

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 18/12/24
fromDHL 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 w 18/12/24E.O.: [Signature]Date: 20/12/24

To EO: _____

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: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

S. 37

File With _____

CORRESPONDENCE FORMAppeal No: ABP 314485

VI _____

Please treat correspondence received on 18/12/20 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments***None***4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☒(e) Inspectorate ☐(c) Processing ☒RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <i>[Signature]</i>	AA: <i>F. Haddon</i>
Date: <i>20/12/24</i>	Date: <i>24/12/23</i>

Derek Kelly

From: Mike Farrell (DHL IE) <Mike.Farrell@dhl.com>
Sent: Wednesday 18 December 2024 11:58
To: Appeals2
Cc: Maria Luisa Melo Navarro (DHL ES)
Subject: DHL Express Ireland _ABP Submission
Attachments: DHL Express Ireland _ABP Submission.pdf

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Planning Reference: F20A / 0668

Date: December 2024

Re: Bord Pleanála Case reference: PL06F.314485¹

About DHL Express Ireland

DHL Express, as the largest express delivery operator in Ireland, operates 4 flights daily in/out of Ireland through which it processes over 5 millions of shipments every year, employs over 500 employees, supports > 250 subcontractors and it has 3 gateways, in Dublin, Shannon & Cork, connecting Ireland to 220+ countries and territories with daily flights to EMA, LEJ & BRU, as well as 6 first and last-mile facilities in Dublin, Kildare, Cork, Donegal, Galway, Clare, Waterford and Wexford.

DHL Express Ireland own facility in Dublin airport operates airside movements, handling > 25M tonnes of cargo in 2024. Our ability to provide time-definite services in Ireland relies heavily on significant investments in our network capabilities through our hub systems including facilities, equipment (operationally related, inclusive of security), aircraft, customs, and more than 260 vehicles (45 electric vehicles).

Executive Summary of DHL Express Ireland Response

DHL Express welcome the opportunity to make a submission to the consultation on the draft decision by An Bord Pleanála (ABP) on Case Number: ABP-314485-22 /Planning Authority Reference Number: F20A/0668. We have serious concerns as to the process followed in proposing a new 13,000 ATM limit in addition to the noise quota system (NQS) which will have a significant impact to DHL Express, to the full express cargo industry and the Irish economy. We believe that the required process as set out in the Aircraft Noise (Dublin Airport) Regulation Act, 2019 has not been adhered to and this has resulted in a decision with serious consequences for DHL Express, who will be disproportionately impacted by the decision.

1. **ATM Calculation:** As well as critical errors relating to process, there are errors in understanding, calculation, and interpretation of submitted application documents in how the 13,000 ATMs has been calculated.
2. **ANCA and Fingal County Council (FCC) Decision:** The draft movement condition runs contrary to the previous findings of ANCA and FCC, neither of which sought to include a movement limit.
3. **Balanced Approach:** The proposal appears inconsistent with Regulation (EU) 598/2014 on noise management at airports, which requires, among other things, that operating restrictions at an airport should *"not be applied as a first resort, but only after consideration of the other measures of the Balanced Approach."*
4. **Comparison to London Airports:** The report draws false equivalencies between the massive London airport system, with six airports and Dublin, with one. They are not comparable in size or complexity and historic interference in economic development imposed on cargo carriers through the Traffic Distribution Rules.

¹ [314485 | An Bord Pleanála](#)

5. **Impact to DHL Express and full Cargo Industry:** Full cargo is flown at night out of necessity rather than choice, and arrivals after 0600hrs will cause enormous damage to DHL Express and to the industry, resulting in delays to packages reaching our customers.
6. **Supply Chain Disruption:** Many supply chains across a range of industries depend on our timely arrival of material consistently day after day. This will impact in our operational networks, which will have effects to the entire supply chain, increasing cost to our business and in the quality service we offer to our customers.
7. **Impact to Irish economy, competitiveness, employment, and investment:** - Irish businesses will be less competitive if they are not able to receive or send goods as quickly and efficiently as their EU counterparts, which will have negative consequences for Ireland, as investment country. Also, with a reduction of operations at the airport at night, this will result in significant job losses across the entire airport as well as wider business community.

