

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ABP 314485-22

Defer Re O/H

Having considered the contents of the submission dated/received 11/12/2023  
from

Thomas & Angela Smyth 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

E.O.: Pat B...

Date: 14/12/2023

**For further consideration by SEO/SAO**

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# Validation Checklist

Lodgement Number : **LDG-068816-23**  
Case Number: **ABP-314485-22**  
Customer: **Thomas & Angela Smyth**  
Lodgement Date: **11/12/2023 14:37:00**  
Validation Officer: **Patrick Buckley**  
PA Name: **Fingal County Council**  
PA Reg Ref: **F20A/0668**  
Case Type: **Normal Planning Appeal PDA2000**  
Lodgement Type: **Observation / Submission**



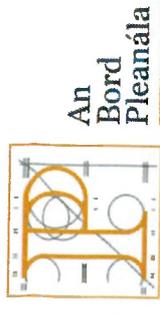
An  
Bord  
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Run at: 14/12/2023 14:41

Run by: Patrick Buckley

# Lodgement Cover Sheet - LDG-068816-23



An Bord Pleanála

## Details

Lodgement Date	11/12/2023
Customer	Thomas & Angela Smyth
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068816-23
Map ID	
Created By	Patrick Buckley
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

## Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

## Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
Refund Amount	0.00

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

## Observation

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,

Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.' Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night

F20A/0668

Development Description

PA Case Number

Permission (Fingal County Council  
 Reg. Ref. No. F06A/1843; ABP Ref.  
 No. PL06F.223469) provide that the  
 combined capacity of Terminal 1 and  
 Terminal 2 together shall not exceed  
 32 million passengers per annum. The  
 planning application will be subject to  
 an assessment by the Aircraft Noise  
 Competent Authority in accordance  
 with the Aircraft Noise (Dublin Airport)  
 Regulations Act 2019 and Regulation  
 (EU) No 598/2014. The planning  
 application is accompanied by  
 information provided for the purposes  
 of such assessment. An  
 Environmental Impact Assessment  
 Report will be submitted with the  
 planning application. The planning  
 application and Environmental Impact  
 Assessment Report may be inspected  
 or purchased at a fee not exceeding  
 the reasonable cost of making a copy,  
 at the offices of the Planning Authority  
 during its public opening hours of 9.30  
 - 16.30 (Monday – Friday) at Fingal  
 County Council, Fingal County Hall,  
 Main Street, Swords, Fingal, Co.  
 Dublin.

Applicant	Yes
Additional Supporting Items	

PA Decision Date	08/08/2022
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

Aisling Reilly

Patrick

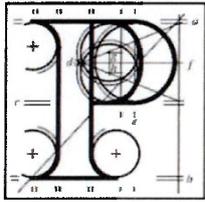
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**From:** Bord  
**Sent:** Monday 11 December 2023 09:43  
**To:** Appeals2  
**Subject:** FW: Observation on Additional Information Submitted on Sept 14th 2023 in relation to Application for a Proposed Relevant action under Section 34c of the Planning and Development Act, 2000(as amended)  
**Attachments:** Observation-on-a-Planning-Appeal-Form-North\_Runway - Angela & Thomas Smyth Dec 2023.pdf

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**From:** Angela Smyth <angkav@gmail.com>  
**Sent:** Monday, December 11, 2023 9:32 AM  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Observation on Additional Information Submitted on Sept 14th 2023 in relation to Application for a Proposed Relevant action under Section 34c of the Planning and Development Act, 2000(as amended)

To whom it may concern,  
Please see attached.  
Regards,  
Angela Smyth



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

Angela & Thomas Smyth

(b) Address

Broughan, The Ward, Co. Dublin

### 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 attach them separately.

I am submitting this observation following a receipt of notification from An Bord Pleanála of the significant additional information submitted by the applicant. Please note that as a person that has contributed an observation on this case previously and already paid the €50 fee no new fees are required. My observation is contained on the following pages.

## 1.0 IMPACT OF PEAK L<sub>A</sub> MAX NOISE LEVELS FROM AIR TRAFFIC MOVEMENTS (ATM) ON SLEEP

Item 1 of the Request for Further Information (RFI) issued by ABP to the applicant on 27 April 2023 requests the following,

You are requested to assess the probability of additional awakening due to the peak L<sub>A</sub> MAX of ATMs at night between 2300 and 0700hrs for the 92 day summer average of ATMs and airport modes, and for the single modes of airport operation and for the likelihood of additional awakenings for the overall annual average number of ATMs at night, based on the approach described in the review supporting the WHO ENG 2018 (*Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and the Effects on Sleep – International Journal of Environmental Research and Public Health*).

The Scenarios tested should include baseline conditions and the future operation of the airport proposed under the current application.

The applicant's response to this item is contained in the document titled "Noise Modelling Report ABP RFI 27 Apr 2023" dated 13 September 2023 by Bickerdale Allen Partners.

This document outlines the methodology adopted by the applicant to calculate the number of additional awakenings across the entire population of the study area, approximately 1million people.

This approach is to review the problem at a project level only and effectively dilutes the impact that will be felt by those communities being overflown at night for the first time. I would argue that this approach is not appropriate as it does not clearly define for those communities what the impact will be in terms of additional awakenings for the baseline and proposed scenarios.

A more appropriate presentation of the results would be to present contours indicating the probability of additional awakenings for each of the scenarios presented.

Nowhere in the RFI response does it explain to me or my community how devastating the impact will be. Instead the applicant dilutes the assessment over a 1 million population to state that the average person in the entire study will have a 3% chance of an additional awakening. That is simply an exercise in hiding the real impact for those of us most affected.

I call on An Bord Pleanala to recognise the inadequacy of the information submitted and to refuse permission on the grounds that the proposal will seriously adversely affect thousands of people without any consideration for effective mitigation.

## 2.0 SENSITIVITY TESTING OF THE POPULATION NUMBERS COVERED BY THE NOISE CONTOUR PREDITIONS

The second point of the RFI asks the applicant to provide some assessment of the uncertainty of their impact assessment. The wording is as follows,

To better understand what the consequences of uncertainty in the input data might be, or at least the associated trends with such uncertainty on the area covered, and the population affected by the noise contours presented in the EIAR. You are requested to present further analysis by sensitivity testing of:

(a) the noise contours,

(b) the area covered and

(c) crucially the number and type of sensitive receptors affected when assessed using the significance criteria in the EIAR, based on the assumption of +/- 1 dBA change in the predicted noise levels (crudely equivalent to an approximately 25% change in the area of the noise contours or all things being equal the number of ATMs used to calculate the noise contours).

