

An
Bord
Pleanála

Supplementary Inspector's Report ABP-314485A-22

Development:	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 nighttime use of the runway system at Dublin Airport.
Location:	Dublin Airport, Co. Dublin
Planning Authority:	Fingal County Council
Planning Authority Reg. Ref.	F20A/0668
Applicant:	Dublin Airport Authority (daa) PLC
Type of Application:	Approval under Section 37R (7) and Section 37 of the Planning and Development Act 2000, as amended
Planning Authority Decision:	Grant Permission
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Trevor Redmond2. Niamh Maher3. Sheelagh Morris and Others

4. Raymond and Carmel Fox
5. Angela Lawton
6. Brian Murphy
7. Teresa Kavanagh
8. SMTW (St Margarets The Ward)
Environmental DAC
9. St Margarets The Ward
Residents Group (SMTWRG)
10. Adrienne McDonnell and Others
11. Noel and Breda Deegan and
Others
12. Terence Murphy
13. Connor Kennedy
14. Friends of the Irish Environment

Observer(s)

Appendix 1: List of Observers on Draft Decision

Prescribed Bodies

Prescribed bodies to which the details of the Proposed Scheme were circulated are listed in section 5.3 of the Initial Inspector's Report.

Date of Site Inspection

13th and 14th April 2025

Inspector

Máire Daly

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Appendix 1 – List of Observers on Draft Decision

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(RSIGS)_Initial_Eligibility-Sep_23 – Overview Maps (1:60,000 Scale - Open Street Map Base) and Map 1-28 (1:7,500 Scale - Open Street Map Base)

Appendix 3 – Ecologist Report (May 2025)

Appendix 4 – Vanguardia Report (February 2025)

1.0 Introduction

1.1. Overview of Proposed Relevant Action

- 1.1.1. Section 34C of the Planning and Development Act 2000, as amended (PDA), permits an applicant who is currently subject to a planning permission for development at the airport, that includes an operating restriction, to make an application under Section 34 of the PDA, as amended, to revoke, amend, replace or take other action in respect of an operating restriction.
- 1.1.2. On 18th December 2020, the Dublin Airport Authority (daa - the applicant) applied for permission to Fingal County Council (FCC) to amend Condition 3(d) and replace Condition 5 of the North Runway Planning Permission (FCC Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by FCC F19A/0023, ABP Ref. No. ABP-305298-19). As both conditions are operating restrictions¹, it was an application for a "Relevant Action" (RA) only (as defined) to be taken. Consequently, it was referred to the Aircraft Noise Competent Authority (ANCA) to make a "Regulatory Decision" (RD) under Section 34C of the PDA.
- 1.1.3. The original Relevant Action submitted to the planning authority proposed a total noise quota budget of 7,990 which would only apply during the hours of 23:30 to 06:00 (i.e. equivalent to 6.5hrs). No restriction on the movement of aircraft would apply during the hours of 23:00 to 23:30 and 06:00 to 07:00. During ANCA's assessment they requested that the applicant resubmit a noise quota budget based on the full nighttime period (i.e. 23:00 to 07:00, equivalent to 8hrs). The applicant submitted a new noise quota budget of 16,260 to control the movement of aircraft during the 8hr period. ANCA included the applicant's Noise Quota budget of 16,260 in the final decisions for the RD.
- 1.1.4. In accordance with Section 34C (12) of the Act of 2000 the final RD was published on 20th of June 2022 by ANCA, following the public consultation period, and further information furnished by the applicant (daa). The RD issued by ANCA set out alternative operating restrictions and alternative noise mitigation measures to that

¹ As defined in section 2(1) of the Aircraft Noise (Dublin airport) Regulation Act 2019 and Article 2(6) of Regulation 598/2014.

sought by daa by amendment of Condition 3(d), replacement of Condition 5 of the relevant permission and the introduction of a noise insulation grant scheme.

1.1.5. In short, the RD required the inclusion of three conditions in any planning permission that the planning authority would grant for the proposed development for reasons set out in the RD as summarised below:

- First Condition: Condition 5 of the North Runway Planning Permission shall be revoked and replaced with a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise-related limits on the aircraft permitted to operate at night as described within the Condition details.
- Second Condition: Condition 3(d) of the North Runway Planning Permission shall be revised to ensure that Runway 10L/28R (North Runway) shall not be used for take-off or landing between 00:00 and 05:59 (inclusive, local time) except in case 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/28L length is required for a specific aircraft type, as set out in the details of the Condition.
- Third Condition: A voluntary residential sound insulation grant scheme (RSIGS) for residential dwellings shall be provided in line with details outlined in the Condition.

1.1.6. Fingal County Council granted permission for the RA, following the assessment by ANCA in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 (“the 2019 Act”) and Regulation (EU) No 598/2014. The final decision on the 08th of August 2022, included five conditions. The first, plans and particulars, the second, compliance with the original NR permission (as amended) and third, fourth and fifth replicated those conditions detailed in the Regulatory Decision.

1.1.7. The proposed RA 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.

F06A/1248; 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.

- 1.1.8. The RA was appealed to An Bord Pleanála, with 14 no. third party appeals received by the Board in response to Fingal County Council's grant of permission. The Aircraft Noise (Dublin Airport) Regulation Act 2019 designates the Board as the competent authority for the purpose of an appeal. The right of appeal to the Board against the Regulatory Decision also exists under the 2019 Act. Any reference to the RA relates specifically to the proposal submitted to the planning authority and this appeal currently before the Board.

1.2. Initial Inspector's Report

- 1.2.1. I note the initial inspector's report (ABP Ref. 314485-22), dated 29th May 2024, which informed the Board's Draft Decision of the 17th September 2024. This in-depth report provides an assessment of the information received as part of the appeal and includes information in relation to and assessment of responses received to the Board's Additional Information Requests issued on 27th April 2023 (with clarification issued on 26th May 2023) and 13th February 2024.
- 1.2.2. The Board will note that the current report has been completed by a different inspector, this is as a result of a change in position of the original inspector. In addition, it was also felt that a new inspector on the case would allow for an objective further assessment of that information presented in response to the Draft Decision.
- 1.2.3. It is not my intention to repeat the information contained within the initial inspector's report as it is publicly available for inspection, however I will refer to specific sections of the report as part of my assessment where I consider it relevant or where matters require addressing as part of the issues raised in the submissions or observations received in response to the Draft Decision. I would ask that reference is made to the initial inspector's report for detailed definitions and information in relation to the process to date. In particular, details of the 'Background' to the Relevant Action and the Regulatory Decision can be found under Section 1.0 of that report.

1.3. Timelines

- 1.3.1. The following details in relation to timelines have been provided to give the Board a succinct overview of the process so far and the involvement of the Planning Authority, ANCA and public consultation for both the Relevant Action and Regulatory Decision:

Relevant Action

- Relevant Action lodged with Fingal County Council on 18th December 2020
- Further Information (FI) Request on 19th February 2021.
- Significant Additional Information received 13th September 2021
- Chief Executive Order (Decision) on 08th August 2022.

Regulatory Decision

- ANCA² identified a noise problem on 10th February 2021 and notified the planning authority.
- FI Request by ANCA to the applicant on 24th February 2021.
- FI information submitted to ANCA on several dates over June, July, August and September 2021.
- Draft Regulatory Decision published on the 11th of November 2021.
- Public Consultation on the Draft Regulatory Decision from 11th of November 2021 until the 28th of February 2022.
- Noise Abatement Objective (NAO) and NAO Report issued by ANCA on 20th June 2022.
- Regulatory Decision published by ANCA on the 20th of June 2022.

An Bord Pleanála

- Appeal lodged on 24th August 2022.

² Ascertaining a Noise Problem at Dublin Airport: Recommendation report arising from planning application F20A/0668 for a Relevant Action; ANCA and FCC

- Draft Decision and related report (Initial Inspector's report of 29th May 2024) issued on 17th September 2024.
- Closing date for receipt of submissions or observations on Draft Decision was 23rd December 2024.

1.3.2. The section that follows outlines the structure of the current report which shall inform the Board for their final decision on both the Regulatory Decision and Relevant Action.

1.4. Structure of Current Report

- 1.4.1. This report considers two separate assessment processes for which the Board are required to make decisions on. The first is in relation to the relevant appeal in so far as the appeal relates to the relevant Regulatory Decision as outlined under Section 37R of the PDA. This refers to the regulatory decision of the competent authority (the Aircraft Noise Competent Authority (ANCA)) which was incorporated into the planning authority's decision under section 34 of the PDA which in turn is the subject of the relevant appeal.
- 1.4.2. The second assessment process is in relation to the Relevant Action appeal which the Board must make a decision on under section 37 of the PDA.
- 1.4.3. The initial inspector's report considered both of the above processes, providing a detailed examination of the Regulatory Decision and separately addressed the specifics of the Relevant Action. Following a review of the initial inspector's report I would agree with the majority of the detailed assessment carried out and the outcome of same which informed the Board's Draft Decision. However, there are certain issues which still require addressing and were raised as part of the submissions received in relation to the Board's Draft Decision. In this report I intend on addressing these issues as they relate to the Regulatory Decision and the Relevant Action. As stated previously I do not intend on re-opening issues which I consider have been addressed sufficiently in the initial inspector's report.

1.5. Regulatory Decision

- 1.5.1. The first assessment (See Section 3.0 onwards) is in relation to the process outlined under section 37R of the PDA which relates to the supplementary provisions relating to decisions on applications referred to in section 34C(1) which were not refused by virtue of section 34C(5). This section applies in addition to section 37 in the case of an appeal under section 37 against a decision of the planning authority under section 34 where, pursuant to 34C(16), that decision incorporates a regulatory decision of the competent authority under section 34C(14)(a).
- 1.5.2. Section 37R is relevant in the current appeal case as the decision of the planning authority (Fingal County Council P.A. Ref. F20A/0668) incorporated a regulatory decision of the competent authority i.e. ANCA. The Board are therefore required to make a decision on the relevant appeal in so far as it relates to the relevant regulatory decision.
- 1.5.3. A draft of the decision and its related report was previously issued by the Board on 17th September 2024. This draft decision outlined that An Bord Pleanála was 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 (ANCA) under the Aircraft Noise (Dublin Airport) Regulation Act 2019. Therefore, the Board was required to invite submissions or observations on the draft decision for its consideration prior to it proceeding to make a final decision on the case. The closing date for receipt of submissions/observations was the 23rd December 2024.
- 1.5.4. The purpose of the first section of this report is to present the Board with the necessary information in order for them to make an informed decision in relation to the Regulatory Decision. This supplementary 'related report' covers those requirements as listed under section 37R subsection (7)(a)(i) and (ii) of the PDA. A summary of the submissions and observations received on the Board's Draft Decision is presented under Section 2.0 below and following this, an examination of those matters referred to under paragraphs (a) to (j) of subsection (11) of section 34C as are considered appropriate. It should be noted here in compliance with section 37R(7)(a)(i) that inclusion of such matters may be achieved at the Board's discretion by the adoption by it of any part of the report concerned referred to in

subsection (3)(c)(ii) i.e. the ANCA Regulatory Decision Report. Where I consider matters have been addressed under the initial inspector's report I will state same within my assessment.

1.6. Relevant Appeal – Relevant Action

- 1.6.1. The second assessment (see Section 4.0 onwards) is in relation to section 37 of the PDA, as amended, which relates to the process in the case of an appeal against a decision of the planning authority under section 34. In this case i.e. the appeal submitted against the decision of Fingal County Council (P.A. Ref. F20A/0668). The Board will note that the initial inspector's report also examined the relevant action in the context of the relevant appeal. The applicant in their submission on the Draft Decision has highlighted this assessment and stated that the Draft Decision conflated the separate requirements of assessing the regulatory decision (i.e., the decision of ANCA) and the planning authority's decision (i.e. the decision by FCC which incorporates ANCA's decision) and then in error issued a 'draft grant of planning permission'. I acknowledge this misinterpretation of the PDA, however I am satisfied that the assessment contained within the Draft Decision's related report addressed the RD sufficiently at that time. The initial inspector considered it important within their report to consider both the issues relevant to the RD and the RA and I can see why this was determined given the close relationship and intertwined matters involved within both assessments. Notwithstanding the misinterpretation of the Act, I consider that a thorough assessment of the RA has already been conducted within the initial inspector's report (i.e., the related report to the Draft Decision). As stated previously in the case of the RD, I do not intend to re-evaluate matters where I consider that a sufficient assessment has already been conducted and where I agree with the conclusions or recommendations. However, where I consider issues raised within subsequent submissions do need review or further assessment, I will highlight these issues to the Board within my related report.

2.0 Submissions on Draft Decision

2.1. Introduction

- 2.1.1. The Draft Decision indicated that the Board were considering adopting noise mitigation measures and operating restrictions which were not the subject of previous consultation in accordance with the Aircraft Noise (Dublin Airport) Regulation Act 2019 and section 37R of the P&D Act, 2000 as amended. Therefore, the Board was obliged to invite further submissions or observations for consideration prior to making a final decision on the Regulatory Decision and Relevant Action. In total 241 no. responses were received in response to the Board's Draft Decision within the time frame³. The respondents' details are listed in full under Appendix 1.
- 2.1.2. The responses received included a response from the applicant (daa), with a more detailed account outlined by the applicant's agent - Tom Philps and Associates, both have been summarised below under Section 2.3. In addition, a submission has been received from the Irish Aviation Authority (IAA) which I considered important to summarise separately, please refer to Section 2.4 for details of same.
- 2.1.3. The majority of submissions opposing the proposed RD and RA included similar themes of concern and have been grouped under the headings of common themes below under Section 2.2. Many of the submissions were received from residents in the vicinity of the airport or under flight paths within both the Fingal or Meath areas. In addition, submissions were also received from community groups, residents' associations, environmental organisations and public representatives who support the original grounds of appeal submitted against the Regulatory Decision.
- 2.1.4. The issues raised in the submissions generally reiterate those issues raised previously in the initial observations received on both the RA issued by FCC and the appeal, and also those received by the Board following receipt of further information⁴. Many of these observations have been accompanied by the same

³ 14 week period with closing date 23rd December 2024.

⁴ The Board advertised the applicant's response to further information on the 10th of November 2023 and the submission, and all associated documentation was placed public display for a period of 5 weeks. The documentation was available for inspection at Fingal County Council offices, An Bord Pleanála offices and to view on An Bord Pleanála website - [314485 | An Bord Pleanála](#)

technical appendices and expert opinions, however where additional expert opinions or new information e.g. noise monitoring reports/results have been submitted in response to the Draft Decision these have been summarised below where I consider it relevant. It is also noted that certain observations have also been received from commercial enterprises, businesses, airlines and the tourism sector in support of the grant by the planning authority.

2.1.5. Submissions have been received from elected members, TDs and MEPs, including the following:

- A joint submission has been received from Ann Graves, TD and Louise O' Reilly, TD.
- A joint submission has been received from Darren O' Rourke, TD & Cllr. Helen Meyne.
- Submission from Gillian Toole, TD.
- Separate submissions have been received from Cllr. Conor Tormey, Cllr. Darragh Butler, Cllr. Dean Mulligan, Cllr. Ian Carey and Cllr. John Walsh.

2.1.6. In order to assist the Board in their deliberations as stated above I have summarised the submissions received on the Draft Decision within Section 2.2 below under common themes. There is a significant number of cross cutting themes throughout the submissions. To avoid repetition however, I do not intend to repeat issues within my assessment that have been raised previously and which I consider have been addressed sufficiently within the initial inspector's report. Therefore, while all relevant issues received in response to the Draft Decision have been summarised below, the Board will note that not all these issues are specifically referenced within the assessment sections of my report on the RD and the RA.

2.1.7. It is noted that no responses were received from either ANCA or Fingal County Council in response to the Board's Draft Decision.

In addition to the above the applicant responded to the second further information request on the 04th of March 2024 which included amended Eligibility Contours. Therefore, in compliance with Section 131 of the Planning and Development Act, 2000 (as amended) the applicant's submission was circulated to the parties of the appeal on the 12th of March 2024. The parties were notified of a link to the applicant's submission on the Board's website. Submissions or observations were invited on or before the 02nd of April 2024.

2.2. Submissions received on Board's Draft Decision

2.2.1. The issues raised in the submissions and observations have been summarised into common themes as follows:

Flight Paths

- Flight paths and planning permission cannot be separated, as the planning permission granted is fundamentally tied to the environmental and operational impacts of flight paths.
- Failure of public notice to alert public to changes in flight paths.
- Meetings with the Irish Aviation Authority (IAA) and AirNav Ireland revealed that alternative flight path options consistent with the original North Runway Permission EIS were not adequately considered.
- IAA and AirNav can only take directions from the daa and it is the responsibility of the daa to look at all of the alternatives, to present them, to assess them and for the public to be consulted on them.
- The use of divergent flight paths deviating from those assessed in the original EIS undermines public trust and compliance with planning conditions,
- The deviations from the original Noise Preferential Routes (NPR) represent a clear breach of Condition 1 of the North Runway's planning permission, which required strict adherence to the noise zones central to the 2007 EIS.
- daa saw fit to operate the North Runway using the current flight paths and then months later submit a supplementary Environmental Impact Assessment Report (EIAR) to justify what they are doing.
- daa presented the current flight paths as being driven solely by safety considerations, while failing to disclose the availability of alternatives that balance safety with planning and environmental considerations. This failure significantly undermines the decision-making process.
- A qualified independent third-party specialist firm should be engaged to redesign the North and South Runway procedures, ensuring compliance with both International Civil Aviation Organisation (ICAO) safety regulations and the original planning permission.

- To address these issues, a new planning application and EIAR are required. This process should include a comparative analysis of the original and divergent flight paths, providing a clear evaluation of their relative impacts and ensuring that affected communities are consulted and protected.
- Neither ICAO, nor IAA prescribe how the 30-degree divergence is to be achieved. Submissions state that the daa and their subcontractor AirNav, chose to deviate the north runway Standard Instrument Departure (SID) by 30 degrees from the runway heading. Acceptance of this 30-degree deviation by IAA as being compliant with the safety regulations does not imply endorsement of this route by IAA "for safety reasons".
- There are multiple possible means of compliance with the pertinent ICAO regulations. IAA has received and approved only the one chosen by daa as Aerodrome Operator.
- Any inference or implication that IAA instructed or caused daa to deviate from the route approved in their planning permission is not correct.
- The unapproved flightpaths currently being used and presented in the daa EIAR supplement are based on aircraft turning before the 5NM and 3000 feet limits. This has resulted in intolerable noise problems for thousands of residents in North County Dublin who were not included or consulted in the original planning. Areas such as Ashbourne, Oldtown and Ballyboughal are being overflown by aircraft causing aviation noise in the region of 60 to 80 dBA.
- Proposed Condition no. 2 requires rewording to ensure no departures from previously approved flightpaths are approved.
- Implications of changed flight paths for wildlife and animal welfare.

Public Notices and Engagement

- Misleading public notices – those who made submissions on RD should have been notified of opportunity to make submissions on RA appeal under Aircraft Noise (Dublin Airport) Regulations Act 2019.
- daa's failure to record complaints adequately and presenting misleading data to the public and regulatory bodies.