Full Consultation Response

We are disappointed with An Bord Pleanála's Draft Decision Case Number: ABP-314485-22 which agreed with DAA's proposal to replace Condition 5, which restricted night movements to 65, with a noise quota scheme but also introduced a 13,000 annual night movement limit. These decisions seem to be contradictory, and the new limit will be even more restrictive than the current cap of 65-night movements. We request that ABP fundamentally reexamine their process and decision to ensure that the correct process is followed including proper consideration of the requirement for the operating restriction and noise mitigation measures as set against the adopted Noise Abatement Objective (NAO). Otherwise, the conditions imposed will have a disastrous impact not only in DHL Express, but also on the express freight industry and to the wider Irish economy and its global competitiveness.

1.- ATM Calculation

We have serious concerns as to the process followed, as well as critical errors in understanding, calculation, and interpretation of submitted application documents. We do not understand how the 13,000 ATMs was arrived at as this would require an 'Average' QC of 1.25 per aircraft to reach the approved limit of 16,260. That is 150% of the average QC during the representative day. This proposal is regressive and punitive. *(Please see: Appendix 1, details all the flights operating to / from Dublin airport on a representative night during S24 between the hours of 2300 and 0659.)*

The proposed (if implemented) 13,000 ATM limit will be an extreme reduction of the annual nighttime movements and will have a negative effect on DHL Express business operations at Dublin airport, and by extension to connectivity in the wider country. *The net effect of which would be to limit the number of movements to an annual average of 35 per night (11.30-07.00)*, where currently there are approximately 120 movements per night during the Summer season. Depending on interpretation, this could mean an average of between 41-42 per night during the summer and between 26 - 27 per night during winter or an average of c.99 per night during the 92- busy summer period and c.14 per night during the balance of the year. There are a few calculation errors in the workings whereby this number was arrived at.

2.- ANCA and Fingal County Council (FCC) Decision

DHL Express supported the proposed adoption of a Noise Quota System (NQS) to address the problematic planning conditions adopted in 2007, which were inconsistent with Ireland's international

obligation even then. The NQS as proposed was a forward-looking way to manage noise while accounting for growth and was accepted by the local planning authority as well as ANCA (noise regulator). The draft movement condition runs contrary to the finding of the ANCA and Fingal County Council Decision – neither of which sought to include a movement limit.

3. Balanced Approach:

When considering the introduction of noise-related operating restrictions on air carriers, the Irish Government is bound to follow the ICAO Balanced Approach to Aircraft Noise Management (the “Balanced Approach”). A proposed reduction of operations appears to be incompatible with EU Internal Market principles and may violate EU Regulations. In particular, the proposal appears inconsistent with Regulation (EU) 598/2014 on noise management at airports, which requires, among other things, that operating restrictions at an airport should “not be applied as a first resort, but only after consideration of the other measures of the Balanced Approach.” The proposal here is also inconsistent with Irish obligations under Annex 16 to the Chicago Convention, which precede problematic planning condition that the NQS is meant to address by many years.²

BLANCED APPROACH INFORMATION

Ireland, as a signatory to the Chicago Convention, should adhere to the ICAO Balanced Approach before introducing any operating restrictions to address noise-related concerns at Dublin airport.

The Balanced Approach, as defined by ICAO, involves identifying the noise problem and analysing measures to reduce noise across four pillars: 1) reduction at source, 2) land-use planning and management, 3) noise abatement operational procedures, and 4) operating restrictions. We strongly suggest thoroughly assessing the impact and cost effectiveness of potential measures in Pillars 1-3 of the ICAO Balanced Approach before any further consideration is given to implementing any additional operational restrictions in Pillar 4, which should be viewed as a last resort.

Additionally, any measure should be gradually introduced, providing sufficient time to adapt to new conditions, and consider reasonable solutions for the sector, among others by considering the state of technology, grandfathering provisions, and long-term operational planning security.