The response from the applicant has prepared a series of scenarios for comparison as follows,

- 2025 Predicted 1dB Higher
- 2025 Predicted 1dB Lower
- 2035 Predicted 1dB Higher
- 2035 Predicted 1dB Lower

For each scenario tables of the number of people exposed to either adverse or beneficial effects of air noise are presented for each magnitude of effect listed in the EIAR. The table compares the proposed scenario to the permitted scenario for the  $\pm 1$ dB option being considered in each assessment year.

Table 40 of the applicants report summarises the number of people with significant effects at night, both beneficial and adverse effects are presented. This is reproduced here.

Year / Scenario	No. of People with Significant Effect ( $L_{night}$ )	
	Beneficial	Adverse
2025 Proposed	6,424	10,109
2025 Proposed (+1 dB(A))	9,163	12,575
2025 Proposed (-1 dB(A))	3,846	7,807
2035 Proposed	185	9,456
2035 Proposed (+1 dB(A))	208	11,504
2035 Proposed (-1 dB(A))	170	8,396

Table 40: Significant Effects by Scenario ( $L_{night}$ )

Focusing on the 2035 scenarios it is clear to see that the proposed Relevant Action will have significantly more adverse effects than beneficial effects. The figures also show that if the applicants modelling is inaccurate to the tune of 1dB the number of people affected increases significantly of the order of 22%.

I would direct the inspector to the noise monitoring report attached to this document which demonstrates the inaccuracy of the applicants modelling.

Furthermore, the number of people that are Very Significantly or Profoundly affected by night noise as a result of the proposed Relevant Action is astonishing. For the 2034 +1dB scenario Table 29 of the applicant's report shows that 515 people will be very significantly affected and 156 people will be profoundly affected.

Based on the information in the documents I will be one of the people profoundly affected. Referring to the EPA document from 2022 *Guidelines on the information to be contained in Environmental Impact Assessment Reports* I found Table 3.4 which is reproduced here.

Table 3.4 Descriptions of Effects

<p><b>Quality of Effects</b> It is important to inform the non-specialist reader whether an effect is positive, negative or neutral.</p>	<p><b>Positive Effects</b> A change which improves the quality of the environment (for example, by increasing species diversity, or improving the reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).</p>
	<p><b>Neutral Effects</b> No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.</p>
	<p><b>Negative/Adverse Effects</b> A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem, or damaging health or property or by causing nuisance).</p>
<p><b>Describing the Significance of Effects</b> ‘Significance’ is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i>).</p>	<p><b>Imperceptible</b> An effect capable of measurement but without significant consequences.</p>
	<p><b>Not Significant</b> An effect which causes noticeable changes in the character of the environment but without significant consequences.</p>
	<p><b>Slight Effects</b> An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.</p>
	<p><b>Moderate Effects</b> An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.</p>
	<p><b>Significant Effects</b> An effect which, by its character, magnitude, duration or intensity, alters a sensitive aspect of the environment.</p>
	<p><b>Very Significant</b> An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment.</p>
	<p><b>Profound Effects</b> An effect which obliterates sensitive characteristics.</p>
<p><b>Describing the Extent and Context of Effects</b> Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.</p>	<p><b>Extent</b> Describe the size of the area, the number of sites and the proportion of a population affected by an effect.</p>
	<p><b>Context</b> Describe whether the extent, duration or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)</p>

How can this be reconciled against the original grant of permission for the North Runway by An Bord Pleanála where the decision to grant permission included the following statement,

- (1) there would be no significant deterioration in noise conditions at night time in the vicinity of the airport due to the proposed Option 7b operating mode for the runways (non-use of new runway and of cross runway at night) and the restriction on night time aircraft movements by way of condition,

This relevant action will not only introduce a significant deterioration in noise conditions to many areas in the vicinity of the airport it will profoundly obliterate the peaceful night-time environment that my family and I have enjoyed to date. There can be no option but to refuse this permission on the basis that it fundamentally alters the conditions on which the North Runway was permitted in the first place. Had the applicant presented such profound negative impacts during the original planning application the entire North Runway project would have been rejected. Applying this logic, it should be refused now.

### **3.0 BASELINE YEARS ASSUMED IN THE ASSESSMENT**

The third and final point in the RFI is regarding the baseline year chosen for the assessment. The applicant was asked to comment on the following

- a) the baseline figures for 2019 were not used for the purposes of analysis.
- b) When prior to 2018 were the annual and 92 day summer period numbers of ATMs last more than 25% below those in 2018, and
- c) If the numbers of ATMs were last more than 25% below those in 2018 after the Northern runway came into use, what would be the difference in terms of the number of dwellings and persons likely to experience an increase in  $L_{night}$  to over 50 dBA and 55 dBA compared to the numbers presented in the EIAR.

The response to part a) of the request is brief and does not provide a very clear rationale for why 2019 was not chosen.

One obvious reason why the applicant may have chosen not to use 2019 is that in that year Dublin Airport carried more than the permitted 32million passengers at the airport. This breach of a planning condition that is attached to the grant of permission for Terminal 2 could explain why the applicant chose not to use 2019.

Despite this choice it is notable that the Noise Abatement Objective (NAO) for Dublin Airport set by the Aircraft Noise Competent Authority (ANCA) does choose 2019 as the baseline. The main criteria defined in the NAO are:

*The number of people highly sleep disturbed and highly annoyed shall reduce so that compared to conditions in 2019:*

- *The number of people highly sleep disturbed and highly annoyed in 2030 shall reduce by 30% compared to 2019;*
- *The number of people highly sleep disturbed and highly annoyed in 2035 shall reduce by 40% compared to 2019*
- *The number of people highly sleep disturbed and highly annoyed in 2040 shall reduce by 50% compared to 2019 and;*
- *The number of people exposed to aircraft noise above 55 dB  $L_{night}$  and 65 dB  $L_{den}$  shall be reduced compared to 2019.*

It is interesting to note that if ANCA adopted 2018 as the baseline year as the applicant has it would have made it next to impossible for the NAO to be met. Reducing the population exposure levels by 30% compared to 2018 would set a much more onerous target for the NAO. However, by choosing 2019 which was the busiest and noisiest year on record for Dublin Airport the NAO objectives are more achievable.