Broader Metrics and Additional Awakenings

- The Inspector in the draft decision report identifies several critical shortcomings in the daa's application, which render it insufficient to mitigate the impacts of additional awakenings.
- The daa's reliance on % Highly Sleep Disturbed (HSD) and L_{night} metrics is criticised for failing to capture the acute and individualised impacts of additional awakenings. The application projects significant increases in nighttime disruptions, with 4,449 additional awakenings and 7,596 more HSD individuals expected by 2035 under the Relevant Action (Paragraph 13.4.9). These figures highlight the insufficiency of the proposed mitigation measures and underscore the need for operational restrictions.
- Revise Noise Abatement Objectives (NAO) to include a specific focus on additional awakenings, ensuring no increase in nighttime disruptions.
- The inspector has defined that more than 1 additional awakening per night as a result of aircraft noise would result in a significant adverse impact.
- The inspector has concluded "in conjunction with the board's independent acoustic expert that the information contained in the RD and the RA does not adequately demonstrate consideration of all measures necessary to ensure the increase in flights during the nighttime hours would prevent a significant negative impact on the existing population".
- The daa should be required to generate noise contours showing the expected number of additional awakenings per night i.e. contours corresponding to critical thresholds of 1, 2, and 3 additional awakenings per night.
- Failure to address Noise impacts – average metrics like % HSD and L_{night} fail to capture acute impacts such as awakenings.
- The proposed movement cap relies on an awakening assessment, which is not a mandatory requirement under the EU Regulation 598/2014 or EU Directive 2002/49. Instead of using the awakening assessment to impose movement caps, a more effective approach would be to use the awakening assessment in prioritising a robust insulation program to reduce noise-induced awakenings.

Noise levels

- Discrepancy Between Modelled and Measured Noise Levels. Noise monitoring completed in 2024 by Wave Dynamics at nine locations to the north and northwest of Dublin Airport over the 92 day period between June 16 and September 16 which is equivalent to the modelling period used in the daa contour maps. Difference of approximately 2 dB higher in monitoring data compared to modelled predictions. An increase of 2 dB equates to roughly 40% more noise energy.
- Impact on Kilcoskan National School from divergent flight paths.
- Noise impacts on houses outside of the daa insulation zone and any possible solution. Internal noise recordings of 57dB(A) in the Ratoath area.
- Residents of Ratoath and Ashbourne petition of 1000+ people and statements from people affected by flight paths since opening of north runway. Continuous noise between 60dB and 75dB every day between 07:00 and 23:00.
- In 2023 there were approximately 4500 people exposed to greater than an average of 55dB of noise at night, an increase of 3000 since 2019 (source ANCA Noise Mitigation Effectiveness Review Report 2023).

Necessity of Movement Limit and Operating Restrictions

- Cap of 13,000 critical to reduce noise impacts and minimise nighttime disruptions.
- Without the movement limit the NAO set by ANCA for Dublin Airport cannot be fully achieved.
- Large number of submissions strongly support the retention of strict operating limits to safeguard public health and well-being.
- Recognise the limitations of insulation and prioritise operational measures as the primary mitigation strategy.
- Proposed movement limit is identified as the only viable solution to mitigate the impacts of additional awakenings.
- Other European airports are actively reducing night flights to balance operations with health and environmental concerns. Imposing and retaining the 13,000 movement limit aligns with international best practices, where

nighttime operational restrictions are standard at major airports across Europe.

- “Crucially”, as the Inspector’s analysis demonstrates, the introduction of a movement limit on nighttime aircraft operations is essential to achieving the objectives of the Fingal Development Plan i.e. Objective DAO16.
- The removal of the nighttime movement cap means there will be no respite from the aircraft noise. Unlimited airplane movements shows a complete disregard for the residents of Ratoath community.

Need for Removal of Movement Limit

- Removal of the movement limit should be considered or at the very least a reassessment of the quantum of the movement limit.
- The imposition of a noise quota system, combined with a radically low movement limit, contradicts best practices and fails to provide a balanced and economically efficient solution.
- Limiting movements per night to an annual average of 35 per night would have a detrimental impact on all operators at Dublin Airport, equating to a draconian 60% reduction in movements.
- Draft Conditions 3 (e) and 5 should be removed.
- A more rational number – approaching closer to 100 per night should be reached upon re-examination of the Draft Decision; however, the NQS on its own is sufficient to reduce noise.
- Goes against all the sector's investment and efforts in operating newer and quieter aircraft to improve noise performance at EU airports.
- The proposed movement cap is not necessary to achieve the NAO – Board acted ultra vires.
- Uphold FCC decision and NQS.
- The Air Traffic Movement (ATM) cap fails to achieve its stated purpose - imposing a movement limit actually disincentivises the adoption of quieter aircraft (in a lower QC band) as the ability to increase movements is a powerful incentive to the use of quieter aircraft overall at an airport.

- If Board insists on ATM Cap the absolute minimum limit that could be imposed is 31,882 per annum consistent with the basis of calculation of the NQS.
- The ATM cap is entirely disproportionate – loss of revenue to Ryanair alone of in excess of €300,000,000.
- Draft Decision and proposed cap violate the Balanced Approach, the EU Slot Regulation and the U.S.-EU Air Transport Agreement (ATA) and is contrary to the 2019 Act.

Misinterpretation and Errors

- Role of the IAA Misinterpreted: The Inspector conflated the roles of the Irish Aviation Authority's Safety Regulation Division (IAA-SRD) and AirNav (the air traffic control service provider). The IAA-SRD's approval of flight paths does not mean they mandated specific routes.
- The Vanguardia report, which the Inspector relies on, incorrectly asserts that the deviations from the NPR are necessary to comply with ICAO safety requirements for parallel runways. The report incorrectly claims that flight path deviations are minor (15 degrees) and required for safety. In reality, deviations range from 30 to 86 degrees, and alternate compliant designs were ignored.
- The ICAO requirement cited refers to a 30-degree separation between parallel runway departure and missed approach tracks, but this does not mandate turning off the NPR immediately. The applicant could achieve compliance with ICAO standards without such drastic deviations, such as by modifying the missed approach route from the adjacent south runway. This oversight suggests that the deviation was a design choice rather than a regulatory necessity, designed to maximize long-term future operational capacity rather than ensure compliance with planning conditions.

Health Implications of Nighttime Noise

- Chronic exposure to nighttime aircraft noise increases the risks of cardiovascular disease, hypertension, and mental health issues. Children's cognitive development is adversely affected, impairing memory, learning, and overall performance.

- Submission has been prepared by Dr. John F. Garvey, Consultant Respiratory and Sleep Physician, on behalf of St. Margaret's The Ward and this is attached in Appendix J of same submission.
- Dr. Garvey concludes that the proposed amendments to planning conditions for Dublin Airport's North Runway pose significant health risks due to nighttime aircraft noise. He references calculations showing that four out of five monitored areas exceed acceptable thresholds for noise-induced awakenings, even after accounting for noise insulation.
- Introducing and retaining the 13,000 movement cap at Dublin Airport is essential to mitigating these health impacts.
- Health-related costs, including healthcare expenses and reduced productivity, are substantial and long-term.
- Cost associated with health issues has not been taken into account by the daa as a result of the imposed exposure to the affected communities.
- Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) contamination at Dublin Airport which stems primarily from historical firefighting activities major concern.
- Health-related costs, including healthcare expenses and reduced productivity, are substantial and long-term. For example, Brussels Airport's health cost analysis suggests similar impacts at Dublin could reach €750m annually.
- Concerns also in relation to the sleep disruption cause by night flights to students of Kilcoskan National School who live locally.
- Impacts from flight path on residents within Lucan area.

Insulation Scheme and other mitigation

- The reliance on insulation schemes is inherently limited by the real-world behaviour of window opening (for ventilation and cooling), as outlined by the WHO's assumption of an average insulation value of 21dB. This highlights the necessity of pairing insulation with operational measures, such as movement limits, to ensure effective mitigation.
- Insulation measures cannot fully mitigate nighttime noise due to factors like open windows, low-frequency noise, and peak noise events.
- The sum of €20k towards insulation is insufficient in 2025 and beyond.

- “Positive step” - introduction of additional criteria for noise insulation at Condition 6 for residential dwellings subject to aircraft noise of 80dB LA_{max}
- Given the inadequacy of insulation to effectively address nighttime awakenings, the only viable mitigation measure for these properties is the extension of the voluntary purchase scheme for residents in the most severely impacted areas.
- Eligibility to the insulation scheme shall be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55 dB L_{night} contour being eligible under the scheme. A period of 2 years is unreasonable for residents affected by noise levels and with the amount of new housing being planned by the Government.
- Residential Noise Insulation Scheme (RNIS) and Home Sound Insulation Program (HSIP) do not meet modern health protection standards. Insulation is unsuitable for nighttime impacts and cannot substitute for operational restrictions like movement caps.

Noise Abatement Objective (NAO)

- Board urged to consider amendments to the NAO to include specific reference to additional awakenings.
- NAO has been breached in 2022 and 2023.
- The ANCA Review of the Effectiveness of Noise Mitigation Measures at Dublin Airport in achieving the NAO during 2023⁵ reported the following population exposed to noise compared to the EIAR Supplement. EIAR Supplement 53,854 people Highly Annoyed and 23,844 people Highly Sleep Disturbed in the proposed 2025 scenario whereas ANCA’s 2023 Noise Mitigation Effectiveness Report stated 71,388 people were Highly Annoyed and 32,562 people were Highly Sleep Disturbed – Clearly shows vast underreporting in Supplementary EIAR. The real data is very different compared to the daa’s predictions and therefore a complete nighttime ban is justified, or at the very least, a very restrictive movement limit is required.
- ANCA remains focused on reducing overall HA and HSD numbers without addressing the distribution of these figures. Although the total numbers are

⁵ <https://www.fingal.ie/sites/default/files/2024-08/noise-mitigation-effectiveness-review-report-for-2023.pdf>

declining, there is a concerning rise in the number of people exposed to the highest noise levels⁶.

- Without a cap on nighttime flights, cumulative noise impacts will persist despite efforts to incentivise quieter aircraft and the NAO set by ANCA for Dublin Airport cannot be fully achieved.
- Current plans increase noise exposure above 2019 levels, violating the NAO.
- International Air Transport Association (IATA) does not consider that the newly proposed measures can be selected to meet Dublin's approved noise abatement objective without a new noise assessment as per EU Directive 2002/491 and a new noise abatement objective, and additionally without a new Balanced Approach process and its cost-effectiveness analysis as per EU Regulation 598/2014.

Noise Quota Scheme (NQS)

- The use of a NQS does not address the additional awakenings that take place during the night.
- NQS should at least be divided into quarterly strands e.g. 4,065 per quarter that way if there is a breach it would be reduced accordingly for the following quarter.
- Implement the NQS to incentivise quieter aircraft and ensure proportional operations.

Noise Preferential Routes (NPRs)

- The deviations from NPR and increased noise exposure were not assessed in a comparative Environmental Impact Assessment Report (EIAR), undermining the planning process and trust in regulatory compliance.
- The daa's webtrak system (complaints system) is not adequate.

Noise Abatement Departure Procedures (NADP)

- In 2023 under Section 19 of the Act of 2019 the daa reported to ANCA that there is currently no known method to automatically track compliance with NADP.

⁶ See - <https://www.fingal.ie/sites/default/files/2023-08/Noise%20mitigation%20effectiveness%20review%20report%20for%202022.pdf>

Noise Modelling and Monitoring

- Analysis (Gareth O' Brien for North Runway Technical Group) shows significant discrepancies in the noise modelling for eastbound and westbound departures. Aircraft departing westward (North Runway 28R) make banked turns, reducing their climb efficiency and prolonging their proximity to the ground. This should result in higher noise levels for westbound departures compared to eastbound ones, where aircraft climb straight ahead. However, the models show the opposite—westbound noise zones extend significantly less than those for eastbound, which is illogical given the aerodynamics involved.
- An independent review of the noise modelling and flight path designs should be carried out, alongside clarification from the IAA-SRD regarding the necessity of the current deviations.
- daa have not carried out sufficient on-site noise monitoring to determine the actual noise levels despite the fact that the North Runway is in use since August 2022.
- Significant discrepancies up to 40% between daa modelled noise impacts and real-world monitoring results, particularly during the 92-day summer periods of 2023 and 2024.
- Evidence from Anderson Acoustics demonstrates the feasibility of more accurate modelling, further discrediting the applicant's submissions. Adopting ICAO-B as standard departure procedure on easterly operations could reduce the number of people exposed to aircraft noise > 60 dB LAeq,16hr (Source: Anderson Acoustics Departure profiles noise investigation, October 2024 - Submission from Stephen Smyth).
- Independent Noise expert analysis has been submitted by Wave Dynamics as part of the SMTW Environment submission. This assessment conducted extensive noise monitoring during the summer of 2024, providing data on the actual noise levels experienced by affected communities, which are stated to contrast sharply with the daa's predictions.

- Monitoring was also performed at various individual observers' properties/locations⁷ under the North Runway flight paths for the entire 92-day summer period in 2024. The results of this monitoring show that the modelling presented in the EIAR Supplement is unreliable and very inaccurate for the North Runway, leading to variations of 2dB $L_{Aeq,16hr}$. the predicted noise contours from the aircraft flyovers underpredict the noise impact of the North Runway compared to the actual measured values.
- Wave Dynamics survey and results report for Shallon, The Ward resubmitted unattended noise survey (originally from April 2023). Data measurements taken between 28th December 2022 and 31st December 2022. Comparing the recorded maximum noise levels and predicted L_{Amax} noise contours it was noted that the measured noise levels exceed the predicted maximum noise levels with the North Runway in operation for a number of passbys. A comparison of the daytime predicted noise levels and the measured noise levels indicate that the predicted L_{Aeq} noise levels at the Colm Barry residence are exceeded with the North Runway in operation.
- Ballyboughal Community Council have attached the results of a one-day attended monitoring survey undertaken by independent consultants Wave Dynamics on 18th April 2024 which shows that Ballyboughal village and environs is already severely negatively impacted by the current flightpaths relative to the original flightpaths. The submitted survey relates to the hours 08:00 to 11:00. Results show it would be expected that the internal noise levels within dwellings would exceed the recommended levels of 35dB(A) $L_{Aeq,T}$ with the windows open. Maximum noise levels measured averaged 66dB(A) for both Boeing 737 and Airbus A320. The measured noise levels and predicted $L_{Aeq,16hr}$ value show that the Cnoc Dubh Estate is negatively impacted by aircraft noise and an exceedance of the daa contours is very likely.
- Data from newly installed daa sound monitor (Summer 2024) at Ballyboughal has "conveniently" not been analysed.

⁷ Colm Barry & Sandra Sutton's dwelling

- External noise monitoring survey results also completed by Searson Associates on behalf of Nos 3, 6 & 10 Blackwoods, Blackwood Lane, Malahide during October 2024⁸. Combined data, totalling 200 hours, was screened and the total period of a) nighttime and b) arrivals to the North Runway, were focussed on. 66 flight events were recorded between 21st October and 24th October between times of 23:08 and 04:31 across the above-mentioned dates. Arrival L_{AFmax} above 64 dB(A) was recorded for each one of the 66 flights and 10.6% of which were equal to or in excess of 80dBs L_{AFmax} . All 66 flights would cause an internal bedroom reading, without adequate noise insulation, well in excess of the recommended 45 dBs L_{AFmax} . (Note: External noise monitoring at no. 4 Blackwoods, Malahide was conducted in 2023 and formed part of previous submission to the Board).
- External measurements of 95dB & 106db outside property in St. Margarets during take-off. Decibel readings are between 56 and 65db inside bedrooms with windows closed.
- Independent noise monitoring carried out by Wave Dynamics for residence at Masspool, Co. Meath. Both unattended and attended noise measurements were taken. In the short period of time since the North Runway commenced operations in August 2022 the daytime noise levels have increased from an average of 51dB $L_{Aeq,16h}$ to 61dB $L_{Aeq,16h}$. Unattended noise monitoring results for 16th of June 2024 to 15th of September 2024 (inclusive). L_{night} values ranged from 41dB to 57dB(A). Based on the measured noise levels and the dwelling location it is likely that the daa noise levels are being underpredicted.

Planning Process

- Deficiencies in the wording of proposed conditions and the lack of consultation between the Board and aviation authorities. This lack of collaboration has contributed to significant gaps in addressing operational impacts.
- A new planning application and EIAR is required that utilises the most current datasets, evaluates cumulative environmental and social impacts, and includes public consultation.

⁸ See Joe Cronin submission for record of reports

Noise Plans

- Meath is not part of the Dublin Agglomeration Noise Action Plan 2024-2028 - there is no noise plan for Meath which includes the airport. No mitigations no assessment and no voice for communities impacted.

Academic Submission – University of Galway

- Strong support for the draft decision to introduce a Noise Quota Scheme (NQS) in conjunction with an annual air traffic movement (ATM) limit at Dublin Airport.
- Noise simulations for the proposed NQS reveal significant seasonal differences in community exposure, with up to 2,000 residents potentially exposed to 80 dB(A) L_{Amax} and approximately 20,000 exposed to nighttime noise levels exceeding 50 dB(A) L_{night} , during the busy summer months.
- Health impacts of aircraft noise are well-documented.
- By introducing both a quota count and an annual nighttime movement limit, it ensures that night flights are controlled, while also encouraging the use of quieter aircraft. Planes with lower noise levels can operate more frequently, but the total number of flights remains restricted. Meanwhile, noisier planes will face stricter limits due to their higher quota scores.
- Their proposed NQS was based on the system adopted by the United Kingdom (UK) Department for Transport (DfT) in restricting nighttime aircraft noise at Stansted Airport.
- The use of a quota system alone fails to account for individual noise events. A movement limit in parallel with the noise quota would go some way to address this issue.
- If there is no movement limit, any aircraft movement with a quota count value of zero would in effect be unlimited, even though it is a noise generating movement.

Connectivity and Competitiveness

- As Ireland operates one hour behind continental Europe, early morning departures are essential to connect Irish passengers to European hubs and onward destinations. Similarly, late evening arrivals enable home carriers like

Aer Lingus and Ryanair to position aircraft for the first wave of departures the following morning.

- Early morning flights between 6am and 8am are already the most popular slots of the day in Dublin Airport.
- Prioritise the economic and operational benefits of utilising the North Runway fully, ensuring Dublin Airport remains a competitive and efficient international gateway.
- Night flights improve operational efficiencies of airports and airlines.
- Nighttime arrivals are particularly important for interregional passengers.

Impact of proposed aircraft movement limit of 13,000 on Cargo Carriers

- The Draft Decision impacts American Airline cargo members who operate almost exclusively at night at Dublin airport.
- Full cargo is flown at night out of necessity rather than choice, and arrivals after 0600hrs will cause enormous damage to the industry disrupting customers and supply chains.
- Proposed 13,000 ATM cap will have a significant impact to the express cargo industry and the Irish economy as a whole.
- All cargo flights account for approximately less than 15% of the total movements in the night period, yet the value they 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.
- Operationally the ATM cap and the summer/winter season split will disproportionately impact cargo members which operate more during the winter season.

Cost Effectiveness Assessment (CEA)

- Key component of the Balanced Approach is the requirement for a detailed CEA. No evidence that a CEA was conducted to justify the proposed 13,000 cap. Suggested movement limit does not appear to take account of existing activity.

- ATM Cap - Restricting the capacity of the airport to such an extent requires an assessment of the cost effectiveness of the measure by reference to a number of specific factors, including effects on the European aviation network.

Impact on Tourism

- Draft Decision presents significant operational challenges for Dublin Airport with far-reaching implications for the tourism industry and the wider economy.
- Errors in the calculations underpinning the 13,000 limit should be addressed as this creates an unnecessary constraint on Dublin Airport's ability to meet the needs of airlines, passengers, and the tourism sector.
- The new draft conditions introduced by the Board are non-compliant with EU Regulation 598/2014 and the 2019 Act.
- Nighttime restrictions on aircraft movements as proposed will fundamentally undermine National Aviation Policy which seeks to develop Dublin Airport as a Hub Airport and jeopardise the economic viability of both long-haul North American operations and short haul European operations from Dublin and result in significant capacity reductions.
- Revenue losses.
- Wider economic impact on tourism.

Balanced Approach

- Failure to implement Balanced approach - Noise abatement procedures and land-use planning to mitigate noise impacts were neglected, exacerbating the environmental impact on communities.

Inadequacy in EIAR

- The inadequacy of sufficient mitigation is a fundamental flaw of the EIAR submitted by daa.
- EIAR is flawed as it did not consider alternative for how the airport could operate with parallel runways. Alternatives to flight paths and operational modes were not adequately considered.

