

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 Sarah Maguire 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

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-002938

Online Observation Details

Contact Name
Sarah Maguire

Lodgement Date
13/12/2023 22:33:35

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Sarah Maguire

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Pat B

EO

Date

20/12/2023

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— *06884-23*

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_3ON0zjB1CW0EN5FC1poN8fKT

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
64 Marlborough St
Rotunda
Dublin 1.
D01 V902

Sarah Maguire
Fleenstown
The Ward
Co Dublin
D11 XT 85

13/12/2023

An Bord Pleanála Case Reference PL06F.314485
Planning Authority Case Reference: F20A/0668

Dear Sir/Madam,

I wish to make an observation in relation to An Bord Pleanála Case Reference PL06F.314485, the removal of Condition 3(d) and Condition 5 of the planning permission of the North Runway at Dublin Airport.

My interest in this case

My family and I live in Fleenstown Great, The Ward, Co Meath, approximately 9km from the nearest extent of the north runway, as the crow flies.

I purchased my property in November 2008, in a quiet rural area, with a well-established and close-knit community. Prior to the purchase of my property, I was careful to check for any potential impacts of proposed infrastructure in the area, including the North Runway for Dublin Airport.

As the North Runway was not yet constructed, I reviewed the available documentation, including information contained in the Environmental Impact Assessment Report (EIAR) that was included as part of the planning documentation for the proposed runway, and the further information on flightpaths provided by Dublin Airport Authority in 2007 (as requested by An Bord Pleanála as part of the formal consenting process).

Based on the information included within these statutory documents, I was lead to believe the property I subsequently purchased would not be impacted. I am not unreasonable, and would have considered that due to the proximity of my property to Dublin airport, there might be occasional flights passing overhead. However, instead I now find myself living directly below a flightpath used for 70% of departures from one of the fastest growing airports in Europe.

This is an incredible position to find myself in, as it contravenes all established law on Environmental Impact Assessment, the public participation aspects of the Aarhus Convention, and the Planning and Development Act, with regard to public access to information.

Impacts on My Family

When the North Runway opened in August 2022, there was an immediate and substantial increase in noise in my local area and in my house. To the extent that it is uncomfortable sitting outside when aircraft are passing overhead. It is also very loud inside of the house, with aircraft noise audible over conversation.

This situation has become increasingly worse as the operating hours for the new runway were extended, and at certain times there can be almost continuous aircraft noise.

It also appears as though flightpaths from the south runway at night (11pm to 7am) have now changed to align to the more to North Runway operations, as there is also regular aircraft noise directly overhead in the middle of the night and between 6am and 7am.

The noise of the aircraft at night is significant, and frequently wakes me and my children on a nightly basis. Inside the childrens bedrooms the noise levels can be above 60dB. The level of noise experienced, does not appear to conform with the noise contours publicised by Dublin Airport Authority, which appear to indicate that noise levels in my property are lower than 40dB.

I try to log noise complaints via the DAA complaints website. However this is a cumbersome process, as each flight must be individually logged, and the response from DAA is inadequate.

DAA send a standard response that typically states:

"I have now investigated your complaint on our noise and flight track monitoring and have found that there was an aircraft in your vicinity on the date and time stated above. The aircraft in question departed Dublin Airport's Runway xxxx and remained within the environmental corridor for the prescribed distance and height and therefore did not violate any of the noise abatement procedures in force at Dublin Airport."

As you can see from the example above, DAA's response does not address my noise complaint in any way. It merely concurs that there was an aircraft in the vicinity of my property and that it followed the environmental corridor for a prescribed distance and height. It does not seek to discover why the entire house is being woken up by aircraft noise if the noise abatement procedures are in place, or why noise levels would be louder than expected based on mapped contours.

I have sent follow up emails to DAA to request the actual height and noise levels of the airplanes in question, but get no follow up response.

I have also asked for information on the number of flights that had taken off from Dublin Airport between 11pm and 7am on the mornings I have made my complaints. Similarly, I have not received any follow up response (the night-time flights throughout the summer have been in excess of the planning permission condition of 65 flights per night).

No check has been carried out to ascertain the **actual** noise levels beneath the new flightpaths, and it is entirely unclear how DAA have estimated and calibrated the noise contours used in the Noise Abatement procedures.

DAA are now seeking to remove any restrictions on night-time flights, on the basis of a Noise Abatement Procedure, that uses estimated contours that are clearly not correct.

This will result in a worsening of the situation for my family and for the community in which I live.

It is unacceptable that the DAA do not seek to calibrate and verify their models with actual data, using representative monitoring points beneath the new flightpaths (those that are outside of the EIAR modelling submission and planning consent received in 2007).