Under the Balanced Approach, government authorities are required to identify and analyse the noise problems at an airport to support identification and evaluation of available options to identify the most suitable measure or combination of measures to mitigate a specific noise problem. The documentation does not demonstrate that An Bord Pleanála has applied the “**balanced approach**” appropriately as it has considered only the health impacts and not any of the four pillars of the Balanced Approach required before implementing operational restrictions.

4.- London Comparison - The report draws false equivalencies between the massive London airport system, with six airports and Dublin, with one. They are not comparable in size or complexity and historic interference in economic development imposed on cargo carriers through the Traffic Distribution Rules. Furthermore, the implementation of caps and quotas within that system have created a reduction in cargo connectivity and unduly supported growth of passenger carrier operation. Critical to a continued and efficient air freight service for Ireland, is night flying. The proposal further interferes with basic competition in that express carrier rely both on their own-aircraft operations and

² The ICAO Balanced Approach to Aircraft Noise Management is codified in Part V of Annex 16, Volume I to the Chicago Convention, and was adopted by the 33rd ICAO Assembly in 2001, several years before the. See, ICAO Resolution A41-20 (2001).

contracts with combination (i.e., passenger) carrier to meet the full scope of delivery needs of our customers. Allowing increased daytime flying while drastically reducing nighttime operations not only deprives Irish importer and exporters of worldwide connectivity, but it also places combination carriers in a stronger negotiating position vis-à-vis the express carriers with whom both compete and collaborate to serve the Irish market.

5.- Impact to DHL Express and full Cargo Industry

Our DHL Express's flight schedule is designed to provide maximum productivity for our customers, enabling pick before close of business and delivery at the start of the working day. To guarantee our commitments of next day delivery, our DHL's flight operations require transportation through the night, which also enables us to connect to our global hub network. Night flights are crucial to ensuring that time-sensitive goods, such as medical supplies, perishable products, and essential components for industries, reach their destinations on time.

All-cargo flights account for approximately less than 15% of the total movements in the night period in Dublin airport (based on S25 numbers), yet the value we bring to the wider economy is much more significant. Air Freight makes a valuable contribution to the Irish Economy, with cargo night flying supporting €1.1 billion in GDP and 15,000 jobs³. Freight flown at night accounts for 38% of the total freight volumes at Dublin airport and around 63% of night air cargo is transported by express freight operators primarily shipping sensitive goods. Operating during the night hours is essential, as it enables deliveries to occur at the start of the working day, therefore maximising productivity for thousands of organisations across Ireland.

6.- Disruption to supply chains and economy country impact

The uncertainty caused by this issue is having an ongoing negative impact on DHL Express, but also across the supply chain and Irish economy including:

- **Reduced Competitiveness** - Irish businesses will be less competitive if they are not able to receive or send goods as quickly and efficiently as their EU counterparts, again increasing costs and impacting competitiveness.
- **Reduced Investment** - Negative consequences for Ireland Inc. as a location of investment.
- **Reduced Employment** - Significant job losses across the entire airport as well as wider business community.
- **Increased congestion** - If goods cannot get in in time for AM delivery it may come by road transport, if at all, resulting in more trucks on road, more congestion, and an impact on the environment.

Finally, the proposal makes no mention of how the decision should be made to reduce nighttime operations by nearly 60%. Without clear criteria provided to the carriers, it is unclear how the Irish government will provide a fair and equal opportunity to compete to U.S. carriers.

Mike Farrell
CEO DHL Express Ireland
mike.farrell@dhl.com

³ <https://ftai.ie/wp-content/uploads/2023/05/Air-Cargo-Night-Flying-FINAL.pdf>

Appendix 1:

This table captures the Quota Count (QC) for each individual movement which averages at a QC of 0.5. Using this average, the Noise Quota System (NQS) with an annual limit of 16,260 (during the impacted hours), as recommended by the Airport Noise Competent Authority (ANCA) would therefore facilitate 32,520 ATM's and require no additional limits applied.