Climate Impact

- daa have no commitment to Climate Action.

- The Relevant Action fails to meet the standards required for projects to align with national and international climate targets.
- Revise the project to align with Ireland's climate goals, incorporating meaningful measures to reduce GHG emissions and address non-CO₂ effects.
- The Board has failed to properly quantify GHG future emissions and failed to assign the significance as 'major adverse' as per IEMA guidelines.
- The effects of non-CO₂ effects on Climate Change have not been addressed adequately.

Appropriate Assessment

- The Board failed to carry out an Appropriate Assessment including (but not limited to) cumulative impact assessment of historical airport campus developments/plans/programmes and other planned projects in the vicinity.
- The Board failed to comply with their obligations under section 34(12) of the PDA.
- The AA screening report by the Planning Authority is dated August 2022 before the North Runway opened and therefore insufficient.
- No AA for initial North Runway application conducted.
- Bird surveys dated from between 2016 and 2018 – older than 3 years and not in line with CIEEM guidance.
- Failure to comprehensively assess bird strike risks.
- Full range of possible impacts and effects not considered and Conservation objectives not considered adequately.
- Red Kite (Annex I) not considered in AA Screening.

London Airports not comparable

- The inspector's 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. 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.

Opposition to Condition 3 (e) and Condition 5

- Condition 3(e) when taken together with the existing Condition 3(c) of the North Runway permission means that in easterly wind conditions, aircraft could neither arrive or depart from the North Runway effectively barring operations between 06:00 and 08:00 and all operations would be forced to the South Runway between 06:00 and 08:00, creating operational inefficiencies and risks. This bottleneck could disrupt passenger and cargo flows, resulting in delays, inefficiencies, and potential reputational damage for Dublin Airport as a hub for international connectivity.
- Draft Decision proposes Condition 3 (e) which seeks to prevent arrivals to Runway 10L/28R between the hours of 06:00 and 08:00 local time. During this crucial period, up to 80 flights typically occur which is critical for maintaining the punctual and efficient operation of aircraft at Dublin Airport.
- Condition 5: The proposed 13,000 ATM night limit translates to an unsustainable average of 35 aircraft movements per night, based on calculations not aligned with the airport's operations, airport needs or the NAO.
- Draft Decision non-compliant with EU Regulation 598/2014 and the 2019 Act. Proposed restrictions appear to be excessive and unjustified, failing to balance the operational needs of the airport with the NAO.

2.3. Response from Applicant (daa) and Applicant's Agent

2.3.1. The applicant has submitted a response to the Board's Draft Decision which includes:

1. Response (cover letter) from the daa dated 20th December 2024,
2. Submission from the daa dated 20th December 2024 specifically addressing consultation with the Irish Aviation Authority ("IAA") and operators of aircraft at Dublin Airport (the 'airlines') to facilitate discussion on the Draft Decision: and
3. Detailed submission from the applicant's agent Tom Philips and Associates (TPA) Town Planning Consultants dated 20th December 2024.

2.3.2. The issues and concerns raised in the submissions can be summarised as follows, starting firstly with the daa submission:

2.3.3. **1st submission – daa cover letter to consultant’s (TPA) submission dated 20th December 2024:**

- Request Board revisit noise assessment and uphold decision of FCC.
- Consider if further consultation is required.
- In early 2025 daa intend to announce an increase to the level of financial grant for insulating qualifying houses to €30,000 and notify eligible parties formally. daa are happy for this to be reflected in any Final Regulatory Decision of ABP.
- Sufficient weight should be placed on the benefit of insulation, particularly as it relates to the requirements of the NAO.
- Draft Condition 3(e) - the rationale for this operating restriction as a mitigation is unclear and unsubstantiated, and we ask that it is unequivocally removed.
- Draft Condition 5 - the proposed new movement limit severely curtails existing nighttime flights to 13,000 per annum, effectively restricting nighttime flights to a level that is a decrease of 61% below operations (2023)⁹ or a 45% reduction of nighttime flights permitted under the existing Condition no. 5 (i.e. 65 flights per night).
- The proposed new operating restrictions have been incorrectly arrived at and appear unintended.
- The Draft Decision also fails to assess or apply the principles of the Balanced Approach as required under the 2019 Act - only following a thorough assessment identifying the scale of the noise problem and, importantly, an analysis of the cost-effectiveness of the proposed measures, can an operating restriction be introduced.
- 2022 RD confirmed that just three conditions were required ‘to successfully achieve the NAO’.

⁹ daa state that in 2023 33,574 movements were facilitated at Dublin Airport over the equivalent period (i.e. 2300 and 06.59)

- daa request the Board to remove the two further operating restrictions which are, in short, more restrictive than is necessary in order to achieve the NAO and are therefore contrary to EU Regulation 598/2014 and the 2019 Act.

2.3.4. 2nd submission from daa plc dated 20th December 2024:

- Details outlined of discussions/meetings facilitated by daa with IAA, airlines and consultants in relation to the Draft Decision.
- Minutes of Meetings conducted attached to daa's submission. Meeting dates 27th November, 9th December and 16th December 2024.
- Results of a consultation conducted by the daa under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 – this survey discussed the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision. Views of different airlines attached. In general, the submissions received are in opposition to the ATM cap and proposed Condition 3(e).

2.3.5. 3rd submission from TPA on behalf of Applicant (daa) dated 20th December 2024

- Draft Decision will have serious and far-reaching consequences for the scale of operations at Dublin Airport, for Ireland's connectivity and for the national and local economy.
- Draft Decision would result in a decrease in annual nighttime movements of 56% (Reduction of c.16,274 night ATMs) when measured against nighttime movements in 2019 (the base year for the NAO) and of 61% (Reduction of c.20,448 night ATMs) when measured against recent reported nighttime movements as reported by ANCA¹⁰ in 2023 and of 45% (Reduction of c.10,725 night ATMs when assuming 65 flights per night for 364 days in the year) measured against what TPA have defined as the Permitted Scenario (65 flights per night).
- It would largely remove any incentive for the use of quieter aircraft.

¹⁰ <https://www.fingal.ie/sites/default/files/2024-08/noise-mitigation-effectiveness-review-report-for-2023.pdf>

- No CEA of new operating restrictions conducted – failure to apply balanced approach required by the 2019 Act.
- Although ABP's expert noise consultant (Vanguardia) identified that the RA and the resulting RD would achieve the NAO, additional restrictions were then proposed. Contrary to the requirements of the 2019 Act and contrary to the fact (as acknowledged by ABP's Noise Consultant) that additional restrictions were not required to meet the NAO.
- ABP placed great reliance on additional metrics related to Additional Awakenings which are not a defined measurable criteria for the NAO, without seeking to establish how the defined measurable criteria and these additional metrics interact.
- Under the terms of the 2019 Act, proposed new measures and restrictions cannot be imposed in an appeal under section 37R unless they are shown to be required in order to comply with the NAO and/or the process set out under section 9 of the 2019 Act is followed.
- Calculation errors in relation to proposed ATM cap.
- ABP should reassess appeal under provisions of 2019 Act and address procedural and technical errors. ANCA decision should be upheld.
- Those obligations listed under section 9 of the 2019 Act and the process to be followed in arriving at new or any additional (beyond that of the ANCA RD) Operating Restrictions or Noise Mitigation Measures apply equally to ANCA, as well as to the Board as competent authorities.
- Section 9(7)(a) outlines that any measures "shall not be more restrictive than is necessary in order to achieve the noise abatement objective".
- Appendix 5, section 7.1 of Vanguardia Report provides that both the revised and supplementary EIARs show that the NAO objective is predicted to be achieved if the RA is permitted.
- As per section 37R(3)(a) of the PDA, section 9 of the Act of 2019 applies to the Board i.e. if ABP were to find that alternative restrictions are required in order to comply with the NAO, the steps set out above must be complied with including carrying out a 'Balanced Approach' and cost-effectiveness

assessment. These steps have not been complied with in the case of both proposed draft conditions 3(e) and 5.

- As set out within the submitted EIARs (Revised and Supplementary), the RA will exceed the reductions required to be achieved as set out within the NAO, as such it is confirmed that the RA and RD will continue to achieve the NAO.
- Updated cost-effectiveness analysis (2023), resulted in the same recommended measures as those in the 2021 CEA Report. The revised Cost Effectiveness Analysis remains relevant and valid for ABPs consideration of the RA and RD.
- Inspector states under para 12.5.19 that the RD and RA can achieve the outcomes of the NAO subject to all homes within the priority targets above 55 dB L_{night} having been retrofitted by the Applicant, or newly built with enhanced home insulation (i.e. having access to home insulation).
- Section 7.0 of Vanguardia Report (Rev P01, 19th April 2024) outlines the RA's future compliance with the NAO.
- Para 12.2.48 of inspector's report refers to the wrong year of 2018 for comparison purposes, the NAO relates to 2019 and fails to take account of noise insulation to mitigate any nighttime noise effects i.e. RSIGS.
- Insulation must be taken account of as included for in Condition No.3 of ANCA's RD.
- The control of development within the vicinity of the airport through land use planning measures and noise zoning, which is outside the control of daa, is also vital to ensuring an acceptable outcome and is recognised by ANCA as part of the suite of controls (See section 1.7.3 of the RD).
- The ABP Draft Decision and Inspector's Report do not properly engage with the NAO and make no clear determination on whether the proposed RD and RA meet the NAO, beyond the references under para 12.8.3 and 12.8.4. This is a "critical error" in the process undertaken by ABP.
- Breakdown provided of RA metrics - highly sleep disturbed, highly annoyed, 55 dB L_{night} and 65 dB L_{den} (Supplementary EIAR 2023) and alignment with NAO. The RA will achieve a 67% reduction in those highly sleep disturbed and 69% reduction in those highly annoyed in 2035 compared to 2019. The

NAO expected outcome is for a 40% reduction in both metrics when compared to 2019. The RA clearly exceeds the NAO expected outcome for 2030¹¹, 2035 and 2040¹².

- The Supplementary EIAR Chapter on Aircraft Noise and Vibration (Chapter 13), confirmed that the four measurable criteria (i.e. HA, HSD, L_{den} & L_{night}) of the NAO will be met in 2035 when compared to 2019 and therefore NAO continues to be achieved. We note that this is the same conclusion reached by Vanguardia in terms of NAO compliance.
- The ABP assessment in determining the need for a modified RD (as stated at paragraph 15.1.11) includes an assessment of the RA and RD using metrics not included within the NAO, such as the use of L_{Amax} in draft proposed condition 6.
- The NAO does not rely on additional nighttime awakenings and the application of maximum noise levels to determine additional potential awakenings and ANCA have referred to this metric as tentative in their ANCA Public Consultation Report, 23rd June 2022.
- Vanguardia have relied on the concept of Additional Awakenings to surmise that additional mitigation is required beyond that set out in the RD. This has been done without establishing, based on research, if there is any difficulty in achieving the objectives of the NAO and those four metrics presented within the NAO i.e. HA, HSD, L_{den} and L_{night}).
- Use of an additional metric such as Additional Awakenings without the application of the Balanced Approach and a CEA before arriving at the need for additional measures is non-compliant with the 2019 Act and Regulation 598/2014.
- Whilst it may be appropriate for ABP in the context of an EIAR to use metrics such as an Additional Awakenings Assessment and L_{Amax} when examining the anticipated environmental effects of a proposal this must not detract from the assessment required to determine if the RD and RA meets the NAO and the identified metrics within it. Additionally, should ABP, then seek to add

¹¹ RA will exceed measure in 2025 & 2035, as such 2030 measure will also be exceeded.

¹² RA will exceed measure in 2035, as such 2040 measure will also be exceeded.

mitigation measures to mitigate the effects identified in the EIAR this can only be done where the RA is determined not to meet the NAO and those mitigation measures must be no more restrictive than required to achieve the NAO as per Section 9(7)(a) of the 2019 Act and must be subject to the Balanced Approach including cost-effectiveness assessment as per Section 9 (2) of the 2019 Act.

- While research into the alternative metrics is noted, ENG18 made no recommendations for single-event noise indicators, which includes the use of Additional Awakenings assessment.
- Re-iterate the position expressed by Dr. Penzel and to request the Board to re-consider these earlier submissions from the applicant when reviewing this observation.
- ABP have not set out how the proposed measures would actually reduce the effects.
- Applicant's Airport Acoustic Experts Bikerdike Allen Partners LLP (BAP) have carried out a sensitivity test of the Awakenings Assessment (presented in Section 3.0 of Appendix B) using the scenario given in the Vanguardia report, i.e. twice as many flights which are all individually 3 dB quieter, Result - total number of Additional Awakenings would change very little and remain in line with the NQS which would meet the NAO. BAP assessment confirms a difference between -5% to +8%, and an average difference of 0% when analysing the Permitted and Proposed scenarios in 2025 and 2035, including the easterly mode and westerly mode scenarios.
- For those exposed to higher levels, Additional Awakenings will go up, but this cohort are receiving insulation as proposed in the RA application as part of the RSIGS, and as such are mitigated.
- ABP have conflated the separate requirements to assess both the regulatory decision (i.e. the decision of ANCA) and the planning authority's decision (i.e. the decision by FCC which incorporates ANCA's decision) and have in error issued a 'draft grant of planning permission'.

- Factual errors with the 92-day night modelling period and summer season - errors arising in the calculations informing the assessment of the night Air Traffic Movements (ATMs) forecast to occur in the summer period.
- Calculation process seriously underestimates the actual night movements forecast.
- Use of the 87 ATMs per night figure is not based off the most up to date forecasts available to ABP, Response to ABP's 1st Request for Further Information (RFI) revised this forecast figure based on updated forecasts to an average of 98 ATMs per night.
- A more accurate approach would have been to multiple 96 ATMS by 364 (Airport closed on Christmas Day) to get an average figure of 34,944. Average summer period nightly flights then of 214 days (70%) or 24,460 flights divided by days (214) = 114 flights per night.
- The 13,000 annual operations difference in Table 11- 1 (2023 Supplementary EIA) for 2025 does not represent nighttime movements but rather the delta between all Permitted and Proposed ATMs.
- Mott MacDonald Report sets out the 'Unconstrained'¹³ scenario (i.e. with 32 million passengers per annum (mppa)) cap in place and no existing condition 5 or RA) including the busy summer schedule. This scenario is incorrectly represented within the ABP Inspector's Report to reflect the 'actual' proposed ATMs with mitigation. This misinterpretation is then concluded with the assumption that the proposed no. of nighttime ATMs in 2025 is 48,545 or 133 ATMs over 365 nights. This misunderstanding, has resulted in a further exaggeration of the change in nighttime ATMs that will occur should the ANCA decision stand.
- Inappropriate comparison to Operational Restrictions at UK Airports.
- Draft Conditions have not been considered cumulatively - the application of the movement cap in draft condition 5 would mean that the proposed NQS would be of no impact, as the noise levels would never come near the NQS levels.

¹³ The unconstrained schedule (if there were no 23:00-07:00 night limits) departures peak hour is 06:00-06:59. (Refer pg 7 Mott MacDonald Report (June 2023)).

- An effect of the proposed conditions no. 3(e) and 5 would be a variation to the previously submitted 'eligibility contour' for the insulation scheme which has not been acknowledged.
- Draft Condition No.3(e) would apply to the hour of 7:00-8:00 also, a daytime hour, when the application overall relates to nighttime use.
- Direct conflict between existing condition 3(c) and proposed condition 3(e). The north runway is preferred for arrivals in easterly winds with the south runway preferred for departures during easterly winds. Misinterpretation of the submitted EIAR.
- Draft Condition No.5 conflicts with NPF objective to maintain and improve key infrastructure such as Dublin Airport to provide high-quality international connectivity that is key to Ireland's competitiveness and prospects.
- 13,000 ATM cap would also have an effect on the European aviation network, the extent of which is required to be evaluated pursuant to Annex II of Regulation 598/2014 and conflicts with the National Aviation Policy commitments.
- Condition no.6 – The RA and RD address concerns in relation to the probability of awakenings and measures which could reduce external event levels through the NQS and RSIGS.
- Information on Climate Action Plan 2024 and its obligations submitted.
- More specific comments on the details of the proposed conditions contained in the draft decision are contained in Appendix C of the TPA submission.

2.4. Response from Irish Aviation Authority (IAA)

2.4.1. A response was received to the Board's Draft Decision from the IAA dated 23rd December 2024. Given the issues raised in multiple 3rd party submissions and given that no direct response has been received from the IAA previously by the Board it is considered prudent to outline the issues raised in this submission separately. The issues raised are summarised as follows:

- Role of IAA outlined.

- IAA submits that ABP should reconsider its approach in order to comply with the relevant EU Balanced Approach legislative framework.
- IAA notes the finding of ABP, and of its consultant Vanguardia, that the measures determined by FCC in the RD are sufficient to achieve the required Noise Abatement Objective however the Board still proposed operating restrictions which then go beyond the NAO.
- New operating restrictions are not fit for purpose and proposed new Condition no. 5 is based on a number of calculation errors and apparent misconceptions.
- FCC decision should be confirmed otherwise IAA states it would be necessary to engage in further consultation in respect of corrected and clarified proposals resulting from the application of the Balanced Approach.
- Further engagement with IAA welcome.
- Since April 2023, the IAA and AirNav Ireland are separate entities, and the IAA is no longer an air navigation service provider, including at Dublin Airport. Contrary to what is asserted at page 103 of the Inspector's Report which accompanies the Draft Decision, AirNav Ireland is not a 'newly formed' (2023) air aviation service within the IAA nor is there an 'IAA ANSP' any longer (page 77).
- The IAA is currently responsible for discharging Ireland's obligations in relation to EU rules governing the setting of capacity and the allocation of slots at coordinated airports, under the Slot Regulation (EC 95/93) (currently just at Dublin Airport).
- IAA is responsible for slot regulation at Dublin Airport, including co-ordination parameters which determine the number of slots available for allocation to air carriers and consequently the number of operations which can be scheduled at the airport.
- The allocation of slots for night flights is carried out by the independent slot coordinator, based on available capacity which has been declared in the coordination parameters by the IAA, taking into consideration the capacity of each airport sub-system.

- The Aircraft Noise (Dublin Airport) Regulation Act 2019 (the “2019 Act”) transferred the role of competent authority for the introduction of noise-related operating restrictions from the IAA to Fingal County Council – ANCA.
- The IAA clarify its role stating that it has responsibility for regulatory oversight of the safety of flight operations, of the provision of safe and secure aerodromes, and of the safe management of Irish airspace and manoeuvring of aircraft on the ground at aerodromes, including the certification and oversight of AirNav Ireland.
- The IAA did not specify any requirements in relation to the diversion north/northwest, earlier from the north runway than originally proposed as stated under para. 12.3.14 of the inspector’s report. Instrument Flight Procedures (IFPs) such as arrival and departure flights paths are the responsibility of the aerodrome operator or, if delegated by the aerodrome operator, the air navigation services provider (ANSP), in line with Regulation (EU) No 139/2014. From a safety perspective, the role of the IAA is to ensure that the flightpaths submitted to it by the aerodrome operator or ANSP meets safety requirements (ICAO, EU and National). In the case of the current IFPs at Dublin Airport, the IAA, in line with its statutory role assessed the submitted IFPs and approved same as they complied with safety requirements.
- The inspector’s assertion that the absence of comment from the IAA on the changed flight paths amounts to justification for same is incorrect. As stated the IAA’s role is to examine any submitted flight routes for compliance with safety requirements. The IAA’s role is not to specify any proposals for flight route changes.
- Legislation provides for regular monitoring by ANCA of whether the package of measures is effectively achieving the NAO. If it is not, the Balanced Approach is to be applied, including, where necessary, the imposition of new or amended Operating Restrictions.
- ICAO, EU, and National legislative framework, and in particular, the Balanced Approach methodology, has not been followed by ABP in respect of the new Operating Restrictions contained in the proposed Condition 3(e) and Condition 5.

