

File With _____

SECTION 131 FORM

Appeal NO: ABP 314685

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated 20/12/24 received fromUPB

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 1800E.O.: [Signature]Date: 8/1/28

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: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP _____

M _____

Please treat correspondence received on _____ as follows:

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

2. Acknowledge with BP _____

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments****4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐

EO:

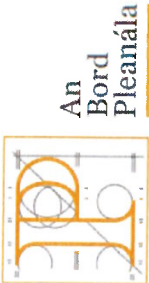
Date:

Plans Date Stamped ☐Date Stamped Filled in ☐

AA:

Date:

Lodgement Cover Sheet - LDG-077147-25



An Bord Pleanála

Details

Lodgement Date	20/12/2024
Customer	UPS
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-077147-25
Map ID	
Created By	James Sweeney
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 Paid	0.00
Refund Amount	

Observation/Objection Allowed?	
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,

Run at: 08/01/2025 12:35

Run by: James Sweeney

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 F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 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 11pm and 7am 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 11.30pm and 6am 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

PA Case Number	Development Description
F20A/0668	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

time aircraft movements at the airport shall not exceed 65/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 nighttime 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

	<p>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.</p>
Applicant	
Additional Supporting Items	

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

Lisa Quinn

From: sarahbell@ups.com
Sent: Friday, December 20, 2024 11:47 AM
To: Appeals2
Subject: UPS Response to Draft Decision Bord Pleanála Case reference: PL06F.314485
Attachments: UPS Response to An Bord Pleanála - ABP-314485 - 2024.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir or Madam –

Please see attached UPS response to ABP's Draft Decision Case reference: PL06F.314485.

If you have any questions, please do not hesitate to contact me.

Kind regards
Sarah

Sarah Bell
Director, Public Affairs
UPS UK, Ireland & Nordics
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Staines-upon-Thames, TW18 3AG
United Kingdom

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UPS
Unit 3, Mygan Park
Jamestown Road
Finglas, Dublin 11
Ireland (Republic of)

Planning Reference: F20A / 0668

Date: December 2024

Re: Bord Pleanála Case reference: PL06F.314485

Description:

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, which relates to the night-time use of the runway system at Dublin Airport.

Background

UPS is one of the world's largest logistics companies, playing a vital role in the collection, warehouse and delivery of goods as well as having the world's largest in-house customs brokerage operations. Our current operation in Ireland includes approximately 1,000 employees across 19 facilities. UPS Healthcare recently announced its expansion in the Irish market with a first-of-its-kind global healthcare facility in Dublin. Opened in May 2024, the new facility boasts nearly 6,000 m² of healthcare-dedicated space to connect Ireland's growing pharmaceutical and medical technology industries to UPS's smart global logistics network that serves customers in over 220 countries and territories.

Response to Draft Decision

UPS welcomes the opportunity to respond to An Bord Pleanála's (ABP) Draft Decision Case Number: ABP-314485-22. However, we are disappointed with the Draft Decision which agreed with daa's proposal to replace Condition 5, which restricted night movements to 65, with a noise quota system 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 (23,725 annualised).

We also have fundamental concerns as to the process followed and the resulting decision. We do not believe that the required process as set out in the Aircraft Noise (Dublin Airport) Regulation Act, 2019 has been adhered to and this has then resulted in a decision with serious consequences for the Applicant and all users of the Airport. As well as critical errors



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relating to process, there are errors in understanding, calculation and interpretation of submitted application documents.

We believe that the draft decision was flawed and is not what was intended. The Inspector took a figure of 13,000 ATMs, representing the difference between permitted and proposed total ATMs in the year 2025. The Inspector appears to misinterpret this figure as proposed nighttime ATMs. The Inspector does not appear to take account of existing activity. However, it is clear from the Inspector's reasoning, that her intention was to support additional flights, believing this would allow up to 100 aircraft movements per night during the 92-day period (para 12.4.52 of Inspector's Report).

UPS fully supports the Freight Transport Association Ireland's submission and we outline some of the key points below.

Key points:

- 1) The Draft condition runs contrary to the finding of the ANCA (noise regulator) and Fingal County Council's (FCC) decisions – neither of which sought to include a movement limit. The proposed NQS allows for a more effective control of noise compared to a blanket movement limit, which does not differentiate between quieter and noisier operations.
- 2) 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 our 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 number of calculation errors in the workings whereby this number was arrived at.
- 3) We do not believe the correct processes has been adhered to in relation to Regulation (EU) No598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures regarding the introduction of



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noise-related operating restrictions at Union airports within a Balanced Approach as well as the Aircraft Noise (Dublin Airport) Regulation Act, 2019.

ABP is now requested to fundamentally reexamine their process and decision to ensure that the correct process is followed including proper consideration of the requirement for the above operating restrictions and noise mitigation measures as set against the adopted Noise Abatement Objective (NAO).

Section 9.7 of the 2019 Act states “[m]easures or a combination of measures taken in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000 for the airport shall not be more restrictive than is necessary in order to achieve the noise abatement objective”. The practical impact of this section is that if ABP are of the view that the NAO will be achieved by the existing noise mitigation measures or operating restrictions, which elements of the supporting documents appear to suggest, no additional noise mitigation measures or operating restrictions are permitted.

