication of the truth.
- The EIAR Environmental Impact Assessment Report that was submitted along with this appeal contains average baseline noise data that is from 2022 and before. The noise issues began for **Ashbourne and Baltrasna in August 2022** and got worse from **February 2023** therefore the baseline data is too limited and does not include the current flight paths being used.
- the EIAR was commissioned by the very organisation that is inflicting the noise therefore the data is not robust and subject to bias.
- the noise regulator ANCA are working off data from before the opening of the North Runway meaning that there is no regulation of current flight paths and the EIAR assessment for this application is flawed
- the noise
- The land and areas where the flights paths are meant to be have been sterilised of domestic housing and population. There are solar panel farms and industrial buildings therefore the original flight paths from the 2007

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 I attach them separately.

planning should be adhered to rather than subjecting densely populated areas to extreme levels of noise pollution.

-Under the Aarhus Convention as residents we should have been consulted on the environmental impact of the flight paths that are now included in the DAA's appeal application and we as **MEATH** residents were **NEVER CONSULTED** as this issue is falling between two council areas.

- An Bord Pheanla have granted a strategic housing development case number **TA17.314550** in the townland of Baltrasna. This development is now directly under the illegal flight paths currently being used. In the interest of the population and this much needed development the original 2007 flight paths must be enforced.

- The Meath area county plans must be considered given that the planned strategic housing development will be under a flight path should the appeal be approved.

- The lack recent data on the EIAR means that the DAA are expecting An Bord Pheanla to make a decision without the facts.

-These flight paths have not had an environmental impact assessment which is in accordance with condition 1 of the planning permission from 2007.

- In the case of an emergency landing where planes cannot make it back to the airport after take-off they are directed to attempt to land "in fields" beyond the nine milestone or an area known as Baltrasna, our community. These are the fields behind our family home. Given in the increase in flights over this area there is an increased risk of accident, we wish An Bord Phenala to note that there is only a retained fire service in Ashbourne **no full-time fire service in this area**. Therefore, the locality is not equipped



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.

nor resourced to deal with an aircraft accident. There is also a risk that due to a lack of sleep from continuously being overflowed that our volunteer fire service will not be able to perform adequately in the event of any accident.

-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 ABP 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.

-Straight out flightpaths will largely improve the noise issue and there are technical and planning solutions to this problem

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

**Human Health:**

- The noise from the illegal flight paths is **unbearable, constant and having a detrimental effect on the quality of life for residents in this area.**
- This is an **established area** and our home has been here for over 50 years since February 2023 we cannot open windows, suffer from lack of sleep and can **NEVER** use our garden meaning children cannot play outdoors, the noise is so loud it is **gravely impacting our residential amenity.**

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 I attach them separately.

-Our family is subjected to **noise levels beyond what is tolerable** where we are woken by low flying jets to the point where at times the house vibrates and shakes.

- Internally the noise is so loud it makes it extremely difficult to concentrate, work from home or live a normal life, it is literally ruining the enjoyment and peace within our home.

-Our home has and will depreciate decreasing substantially in value as it is currently under an illegal flight path that we were never consulted on.

- The WHO 2018 Environmental Noise Guidelines outline the internationally accepted impact that consistent aircraft noise exposure has on human health which is increased risk of cardiovascular disease, diabetes, stroke, hearing impairment, mental health and general well-being. Planes take off every 1 to 2 minutes during the year increasing to every 48 seconds in the summer months. This is **extreme exposure** which we know is already and will into the future impact our family's physical and particularly our mental health. Our family is suffering stress and extreme emotional upset as a direct result of being constantly exposed to aircraft noise and knowing this is in violation of planning.

#### **Air Quality**

-Research from mainland Europe and North America indicates that aviation emissions can have a significant impact upon particle number concentrations within tens of kilometres of major airports.

-The Department of the Environment Fisheries and Rural Affairs (DEFRA) in the UK refers to research showing that both particulates and nitrogen

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 I attach them separately.

oxides can travel downwind for a very substantial distance (up to 40 kilometres from aviation fuel.

- There is a regular jet stream of fuel and gases landing on our family home, there has been no research conducted to measure the impact this will have however based on the research conducted in other jurisdictions one would have to assume the impact is similar.

**Additional**

-We would also like to highlight that there has been a clear lack of Investigation on adequate alternatives which have been suggested.

Numerous pilots and academics in noise management have publicly outlined alternatives which have not been investigated by the DAA.

-Given the lack of robust, ethical and up to date data and the significant adverse impact indicators outlined above we would An Bord Phenala to reject this appeal.

In closing, I feel that the only way the true voices of the community will be heard over the PR machine at DAA will be through an Oral hearing. This is the correct and just course of action for a circumstance such as this. If this does not happen and soon, then this will be another stain on this countries record. A case of neglect of duty of care and the well being of citizens over an issue that can be corrected.

## 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.