- The operating restrictions proposed are more restrictive than is necessary to achieve the NAO and no cost effectiveness assessment of the proposed operating restrictions has been carried out.
- Consideration of whether other measures, including operational procedures such as the potential to improve the IFPs have not been considered, though given that the NAO is forecast to be achieved it is not clear why additional measures would be required or need investigation.
- IAA notes the submissions from concerned parties regarding the IFPs currently in effect and how these differ from those which were previously modelled by the daa i.e. no divergence or later divergence off parallel runways operating in westerly direction. The IAA state in line with safety requirements, there are different possible options in that regard. They state that there is also the possibility of an Alternative Means of Compliance (AltMOC) to demonstrate compliance with safety requirements. This would require a proposal and submission to the IAA for approval. The IAA is aware of a limited number of examples in Europe where an AltMoC has been approved in respect of flightpaths which do not diverge in the case of parallel/near parallel runways. The IAA state that they would work with stakeholders, where helpful and appropriate, in relation to the assessment and approval process for any potential AltMoC.
- The proposed Operating Restrictions are insufficiently precise, such that they are capable of significantly different interpretations and of being more/less restrictive depending on how certain elements are interpreted.
- Inevitably there will be differences between forecast and actual longer term outcomes, therefore flexibility is required for regular monitoring and ANCA can impose further measures then where necessary.
- Condition no. 3(e) – such a further Operating Restriction may only be imposed where necessary to achieve the NAO.
- Ambiguity in wording of Condition no. 3(e) – can be read several ways.

- Suspected errors in calculations regarding ATM Cap and figure of 13,000 and 92 day modelling period. EIAR supplement showed a figure of 13,000 'additional flights'.
- Most recent pair of summer and winter seasons (Winter 2023-2024, and Summer 2024), there were c.35,000 movements (block times) between 2300 and 0659. Over winter 2023/2024 (29th October 2023 to 30th March 2024) there were an average of 85 nighttime movements at Dublin Airport and over summer 2024 (31st March to October 2024) there were an average of 106 nighttime movements.
- Seasonal split as proposed is not a matter which should be specified in an Operating Restriction unless required by the CEA (Cost Effective Analysis).
- QC system between Dublin and UK airports not comparable, they apply over shorter period 2330 to 0600.
- ABP needs to reconsider its approach to Operating Restrictions in this appeal in order to align with the legislative requirements of the EU Balanced Approach.
- Any movement limit would require detail to ensure no ambiguity as has happened with the current Condition no.5.

3.0 Regulatory Decision

3.1. Introduction

- 3.1.1. An initial assessment of the Regulatory Decision in compliance with section 37R of the PDA, was completed under the initial Inspector's Report which informed the Board's Draft Decision. As stated previously the manner in which the initial inspector's report was structured was raised in the applicant's submission on the Board's Draft Decision. The initial inspector's report's planning assessment was structured to provide a detailed analysis of the Regulatory Decision (RD), addressed the grounds of appeal specific to this issue, ANCA's involvement and assessment, and then proceeded to address the specifics of the RA. While the structure of the report may not have been conventional relative to the structure as outlined in relation to the RD under Section 34C of the PDA I am satisfied that this initial assessment examined and addressed those issues outlined under Section 34C(11) of the Planning and Development Act 2000, as amended and also examined the Board's obligations under subsections (1) to (3) of section 9 of the Aircraft Noise (Dublin Airport) Regulation Act, 2019. A detailed assessment of the issues raised in relation to the Regulatory Decision was carried out and the Draft Decision was arrived at based on this assessment. The initial inspector's report outlined in detail the process and background to the Regulatory Decision, and it is not intended to repeat this in this related report. I would ask the Board to refer to Section 1 and Section 12 of the initial inspector's report for this information where required.
- 3.1.2. Given that the Draft Decision incorporated additional noise mitigation measures and operating restrictions which did not form part of ANCA's original Regulatory Decision, the Board in compliance with section 37R(4)(c)(ii) was required to conduct a further period of public consultation, which ran for 14 weeks with a closing date for submissions on 23rd December 2024. The submissions and observations received in response to this further period of public consultation have been outlined under Section 2.0 above. This current related report takes into account all submissions, observations and related documents received in response to the Draft Decision. Where new issues have been raised within these submissions these have been addressed and are referred to as necessary in the sections that follow. In order to present a summary of the changes proposed within the Draft Decision the section

below presents an overview of the RD as originally outlined by ANCA (referred to below as the 'original RD') as integrated into the planning authority's decision, and then following this the changes outlined under the Board's Draft Decision.

- 3.1.3. The original RD contains the noise mitigation measures and operating restrictions that ANCA directed the planning authority to include as conditions of the planning authority's decision relating to planning application F20A/0668. The RD included the three conditions listed below and presented in detail within the Regulatory Decision of ANCA dated 20th June 2022¹⁴.
- 3.1.4. The ANCA RD included alternative operating restrictions and alternative noise mitigation measures to that sought originally by the applicant. These include alterations to the noise quota and mitigation measures which are given affect by the amendment of Condition 3(d), replacement of Condition 5 of the relevant permission and the introduction of a noise insulation grant scheme.
- 3.1.5. The following sections outline the changes proposed by the original RD and the further amendments which the Board proposed under their Draft Decision to the noise mitigation measures and operating restrictions.

First Condition – The Introduction of a Noise Quota Scheme

- 3.1.6. The existing operating restriction, Condition 5, of the North Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reads:

'(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'

Original RD

- 3.1.7. The ANCA original RD proposed to revoke Condition 5 and replace it with an annual noise quota scheme operating restriction as follows:

¹⁴ Regulatory Decision of ANCA dated 20th June 2022, Section 34C(14) Planning and Development Act 2000 EU Regulation No 598/ 2014 Aircraft Noise (Dublin Airport) Regulation Act 2019, Planning Register Reference Number: F20A/0668. <https://www.fingal.ie/sites/default/files/2022-06/Regulatory%20Decision.pdf>

The Airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise-related limits on the aircraft permitted to operate at night. The NQS shall be applied as detailed below¹⁵.

REASON: To limit the impact of the aircraft noise at Dublin Airport on sleep disturbance in the interest of residential amenity and to ensure the effective implementation of the Noise Abatement Objective for the Dublin Airport by means of a noise-related limit on aircraft operations.

- 3.1.8. This condition places a limit on nighttime aircraft noise at Dublin Airport through the introduction of a 'Noise Quota Scheme' between 23:00 and 06:59. This works like a 'noise budget' that Dublin Airport will have to operate within.
- 3.1.9. The north runway as it currently operates, (along with the south runway and cross wind runway where necessary) falls under the limit of 65 flights that can arrive or depart from Dublin Airport during the night, regardless of the sound level emitted from the planes concerned. This limit is to be replaced by a Noise Quota Scheme (NQS). As part of the NQS aircraft are allocated a number of points relating to the amount of noise they make. These points are called the Quota Count, or QC. The noisier the plane, the higher the QC. As planes take off and land at the airport at nighttime, their QC contributes to the total that is permitted for Dublin Airport. The total has been determined by ANCA as 16,260 points per year for the nighttime 8 hours period between 23:00 and 06:59¹⁶.

Board's Draft Decision

- 3.1.10. The Board adopted the First Condition of the original RD as set out by ANCA but in addition included an annual aircraft movement limit for the airport which was to be

¹⁵ See ANCA RD dated 22nd June 2022 for Part 1 Definitions, Part 2 Noise Quota Scheme, Part 3 Noise Quota Scheme Reporting Requirements and Part 4 Noise Performance Reporting in relation to the First Condition.

¹⁶ Note: The applicant's original Relevant Action submitted to the planning authority proposed a total noise quota budget of 7,990 which would only apply during the hours of 23:30 to 06:00 (i.e. equivalent to 6.5hrs). No restriction on the movement of aircraft would apply during the hours of 23:00 to 23:30 and 06:00 to 07:00. During ANCA's assessment they requested that the applicant resubmit a noise quota budget based on the full nighttime period (i.e. 23:00 to 07:00, equivalent to 8 hrs). The applicant submitted a new noise quota budget of 16,260 to control the movement of aircraft during the 8hr period. ANCA and the planning authority included the applicant's Noise Quota budget of 16,260 in both final decisions for the Regulatory Decision and the Relevant Action. The initial proposed annual night quota for the 6.5hr night quota period (i.e. 7,990) derived a mid-value QC/ATM between 2018 and 2025 of 0.49 per aircraft movement. The updated annual night quota for the 8hr night quota period (i.e. 16,260) for the same time is 0.51.

used in tandem with the NQS. The additional operating restriction under Draft Condition no. 5 stated:

The airport shall be subject to an annual aircraft movement limit of 13,000 between the nighttime hours of 23:00 and 06:59 (inclusive, local time) with aircraft movements split between the Winter 3,900 and Summer 9,100 to allow for extra flights during the 92-day summer busy period.

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 nighttime use of the existing parallel runway.

Second Condition – Operational Restrictions on the North Runway

- 3.1.11. The existing operating restriction imposed by Condition 3(d) and the exceptions at the end of Condition 3 of the North Parallel Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) read:

‘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.’

Original RD

- 3.1.12. Through the original RD ANCA amended the above as follows:

Runway 10L/28R shall not be used for take-off or landing between 00:00 and 05:59 (inclusive, local time) 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.

REASON: To permit the operation of the runways in a manner which reduces the impacts of aircraft night time noise, whilst providing certainty to communities as to how they will be affected by night time operations from the North Runway, while also providing continuity with the day-time operating pattern set down by Conditions 3(a)-(c) of the North Runway Planning Permission.

- 3.1.13. This condition allowed for flights to take off and land on both of Dublin Airport's parallel runways between 06:00-23:59. Night flights on the north runway will be prohibited between 00:00-05:59 other than in limited circumstances, such as in the case of an emergency.

Board's Draft Decision

- 3.1.14. The Board adopted the original RD's Second Condition as above but also included an additional Draft Condition 3 Part (e) which stated the following:

(e) Runway 10L-28R shall be used for departure only during the hours of 06:00 and 08:00.

Reason: In the interest of clarity and to ensure the operation of the runways in accordance with the mitigation measures set out in the Environmental Impact Assessment in the interest of the protection of the amenities of the surrounding area.

Third Condition – the Voluntary Residential Sound Insulation Grant

- 3.1.15. The following is the third condition as included by ANCA in the original RD:

A voluntary residential sound insulation grant scheme (RSIGS) for residential dwellings shall be provided. Initial eligibility to the scheme shall apply to all residential dwellings situated within the Initial Eligibility Contour Area as shown in Figure 3.1 - regulatory decision, Third Condition. Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area – June 2022.

Eligibility to the scheme shall be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55 dB Lnight contour being eligible under the scheme as detailed below¹⁷.

REASON: To mitigate the impact of aircraft night time noise as a result of the use of the Airport's runways.

¹⁷ See ANCA RD dated 22nd June 2022 for Part 1 Definitions, Part 2 Purpose of Scheme, Part 3 Eligibility, Part 4 Measures available under the Scheme and Part 5 Procedure, in relation to the Third Condition

- 3.1.16. Figure 3.1 of the Regulatory Decision includes Eligibility Maps illustrating all areas included within the Residential Sound Insulation Grant Scheme (RSIGS) – Initial Eligibility Contour Area – June 2022.
- 3.1.17. Communities who will be newly affected by noise from increased flights at night above a certain level were identified and will be eligible for a new grant scheme called the Residential Sound Insulation Grant Scheme (RSIGS). This scheme was to be provided as detailed in the associated schedule for all homes forecast in 2025 to be exposed to aircraft noise at or above 55dB L_{night} contour. Dwellings exposed to levels at or above 55 dB L_{night} shall be reviewed every two years commencing in 2027 and if applicable be made eligible for the scheme.
- 3.1.18. This scheme provided grant support in the sum of €20,000 to households for noise insulation in bedrooms. The scheme did not apply to properties who have already availed of measures under the two existing insulation schemes – the Residential Noise Insulation Scheme (RNIS) or the Home Sound Insulation Programme (HSIP) – or to properties who had planning permission lodged after 9 December 2019.

Board's Draft Decision

- 3.1.19. The Board's Draft Condition no. 6 amended the Residential Sound Insulation Grant Scheme (RSIGS) to take into account the **updated Eligibility Contour maps** of the submission dated 4th of March 2024 on behalf of the applicant by Tom Philips and Associates (which were attached to the Draft Decision) and also included further eligibility to the scheme for all residential dwellings that satisfied the following criteria:

- ***Residential dwellings situated in the 50 dB L_{night} contour in the first full year when the Relevant Action comes into operation, together with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year,***
- ***Residential dwellings subject to aircraft noise of 80 dB L_{Amax} based on the noise footprint of the airport's westerly and easterly single modes of approach and departure (not averaging the modes of operation of the airport over the 92 days of summer) between 23:00 hrs and 06:59hrs.***

Reason: To account for the impact of noise from individual aircraft movements from, any change in flight paths, and assessed in terms of

the maximum noise level at a receptor during the fly-by. Also to mitigate the impact of aircraft nighttime noise as a result of the use of the Airport's runways.

The specifics in relation to this condition e.g., in relation to Definitions, Purpose of Scheme, Eligibility, Measures available under the Scheme, Procedure and Statement of Need can be found within the Draft Decision.

3.2. Regulatory Decision – Related Report following Board's Draft Decision

- 3.2.1. In accordance with section 37R(7)(a)(ii) of the PDA the sections that follow provide an update to the initial inspector's report, this supplementary report takes into account all documents and submissions/observations made to it. The below sections also take into account the first-mentioned decision (i.e., the Board's Draft Decision).
- 3.2.2. I have read in full the observations submitted in respect of the RD including the third-party observations, the submission from the applicant, as well as the observation from the IAA. Having regard to all the information that has been received, I consider that the key issues for consideration by the Board at this stage in the case are as follows:
- The Noise Abatement Objective (NAO)
 - Additional Awakenings and the L_{Amax} Metric
 - Noise Quota Scheme (NQS), Cap on Nighttime Air Traffic Movements (ATMs) and Cost Effectiveness Analysis (CEA)
 - Draft Condition 3(e)
 - Draft Condition 6

3.3. The Noise Abatement Objective (NAO)

- 3.3.1. The background to the development of the NAO has been outlined in the initial inspector's report. In summary ANCA developed a Noise Abatement Objective under the Aircraft Noise (Dublin Airport) Regulation Act 2019 Act and section 34C of the PDA, which includes targets for the reduction of noise from Dublin Airport. This NAO seeks to "*Limit and reduce the long-term adverse effects of aircraft noise on health*

and quality of life, particularly at night, as part of the sustainable development of Dublin Airport.”

- 3.3.2. The NAO as presented by ANCA in the Noise Abatement Objective – Report for Dublin Airport 20th June 2022¹⁸, outlines that it will be primarily measured through the number of people highly sleep disturbed and highly annoyed in accordance with the approach recommended by the World Health Organisation’s (WHO) Environmental Noise Guidelines 2018, as endorsed by the European Commission through Directive 2020/367. A series of required outcomes are to be achieved through NAO in order to reduce the number of people ‘highly annoyed’ (HA) and ‘highly sleep disturbed’ (HSD) by aircraft noise, particularly at night. The NAO also requires a reduction in the number of people exposed to aircraft noise above 55 dB L_{night} and 65 dB L_{den} when compared to conditions in 2019.
- 3.3.3. As outlined previously under the initial inspector’s report EU rules and procedures with regard to the introduction of noise-related Operating Restrictions are governed by Regulation (EU) No 598/2014, which requires the application of a very specific legal framework and technical methodology, and in particular the application of the Balanced Approach. The 2019 Act gives further effect to these same rules and procedures in Ireland. Under Part 2 of the 2019 Act, both FCC and the Board are required to apply this methodology and to ensure that the Balanced Approach is adopted when discharging their decision-making functions under the legislation. One of the key requirements of this legislation relates to the Noise Abatement Objective which has been set by ANCA. The legislation effectively states that the measure or package of measures proposed are sufficient to achieve the NAO, and that such measures, and in particular Operating Restrictions, cannot be unnecessarily restrictive such that they go beyond the NAO.
- 3.3.4. The NAO has been examined in detail previously under the initial inspector’s report and I would agree with same assessment. I note the metrics proposed and the findings within the initial inspector’s report and that of the Board’s noise expert’s report (i.e. the Vanguardia Report) which outlined that the measures determined originally in the Regulatory Decision are sufficient to achieve the required NAO. I also note the that the implementation of new operating restrictions in the form of

¹⁸ https://www.fingal.ie/sites/default/files/2023-08/Noise%20Abatement%20Objective%20Report_0.pdf

condition no. 5 of the Draft Decision was determined to be a requirement following assessment of an additional metric for additional awakenings which did not form a metric utilised by ANCA in their formulation of the NAO. Following an examination of the related legislation, draft Condition no. 5 does in my opinion go beyond the necessary requirements of the NAO, given the implications of the air traffic movement (ATM) limit of 13,000. The Board will note Article 5(6) of the Regulation (EU) No 598/2014 which states that *“Measures or a combination of measures taken in accordance with this Regulation for a given airport shall not be more restrictive than is necessary in order to achieve the environmental noise abatement objectives set for that airport”*. This requirement is transposed into Irish law through section 9(7)(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019. This issue in relation to the proposed additional operating restrictions has been raised in several submissions including that received from the IAA and also by the applicant in their response to the Board’s Draft Decision.

- 3.3.5. The IAA in their submission outline that *“the ICAO¹⁹, EU, and National legislative framework, and in particular, the Balanced Approach methodology, has not been followed by ABP in respect of the new Operating Restrictions contained in the proposed Condition 3(e) and Condition 5”* and furthermore that the Board has based their justification for the additional operating restrictions on considerations which do not form part of an application of the Balanced Approach at Dublin Airport. The initial inspector’s report for example compared operating restrictions at other airports and referred to such operating restrictions as ‘best practice’ as part of same comparison. While those other airports were the subject of the balanced approach, I note that the operating restrictions imposed at these airports were required under the specific NAO for those airports. Those submissions received in opposition to the Draft Decision highlight that such same operating restrictions were not required to achieve the current NAO at Dublin Airport. I acknowledge that this has been confirmed via the examinations conducted as part of the initial inspector’s report and the Vanguardia Report where it is detailed that the NAO could indeed be met through the measures outlined in the proposed Regulatory Decision.

¹⁹ International Civil Aviation Organisation

3.3.6. Notwithstanding my general agreement that based on the information submitted in the application, including the supplementary information presented within the Supplementary EIAR, that the NAO could be met, I consider that further information has come to light since the initial inspector's report (which informed the Draft Decision) which should also be taken into account in the Board's considerations, this is discussed in detail in the sections that follow.

3.3.7. Firstly, I note the Board's noise expert's most recent response²⁰ to the submission received from the daa in relation to 'Compliance with the NAO'. Within this the noise expert states that "*Both the revised and supplementary EIARs show that the NAO objective is predicted to be achieved if the RA is permitted*", however he then highlights that ANCA, following the initial screening of the RA, determined that a noise problem would arise from the application due to three aspects i.e. 1. *increase in aircraft activity at night*, 2. *situation where some people will experience elevated levels of nighttime noise exposure for the first time* and 3. *significant adverse nighttime noise effects (as indicated in the submitted EIAR)*. The noise expert report highlights that the "*issues identified above arise because although future aircraft will be less noisy than currently, the resulting reduction in noise for those already significantly adversely effected by aircraft noise, would be offset by the increase in the number of ATMs at night and the exposure of persons currently not exposed to, or currently exposed to low levels of aircraft noise at night, this RA would cause if permitted*". The noise expert then goes on to highlight that although in future the NAO objective would be achieved to a different degrees with or without the RA, if the RA comes into effect "*it would hinder the health and quality of life benefits of individual aircraft becoming less noisy as technology improves, so that although fewer persons would be affected in future, substantially more people would be significantly adversely effected by aircraft noise at night compared to if the airport continued as it currently operates*". The expert states that "*Not least the benefits of aircraft becoming less noisy could be offset by the disbenefit of more aircraft using the airport*". This is the main basis for the introduction of consideration of the L_{Amax} metric within the initial inspector's assessment and the consideration of the

²⁰ See Appendix 4: Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, Vanguardia, 21 February 2025, Revision P01.

additional awakenings assessment. This is discussed further below under sections 3.4 and 3.5 which relates to L_{Amax} metric and the Noise Quota System (NQS).