In relation to parts b) and c) of the RFI the applicant presents in Table 43 the population exposed to different night noise levels for a variety of scenarios, including a scenario where the proposed relevant action has 25% fewer flights than the applicants forecasts in the EIAR. This table is reproduced here.

Contour Level (dB)	Population Excluding Consented Developments					
	2025 Permitted	2025 Proposed	2025 Proposed Reduced	2035 Permitted	2035 Proposed	2035 Proposed Reduced
40	160,430	168,472	92,902	66,841	112,987	63,987
45	31,419	46,331	19,969	19,626	29,900	13,827
50	9,972	8,766	4,152	2,852	6,390	2,935
55	315	1,463	233	212	1,197	145
60	48	80	19	13	41	10
65	0	0	0	0	0	0

**Table 43: Exposed Population at Night by Scenario and Contour**

In analysing this table it is worth noting that when the applicant presents a “Permitted” scenario that will apply the restrictions under Condition 5 of the current North Runway planning permission. In other words, the permitted scenarios only have an average of 65 flights per night at the airport.

Of course, this is not something that is actually happening at Dublin Airport. In fact Table 41 in the applicants document details the actual number of night time flights at Dublin Airport in the years between 2014 and 2018. The table is reproduced here.

Year / Scenario	Night Movements	
	Annual	Summer
2018	27,896	8,755
2018 minus 25%	20,922	6,566
2017	27,287	8,689
2016	24,753	7,800
2015	22,546	7,073
2014	19,576	6,253

**Table 41: Past Night Movements**

Dividing the summer time night movements by 92 will determine the average number of night-time flights in each year as follows:

- 2014 - 68

- 2015 - 77
- 2016 - 85
- 2017 - 94
- 2018 - 95

It is also known that in 2023 the average number of night flights for the summer period was of the order of 112. In the 11 years since 2014 the number of night flights at Dublin Airport has increased by 165%. There has been no attempt by the applicant to comply with Condition 5 since the North Runway opened. The summer 2024 slot allocation process has given the applicant the same number of night flights for 2024 as they had in 2023.

Therefore, the permitted scenarios presented in the EIAR are fiction and do not represent reality. The applicant has not complied with the conditions it seeks to remove. It is therefore now applying for retention and the current application should be declared invalid.

#### 4.0 SUPPLEMENTAL EIAR CHAPTERS

In addition to the response to the RFI the applicant has also submitted supplemental EIAR chapters. The applicant describes the changes addressed in the supplemental EIAR chapters as follows:

##### 1.2 Changes addressed by this EIAR Supplement

1.2.1 The Applicant has identified a number of changes that have taken place since September 2021 that could affect the findings of the environmental assessments presented in the September 2021 EIAR. These changes include:

- actual flightpaths from North Runway upon commencement differing from assumed flightpaths used for modelling/assessment purposes in the 2021 EIAR;
- updated air traffic forecast data;
- earlier fleet modernisation;
- the North Runway becoming operational in August 2022; and
- other 'passage of time changes' that include changes to the environmental baseline conditions and changes to relevant aviation, planning and environmental legislation, policy, guidance and best practice.

#### 4.1 Flight Paths

The first item on this list is flight paths. The applicant is confirming here to the inspector that changes to the flight paths require a change to the EIAR submitted. This is obvious as when the flight paths change the noise impacts change.

However, the applicant fails to point out that the flight paths they are now presented as being permitted are in fact significantly different to those used for the original North Runway EIS.

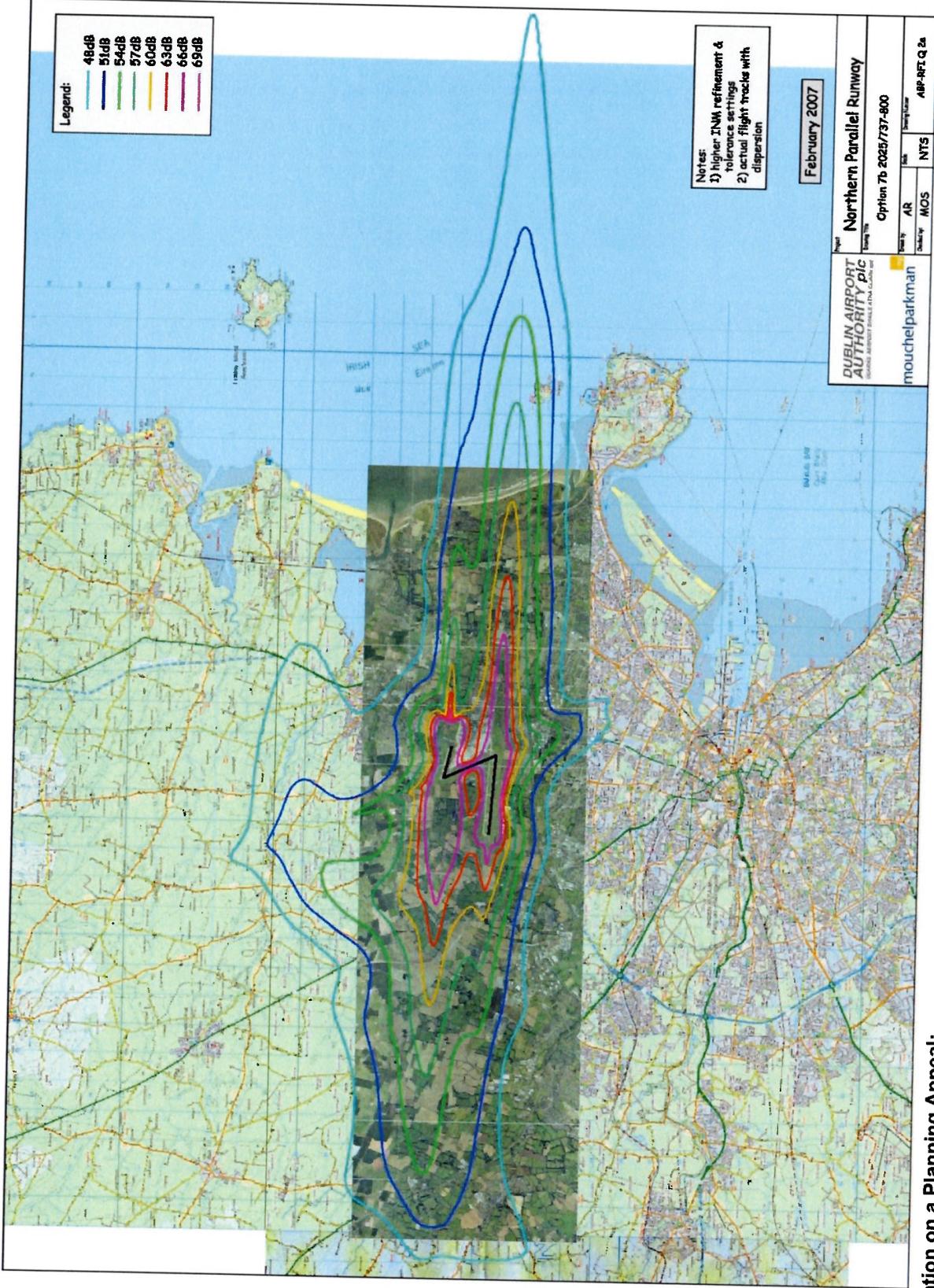
Logic would therefore dictate that if a new EIAR is required for differences in flight paths since the Relevant Action was first submitted to Fingal County Council then a new EIAR is also required to assess the impact of changing the original 2004 EIS flight paths.