Over the past year, DAA has installed 15 new noise monitors, with only 1 additional put in the general vicinity (Ashbourne Town Centre) of the new runway 28R easterly take off routes, and none under the divergent flight paths at Fleenstown or Ratoath. Even though 70% of all flights taking off from the north runway will follow these new flightpaths.

The placement of the single monitor in Ashbourne Town centre (where background noise might be higher), is not reflective of the impacts on housing in the more rural areas.

Deviation from Baseline in EIAR

The environmental modelling included as part of the Environmental Impact Assessment Report (and used to assess the impacts on baseline) for the project was on the basis airplanes departing from the North Runway in an easterly direction would take off and follow a straight line from the end of the runway and gain altitude for 5 kilometres before turning (this would be the normal operational scenario 70% of the time, with the other 30% of take-offs flying in a westerly direction).

The new Standard Instrument Departures (SIDs) used since the North Runway opened, involve flights taking off and immediately turning north-east between 30 degrees and 75 degrees. I have highlighted my property on onto the SID map (see red star in figure 1 below). This revised flightpath is completely at odds with the scenario assessed as part of the EIAR during the planning process for the new runway.

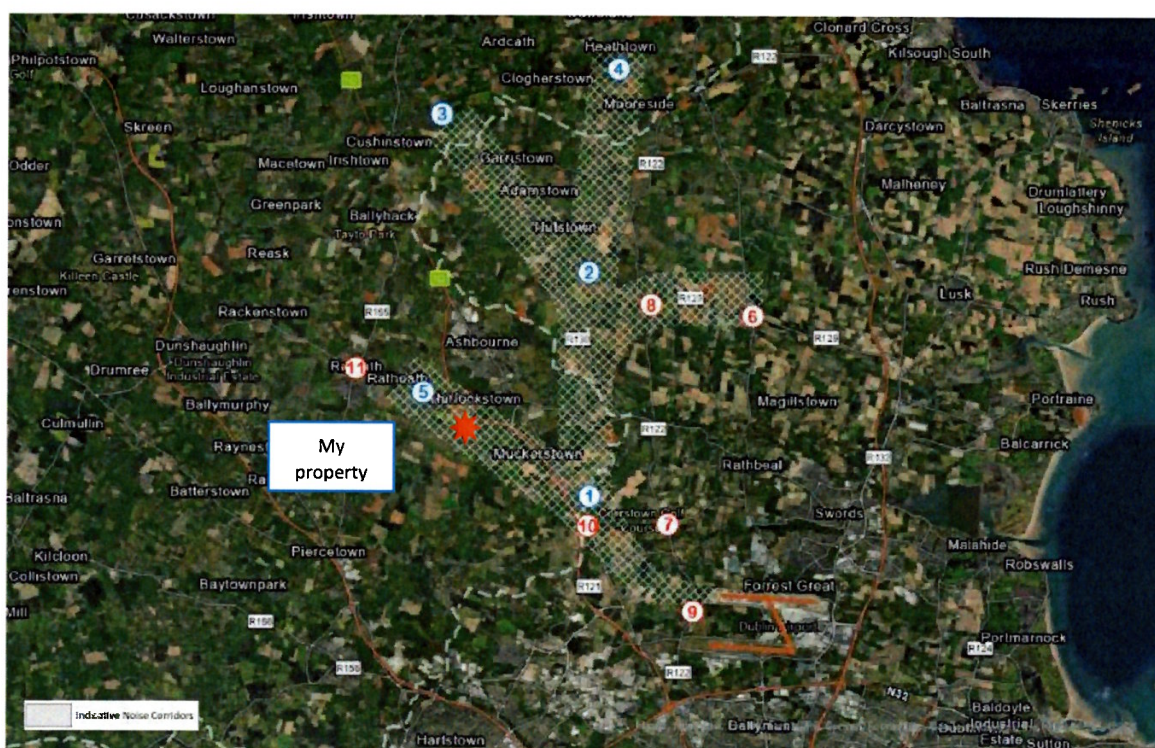


Figure 1- North Runway Revised Standard Instrument Departures 2023 (daa website)

It is shocking to witness the various arguments being put forward by Dublin Airport Authority (long after the consenting process), as to the reason for such a deviation from the flightpaths used in the baseline impact assessments submitted and approved as part of the planning consent.

Notably, the requirements to immediately deviate by 15 degrees on take-off from a parallel runways for safety reasons, and the need to deviate by 30-75 degrees due to the proximity to military airspace.