- 3.3.8. As highlighted in the IAA submission on the Draft Decision, it is also important to note that the legislation provides for regular monitoring by ANCA of whether the package of measures is effectively achieving the NAO. If it is not, the Balanced Approach is to be applied, including, where necessary, the imposition of new or amended Operating Restrictions.
- 3.3.9. The IAA also highlight in their submission the uncertainty that is inevitable with the assumptions underpinning analysis and forecasts such as traffic forecasts and noise contour modelling. They emphasise that this can be observed in the extent to which actual developments have differed entirely from the assumptions and forecasts upon which the Operating Restrictions from 2007 for the original North Runway planning permission were based, specifically Condition no.5 of same and the 32mppa terminal passenger conditions. They stress that an approach which leaves as much flexibility as possible is vital for the regular monitoring process, in which ANCA is empowered to impose further measures, where necessary.
- 3.3.10. Monitoring of the NAO is informed by annual reports which are reviewed by ANCA as part of its obligations under the 2019 Act. These reports form part of ANCA's remit to review the effectiveness of noise mitigation measures at Dublin Airport in achieving the NAO. It is noted that the initial inspector's report referred under paragraph 12.5.19 to the published ANCA report "*A review of the effectiveness of noise mitigation measures at Dublin Airport for the year 2022 on achieving the noise abatement objective*" (review dated 27th July 2023²¹). An assessment of this previous ANCA report was also carried out by the Board's noise expert and included in the Additional Inspector's Report (Appendix 5) in which the following is stated:
- "The ANCA 2023 report shows that the NAO objective of fewer persons highly sleep disturbed in 2022 compared to 2018 was not achieved. This is probably because although the overall number of aircraft movements was lower in 2022 than 2019, the nighttime movements increased by 1,964 (7%). In addition, the rate of introduction of*

²¹ <https://www.fingal.ie/sites/default/files/2023-08/Noise%20mitigation%20effectiveness%20review%20report%20for%202022.pdf>

less noisy aircraft into the fleet mix may have been slower than anticipated when the NAOs were published”.

3.3.11. Since then, an updated report (dated 23rd August 2024²²) for activity during the year 2023 has been published and reference to this report and the results presented within this assessment are made in several of the submissions received on the Board’s Draft Decision. I also note that the applicant’s agent has referred to the 2023 report²³ within their response to the Draft Decision. Given the passage of time and the issues raised within the submissions received, I consider it prudent to present the findings of this report to the Board for their information and consideration as part of the appeal before them, though I note that the responsibility of monitoring the NAO ultimately rests with ANCA.

3.3.12. The summary of same document states the following ‘*Through consideration of the numbers of people exposed to aircraft noise above 55dB L_{night} and 65dB L_{den}, the review finds, however, that the noise-limit aspects of the NAO have not been achieved for the 2023 assessment year*’. The report states that this conclusion is based on the fact that not all the nineteen noise management measures associated with Dublin Airport were implemented during 2023 and that if these measures had been implemented then this aspect of the NAO may have been achieved. The Board should note that the following two management measures relate specifically to the RA:

- No. 18 - *Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours; and*
- No. 19 - *The average number of nighttime aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92-day modelling period²⁴.*

3.3.13. Notwithstanding this however the report states that ‘*The noise mitigation measures in place at the airport cannot therefore be considered effective in this respect*’ and ‘*the short-term noise limit objectives remain outside of target outcomes in that:*

²² <https://www.fingal.ie/sites/default/files/2024-08/noise-mitigation-effectiveness-review-report-for-2023.pdf>

²³ <https://www.fingal.ie/sites/default/files/2024-08/noise-mitigation-effectiveness-review-report-for-2023.pdf>

²⁴ Note: Condition 5 of the north runway planning permission ABP Ref. No. PL06F.217429 (establishing this provision), is the subject of ongoing High Court proceedings brought by daa bearing the Record Number: 2023 / 916 JR in which Fingal County Council is the Respondent.

a) *There is a significant increase, compared to 2019, in the number of people exposed to nighttime aircraft noise above the NAO priority level of 55 dB L_{night} . The figure for 2023 was 4,465, which is 2,932 more people exposed to nighttime aircraft noise above 55 dB L_{night} , than in 2019.*

b) *The NAO day-evening-night priority that seeks to limit the number of people exposed to noise levels above 65 dB L_{den} also remained outside of target outcomes during 2023. The number of people exposed to noise levels above 65 dB L_{den} in 2023 was 323, which is 38 higher than in 2019.*

3.3.14. In the context of the above ANCA has a remit to ensure that appropriate measures are in place that will be effective towards achieving the NAO. ANCA state in their report that *'An aircraft noise assessment (that applies the Balanced Approach where a noise problem is identified) is currently underway by ANCA and is having regard to changes in the noise climate that occurred following the opening of the north parallel runway and operational changes to some departure routes'*. I note that the assessment also considers the potential noise impact of proposals to develop Dublin Airport through the infrastructure and passenger capacity planning application (DCC Reg. Ref. F23A/0781) which is not a consideration under the current RA before the Board. I do, however, note that ANCA state that the outcome of the aforementioned assessments *'may result in a new regulatory decision being made'*.

Conclusion

3.3.15. The Supplementary EIAR (September 2023)²⁵ included information for those forecasted to be highly annoyed and highly sleep disturbed in 2025 and 2035 as well as the population forecasted to be within the L_{den} and L_{night} contour in 2025 and 2035. In summary, while I am satisfied that the information presented to the Board by the applicant demonstrated that the RA would meet the NAO, I also note the most up to date information available in relation to the review of the effectiveness of noise mitigation for the year 2023, which clearly outlines that the noise-limit aspects of the NAO have not been achieved for the 2023 assessment year. It is noted that not all of the nineteen noise management measures associated with Dublin Airport were implemented during 2023 and that the implementation of all identified measures may

²⁵ See Supplementary EIAR Chapter 13 Aircraft Noise and Vibration - confirmed that the four measurable criteria (i.e. HA, HSD, L_{den} & L_{night}) of the NAO will be met in 2035 when compared to 2019 and therefore NAO continues to be achieved.

have supported the achievement of this aspect of the NAO. One of the measures that was not implemented was the limit on the number of nighttime flights. While it is understood that the ongoing monitoring and reporting of progress against the delivery metrics of the NAO is the responsibility of ANCA, in relation to the current RA I consider it is the responsibility of the Board to also consider any improvements that may be made in ensuring that the NAO is met. This is where I consider that further examination of Air Traffic Movements at night is required. The sections that follow examine this in further detail.

3.4. Additional Awakenings and the L_{Amax} Metric

- 3.4.1. Many of the submissions received on the Draft Decision raise the issue of metrics. I note the concerns raised by third parties in relation to the sole use of L_{night} and L_{den} and the absence of any L_{Amax} metric to measure peaks in aircraft noise and the impacts of intermittent noise impacts on sleep at night has also been previously raised in submissions received on the RA prior to the Draft Decision. These concerns have been reiterated within many of the submissions received on the Board's Draft Decision. It is noted that conversely those in opposition to the use of any additional metrics have also reiterated their stance in their submissions on the Board's Draft Decision. The Board's first request for further information (dated 27th April 2023) requested the applicant to assess the probability of additional awakening due to the peak L_{AsMax} ²⁶ of ATMs at night between 23:00 and 07:00hrs. The applicant's response which included an opinion from noise expert, Dr. Penzel outlined that there is no conclusive research on the appropriateness of using the probability of an additional awakening assessment to assess the effects of peak noise of the ATMs.
- 3.4.2. The submission received from the IAA makes the case that the EU Directives and Irish Regulations covering airport noise refer to the L_{night} noise metric solely as that which should be used to assess and regulate impacts of aviation noise at night. The Board's noise consultant (Vanguardia), in their most recent report²⁷ in response to the both the IAA and daa submissions on the Draft Decision, states that both

²⁶ Also referred to as L_{AFmax} is the maximum sound level that occurred during the observation period.

²⁷ See Appendix 4: Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01, Vanguardia.

authorities have mis-characterised the noise expert's position in relation to the use of certain metrics. The Board's consultant is clear in that they do not deny the importance of the use of the L_{night} metric but state that the sole use of L_{night} and assessing the % Highly Sleep Disturbed is less effective at providing a comprehensive evaluation of aircraft noise impact on sleep than combining such an approach with an evaluation of additional awakenings using L_{Amax} as a supplementary metric. The noise expert is clear in stating that in fact both metrics have a role and state that their position is in part based on comments in the review underpinning the WHO 2018 Guidelines on the use of energy averaging and maximum noise level metrics to evaluate noise impacts on sleep²⁸. This review concluded that *"on their own average energy noise levels e.g. L_{night} , are not sufficient predictors for sleep disturbances, and the number of events and maximum level e.g. L_{Amax} , should be considered as well"*.

- 3.4.3. Notwithstanding the aforementioned review, I note that the 2018 WHO guidelines state the following *"Single-event noise indicators – such as the maximum sound pressure level (L_{Amax}) and its frequency distribution – are warranted in specific situations, such as in the context of nighttime railway or aircraft noise events that can clearly elicit awakenings and other physiological reactions that are mostly determined by L_{Amax} . Nevertheless, the assessment of the relationship between different types of single-event noise indicators and long-term health outcomes at the population level remains tentative. The guidelines therefore make no recommendations for single-event noise indicators."* Those in opposition to the use of the L_{Amax} metric refer to this part of the guidelines, however in support of the additional metric the Board's noise consultant explains further why a combination of L_{night} based assessment of %HSD and Additional Awakening based on the L_{Amax} is appropriate in the evaluation of this RA.
- 3.4.4. As discussed previously the proposed extension of hours for the use of the runway at night is for an hour from 2300 to midnight and another hour from 0600 to 0700 hrs i.e., only 2 hours out of the 8-hour night period. By using just the L_{night} metric to evaluate noise impacts, the impacts would be averaged over a whole 8 hour night

²⁸ Mathias Basner and Sarah McGuire, WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep Int. J. Environ. Res. Public Health 2018, 15, 519.

period and therefore this is likely to underestimate the impacts during the much shorter period when the runway was in use e.g. the noise from aircraft using the northern runway would be 6 decibels lower when calculated as the L_{night} metric compared to the average equivalent metric over the two hours when the runway was operating. By supplementing the assessment with the additional metric of L_{Amax} this would improve the evaluation of aircraft noise effect on sleep as it would compensate for the mismatch between the much shorter total duration of the operation of the runway (i.e., 2 hours) compared to the much longer time averaging period in the L_{night} metric (i.e., 8 hours).

3.4.5. The Board's noise consultant also provided a review of the IAA submission²⁹ and also the Regulations and Directives that the IAA rely on to support their position, these include the following:

- Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise ("The END Directive")
- Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014
- Commission Directive (EU) 2015/996
- European Communities (Environmental Noise) Regulations 2018
- Aircraft Noise (Dublin Airport) Regulation Act 2019

3.4.6. The Board's noise consultant highlights the interconnected nature of the above Regulations and Directives and acknowledges that upon first sight of these statutes the L_{night} metric would appear to be the preferred primary metric for describing and assessing airport noise at night. However, the noise consultant states that on closer inspection the Directives and Regulations show there is justification for and specific reference for use of the L_{Amax} noise index to calculate and to assess noise from aircraft as a supplementary noise indicator. The noise expert refers to Annex 1 of Directive 2002/49/EC where the following is stated; *"In some cases, in addition to L_{den} and L_{night} , and where appropriate L_{day} and L_{evening} , it may be advantageous to use special noise indicators and related limit values."*

²⁹ Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01, Vanguardia.

- 3.4.7. Examples where the above may be the case are presented in Annex 1 of the Directive and include where *“the noise source under consideration operates only for a small proportion of the time (for example, less than 20% of the time over the total of the day periods in a year, the total of the evening periods in a year, or the total of the night periods in a year”*. As the RA will permit the northern runway to operate for two single hour periods, one at the beginning and one at the end of the night period i.e. for considerably less than the 8 hours covered by the L_{night} noise indicator between 23:00 and 07:00 hrs, then consequently this element of the Directive supports the use of special noise indicators e.g. L_{Amax} to supplement the L_{night} metric.
- 3.4.8. The noise consultant also draws the Board’s attention to the following further example outlined within Annex 1 of the Directive where a special noise indicator might be appropriate e.g., *“ L_{Amax} , or SEL (sound exposure level) for night period protection in the case of noise peaks”*. The noise expert also emphasises that *“the same stipulations as described above regarding special noise indicators are transposed into Irish law in Part III of S.I. No. 549 of 2018: European Communities (Environmental Noise) Regulations 2018”*. Based on the aforementioned examples and the examination of the relevant Directives and Regulations the Board’s noise expert is of the view that that use of the L_{Amax} noise indicator as well as the L_{night} metric to evaluate the impact of the proposed RA at night should be maintained.

Conclusion

- 3.4.9. Based on the above, I consider it appropriate that regard should be had to this additional metric in the evaluation of the RA and the impact of aircraft noise on the surrounding population at night. The Board should note that Directive 2002/49 (END Directive) is relevant for more general environmental noise issues and includes “major airports” of which Dublin Airport is considered to be. Section 9(1) of the 2019 Act states: the Board shall ensure that the noise situation at the airport is assessed in accordance with S.I. 549 of 2018 and the Environmental Noise Directive, so the Board is required to take account of the END. Section 9 (2)(c) also states: the Board shall ensure that the balanced approach is adopted where a noise problem at the airport is identified taking into account art. 8 and Annex V of the Environmental Noise Directive. The foregoing in my opinion emphasises the importance of consideration of these other legislative provisions in the Board’s deliberations. The use of the L_{Amax} metric has significantly informed the initial inspector’s assessment and the Board’s

Draft Decision and is further discussed under the sections that follow in relation to the RD and RA.

3.5. Noise Quota Scheme (NQS) and Annual Nighttime Aircraft Movement Limit

- 3.5.1. The majority of the submissions received on the Board's Draft Decision raise both the proposed NQS as outlined under draft Condition no. 4 and the proposed annual nighttime aircraft movement limit of 13,000 as outlined under draft Condition no. 5. The Board will note that the reason for the inclusion of the latter condition was '*To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future nighttime use of the existing parallel runway*'.
- 3.5.2. In general, those in opposition to the relevant action generally support the proposed nighttime cap on Air Traffic Movement³⁰ (ATMs) and see same as a critical measure in reducing nighttime noise impacts, and also at the very least, as a way of controlling the frequency of nighttime flights and minimising nighttime disruption for surrounding residents. Those in support of the cap identify it also as the only viable solution to mitigate the impacts of additional awakenings and consider that without the movement limit the NAO set by ANCA for Dublin Airport cannot be fully achieved.
- 3.5.3. Conversely, vehement opposition to the 13,000 nighttime aircraft movement limit has been expressed in the submissions received from the daa, IAA and airline carrier companies, as well as tourism associations and those with commercial interests. These submissions highlight that the proposed new movement limit would severely curtail existing nighttime flights to 13,000 per annum, with the applicant stating that the cap would effectively restrict nighttime flights to a level that is a decrease of 61% below operations (2023)³¹ or a 45% reduction of nighttime flights permitted under the existing Condition no. 5 (i.e., 65 flights per night). Those in opposition to the 13,000 cap also highlight that same is, in short, more restrictive than is necessary to achieve the NAO and is therefore contrary to EU Regulation 598/2014 and the 2019 Act.

³⁰ Please note both the terms Air Traffic Movements (ATMS) and Aircraft Movement Limit are used to describe the proposed annual limit of aircraft movements proposed for Dublin airport during nighttime hours. These terms are interchangeable.

³¹ daa state that in 2023 33,574 movements were facilitated at Dublin Airport over the equivalent period (i.e. 2300 and 06.59)

Concerns are also raised in relation to suspected errors in calculations in the initial inspector's report regarding the ATM cap and the lack of the consideration of the NQS and the proposed 13,000 ATM cap cumulatively, which several observers state would mean that the proposed NQS would be of no impact, as the noise levels would never come near the NQS levels, therefore rendering it in effect redundant.

- 3.5.4. The sections below examine the noise quota scheme as proposed under draft Condition no. 4 and following on from this the proposed ATM cap as calculated in the initial inspector's report, which formed the basis for draft Condition no. 5. It is acknowledged that there were errors in calculations and this matter is discussed further below where it is outlined how these errors have been fully addressed.

Noise Quota Scheme

- 3.5.5. In order to modify the existing condition no. 5 of the 2007 NR permission (ABP Ref. PL 06F.217429) an NQS was suggested by the daa in their RA application. As outlined in the ANCA Draft Regulatory Decision Report³² the proposed NQS was based on the system adopted by the United Kingdom Department for Transport in restricting nighttime aircraft noise at Stansted Airport. The Board should note that the Quota System in Stansted Airport is actually applied across three airports in London; Heathrow, Gatwick and Stansted. The scheme adopted by ANCA involved some modifications to the scheme as originally applied for by daa and this has been discussed in detail in the initial inspector's report³³. The result was an NQS which applied across an 8-hour period (nighttime period) from 23:00 to 06:59 with an annual limit of 16,260. There are three significant differences between the proposed NQS for Dublin, and that which is applied in the London airports, these are:

- The London airports distinguish between winter and summer seasons, the proposed Dublin Airport NQS does not.
- An ATM limit was included alongside the NQS in the London airports. The movement limit and NQS in effect work together to make sure the overall number of night flights are limited and that the quietest planes are used.
- The nighttime period as defined for the London airports spans a 6.5 hour stretch from 23:30hrs to 06:00hrs.

³² ANCA Draft Regulatory Decision Report, November 11th 2021, Section 3.2.1 Noise Quota Scheme

³³ Changes to NQS figure and also alignment with the definition of night under EU or Irish noise policy.

- 3.5.6. As outlined by the Board's noise consultant and several of the submissions received on the Draft Decision, the type of system used in the London airports in effect ensures that if newer quieter planes are used their night quota scores will be low, but the total number will be restricted by the movement limit, whereas if noisier aircraft are used their night quota scores will be high and their number will be restricted by the quota count limit.
- 3.5.7. Many of the submissions received on the Board's Draft Decision state that by implementing a movement limit in tandem with a NQS that any benefits to be achieved for example in relation to incentivising the introduction of quieter aircraft would be negated by the fact that an ATM limit is there to be maximised. The applicant states that such a restriction also potentially affects the sustainable growth of Dublin Airport. In response to this assertion, I would direct the Board to the noise expert's most recent report of February 2025³⁴ which states "*long standing treaty obligations mean aircraft are progressively becoming less noisy and there is a medium to long term trend for this to happen organically rather than be driven primarily by operating restrictions at individual airports. Furthermore, other controls such as differential i.e., lower airport charges per aircraft tend to have a more immediate impact on airlines thinking on how noise considerations may influence their fleet choices (along with many other considerations including fuel and maintenance costs etc.)*".
- 3.5.8. I also note that many of the submissions received dismiss any comparison of the systems used in UK airports, in particular the London airports, however given the applicant originally based their NQS on the system in place at Stanstead Airport, I consider these comparisons relevant. In response to submissions which compare the much lower NQS of the London airports to that of the NQS of 16,260 proposed by ANCA in their RD and adopted by the Board in their Draft Decision, I note that the majority of these submissions failed to consider that the period for which the ATM and QC limits apply at these airports is a 6.5 hour period compared with the 8 hour period proposed for Dublin Airport, and that in effect, the periods 23:00-23:30 and 06:00-07:00 (shoulder periods) at the London Airports are unrestricted i.e. unrestricted by any movement limit or NQS. Therefore, while the NQS of 16,260 may

³⁴ Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, revision P01., Vanguardia.

appear generous in comparison to the London airports NQSSs, it is recognised that the proposed scheme for Dublin airport takes into account the very busy 1.5 additional hours³⁵.