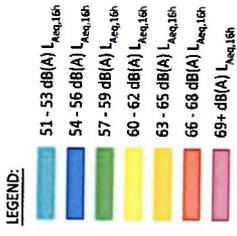
Clearly changing the 2004 EIS flight paths will result in a change to the noise contours being calculated using those flight paths. As a result, there are now areas being overflowed by North Runway departures to the west which were never assessed in the original EIS. To illustrate this the following images present first the original EIS  $L_{Aeq,16hr}$  noise contours for the 2025 scenario<sup>1</sup> followed by the  $L_{Aeq,16hr}$  contours for the proposed development in 2025 as part of the supplemental EIAR<sup>2</sup>. The subsequent images present comparisons of the 63dB  $L_{Aeq,16hr}$  and 54dB  $L_{Aeq,16hr}$  noise contours with the noise contours from the supplemental EIAR for the 2025 scenario overlaid with the original EIS 2025 noise contours produced.

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<sup>1</sup> As submitted in March 2007 to ABP in the document Reponse to Information Request by An Bord Pleanala of 9th January 2007 An Bord Pleanala Reference: PL 06F.217429

<sup>2</sup> Figure 13C-11 of the Supplementary EIAR submitted in September 2023





Rev	Date	Description	Initials

**REVISIONS**

**Bickerdike  
 Allen  
 Partners**  
 Architecture  
 Acoustics  
 Technology

221 Solihbury Road, London, NW6 6BG  
 Email: mail@bickerdikallen.com  
 www.bickerdikallen.com  
 T: 0207 625 4411  
 F: 0207 625 0250

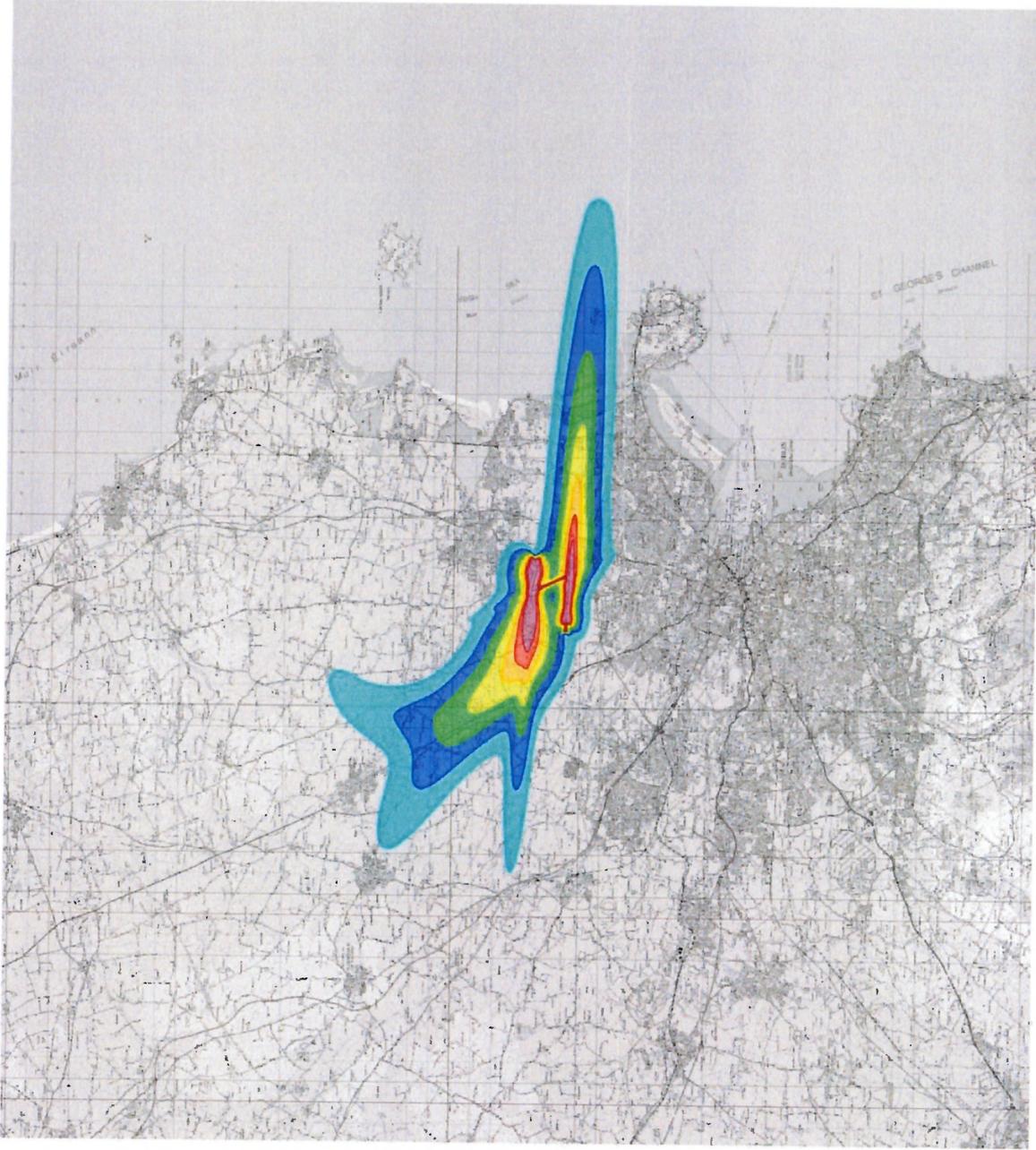
Dublin Airport  
 Change to Permitted Runway Operations

