

An Bord Pleanála

Notice of a Draft Decision

Fingal County Council

Application lodged: 18th December 2020

Appeal lodged to the Board: 24th August 2022

Fingal County Council Planning Register Reference Number: F20A/0668

An Bord Pleanála Appeal Reference Number: ABP-314485-22

An Bord Pleanála has made a draft decision under section 37R of the Planning & Development Act, 2000 (as amended) in relation to appeals which were made to An Bord Pleanála against the decision made on 8th August 2022 by Fingal County Council, bearing the above planning reference number which decision was to grant permission with conditions to DAA plc for a proposal described in the original application which was lodged on 18th December 2020 as follows:

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, Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha.

The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in 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 Reg. Ref. No. F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Condition no.s 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway planning permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11 p.m. and 7 a.m. daily that is due to come into effect in accordance with the North Runway planning permission and to replace it with an annual night-time noise quota between the hours of 11.30 p.m. and 6:00 a.m. and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway planning 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 Reg. Ref. No. 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 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 Reg. Ref. No. 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 time aircraft movements at the airport shall not exceed 65 per night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night-time use of the existing parallel runway”. With the following: A noise quota system is proposed for night-time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night-time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway planning permission governing the general operation of the runway system (i.e., conditions which are not specific to night-time use, namely conditions no. 3(a), 3(b), 3(c) and 4 of the North Runway planning permission) or any amendment of permitted annual passenger capacity of the terminals at Dublin Airport. Condition no. 3 of the Terminal 2 planning permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 extension planning 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, County Hall, Main Street, Swords, Co. Dublin.

The draft decision of An Bord Pleanála indicates that An Bord Pleanála is considering adopting noise mitigation measures and operating restrictions which were not the subject of previous consultations between the local planning authority and the competent authority under the Aircraft Noise Regulation.

In such circumstances, An Bord Pleanála is now required to publish its draft decision and invite submissions or observations on it for its consideration prior to it proceeding to make a final decision on the case.

The draft decision and the related report may be inspected and/or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 and/or at the offices of Fingal County Council, County Hall, Main Street, Swords, Co. Dublin, K67 X8Y2.

The draft decision and the related report may also be viewed/downloaded on the following website: <https://www.pleanala.ie/en-ie/case/314485>

Any person may make written submissions or observations to the Board in relation to the draft decision and the related report **on or before 23rd December 2024**.

Any such submissions or observations must be accompanied by the statutory fee of **€50.00**, unless the submissions or observations are made by certain prescribed bodies or existing participants, and should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902, by email to appeals@pleanala.ie or through our online observation portal on the Board's website at www.pleanala.ie.

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