- 3.5.9. It is also noted that ANCA previously discussed the issue of comparing the Dublin situation with other airports within its 2022 Public Consultation Report³⁶ in which they stated that “*both the Aircraft Noise Regulation and ICAO guidance require the identification and application of noise control measures on an airport-specific basis*” and that same would depend on numerous different factors such as fleet mix, operating patterns, surrounding population base and the fact that some cities may be served by other airports and therefore in those circumstances there may be the opportunity for noise control measures to be distributed across the airports. I note this is the case for the London airports and which is not the case for Dublin.
- 3.5.10. I note ANCA’s initial consideration of the Noise Quota under their Draft Regulatory Decision in which they state ‘*ANCA is therefore conscious that under the Applicant’s proposals, whilst the noise quota sets an operating restriction, it does not inhibit the ability of Dublin Airport to meet its forecasts for passenger and ATM growth in the future. This is due to the proposal setting the noise quota at a value for which the introduction of quieter aircraft will cater for more aircraft to be operated within the same noise quota in the future. As such, the proposed noise quota provides the incentive for Dublin Airport to use quieter aircraft in return for additional movements. This is only possible as the proposals do not include an aircraft movement limit, and providing Dublin Airport continues to meet the NAO*’ (my underlined emphasis). As stated previously the loss of this incentive is highlighted in many of the submissions received as the reason not to implement an ATM cap. What I think is critical for the Board to note here is my underlined emphasis above. The nighttime operations, the subject of the RA, must meet the NAO, where this is not achieved then a reassessment of the entire noise quota system will be required, and additional operating restrictions would then possibly be necessary at that stage. The Board’s responsibility at this stage in the process is to ensure that the RA can meet the NAO and that the RD as originally proposed by ANCA is sufficient in ensuring that the

³⁵ See diurnal ATM profiles in the Mott MacDonald report “Dublin Airport Operating Restrictions September 2023 Addendum v1.0 Quantification of Impacts on Future Growth Addendum to the Analysis of June 2021 (Report version 1.3.1) September 2023 Addendum v1.0.” pages 8 & 9.

³⁶ ANCA, Public Consultation Report, 23rd June 2022, page 33

NAO is met. This has been discussed previously under sections 3.3.10 to 3.3.15 of my report above and is examined further under section 3.5.17 below.

- 3.5.11. The Effective Perceived Noise Level (EPNL) and the NQS have been discussed previously in the initial inspector's report as informed by the Vanguardia Reports. The points system in the NQS involves the classification of aircraft into different categories, based on the EPNL, as determined from their International Civil Aviation Organisation (ICAO) noise certification data. In brief, the Quota Count doubles for every 3dB increase in measured EPNL i.e., effectively a doubling of sound energy leads to a doubling of the Quota points. For example, one movement of a QC/2 aircraft is equivalent to two movements of a QC/1 aircraft, and four movements of a QC/0.5 aircraft, and so on. This has been previously highlighted in the Vanguardia Reports and raised as an issue in the initial inspector's report regarding the increase in aircraft movements at night. Aircraft quieter than QC/0.125 are currently exempt from the noise quota, these same aircraft however would count towards for example the ATMs set for each of the London Airports, as discussed above. The Board's noise expert argued that the use of a quota system based on EPNL fails to account for noise events. In the most recent Vanguardia report³⁷, submitted in response to the submissions received on the Draft Decision, the noise expert also highlights the following *"aircraft rated at 90.1 EPN dB are in the bottom of QC 1 and those rated at 95.9 EPN dB are at the top of QC 2 and would differ by 5.8dB, representing almost a four-fold difference in noise energy that most people would clearly notice, but a difference in QC of only 1. This can lead to an underestimation of the impact, although the aircraft will comply with the QC system as the overall QC "budget" is not breached. A cap on the number of ATMs at night would reduce the risk of this happening."*
- 3.5.12. The previous Vanguardia Report³⁸ also stated that *"reliance on the QC system alone to manage noise effects at night is regarded as inadequate as it would permit substantial increases in ATMs for only marginal reductions in how noisy each aircraft is"*. The report also notes the use of ICAO's noise categorisation method, only to regulate noise, is not considered effective. This is because the ICAO ranking does

³⁷ Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01.

³⁸ Dublin Airport North Runway, Addendum Report – Noise “, 19th April 2024, Revision P01, Vanguardia.

not necessarily reflect how noisy aircraft will be at a specific airport because planes are not flown in a standardised manner. In addition, this report notes that the weighting system used allows a substantial number of aircraft within each QC band before the overall quota limit is breached. Therefore, the proposed Noise Quota System would allow a substantial increase in the number of only marginally to moderately less noisy aircraft movements. A movement limit in parallel with the noise quota would go some way to address this issue.

3.5.13. I note the submission of the Additional Awakenings Assessment which was provided to the Board in response to their 1st request for further information. This assessment indicated that sleep disturbance from aircraft movements at night are more sensitive to change due to the number of intermittent noise events (i.e., movement of individual aircraft assessed using the L_{Amax} noise metric) than is suggested in the assessment of those Highly Sleep Disturbed (i.e., movement of aircraft as an average across the night using the L_{night} noise metric). The noise expert's report concluded that the RA is likely to lead to an increase in additional awakenings based on the L_{Amax} of each aircraft movement and the increase in the number of aircraft movements proposed.

3.5.14. In summary if not for a movement limit, any aircraft movement with a quota count value of zero would be unlimited, despite the fact that it is a noise generating movement. In other words, while they may be quieter aircraft, with a slightly lower average fleet noise per movement, the overall noise will increase and lead to additional awakenings. This point is also re-iterated in the most recent Vanguardia Report³⁹. This report again highlights the issues with just implementing a QC scheme alone and the fact that the L_{night} metric used to assess those HSD does not account for the increase in noise energy and the impact that this would have as any impacts are in fact averaged over the whole of the 8 hours of the night period. In this regard the noise consultant's report states the following "*A potential issue with a QC system without a cap on the number ATMs is that negligible to minor reductions in how noisy aircraft are can be traded against substantial increases in the number of ATMs without the QC budget being exceeded. This produces a nil to negligible change in the Percentage of the exposed population Highly Sleep Disturbed (%HSD) assessed*

³⁹ Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01, Vanguardia.

using the L_{night} noise level averaged over the 8 hour period from 2300 to 0700". In order to combat the issue in relation to the possible misrepresentation of the actual impacts on those impacted by the increased noise levels and occurrences at night the noise consultant states "an Additional Awakening (AA) assessment⁴⁰ of such an increase in numbers of ATMs based on the L_{Amax} of each flight could show a significant adverse effect i.e. an increase in persons likely to suffer at least one additional awakening as a result of the RA compared to if the scheme is not permitted. This is more likely where a negligible to minor reduction in how noisy each individual aircraft over flight is results in peak L_{Amax} noise levels of 60 decibels or more".

3.5.15. I note that the NQ of 16,260 appears to be a representation of what the quota could be for the airport to operate as forecasted, this is also examined further under section 3.5.20 and onwards below in relation to the forecasted no. of ATMs as outlined in the various submitted application documents. Therefore, it would appear that the NQS figure seems unrelated to overall noise control. In relation to this I note it is in fact recognised by ANCA within their Draft Regulatory Decision⁴¹, where it is stated "...the 8-hour alternative noise quota limit of 16,260 as suggested by ANCA can be met without imposing any restrictions on how an airline may wish to operate...". Several of the submissions received on the Draft Decision including those from experts and academics in the field criticise the NQ figure of 16,260, noting that the figure far exceeds the figures presented for the London airports. I note however that a direct comparison between the noise quotas in place for the three London airports and that proposed for Dublin Airport cannot be made. As stated previously this is mainly due to the fact that the defined nighttime hours are different under the two noise quota systems i.e., the London airports consider a 6.5hr nighttime period whereas Dublin Airport considers an 8-hour nighttime period. I consider the 8-hour nighttime period appropriate and in line with European standards.

3.5.16. I note a recent study⁴² referenced in the University of Galway submission in response to the Draft Decision in which the inherent shortcomings of relying solely

⁴⁰ See Vanguardia initial and addendum reports for discussion of "Additional Awakenings".

⁴¹ Appendix J of Draft Regulatory Decision, Cost Effectiveness Methodology and Results.

⁴² Dunleavy, C., Manohare, M., King E.A., "On the use of the intermittency ratio for the assessment of aircraft noise during the night", proceedings of INTER-NOISE 2024, Nantes, August 2024.

on a quota count system are highlighted. This submission states that this study found *“that different flight-mix scenarios, all operating within the same Quota Count, could produce variations in L_{night} levels of up to 10dB(A). This variability highlights the quota system's inability to guarantee consistent L_{night} levels, exposing a critical flaw that must be addressed. A movement limit goes some way to mitigate against this”*. A similar point was made previously in the submission received on the appeal from SMTW (dated 2nd September 2022) in which a Technical Note⁴³ is attached which raises concerns with the NQS and its use in the absence of any aircraft movement limit.

3.5.17. The metrics used to measure the effectiveness of the NAO include the number of people highly sleep disturbed and highly annoyed and the L_{night} and L_{den} indicators. While the submitted information as previously reviewed in the initial inspector's report and by the noise expert confirmed that the expected outcomes of the NAO would be met by the RA, I think it prudent here to highlight to the Board the gaining momentum in relation to research into the use of additional metrics, particularly frequency metrics⁴⁴. The use of additional metrics in the approach to the assessment of noise impacts has been raised in numerous submissions submitted on the RA and has also been recommended by the Board's noise expert i.e., the additional awakenings assessment. Notwithstanding the arguments for or against certain metrics, which have been discussed in detail previously above, I consider it important within the context of the assessment of the NQS to also examine its ability to achieve the NAO. The NAO has been discussed in detail within my assessment above and also discussed is the most recent review of the effectiveness of noise mitigation measures in achieving the NAO⁴⁵. I note the applicant has also had sight of this report given their reference to same within their response to the Draft Decision. The summary of the report states the following *“Although the percentage of flights occurring in the night period decreased during 2023 when compared to 2022, the number of nighttime flights was higher during 2023 than in all preceding years. ANCA notes that the planning authority of Fingal County Council has issued an enforcement notice to require daa to conform with Condition 5 of the North Runway*

⁴³ Technical Note – A review of a proposed noise quota system for Dublin Airport, Dr Eoin A.King.

⁴⁴ US GAO, 2021. Report to Congressional Requesters, FAA Could Improve Outreach through Enhanced Noise Metrics, Communication, and Support to Communities. United States

⁴⁵ <https://www.fingal.ie/sites/default/files/2024-08/noise-mitigation-effectiveness-review-report-for-2023.pdf>

Permission F04A/1755 ABP PL 06F.217429, which, if adhered to, may support compliance with the NAO in the short term. Judicial Review proceedings are ongoing. ANCA will take account of the outcome of those proceedings as it progresses the actions identified". While it is not considered appropriate for the Board to comment on any live cases underway, I do consider it important to note the concerns in relation to the compliance with the NAO as highlighted by ANCA, in particular as these concerns and reference to this document has been highlighted in several submissions received on the Draft Decision. In my opinion, and as supported by the Board's noise expert as well as notable academic opinions and aviation experts, the operation of a NQS without a movement limit would do little to effectively mitigate adverse effects, as it would essentially allow for an unrestricted number of low-quota or zero-quota aircraft movements. While I acknowledged that these movements may individually generate less noise, their cumulative impact could still result in significant noise pollution, undermining the NAO's intent. As such and taking into account the most recent ANCA effectiveness review, it is unlikely the NQS alone would meet the Noise Abatement Objective.

3.5.18. While several parties have criticised the introduction of the movement limit in the Draft Decision, these objections appear to ignore the fact that the noise quota count as proposed was in fact determined using future forecasted number of ATMs as outlined by the applicant. While a NQS allows greater flexibility in the type of aircraft using the airport, I do not consider its use solely as the best approach in addressing the noise problem which will arise as a result of the RA. I therefore consider that a NQS in conjunction with a movement limit to be the best approach. Properly implemented, the movement limit ensures that the total number of night flights remains controlled, thereby effectively managing noise levels.

3.5.19. While I note that section 9(7) of the 2019 Act states "*measures 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*", I also consider that the introduction of an appropriate movement cap which reflects the figures of the NQS while also taking into account the forecasted figures as presented by the applicant (i.e. not more restrictive than necessary to achieve the NOA) is the most suitable approach. An examination of the proposed movement cap as outlined under draft Condition no. 5

and the relationship of same with the NQS, as well as those figures forecasted by the applicant within the submitted relevant documents and EIARs is carried out in the sections that follow. The submissions received on the Draft Decision have also been considered and discussed where relevant.

Cap on Nighttime Air Traffic Movements

- 3.5.20. Many of the submissions received in opposition to the proposed ATM cap outline that the annual 13,000 nighttime aircraft movement limit proposed under Condition no. 5 of the Board's Draft Decision does not have any rational basis and is inconsistent with the NQS. Submissions in opposition of the Board's Draft Decision highlight that the blanket application of such a restrictive cap across the nighttime period does not allow for any consideration of the specific characteristics of Dublin Airport's markets and operations, therefore stifling economic growth, tourism and Ireland's attractiveness to foreign direct investment. Other submissions state that the process to reach the draft decision did not follow the balanced approach and is highly skewed towards the impact of night noise alone, without considering its other impacts, notably on the economy and the positioning of Dublin Airport and Ireland's home carriers in the market. Some submissions argue that if a movement limit is to be applied, any such limit should be in line with the proposed QC limit in the NQS.
- 3.5.21. I note that noise quota schemes when used in conjunction with movement caps, are usually applied as an incentive to move to quieter aircraft. This requires, initially at least, the quota count (QC) budget to be consistent with the movement cap. I acknowledge that the annual QC limit of 16,260 as specified in Condition no. 4 of the Board's Draft Decision was not consistent with the 13,000 movement cap. At the target ratio of 0.51 QC per air transport movement (QC/ATM), the QC limit of 16,260 translates to approximately 32,000 annual movements. Notwithstanding the support for a movement cap connected to the QC limit in some submissions, I note there is also criticism of this figure. Several submissions highlight that the 32,000 figure as previously highlighted in the Vanguardia Report is too simplistic a conversion and not appropriate. Many submissions also argue that the QC limit would, if used in combination with a movement cap in fact provide no incentive to use quieter aircraft and in fact that it may result in a disincentive because it would allow the QC/ATM to degrade from the target of 0.51 to approximately 1.25.

3.5.22. The most recent Vanguardia report⁴⁶ highlights that “*the choice of a value for any ATM cap is challenging when considering that the submitted information from the applicant confirms that a) the existing cap on ATMs at night of 65 is exceeded; and b) the number of predicted ATMs if the RA is approved is expected to exceed the increased number suggested to ABP*”. In addition, I note the following which was stated in the initial inspector’s report under section 12.4.46 “*there is some discrepancy in the applicants proposed ATMs at night for the RA. The Mott MacDonald Report and the EIAR vary with a difference of 19 flights. There is no descriptive breakdown of the percentage of annual flights operating at night in either the Mott MacDonald Report or the EIAR or an analysis or the seasonal adjustment for the 92-day average*”.

3.5.23. The initial inspector’s report examined future air traffic movements under Section 1.10 and in further detail under section 12.4.27 onwards. I acknowledge the initial inspector’s reasoning in relation to the figures and the interpretation of the figures presented in both the Mott MacDonald Report⁴⁷ and the EIAR. Having reviewed the information presented however I note the miscalculations regarding the figure of 13,000. The origins of this figure stems from Table 11-1 and Table 13-1 of the Supplementary EIAR which outlines that the permitted scenario for the assessment year 2025 includes 227,000 annual aircraft movements in the proposed scenario, and the Relevant Action proposes 240,000 annual aircraft movements. An assumption was made therefore that the Relevant Action will increase the annual aircraft movements by 13,000. Submissions received on the Draft Decision highlight that the difference expressed under these tables of the 2023 Supplementary EIAR for 2025 does not represent nighttime movements but rather the delta between all Permitted and Proposed ATMs. I note that Ryanair’s submission in response to the Draft Decision highlights that the figure of 13,000 determined from Table 13-1 of the Supplementary EIAR in fact represents the increase in total (day and night combined) annual aircraft movements overall if the current conditions are replaced by the NQS.

⁴⁶ Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01, Vanguardia.

⁴⁷ Dublin Airport Operating Restrictions, Quantification of Impacts on Future Growth, Addendum to the Analysis of June 2021 (Report version 1.3.1) September 2023 Addendum v1.0, Mott MacDonald

- 3.5.24. Regardless of the error in calculations the concerns in relation to the NQS's use solely without the instatement of an additional cap on aircraft movement remains and this has been highlighted throughout the initial inspector's assessment and the reports presented to the Board by their noise consultant - Vanguardia. Having considered all the matters relating to same, as well as considering the additional submissions received in response to the Draft Decision, I would agree with the initial inspector's assessment in general and the requirement for the NQS to be supplemented with a restriction on aircraft movements during the nighttime hours.
- 3.5.25. In relation to stated nighttime aircraft movements at Dublin Airport and figures presented I note the following: daa state in their submission on the Draft Decision that in 2023 - 33,574 movements were facilitated at Dublin Airport over the equivalent period (i.e. 23:00 and 06:59). ANCA's most recent noise mitigation effectiveness review 2023 – states that overall according to “*Figure 2 – Number of annual flights by hour*” that there were a total of 33,507 flights between 23:00 and 06:59. That equates to an average of approx. 92 aircraft movements per night (over 364 days to allow for closure on Christmas day). According to the data presented the busiest period for flights during the defined nighttime hours was from 06:00 to 06:59 when 11,143 flights were recorded with the second busiest hour from 23:00 to 00:00 when 7,015 flights were recorded. The most recent ANCA report also states that total aircraft movements during 2023 at 240,638 marginally surpassed the previous activity peak year of 2019 for the first time since the COVID pandemic. The percentage of nighttime aircraft activity at Dublin Airport was higher in 2023 when compared to 2019 but lower in comparison to 2022.
- 3.5.26. The applicant's agent⁴⁸ states in their response to the Draft Decision that the use of the figure of 87 ATMs per night is not based off the most up to date forecasts available to the Board and that the Supplementary EIAR (September 2023) submission in response to the Board's 1st Request for Further Information revised this forecast figure based on updated forecasts to an average of 98 ATMs per night.⁴⁹ The applicant goes on to state that “*a more accurate approach would have*

⁴⁸ Response to ABP Draft Decision dated 20th December 2024 - Tom Philips and Associates, Town Planning Consultants

⁴⁹ 98 Typical 'Busy Day' Nighttime ATMs (23:00-07:00) as per Table 1-1 Assessment Years, Scenario, PAX and ATMs of Dublin Airport North Runway Relevant Action Application, Environmental Impact Assessment Report

been to multiple 96 ATMS by 364 (Airport closed on Christmas Day) to get an avg. figure of 34,944. Average summer period nightly flights then of 214 days (70%) or 24,460 flights divided by days (214) = 114 flights per night". I note that there would appear to be an error here in the average number of ATMs presented, which should in fact be 98 ATMs as originally outlined by the applicant, in that case if calculations are carried out based on the figure of 98 average ATMs per night that would give an overall ATM cap of 35,672 over the 364 day period in which the airport operates in the year (i.e., closed for Christmas Day). The QC budget of 16,260 would accommodate 31,882⁵⁰ aircraft movements annually (on a basis of 364 days) within the 8-hour night period, which is an annual average of approximately 88 flights (87.58) per night over the year, however as stated previously the QC budget does not account for any flights for aircraft quieter than QC/0.125 as these are currently exempt from the noise quota. Thus, it would be possible for a significantly higher number of ATMs to occur annually under the NQS alone.