Forecast LAeq,16h Noise Contours  
 2025 Proposed Scenario  
 Figure 13C-11

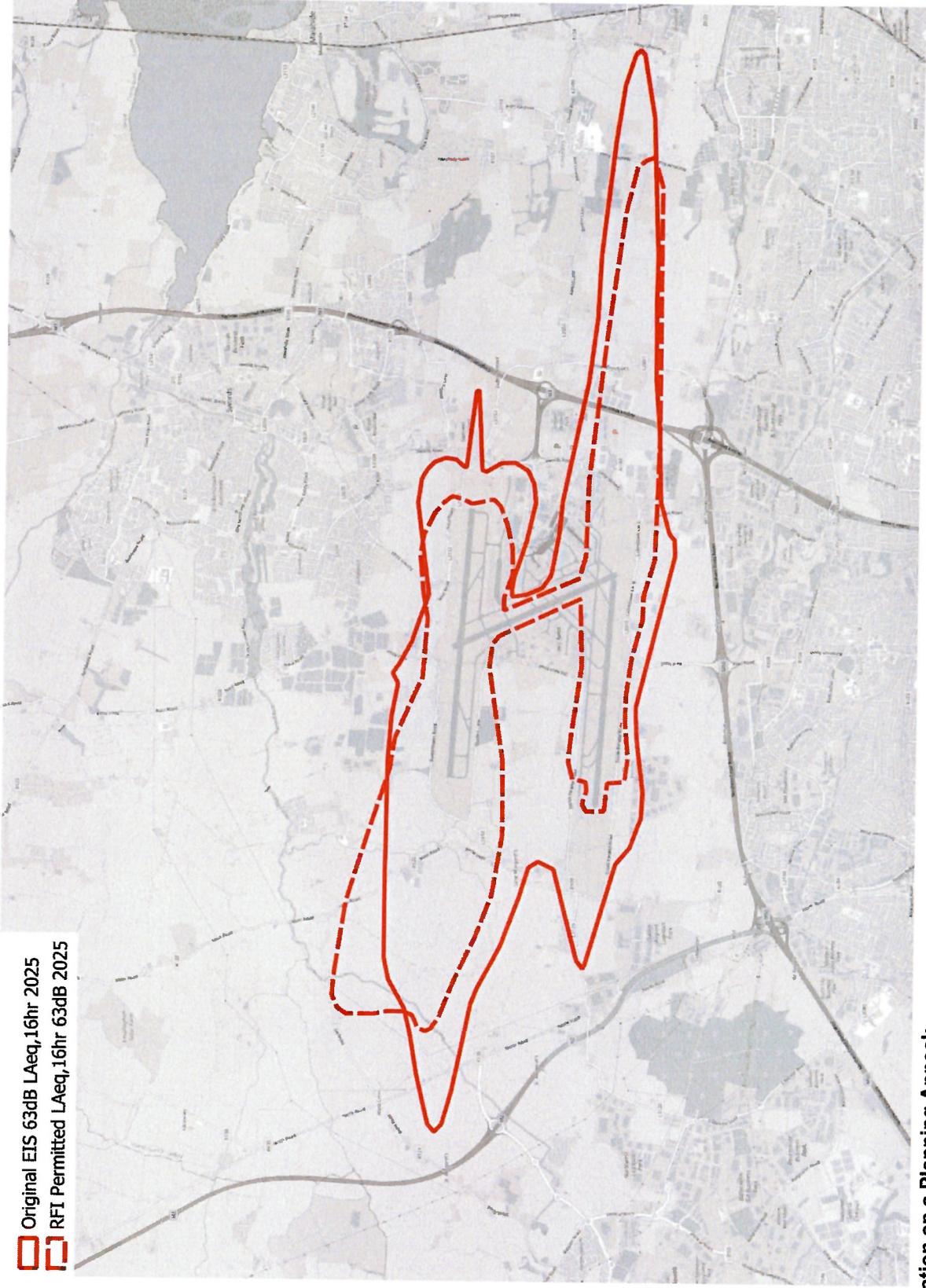
DRAWN: JC      CHECKED: NW

DATE: September 2023      SCALE: 1:250000@A4

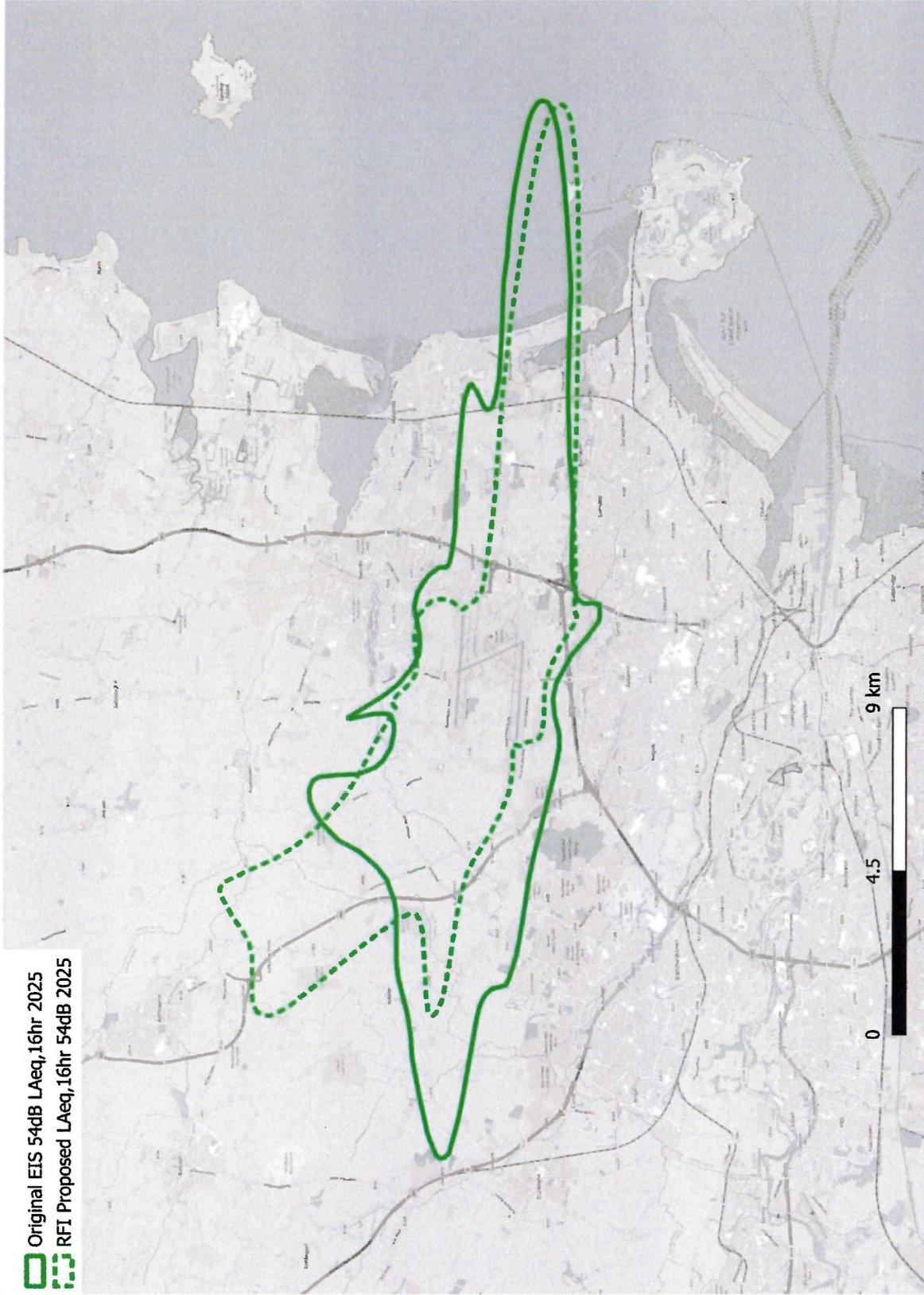
Drawing No: **A11267\_19\_DR027\_2.0**



Original EIS 63dB LAeq,16hr 2025  
RFI Permitted LAeq,16hr 63dB 2025



Observation on a Planning Appeal:  
Form - April 2019



 Original EIS 54dB LAeq,16hr 2025  
 RFI Proposed LAeq,16hr 54dB 2025

The preceding images illustrate clearly how the Relevant Action proposal and the flight paths which this application presents as permitted, fundamentally change the areas that experience aviation noise from North Runway activities.

There is no presentation of the significance of the noise increase as a result of these new flight paths. Instead the applicant presents various "Permitted" scenarios in the EIAR which also use these new flight paths.

There is a fundamental error in the applicant's approach to determine the significance of the proposed development. They are comparing "Permitted" to "Proposed" scenarios that both use the new flight paths that are different to the paths used in the original EIS.

This underestimates the significance of the change in noise environment for all communities and dwellings under the new flight paths, including my own home.

#### **4.2 Accuracy**

The applicant has not provided adequate information to validate the accuracy of their noise calculations. Appendix 13B of the Supplementary EIAR discusses how the model was validated by comparing calculated levels to measured levels at three fixed Noise Monitoring Terminals (NMT) namely 1, 2 and 20 which additional data from an unnamed mobile NMT that was placed under the North Runway flight paths.

This exercise is a revision of an earlier exercise carried out in the original EIAR submitted with the Relevant Action application.

A few points of note here,

- NMTs 1, 2 and 20 are located under the flight paths from the South Runway which are straight out and not banking severely.