- 4) The ABP ‘Draft Decision’ and Inspector’s Report do not properly engage with the NAO, and the Draft Decision makes no clear determination on whether ANCA’s Relevant Decision meets the NAO. This is a critical error in the process undertaken by ABP. Following this, if ABP determined that additional or modified noise mitigation measures or operating restrictions were required (such as those proposed to be imposed by conditions 3(e), 5 and 6), the Balanced Approach must be applied by ABP to identify and select possible mitigation measures. This has not occurred.
 - The Balanced Approach aims to ensure that airports and airlines can strike a balance between stricter environmental measures and the need to meet the current and future demand for air transport by avoiding operational restrictions unless all other options have been exhausted.
- 5) In addition to the obligation undertaken by Ireland as an EU Member State to apply the Balanced Approach prior to implementing operational restrictions, **the U.S.-EU Air Transport Agreement (ATA)** highlights the importance of evaluating the effects of proposed environmental measures on the traffic rights of US carriers and consideration of mitigating measures to limit harm and explicitly requires the Parties



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to adhere to the Standards adopted by ICAO (such as those in Annex 16 to the Chicago Convention). There is no demonstration at any point in this process that the Irish Authorities have met their obligations to U.S. carriers under Article 15 of the ATA.

In addition, there is a requirement to provide a "fair and equal opportunity to compete" under the U.S.- EU ATA. The drastic competitive effects that they will impose on carriers that operate only during the night, such as express cargo operators, will have a significant impact on the wider Irish economy. The 13,000 limit will have a disproportionate impact on express cargo operators who fly at night out of necessity, rather than choice, and will have wider implications for Ireland's economic growth and international competitiveness.

In conclusion, in addition to flaws in calculations and interpretation, the new draft conditions introduced by ABP are non-compliant with EU Regulation 598 and the 2019 Act as well as the U.S. – EU Air Transport Agreement (ATA).

Impact to Express Cargo Industry

All cargo flights account for approximately less than 15% of the total movements in the night period (based on S25 numbers), yet the value we bring to the wider economy is much more significant. Night flights currently make an invaluable contribution to Ireland's economy, supporting €1.1billion in GDP and 15,000 jobs. Freight flown at night accounts for 38% of the total freight volumes at Dublin airport, and nearly two thirds of this is transported by express freight operators, primarily those shipping perishable and other time-sensitive goods.¹

Express cargo is key to the supply chain, enabling Irish businesses, especially in the hi-tech, retail, pharmaceutical and healthcare industries to send and receive just-in-time deliveries. Protecting air freight is critical to economic growth and keeping Irish businesses competitive in a 24-hour global economy. With customers requiring late afternoon collections and early morning deliveries, the only time we can move export and import shipments is by air and at night.

UPS currently operates a daily (Mon-Fri) Boeing 767-300 flight at Dublin Airport which connects Dublin and Shannon to our main air gateway in Cologne, Germany:

¹ <https://ftai.ie/wp-content/uploads/2023/05/Air-Cargo-Night-Flying-FINAL.pdf>



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- Arrives 04:50 from Cologne and Departs 05:35 to Shannon (which falls within the night-time period)
- Arrives 20:35 from Shannon and Departs 21:20 to Cologne

If we were to lose one or both of our slots within the night period, this would put us, as well as business in the wider Dublin area, in a severe competitive disadvantage as packages would be delayed. Simply flying to Shannon Airport would not solve the issue. Delays in Dublin would also affect Shannon Airport and could cause subsequent crew and aircraft availability in Cologne. Rerouting the flight CGN-SNN-DUB and vice versa to mitigate the impact would negatively affect DUB in the evening operations through earlier cut off times, meaning customers would need to have their goods ready earlier in the day as well as an increase in fueling and crew costs, because CGN-SNN-DUB is longer than CGN-DUB-SNN.

By flying goods to Shannon, operators would either need to put HGVs on the road to transport goods to Dublin, creating congestion and additional carbon emissions. Alternatively, goods could then be flown from Shannon to Dublin outside of the night-time hours. However, in both cases this would result in the delay of goods reaching businesses in Dublin and the wider region, reducing international competitiveness and creating inefficiencies within the supply chain.

If the sector is significantly restricted from flying at night this will severely impact the express industry with wider implications across the supply chain and Irish economy including:

- **Major disruption to supply chains** – this will impact each operator's operational networks, which will have knock on effects to the entire supply chain, increasing cost to their business and how they serve their customers. This is particularly important when shipping time critical and temperature sensitive pharma products, which could potentially damage a leading sector in Ireland.
- **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 foreign direct investment.



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- **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.

Summary

In summary, 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 the express cargo industry and the Irish economy as a whole. A NQS provides a more flexible and effective strategy for reducing noise whilst incentivising the use of quieter aircraft. We believe that the Draft Decision does not follow the required process as set out in the Aircraft Noise (Dublin Airport) Regulation Act, 2019, does not take into account the Balanced Approach and violates the U.S. EU ATA. This has resulted in a decision with serious consequences for our business as well as the wider Irish economy, which will be significantly impacted by the decision.

For more information, please contact:

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