3.5.27. I note that Air Traffic Movements projected for 2025 and 2035 have increased from 236,000 per annum (c. 98 nighttime) in the revised EIAR to 240,000 per annum (c. 114 nighttime) in the supplementary EIAR⁵¹. The IAA submission, received in response to the Board's Draft Decision states that during the most recent pair of summer and winter seasons (Winter 2023-2024, and Summer 2024), there were c.35,000 movements (block times) between 23:00 and 06:59. Over winter 2023/2024 (29th October 2023 to 30th March 2024) there were an average of 85 nighttime movements at Dublin Airport and over summer 2024 (31st March 2024 to October 2024) there were an average of 106 nighttime movements. Based on the above most recent figures from the IAA, if one were to calculate the total annual ATM figures based on the seasonal split figures provided above the total ATM movement for the nighttime period i.e. between 23:00 and 06:59 would be 35,350⁵².

Volume 2 - Main Report, September 2021. The aircraft mix on the busy day schedule has been assumed to be representative of the aircraft mix throughout the year.

⁵⁰ NQ of 16,260 ÷ 0.51 (QC/ATM target value) = 31,882 nighttime aircraft movement annually. If this figure is divided by 364 days then this would result in the average of 87.58 flights per night on average.

⁵¹ See section 1.2.6 of Supplementary EIAR.

⁵² Calculation based on average winter ATM nighttime movement of 85 X 7 = 595 (weekly average) multiplied by 22 weeks = 13,090, plus the average summer ATM nighttime movements of 106 X 7 = 742 by 30 weeks = 22,260. Total ATMS during nighttime period (8 hour period) over whole year based on average figures = 13,090 + 22,260 = 35,350

- 3.5.28. As stated previously ANCA's most recent noise mitigation effectiveness review 2023 – states that overall, according to "*Figure 2 – number of annual flights by hour*" that there were a total of 33,507 flights between 23:00 and 06:59 which equates to an average of 92 aircraft movements per night.
- 3.5.29. The Future Night Movement Demand as presented in the the Mott MacDonald report "Dublin Airport Operating Restrictions, Quantification of Impacts on Future Growth, Addendum to the Analysis of June 2021 (Report version 1.3.1) September 2023 Addendum v1.0" in the table on page 6 shows there were 116 ATMs at night in 2019 and 138 ATMs are predicted at night in 2025 based on busy day schedules, if the RA is approved and the current cap is removed. This predicted +15% increase is stated mainly to relate to growth in night cargo flights.
- 3.5.30. A season split was proposed under draft Condition no. 5 between the summer and winter periods to allow for extra flights during the 92-day summer busy period. I note that various submissions criticise the use of this split and stated that the method in which it was applied was incorrect and contradictory. For clarity, for the purpose of airline schedules, winter and summer refer to the IATA scheduling seasons. In reality I note that the winter season spans from the last Sunday in October to the last Saturday in the following March. The summer season starts on the last Sunday in March and ends on the last Saturday in the following October. The winter season is 22 weeks long and the summer season is 30 weeks long. The 92-day summer busy period is simply a tool used to assess the required capacity for planning purposes. I consider the use of a seasonal split of the aircraft movement limit within any proposed conditions unnecessary and note that the demand for flights at the various times of year usually dictates the aircraft movement split. In addition, I also note the IAA's submission which states that "*seasonal split as proposed is not a matter which should be specified in an Operating Restriction unless required by CEA*". Therefore, as the Cost Effectiveness Analysis did not require such a split, and also given the reasons outlined above I see no benefit in maintaining this and would recommend the Board remove same in any future related condition.
- 3.5.31. Based on the information outlined within the RD as it relates to the proposed NQS of 16,260, as well as the information contained in the submitted application and that received in response to the further information requests, as well as the applicant's response to the Draft Decision consultation, I have calculated the following as an

appropriate ATM Annual Cap of 35,672⁵³ for nighttime flights at the airport. I consider this figure would accommodate historic slots and also allow for a certain degree of flexibility in the future. I also consider that the proposed new cap is not unnecessarily restrictive given that it is less restrictive than the QC operating restriction is forecast to be.

- 3.5.32. It is considered that the implementation of a cap in tandem with the NQS would in fact allow for the growth of the airport up to the NQS limit of 16,260 while also limiting the number of nighttime flights under the overall ATM cap (i.e., taking into account the quieter aircraft that would fall below any numerical recording under the NQS). As highlighted previously and as also reiterated in the most recent report from the Board's noise expert⁵⁴ under a QC system the exchange of a number of aircraft in a QC band for twice the number in the QC band below or even four times as many in the QC band below that, means the overall QC limit is not breached.

Consequently, an assessment of potential difference in % Highly Sleep Disturbed would not indicate any change, as the overall energy averaged L_{night} level would not be altered. However, there is a substantial increase in the number of only marginally to moderately less noisy ATMs, which is likely to lead to an increase in Additional Awakenings⁵⁵ based on the L_{Amax} peak noise level of each ATM and the number of ATMs, as this method is more sensitive to changes in the number of intermittent noise events where the L_{Amax} of the ATMs is already indicating adverse effect on sleep i.e. more than 60 dB L_{Amax} . Consequently, a QC system is best used in conjunction with an overall cap on the number of flights.

- 3.5.33. As stated previously under section 3.5.26 the applicant within their EIAR⁵⁶ outlined that the most recent figure based on updated forecasts states an average of 98 ATMs per night. This figure is not arbitrary and as stated has been provided by the applicant, having considered this information, as well as that of the Board's noise

⁵³ See Section 3.5.26 of current report for calculations.

⁵⁴ See Appendix 4: Dublin Airport North Runway, Response to Submissions on Draft APB Decision – Noise, 21st February 2025, Revision P01, Vanguardia.

⁵⁵ As part of normal sleep physiology, we have on average around 23 awakenings a night independent of any noise events, extra awakenings due to noise are “additional”. See the initial and addendum reports for more discussion of assessing noise impacts on sleep and the concept of additional awakenings.

⁵⁶ 98 Typical ‘Busy Day’ Nighttime ATMs (23:00-07:00) as per Table 1-1 Assessment Years, Scenario, PAX and ATMs of Dublin Airport North Runway Relevant Action Application, Environmental Impact Assessment Report Volume 2 - Main Report, September 2021. The aircraft mix on the busy day schedule has been assumed to be representative of the aircraft mix throughout the year.

expert and the paragraphs above it is considered that a cap in conjunction with the NQS would control the cumulative impacts of any increase in noise events at night to a certain level i.e., where the NQS is reached first this would limit noise impacts or where the ATM limit is reached first this would limit noise impacts. It is also worth remembering that the QC system would be governed by other restrictions also i.e.:

- No aircraft with a Quota Count of 4.0 or more shall be permitted to take off at the Airport during the nighttime.
- No aircraft with a Quota Count of 2.0 or more shall be permitted to land at the Airport during the nighttime.

3.5.34. The use of a system, with both working in tandem, in my opinion is the optimal solution and is best aligned with the wider sustainability aspects of the NAO. At this juncture, I would also like to remind the Board that where following the implementation of these measures the NAO is still not being met a reassessment of the system by ANCA would then be required in line with their duties and responsibilities.

Cost Effectiveness Analysis (CEA)

3.5.35. In relation to Cost Effectiveness Analysis I note that that several of the submissions received raise the issue of the lack of same examination with regard to the ATM cap as proposed under draft Condition no.5. I note in the submission received from Ryanair in response to the Board's Draft Decision it is stated under para. 2.13 *"ANCA's decision did not have the effect of limiting capacity below the current capacity and, as such, the requirement to undertake a cost effectiveness assessment by reference to Annex II of the Aircraft Noise Regulation was not engaged"*. Para. 2.14 of same submission goes on to state *"However, in circumstances where the Board is now proposing an aircraft movement limit that will materially reduce the number of night flights, any assessment of the cost effectiveness of such a measure would require overt assessment of the above factors"*. I understand that any material reduction in the number of night flights would then require analysis of the effect on existing airline slots and, in particular, whether the inevitable removal of such slots is lawful, justified or proportionate to the identified noise problem. I note the requirements of Annex II of Regulation (EU) No 598/2014 in this regard.

- 3.5.36. I note that a Cost Effectiveness Analysis was carried out by the applicant for the 2021 EIAR (Revised EIAR) and also for the Supplementary EIAR in 2023, in both cases these were completed by Ricondo. The updated CEA for 2023 was informed by updated noise metric results which were provided by Bickerdike Allen Partners (BAP) to Ricondo on 2nd September 2023. The aircraft noise model was updated to incorporate a new aircraft movements forecast reflecting the post-pandemic conditions and adjustments to the modelled flight tracks associated with the North Runway. The updated movements forecast has over 10 percent more annual night flights in 2025 without the Permitted Conditions 3(d) and 5 relating to restrictions on the nighttime use of the runways, compared to the previous forecast that supported the analysis documented in the 2021 CEA Report. The increase is effectively all Boeing 737 MAX aircraft, so it does mean the average aircraft is quieter than previously assumed, but all else being equal larger night noise contours and a higher quota count are expected as a result of this change. The updated CEA (September 2023) concludes that *“the updated cost-effectiveness analysis results in the same recommended measures as those in the 2021 CEA Report”*. An analysis of the appropriateness of both CEAs was carried out by Vanguardia which informed the initial inspector’s report. I note the analysis did not raise any concerns.
- 3.5.37. Having regard to the Ricondo report, which has been updated, I do not consider the CEA is substantially different to the CEA considered by ANCA. ANCA undertook a CEA of the proposed runway uses and noise insulation scheme for the RA. The RD Report states that the analysis presented in the report has had regard to the material submitted by the applicant as presented in Appendix A, this includes both the original EIAR and Revised EIAR (2021) (Note: the supplementary EIAR (2023) had not been submitted prior to the RD being finalised).
- 3.5.38. Given that the figure which informs the proposed new ATM cap originates from the applicant’s documentation (including the EIAR) which have been subject to CEA, as submitted to ANCA for analysis and updated as appropriate by Ricondo in 2023 and also given that the proposed annual cap of 35,672 does not limit nighttime flights below the Annual Night Quota 8H Equivalent of 16,260 if an QC/ATM target value of 0.51⁵⁷ is used, I do not consider that the most recent CEA as presented by Ricondo

⁵⁷ A QC budget of 16260 with an average QC to ATM ratio of 0.51 is equivalent to approx. 87 ATMs per night.

in 2023 would require re-examination or altering. I am therefore satisfied that a revised CEA is not required in relation to the proposed new annual cap figure of 35,672.

3.6. Draft Condition 3 (e)

- 3.6.1. Many submissions raise concerns in relation to the inclusion of additional Part (e) to draft Condition no.3. The proposed condition is outlined in the Draft Decision as follows: *“(e) Runway 10L-28R shall be used for departure only between the hours of 06:00 to 08:00”*.
- 3.6.2. The submissions received raise the issue of the inclusion of this additional restriction on operations under part (e) and its interpretation when considered in conjunction with the remaining parts of Condition no. 3 of the original North Runway (NR) permission (PL.06F.217429). Submissions received outline that draft Condition 3(e) when taken together with the existing Condition 3(c) of the NR permission means that in easterly wind conditions, aircraft could neither arrive or depart from the North Runway effectively barring operations between 06:00 and 08:00, with all operations forced to the South Runway between these hours of 06.00 and 08.00, creating operational inefficiencies and risks. Many of the local residents in particular within the St. Margaret’s area state that the imposition of this condition is extremely unfair given that noise from departing aircraft is so much greater than noise from landing aircraft, and it is not reasonable to think that they should have to endure all departures during these hours.
- 3.6.3. Submissions received from the daa and IAA have raised concerns in relation to the multiple possible interpretations of draft Condition 3(e), therefore calling into question the actual reasoning behind the condition. They state that draft part (e) implies that the use of Runway 10L for arrivals would be prohibited between 0600 and 0800, which would then appear to mean that there is no arrivals runway between 0600 and 0800 for parallel runway operations. Another effect of Draft Condition no. 3(e) would be a variation to the previously submitted ‘eligibility contour’ for the insulation scheme which has not been acknowledged. The submission received from Aer Lingus highlights that the vast majority of aircraft departing between 06:00 and 08:00 make up to 4 return trips between Dublin and European cities, returning to Dublin in

the late evening and restarting the cycle the following morning. They emphasise that these services form the backbone of Ireland's connectivity to Europe and that they also underpin the Dublin hub by providing European connectivity to and from North American flights. The imposition of this proposed draft restriction would have an adverse effect on runway movements and the ability of Dublin airport to run efficiently. The addition of part (e) would mean that on days with an easterly wind, passengers using Dublin airport would inevitably be subject to delays, disruption and short notice cancellations.

- 3.6.4. As per Chapter 13 of the supplementary EIAR I note that Section 13.7 titled 'Assessment of Effects and Significance' which examines the 'Effects During Operation with the Proposed Relevant Action' outlines that noise contours for the 2025, 2035 Proposed Scenario produced for assessment metrics L_{den} and L_{night} assume, that during the peak early morning period of 06:00-08:00, one runway is used for arrivals and one runway is used for departures. This is also referred to within the introduction to the chapter under Section 13.1 where it states that the changes between the Revised EIAR (2021) and the Supplementary EIAR (2023) include for the assumption that "*segregated mode is in use from 06:00 to 08:00. This reverts a change made in 2021 EIAR*". What this effectively means is that one runway is used for arrivals and the other runway is used for departures. I cannot find anywhere within Chapter 13 where it specifically states that the north runway only should be used for departures between 06:00 to 08:00. I also note that the applicant did not propose any amendments to the preferential use of the runway as part of the current RA application.
- 3.6.5. In addition, I also have concerns in relation to the timing restrictions imposed in the draft condition given that the proposed restrictions would apply to the hour of 7:00-8:00 (i.e. wording refers to 06:00 to 08:00), which is a daytime hour which is outside of the consideration of the Relevant Action application.
- 3.6.6. In examining the proposed additional restriction on current operations, I understand that in westerly winds, it would be normal practice for Runway 10L-28R (North Runway) to be used for departures only during these hours. However, in limiting the North Runway to departures only between the hours of 6am and 8am, this will have the effect of imposing single runway operations at Dublin Airport during easterly winds during which arrivals would normally be on the northern runway from the

Runway 10L and departures would normally be from the southern runway on Runway 10R. I understand that the imposition of such a restriction would have a negative impact on airport operations, causing a reduction in airport capacity and runway movements thereby increasing taxi times with on time performance being adversely affected during the critical first wave of departures from the airport. The restriction would also most importantly conflict with Option 7b which was the chosen operational scenario under the original north runway permission (ABP Ref. PL06F.217429). Informed by noise modelling at the time this approach aimed to limit the number of people affected by operations on the northern parallel runway. This option states that when winds are from a westerly direction runway 28L (south runway) will be preferred for arriving aircraft. Either runway 28L or 28R will be used for departing aircraft as determined by Air Traffic Control (ATC). When winds are from an easterly direction, either runway 10L or 10R as determined by ATC will be preferred for arriving aircraft. Runway 10R will be preferred for departing aircraft.

- 3.6.7. Essentially, Option 7b is a single mode of operation i.e. westerly single mode is for departures and arrivals to the west and vice versa for easterly mode. The Board should note that Dublin Airport operates approximately 75% westerly single mode and 25% easterly single mode due to the prevailing west to southwest winds. There would therefore appear to be direct conflict between existing condition 3(c) and Draft Condition 3(e).
- 3.6.8. In conclusion, I consider there has been a misinterpretation of the Supplementary EIAR within the initial inspector's assessment and I would recommend that the Board remove draft Condition no.3 part (e) from any final regulatory decision. I note as per current runway operations at Dublin Airport the south runway is preferred for arrivals during westerly winds and either the north or south runway for departures as determined by ATC. The north runway is preferred for arrivals in easterly winds with the south runway preferred for departures during easterly winds.

3.7. Draft Condition no. 6

- 3.7.1. Draft Condition no. 6 outlines the details of the voluntary residential sound insulation grant scheme (RSIGS). Submissions specifically in relation to the details contained in this condition have been received from both concerned third parties and also the

applicant. ANCA's Regulatory Decision sets out that the purpose of its related Third Condition i.e. the RSIGS, is to help to mitigate effects on those who become newly exposed to potentially harmful levels of aircraft noise. It will also benefit those who have already been exposed to noise above this priority value and would continue to be so in the future. The initial inspector's report examined the RD and noted that mitigation in relation to those exposed to a "very significant" rating arising from forecast noise levels of at least 50 dB L_{night} in the first full year when the Relevant Action comes into operation, with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year, had not been included within the RD's third condition. This was also flagged as a necessary mitigation measure by the Board's noise expert within their reports. The specific mitigation in relation to this additional eligibility criteria is listed under Chapter 13 of the Supplementary EIAR, outlined in detail under Section 13.8 "Mitigation and Monitoring". Eligibility for insulation within this contour area will be temporary and restricted to alterations in the flight patterns and I note that applicable areas are included in the applicant's Eligibility contour maps⁵⁸. This additional eligibility criterion was included as part of the RSIGS under Condition no.6 of the Draft Decision.

- 3.7.2. In relation to the above I note the submission from the applicant in response to the Draft Decision where they request that the following wording, as emphasised by my underline, is added to the condition "*Residential dwellings situated in the 50 dB L_{night} contour in the first full year when the Relevant Action comes into operation, together with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year. For the avoidance of doubt, this represents a one-off review after the first full calendar year when the RA is in operation or may be aligned with other two-yearly noise insulation reviews and reports.*" I consider this addition acceptable and would recommend the Board consider same as part of any final RD.
- 3.7.3. The Board will note that the initial inspector's report also made a recommendation to include an additional eligibility criterion to the scheme under draft Condition no. 6 for all residential dwellings that satisfy the following criteria:

⁵⁸ Updated Eligibility Contour Area maps - reflecting any changes to the areas proposed for nighttime insulation having regard to the alterations in the flight patterns included in the supplementary EIAR – received by the Board on 4th March 2024 in response to second additional information request.

“Residential dwellings subject to aircraft noise of 80 dB L_{Amax} based on the noise footprint of the airport’s westerly and easterly single modes of approach and departure (not averaging the modes of operation of the airport over the 92 days of summer) between 2300 hrs and 0700hrs”.

- 3.7.4. This recommendation was informed by the Board’s noise expert who recommended alterations to the applicant’s noise insulation scheme. The Vanguardia report highlighted a range of issues regarding the Regulatory Decision including the lack of provision of additional mitigation to address excessive nighttime noise. In particular, concerns were raised regarding the absence of any mitigation in relation to the impacts from noisy aircraft on those situated under the new flight paths. It was found that the conditions of the RD did not adequately address this impact as there is no direct correlation between the Effective Perceived Noise Level (EPNL) dB and the A weighted noise (i.e., L_{Amax}) of an aircraft. The concern was therefore raised that a restriction on an aircraft with a QC of 4.0 on departure or 2.0 on arrival would ban the very noisy aircraft during the nighttime however it would not prevent other aircraft of a lower QC value that may also adversely affect sleep from using the airport. The additional awakenings report⁵⁹ also highlighted the significance of awakenings from single mode operation in the summer, particularly from easterly operations. The inclusion of a third qualifying criterion for noise insulation that would include all residential properties predicted to be exposed to peak noise levels of 80 dB L_{Amax} by the loudest aircraft using the airport between 23:00 and 06:59 hrs, would also ensure that aircraft movements not included in the average noise contours (i.e., L_{night}) which may affect additional awakenings can be adequately mitigated. Therefore, it was recommended that noise insulation be provided to dwellings located within the flight paths of aircraft which have a noise footprint of 80 dB L_{Amax} to adequately mitigate the impacts of same⁶⁰. I note that many of the third-party submissions received on the Draft Decision reference this further eligibility criteria as a positive step.