- The mobile NMT is in an unknown location. No data is presented in the EIAR for measurements at this location.
- Table 13B-12 presents modifications to the source emission values for the aircraft used in the model, separated into arrivals and departures.
- It is interesting to compare the modifications in the supplementary EIAR to those presented in the EIAR under appeal which were presented in Table 13B-15 of that EIAR. Note that in the original EIAR the modifications were determined using NMTs 1, 2 and 20 also.
- The modifications increase by up to 4.1dB for some aircraft types (A320neo) indicating that the addition of the mobile NMT under the North Runway flight path is having a significant impact on the modifications required to the aircraft noise model.

Table 13B-15: Modifications to AEDT Default Assumptions

Aircraft Type	Arrivals		Departures		
	AEDT Type	Adjustment (dB)	AEDT Type	Profile	Adjustment (dB)
A306	A300-622R	-3.1	A300-622R	30KFT	+0.6
A319	A319-131	-1.4	A319-131	30KFT	+0.9
A320	A320-211	-0.7	A320-211	USER	-1.3
A320neo	A320-211	-2.0	A320-211	USER	-3.2
A321	A321-232	-0.4	A321-232	USER	-0.5
A332	A330-301	-1.3	A330-301	30KFT	-1.1
A333	A330-301	-1.1	A330-301	30KFT	-0.8
ATR72	SD330	+1.5	SD330	30KFT <sup>(1)</sup>	+0.1 <sup>(1)</sup>
B734	737400	+0.4	737400	30KFT	-0.1
B738	737800	-2.7	737800	USER	-1.2
B738MAX	7878max	-3.0	7378max	USER	-1.5
B752	757RR	-0.4	757RR	30KFT	-2.3
B772	777200	+0.2	777200	30KFT	+1.5
B773	777300	-0.8	777300	30KFT	-2.4
B787	7878R	-0.3	7878R	30KFT	+0.1
E190	EMB190	-0.8	EMB190	30KFT	+0.5
RJ85	BAE146	-3.3	BAE146	30KFT <sup>(2)</sup>	-1.6
DH4 <sup>(1)</sup>	SD330	0	DHC6	30KFT <sup>(2)</sup>	0

<sup>(1)</sup> The DH4 type was not validated due to insufficient results. The modelled AEDT types are based on BAP's experience of this aircraft at other airports where it operates more frequently, as the default AEDT suggested type of DHC830 typically leads to significant under-prediction of noise levels.