None of these considerations now being muted as the reason for a change in flightpaths are new. All of these factors could have and should have been considered and assessed prior to the planning submission and the EIAR.

Of course the safety requirement to deviate by 15 degrees must be adhered to (even if it was an omission from the original planning). However, it is obvious that the 30 to 75 degree deviation is not a necessary change.

Please see below figure 2, copy from a consultation booklet “daa Consultation on Flight Paths and Change to Permitted Operations – Information Booklet” dated October 2016.

Within the document the DAA clearly show that there is a scenario (scenario A) whereby they can fly straight out on the runway, with a 15 degree divergence for safety. See figure 2.

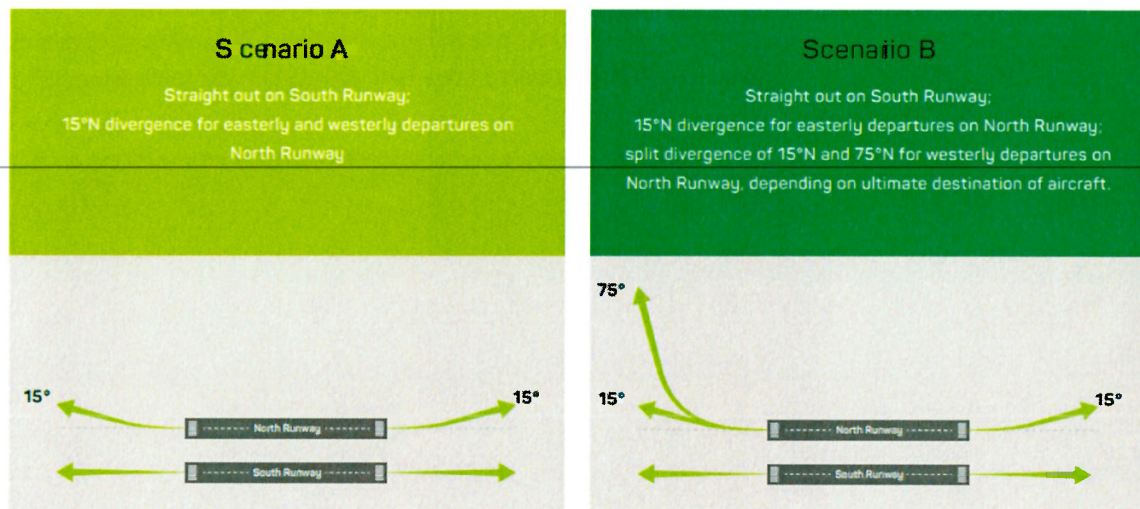


Figure 2 – DAA SID Scenarios.

Requirements of Environmental Impact Assessment

The new North Runway project is an Annex 1 project referred to in Article 4(1) of the EIA Directive, therefore an Environmental Impact Assessment is required as part of the development consent. On that basis the Environmental Impact Assessment Report (and all of the information contained within) formed part of the planning submission and consenting process for the North Runway Development.

One of the primary objectives of EIA and the EIA Directive (transposed into Irish legislation in 1989) is to disclose to decision makers and the public the potential environmental effects of proposed activities **before** they occur.

The revised flight paths impact an **entirely different** population set, that were not informed as required under EIA Directive and the Aarhus Convention. The impacted population was not consulted, and was not informed before the activities occurred.

It is acknowledged that the 15 degree divergence cannot change for safety reasons. However, the DAA now appear to be suggesting that they can change the entire basis of the original EIAR noise assessment, by including entirely new (and un-necessary) flightpaths that diverge by 30-75 degrees, on the basis that the net population impacted does not change materially. This premise is flawed as an entirely different population, who were not consulted, are now impacted.

Project Splitting

Could I also observe that DAA are making an application to increase the capacity of the airport to 40 million passengers per year in the coming weeks. Given the very limited difference in dates between this case ABP ref 314485 and the next submission, and since expansion to 40 million passengers is entirely dependent on the outcome of this case, it is arguable that DAA are engaging in project splitting.

Alternatives

It is obvious that the runway is now constructed and cannot be moved, and it is almost inevitable that the airport will be allowed to grow in capacity irrespective of whether that growth is sustainable for a country of this size (also without consideration of the Irish Governments target for zero carbon by 2050).

However, there is an alternative, that is largely in accordance with the EIAR submitted as part of the 2007 North Runway Consent. This alternative is Scenario A, the use of the north runway with the 15 degree divergence for safety. DAA do not appear to give any reason why they cannot use this flightpath other than to state that they would need to come to an agreement with other airspace users.

Regards,

Sarah Maguire

087 7995701