Airline	Aircraft	QC	A/C Type	arr QC	dep QC
HSLy	320	0.25	A321 (some tails)		
Aer Lingus	320	0.25	A320-400 (some tails)	1.00	2.00
Fly One	738	1	A300-600 (some tails)	1.00	1.00
Ryanair	73H	0.5	B737-300/400	0.50	0.50
Ryanair	73H	0.5	B757(QY QJ) (some tails)	0.25	0.50
Ryanair	73H	0.5	B757(QY QJ) (some tails)	0.50	0.50
TUI Fly Nordic	320	0.25	B757(BD)	1.00	1.00
Aer Lingus	320	0.25	B777	1.00	2.00
Ryanair	73H	0.5	B767-300	0.50	2.00
Ryanair	73H	0.5	A321 (some tails)	0.25	1.00
Aer Lingus	320	0.25	A321 (some tails)	0.50	1.00
Ryanair	73H	0.5	B737-400 (some tails)	0.50	1.00
Aer Lingus	320	0.25	B737-400 (some tails)	0.50	0.50
Aer Lingus	320	0.25	A330-300/500	0.5	2.00
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
HSLy	320	1			
TAP Air Portugal	E95	0.125			
Ryanair	73H	0.5			
Lufthansa	32X	0.25			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Nyx	873	0.25			
Aer Lingus	320	0.25			
Aer Lingus	320	0.25			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Aer Lingus	320	0.25			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Aer Lingus	320	0.25			
Aer Lingus	320	0.25			
Ryanair	73H	0.5			
Aer Lingus	320	0.25			
Zimex Aviation Ltd	AT7	0.125			
Aer Lingus	320	0.25			
TUI Fly Nordic	320	0.25			
Aer Lingus	320	0.25			
Lufthansa	32X	1			
Nyx	873	0.125			
Zimex Aviation Ltd	AT7	0.125			
Aer Lingus	333	0.5	likely a 0.5 (maximum 1.0 but not a 2.0)		
European Air Transport	75V	0.5			
European Air Transport	73P	0.5			
Aer Lingus	333	0.5			
Fedex	73F	0.5			
UPS Airways	76V	0.5			
Aer Lingus	32Q	0.25			
European Air Transport	32X	0.25			
American Airlines	772	1			
Aer Lingus	332	0.5			
Aer Lingus	32Q	0.25			
Aer Lingus	333	0.5			
Aer Lingus	32Q	0.25	should be a neo		
European Air Transport	73P	0.5			
UPS Airways	76V	2			
Fedex	73F	0.5			
TAP Air Portugal	E95	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Lufthansa	321	1			
American Airlines	789	0.25			
Aer Lingus	320	1			
Ryanair	73H	0.5			
KLM Royal Dutch Airlines	73W	0.5			
TUI Fly Nordic	320	1			
Fedex	76F	0.5			
Aer Lingus	320	1			
Ryanair	73H	0.5			
Air France	223	0.125			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Aer Lingus	32N	0.25	should be a neo		
Ryanair	73H	0.5			
Aer Lingus	320	1			
Aer Lingus	320	1			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Aer Lingus	32N	0.25	should be a neo		
Aer Lingus	320	1			
Aer Lingus	320	1			
Ryanair	73H	0.5			
Ryanair	73H	0.5			
Aer Lingus	320	1			
Aer Lingus	320	1			
Aer Lingus	AT7	0.125			
Ryanair	73H	0.5			
Aer Lingus	320	1			
Qatar Airways	788	1/0.25 if QR has installed main landing gear plugs			
Aer Lingus	320	1			
Ryanair	73H	0.5			
Ryanair	73H	0.5	consider taxi time! By the time those flights are on the runway, it's daytime mode		
Aer Lingus	320	1	consider taxi time! By the time those flights are on the runway, it's daytime mode		
Ryanair	73H	0.5	consider taxi time! By the time those flights are on the runway, it's daytime mode		
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Ryanair	73H	0.5	consider taxi time! By the time those flights are on the runway, it's daytime mode		
Ryanair	73H	0.5	consider taxi time! By the time those flights are on the runway, it's daytime mode		
British Airways	AT7	0.125	consider taxi time! By the time those flights are on the runway, it's daytime mode		
Aer Lingus	32N	0.5	consider taxi time! By the time those flights are on the runway, it's daytime mode		
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