<sup>(2)</sup> Maximum altitude limited to AEDT calculated max for the AEDT type.

<sup>(3)</sup> This aircraft does not routinely depart over NMT20 as it turns before reaching it, validation has therefore been based solely on measured results from NMTs 1 & 2.

Table 13B-12: Modifications to AEDT Default Assumptions

Aircraft Type	Arrivals		Departures	
	AEDT Type	Adjustment (dB)	AEDT Type	Adjustment (dB)
Airbus A300-600	A300-622R	-3.0	A300-622R	-1.4
Airbus A319	A319-131	-0.8	A319-131	+1.8
Airbus A320	A320-211	-0.6	A320-211	+0.2
Airbus A320neo	A320-271N	0.0	A320-271N	+0.9
Airbus A321	A321-232	-0.5	A321-232	+0.9
Airbus A321neo	A320-271N	+0.3	A320-271N	+1.9
Airbus A330-300	A330-301	-0.7	A330-301	-0.2
Airbus A350	A350-941	-0.4	A350-941	+0.9
ATR 72	ATR72-212A	+3.5	ATR72-212A	+3.1
Boeing 737-400	737400	+0.6	737400	-1.0
Boeing 737-800	737800	-0.8	737800	0.0
Boeing 757-200	757RR	+0.1	757RR	+1.1
Boeing 767-300	767300	-1.8	767300	-2.9
Boeing 767-400	767400	+1.2	767400	+3.2
Boeing 777-200	777200	+0.5	777200	+4.0
Boeing 777-300	777300	-0.4	777300	-2.1
Boeing 787	7878R	+0.2	7878R	+2.7
Boeing 737 MAX 8	7378MAX	-0.1	7378MAX	+1.3
Embraer E190	EMB190	-0.8	EMB190	+1.1

It is questionable that a single validation point under the North Runway flight paths is adequate to accurately determine the modifications required to achieve accurate results.

The applicant has had since August 2022 when the North Runway opened to carry out monitoring and justify the accuracy of their models. They have not done this despite the huge community reaction to the noise and the associated media coverage. It is implausible the applicant was not aware of the concerns being raised and yet they have done nothing to convince the planning authority that their predictions are accurate. I therefore ask the inspector to consider the validity of the noise predictions presented to the board and to refuse permission on the basis that sufficient accuracy cannot be determined.

#### **4.3 Significance and Description of Effects**

Referring to the EPA document from 2022 *Guidelines on the information to be contained in Environmental Impact Assessment Reports* I found Table 3.5 which is reproduced here.

Table 3.5 Checklist for Information Required to Describe Effects<sup>71</sup>

CRITERIA	DETAILED QUESTIONS - TO DETERMINE WHETHER THE EIAR HAS:
a. <b>Magnitude and spatial extent of the effects</b>	<ul style="list-style-type: none"> <li>▲ clarified the size and scale of the effects?</li> <li>▲ indicated the spatial extent of the effects (will some, much or all the areas be affected)?</li> <li>▲ identified the receptors which will be affected, indicating their sensitivity and significance?</li> </ul>
b. <b>Nature of the effects</b>	<ul style="list-style-type: none"> <li>▲ clarified which part of the environment will be affected and how significantly?</li> <li>▲ identified the aspect of the environment affected?</li> <li>▲ described whether the effects are positive, neutral or negative?</li> </ul>
c. <b>Transboundary nature of the effects</b>	<ul style="list-style-type: none"> <li>▲ indicated the spatial extent of the transboundary effects (will some, much or all of the jurisdiction be affected)?</li> </ul>
d. <b>Intensity and complexity of the effects</b>	<ul style="list-style-type: none"> <li>▲ quantified the amount or intensity by which the character/quality of any environmental factor will change?</li> <li>▲ described the degree of change (e.g. imperceptible, slight or significant)?</li> <li>▲ Identified the significance of the effect [e.g. profound or insignificant]</li> </ul>
e. <b>Probability of the effects</b>	<ul style="list-style-type: none"> <li>▲ established the level of certainty of the assessment's findings?</li> <li>▲ highlighted consequence that cannot be determined?</li> </ul>
f. <b>Expected onset, duration, frequency and reversibility of the effects</b>	<ul style="list-style-type: none"> <li>▲ stated whether the effects will be continuous, intermittent or occasional?</li> <li>▲ indicated whether the effects will be temporary, short, medium or long-term?</li> <li>▲ highlighted irreversible effects?</li> </ul>
g. <b>Cumulation of the effects with the effects of other existing and/or approved projects</b>	<ul style="list-style-type: none"> <li>▲ described cumulative effects?</li> <li>▲ considered cumulative effects due to cumulation of effects with those of other projects that are existing or are approved but not yet built or operational?</li> </ul>
h. <b>Possibility of effectively reducing the effects</b>	<ul style="list-style-type: none"> <li>▲ indicated whether the effects can be mitigated?</li> <li>▲ stated whether compensation is available, possible or acceptable?</li> </ul>

This table provides a checklist for the information required to be included as per Annex III of Directive 2014/52/EU. Taking each step into account I have queried whether the EIAR has in fact answered each question.

Criteria	Detailed Question – to determine whether the EIAR has:
a. Magnitude and spatial extent of the effects	No comment – addressed in the EIAR
b. Nature of the effects	No comment – addressed in the EIAR
c. Transboundary nature of the effects	Impacts extend into Co. Meath, however, the assessment does not refer to the Meath County Development plan or the Meath Noise Action Plan.
d. Intensity and complexity of the effects	No comment – addressed in the EIAR
e. Probability of the effects	No discussion in the EIAR of the accuracy of the noise modelling. As per the discussion in Section 4.2 of this submission there are serious concerns around the accuracy of the applicants models.
f. Expected onset, duration, frequency and reversibility of the effects	This is not discussed at all. It is not clear to the lay person that the effects will be permanent and irreversible.
g. Cumulation of the effects of other existing and/or approved projects	<p>Cumulative effects on human health as a result of air noise, ground noise and air quality are not presented.</p> <p>Cumulative effect of air noise of the relevant action and the future development plans at Dublin Airport as described in Chapter 22 of the supplementary EIAR are not presented. There is a risk of project splitting occurring as a result and the true impact on communities being under estimated.</p>
h. Possibly of effectively reducing the effects	<p>Mitigation proposed by the applicant is limited to a grant towards insulating bedrooms only.</p> <p>There is no map indicating which properties will receive mitigation.</p> <p>There is no discussion on the effectiveness of this mitigation for the worst affected people (there are hundreds of profoundly affected people).</p> <p>There is no discussion of other mitigation measures. For example the North Runway parent permission has a voluntary purchase scheme due to exposure to daytime noise, a similar</p>

	scheme is required for those exposed to significant levels of night-time noise.
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I ask the inspector to closely examine the EIAR submitted and where it is found that there is a lack of compliance with the required information to be contained in an EIAR that permission should be refused.

#### **4.4 Lack of Suitable Mitigation**

According to the EPA an EIAR should include,

*'A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.'*

The applicant has offered no mitigation options to avoid, prevent or offset the significant adverse impacts. Instead the applicant proposes two noise mitigation measures in their application,

- A grant towards insulating bedrooms
- Noise monitoring framework

Taking the second measured first, noise monitoring framework will not reduce the noise level and is therefore simply not a mitigation measure. It should be disregarded as being ineffective.

The insulation scheme is also considered inadequate for several reasons as follows,

- It is not providing adequate mitigation to remove the significant adverse impact
- Insulation is simply not effective to reduce the night-noise impacts for the very significant and profoundly affected areas, such as my property
- Insulation requires that homes are permanently sealed from the outside world, no longer can people enjoy sleeping with the windows open on a summers night
- Insulation may be adequate for some areas exposed to lower levels of noise, however, it is a grant rather than paying fully for the required insulation, why should homes that find themselves exposed to night noise when for decades the understanding was there that the North Runway could not be used at night have to contribute anything towards insulation?

The clear omission by the applicant is any discussion of what would be considered an unacceptable noise impact at night. Clearly by definition a profound noise impact will obliterate the sensitive characteristics of a persons environment. The only option to mitigate that level of impact is to move those people away from the noise.

The applicant has failed to consider a voluntary purchase scheme based on night noise or a relocation scheme where residents are moved from the noise to another similar home away from the high noise.

This failure to consider the option of offsetting the impacts as part of mitigation demonstrates how the EIAR submitted fails to meet the requirements of the EIA directive and the applicant should be refused permission.

#### **4.5 Alternatives**

The EIA directive requires and EIAR to contain,

*'A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'*

In this instance I contend that the applicant has failed to consider the reasonable alternatives for how the airport could operate with parallel runways.

Firstly, the Applicant's Do Nothing scenario is flawed as it is based on flight paths that are different to those assessed as part of the original EIS in 2007 and no subsequent application has sought to alter those flight paths.

Secondly the Applicant's assessment of alternative modes of operation fails to consider the assessment of alternative flight paths, crucially failing to recognise the significance of how altering the flight paths used in the original EIS without any assessment of the environmental impact of that change is a serious flaw. One alternative that was presented in a PrimeTime investigation was to allow straight out departures to the West from the North Runway while ensuring that go arounds landing on the South Runway turned to the south to achieve the required separation between flight paths. This option is not even assessed in the EIAR despite the fact that it would allow the applicant to operate the runway as per the flight paths presented in the original EIS granted permission in 2007.

Thirdly, the Applicant fails to consider reasonable alternative mitigation measures as already discussed in Section 4.4 such as voluntary purchase, relocation etc.

The failure to consider reasonable alternatives comprehensively is a failure to meet the requirements of the EIA directive and the applicant should be refused permission.

#### 4.6 Participation and Notification

The Relevant Action application has been made under Section 34C of the Planning and Development Act 2000. The decision to grant permission by Fingal County Council has been appealed under Section 37 of the Planning and Development Act 2000. However, as the original application was made under Section 34C the appeal must in addition to Section 37 also comply with Section 37R as defined in the Aircraft Noise (Dublin Airport) Regulation Act 2019<sup>3</sup>. Part 2 of Section 37R states (emphasis added in bold),

*“(2) For the purposes of a relevant appeal, the reference in section 37(1) to ‘any person who made submissions or observations in writing in relation to the planning application to the planning authority’ includes any person who made submissions or observations in writing referred to in section 34B(11)(c) or 34C(12)(c) to the competent authority in relation to the draft regulatory decision or related report referred to in section 34B(9) or (10), as the case may be, or section 34C(10) or (11), as the case may be.”*

This requires that all persons that made submissions to the ANCA regulatory decision also be notified of the appeal process. It is unclear whether this has been completed correctly and there is anecdotal evidence of friends and neighbours who made submissions on the draft regulatory decision who have not been informed by the planning authority of the appeal process under Section 37.

The inspector can review the public consultation portal for the draft regulatory decision here <https://consult.fingal.ie/en/consultation/aircraft-noise-consultation> where there is a record of all 1382 submissions made.

In the event that these individuals were not informed correctly of the decisions of the planning authority and therefore missed the opportunity to submit an appeal there may be grounds for declaring the application invalid.

#### 4.7 Oral Hearing

On 3<sup>rd</sup> October 2023 a letter was issued by An Bord Pleanála confirming that there would not be an oral hearing for this case, despite the request by many appellants for a hearing.

Following the receipt of the significant additional information submitted by the applicant, I request that the Bord reconsider this decision and hold an oral hearing. It is clear to me that this particular appeal meets the criterion on the Bord Pleanála website for which an oral hearing may be held for,

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<sup>3</sup> <https://www.irishstatutebook.ie/eli/2019/act/12/section/12/enacted/en/html#sec12>

*“appeal cases which are complex or where significant national, regional or local issues arise”*

This appeal case is hugely complex, is having significant adverse impacts on a local and regional level and our communities deserve the opportunity to question the applicant directly at an oral hearing.