⁵⁹ NOISE MODELLING REPORT ABP RFI 27 APR 2023, Bickerdike Allen Partners - received by the Board in response to their 1st request for further information – 14th September 2023.

⁶⁰ This recommendation is based on a UK study in 1992 which found that ATM levels of about 80 dB L_{Amax} was likely to cause an increase in sleep disturbance. The average arousal level during the night, from the movement of aircraft, was about 1 person in 30. Using this additional awakening method of assessment, 1 additional awakening is rated as a significant effect on sleep disturbance. Based on this study Heathrow has a supplementary night noise insulation criterion whereby properties predicated to experience 80 dB L_{Amax} or more at night from the noisiest ATM qualify for noise insulation. This recommendation is in addition to those within the L_{night} contours.

- 3.7.5. Having reviewed the information at hand, I consider the combination of both the QC restrictions and the additional mitigation in relation to those dwellings that experience an 80dB L_{Amax} will ensure any significant impact on sleep would be mitigated for the residents of those properties which may suffer potential impacts in the future. I would agree with the conclusion of the initial inspector's report in this regard and I am satisfied that the alteration to the noise insulation scheme to allow insulation of properties which are subject to aircraft noise between 23:00 and 06:59 hrs of 80 dB L_{Amax} , based on the noise footprint of the airport's westerly and easterly single modes of approach and departure will complement the current insulation scheme and mitigate against the noisiest aircraft movements.
- 3.7.6. In relation to the above I note the applicant's submission in which they contest the additional criterion and the use of L_{Amax} metric. I also note the updated report in relation to the Awakenings Assessment⁶¹ submitted as part of the applicant's response to the Draft Decision. The submitted report reiterates that information which was previously presented as part of the initial RFI response in September 2023. I consider I have addressed the topic of additional awakenings previously under section 3.4 above.
- 3.7.7. Notwithstanding the applicant's contention of draft Condition no.6, I also note the applicant's feedback in relation to the wording of the RD should the Board decide to include the additional criterion. The applicant's submission states the following *"if it is determined that an L_{Amax} criterion is to be included in the eligibility criteria for the RSIGS scheme, it must be more rigorously defined. As currently drafted, this could refer to any aircraft noise event including rare events. L_{Amax} data should be drawn from the Annual Airport Noise Contour calculation model based on Noise Modelling because this covers every point in the airport vicinity. For the avoidance of doubt, noise monitoring data is not useful for this purpose as it is not practical or feasible to measure aircraft noise at every house location under all operational circumstances. An appropriate metric that can be modelled is the Noise Above 80 dBA L_{Amax} (N80) = 1. This would exclude irregular or infrequent events such as the US President's 747"*.

⁶¹ DUBLIN AIRPORT NRRA, ABP DRAFT DECISION, AWAKENINGS ASSESSMENT, SENSITIVITY TESTING, A11267_27_RP066_2.0 20 December 2024, Appendix B , Bickerdike Allen Partners.

- 3.7.8. Having reviewed the applicant's submission, I see merit in amending the wording of the RD to ensure any ambiguity in interpretation is excluded in the future. Therefore, the following amended wording is suggested with additional text emphasised by underline:

Residential dwellings subject to aircraft noise of 80 dBA L_{Amax} based on the noise footprint of the airport's westerly and easterly single modes of operation of the airport over the 92 days of summer) between 2300 h and 0700 h. The 80 L_{Amax} boundary contour shall be calculated using the Airport Noise Contour Model for the previous year. The boundary should be based on the calculated Noise Above metric of 80dBA L_{Amax} (N80) = 1 contour line. (This will include any location with 1 or more events per night of L_{Amax} 80 dBA or more).

- 3.7.9. As discussed under the initial inspector's report it is generally acceptable that delivery of insulation can be costed as a mitigation measure within the Balanced Approach to changing of operational activities at airports. Therefore, I do not consider any alterations to the insulation measures necessary to mitigate against the noise from the NQS would significantly alter the CEA for the RA. Therefore, in conclusion, I recommend that the Board consider the above proposed amendments as part of the final RD.
- 3.7.10. In relation to the financial support currently offered under the grant scheme, third party submissions highlight that the amount of €20,000 offered towards insulation is insufficient to cover the works required. I note that the applicant has addressed these concerns separately within their submission on the Draft Decision. In their submission the daa state the following "*we are currently developing further incentives and practices, including a possible new financial mechanism (end-2025) to promote stricter adherence by airlines to the NPRs, as well as voluntary expansion of our noise insulation scheme in certain qualifying areas. Early in 2025 we intend to announce an increase to the level of financial grant for insulating qualifying houses to €30,000 and notify eligible parties formally. We confirm we are happy for this to be reflected in any Final Regulatory Decision of ABP*". This increase in financial grant support is welcomed and I consider same will contribute significantly to addressing the concerns raised by third parties in relation to the financial costs of adequate insulation. I consider the final RD should include for this increase within its details. Should the Board agree, I would suggest that *Part 2 –*

Purpose of the Scheme of the Condition that relates to the RSIGS be amended to include the following statement:

The purpose of the scheme is to provide financial assistance by the Applicant to property owners in the form of a grant in the sum of €30,000 (Index Linked) towards the costs of noise insulation measures to Bedrooms in Eligible Dwellings (the Grant).

3.8. Regulatory Decision - Conclusion and Recommendation

3.8.1. The original RD as proposed by ANCA and adopted by Fingal County Council proposed alterations to the current permitted operating procedures at Dublin Airport to include the additional movement of aircraft during the night for 2 hrs, between the hours of 23:00 to 00:00 and 06:00 to 07:00. These operational changes also include the replacement of the existing aircraft movement restriction of 65 flights per night during the 92-day busy period to a Noise Quota Scheme (NQS) during the nighttime hours. The operational changes referred to above required a change to Condition No. 3 (d) and No 5. of the original North Runway permission ABP Ref. PL06F.217429 (FCC Reg. Ref. F04A/1755) as detailed below:

- Condition 3(d) – Runway 10L-28R (the North Runway) shall not be used for take-off or landing between 23:00 and 07:00 (i.e., the night period).
- Condition 5 – The average number of nighttime aircraft movements at the Airport shall not exceed 65 per night (between 23:00 and 07:00) when measured over the 92-day modelling period.

Additional mitigation measures in the form of nighttime noise insulation are also included in the proposal.

3.8.2. The Board's Draft Decision and a related report, as issued on the 17th September 2024, adopted Conditions no. 1, 2 and 3 of the original ANCA RD⁶² but also proposed several additional elements to the RD. These changes have been outlined in detail under Section 3.1 of my report (above) and summarised as follows:

- Draft Condition no. 3 - Adopted the original RD's Second Condition which related to restrictions to the operational hours of the north runway but also included an additional Draft Condition 3 Part (e) which placed an additional

⁶² <https://www.fingal.ie/sites/default/files/2022-06/Regulatory%20Decision.pdf>

operating restriction on the north runway restricting use of Runway 10L-28R to departures only during the hours of 06:00 and 08:00.

- Draft Condition no. 4 – Adopted the original RD’s First Condition which related to the NQS with no changes proposed.
- Draft Condition no. 5 – Included an additional operating restriction which included for an annual aircraft movement limit (ATM) of 13,000 for the airport which was to be used in tandem with the NQS and included for a seasonal split to allow for extra flights during the 92-day summer busy period.
- Draft Condition no. 6 - amended the Residential Sound Insulation Grant Scheme (RSIGS) to take into account the updated Eligibility Contour maps of submission dated 4th March 2024 on behalf of the applicant by Tom Philips and Associates (which were attached to the Draft Decision) and also included further eligibility to the scheme for all residential dwellings that satisfied the following criteria:
 - Residential dwellings situated in the 50 dB L_{night} contour in the first full year when the Relevant Action comes into operation, together with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year,
 - Residential dwellings subject to aircraft noise of 80 dB L_{Amax} based on the noise footprint of the airport’s westerly and easterly single modes of approach and departure (not averaging the modes of operation of the airport over the 92 days of summer) between 23:00 hrs and 06:59hrs.

3.8.3. Having reviewed the submissions received on the Draft Decision and considered the implications of the additional operational restrictions outlined under draft Conditions no. 3 part (e) and no. 5 as discussed in detail within my assessment above, I have determined that condition no. 3(e) is unnecessarily restrictive and following a reassessment of the information in relation to the RD and RA including the supplementary EIAR is in fact not required. I would suggest that the Board therefore remove same from their final decision.

3.8.4. In relation to draft Condition no.5, I am in agreement with the initial inspector and indeed the Board’s Draft Decision in that the information contained in the RD and the

RA does not adequately demonstrate consideration of all measures necessary to ensure the increase in flights during the nighttime hours would prevent a significant negative impact on the existing population. In reaching this conclusion, regard was given to the information submitted by the applicant in relation to the Additional Awakening Assessment, the NQS and the number of air traffic movements proposed and also to the expert advice received from the Board's noise expert as well as the many third-party submissions received on the Draft Decision. I have carried out a thorough re-examination of the NQS and figures as outlined within the various related documents including the supplementary EIAR, the Mott MacDonald Report⁶³ and the up-to-date information contained in the submissions received on the Draft Decision. The error in calculations in the initial inspector's report has been acknowledged and having reassessed the figures presented in the submitted information I have calculated an appropriate ATM Annual cap of 35,672 for nighttime flights at the airport. As outlined in my report above this figure for the proposed aircraft movement cap is not arbitrary and has in fact been informed from the applicant's figures presented within the submitted EIAR⁶⁴. The north runway as it currently operates, (along with the south runway and cross wind runway where necessary) falls under the limit of 65 flights that can arrive or depart from Dublin Airport during the night, regardless of the sound level emitted from the planes concerned, the proposed aircraft movement limit of 35,672 will allow for an average of 98 aircraft movements during the nighttime hours at Dublin airport, thus in fact increasing the figures permitted under the existing operating restriction associated with the extant North runway permission (F04A/1755 ABP PL 06F.217429).

- 3.8.5. It is considered that the implementation of a cap in tandem with the NQS would in fact allow for the growth of the airport up to the NQS limit of 16,260 and the annual nighttime ATM cap of 35,672 while also limiting the amount of nighttime flights with the overall ATM cap (i.e. which takes into account the quieter aircraft that would fall below any numerical recording under the NQS). I also consider that the annual aircraft movement nighttime cap figure of 35,672 would accommodate historic slots

⁶³ Dublin Airport Operating Restrictions -Quantification of Impacts on Future Growth - Addendum to the Analysis of June 2021 (Report version 1.3.1) September 2023 – Addendum v1.0

⁶⁴ 98 Typical 'Busy Day' Nighttime ATMs (23:00-07:00) as per Table 1-1 Assessment Years, Scenario, PAX and ATMs of Dublin Airport North Runway Relevant Action Application, Environmental Impact Assessment Report Volume 2 - Main Report, September 2021.

and also allow for a certain degree of flexibility in the future. Most importantly I consider that the proposed new cap is not unnecessarily restrictive given that it is less restrictive than the QC operating restriction is forecast to be.

- 3.8.6. In relation to Condition no. 6, I consider the additional eligibility criteria as outlined in the Draft Decision necessary and appropriate. I also note that the supplementary EIAR relies on a second proposed criteria (i.e., exceed 50 dB L_{night} , and are 9 dB higher than in a scenario with the operating restrictions) to ensure insulation for properties located within new flight paths. I also agree that the third criterion is necessary for all properties subject to aircraft noise of 80 dB L_{Amax} during the night to provide insulation for properties located under the flight paths of very noisy aircraft and ensure adequate mitigation is provided to prevent any impact, from aircraft noise at night, on the existing population.
- 3.8.7. Having complied with the relevant subsections of Section 37R of the PDA, which provides details of the supplementary provisions relating to decisions on applications referred to in section 34C(1) which were not refused by virtue of section 34C(5) of the PDA, and in considering section 9 of the Aircraft Noise (Dublin Airport) Regulation Act 2019 and in particular in considering the Noise Abatement Objective, the Balanced Approach, Cost Effectiveness Analysis, Alternatives Considered, Noise Mitigation Measures and Operating Restrictions, as well as having regard to the submissions and observations received in response to the Draft Decision, as well as considering all information previously on file, I would recommend the Board in its determination of the relevant appeal in so far as the appeal relates to the relevant Regulatory Decision adopt the following:

First Condition:

The existing operating restriction, Condition 5, of the North Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reading as:

'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'

shall be revoked and replaced with an annual noise quota scheme operating restriction as follows:

The Airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise-related limits on the aircraft permitted to operate at night. The NQS shall be applied as detailed below.

Part 1 - Definitions

1.1 The following definitions shall apply with reference to the scheme described in Part 2.

Term: Annual Quota Period

Meaning: The twelve-month period from 1 April to 31 March inclusive each year.

Term: EASA Noise Certification Database

Meaning: The database of noise certification levels approved and as varied from time to time by the European Union Aviation Safety Agency (EASA) and published on its website. (<https://www.easa.europa.eu/domains/environment/easa-certification-noise-levels>).

The noise levels are established in compliance with the applicable noise standards as defined by International Civil Aviation Organization (ICAO) Annex 16 Volume 1.

Term: Night time

Meaning: The hours at night between 23:00 (local time) to 07:00 (local time).

Term: Noise Classification Level (NCL)

Meaning: The noise level band in EPNdB assigned to an aircraft for take-off or landing, as the case may be, for the aircraft in question for the purposes of identifying the Quota Count of the aircraft. The Noise Classification Level for an aircraft taking off from and landing at the Airport shall be taken from the Flyover Level from the EASA Noise Certification Database:

NCL(Take-Off) = EPNL(Flyover)

$$NCL(Landing) = EPNL(Approach) - 9 \text{ dB.}$$

Term: Quota Count.

Meaning: The amount of the quota assigned to one take-off or to one landing by an aircraft based on the Noise Classification Level for the aircraft having regard for engine type and take-off weight:

Noise Classification Level	Quota Count (QC)
Greater than 101.9 EPNdB	16.0
99-101.9 EPNdB	8.0
96-98.9 EPNdB	4.0
93-95.9 EPNdB	2.0
90-92.9 EPNdB	1.0
87-89.9 EPNdB	0.5
84-86.9 EPNdB	0.25
81-83.9 EPNdB	0.125
Less than 81 EPNdB	0

Part 2 – Noise Quota Scheme

2.1 Subject the dispensations described in Paragraph 2.2:

- (a) A take-off or landing at the Airport shall be determined to fall within the night time based on runway time.
- (b) No aircraft with a Quota Count of 4.0 or more shall be permitted to take off at the Airport during the night time.
- (c) No aircraft with a Quota Count of 2.0 or more shall be permitted to land at the Airport during the night time.
- (d) Each aircraft landing at or taking off from the Airport during the night time will be assigned a Quota Count based on its Noise Classification Level.
- (e) The Noise Quota at the Airport shall be limited to 16,260 for the Annual Quota Period.

2.2 The restrictions set out in Paragraph 2.1 shall not apply in any of the following dispensations:

- (a) Where a take-off or landing of any aircraft at the Airport is made in an emergency, where there is an immediate danger to life or health, whether human or animal.
- (b) Where a take-off or landing of any aircraft at the Airport occurs as a result of a delay to that aircraft which is likely to lead to serious congestion at the Airport and/or serious hardship or suffering to passengers or animals.
- (c) Where a take-off or landing of any aircraft at the Airport occurs as a result of widespread and prolonged disruption of air traffic.
- (d) Flights for military, medical or humanitarian purposes granted exemption by the Irish Government

Part 3 – Noise Quota Scheme Reporting Requirements

3.1 The Applicant shall submit quarterly reports to the planning authority and ANCA on its implementation of the Noise Quota Scheme. The reports shall include:

- (a) the number of aircraft operating during the Noise Quota Period and their type, including technical details including their engines and take-off weights, where applicable;
- (b) the Quota Count assigned to aircraft operating in the Noise Quota Period;
- (c) the total Noise Quota used during the quarter and in the Annual Period to date;
- (d) the total Noise Quota used by Quota Count in the quarter and in the Annual Period to date; and
- (e) Details of any dispensations pursuant to Paragraph 2.2 which have been relied upon during the quarter and in the Annual Period to date.

3.2 The quarterly reports shall be issued so that:

- (a) The first quarterly report considering activity over the period 1 April to 30 June each year is published by no later than the 30 September each year.

- (b) The second quarterly report considering activity over the period 1 July to 30 September each year is published by no later than the 31 December each year.
- (c) The third quarterly report considering activity over the period 1 October to 31 December each year is published by no later than the 31 March the following year.
- (d) The fourth quarterly report considering activity over the period 1 January to 31 March each year is published by no later than the 30 June each year.

Part 4 – Noise Performance Reporting

4.1 The Applicant shall issue annual reports to the planning authority and ANCA on its noise performance. The report for the previous Annual Period (1 January to 31 December) shall be issued by no later than 31 March each year, for the first full Annual Period to which this regulatory decision applied and comprise of:

- (a) Noise exposure statistics and contours as required to facilitate performance review of the Noise Abatement Objective including as a minimum:
 - Annual 55dB L_{night}
 - Annual 65dB L_{den}
 - the number of people ‘highly sleep disturbed’ and ‘highly annoyed’ in accordance with the approach recommended by the World Health Organisation’s Environmental Noise Guidelines 2018 as endorsed by the European Commission through Directive 2020/367, taking into account noise exposure from 45 dB L_{den} and 40 dB L_{night} .
 - Annual L_{night} contours from 40 dB in 5 dB increments
 - Annual L_{den} contours from 45 dB in 5 dB increments
 - Summer 60 dB $L_{Aeq, 16hr}$, 63 dB $L_{Aeq, 16hr}$ and 69 dB $L_{Aeq, 16hr}$ (measured averaged across 92-day summer period from 16th June to 15th September)

- (b) Confirmation of the number of residential properties that (i) have benefitted from and (ii) are eligible for but yet to benefit from the Applicant's noise insulation schemes.
- (c) Key Statistics with respect to aircraft operations in the preceding Annual and Summer Periods including but not limited to:
 - aircraft movements including average hourly movements
 - use of the Noise Quota Scheme
 - movements by aircraft type
 - passenger numbers
 - aircraft destinations
 - flight routings
 - runway use
- (d) Summaries from noise monitoring terminals for the Airport in such format as ANCA shall stipulate.
- (e) Details of all noise modelling undertaken in support of the Noise Performance Reporting describing compliance with the methodology set out in Directive 2015/996 (ECAC Doc.29 4th Edition). All noise modelling shall be validated using local noise and track keeping performance data from the Airport's systems.
- (f) Summary of complaints records for the preceding Annual Period categorised by the:
 - location of complaints; and
 - reason for complaint
- (g) Details of any anticipated changes or developments that may affect noise at the Airport in the current year, through for example airspace change or fleet modernisation.

Reason: To limit the impact of the aircraft noise at Dublin Airport on sleep disturbance in the interest of residential amenity and to ensure the effective

implementation of the Noise Abatement Objective for the Dublin Airport by means of a noise-related limit on aircraft operations.

Second Condition:

The existing operating restriction imposed by Condition 3(d) and the exceptions at the end of Condition 3 of the North Parallel Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reading:

‘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.’

shall be amended as follows:

Runway 10L/28R shall not be used for take-off or landing between 00:00 and 05:59 (inclusive, local time) 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.

Reason: To permit the operation of the runways in a manner which reduces the impacts of aircraft nighttime noise, whilst providing certainty to communities as to how they will be affected by night time operations from the North Runway, while also providing continuity with the day-time operating pattern set down by Conditions 3(a)-(c) of the North Runway Planning Permission.

Third Condition:

The airport shall be subject to an annual aircraft movement limit of 35,672 between the nighttime hours of 2300 and 0659 (inclusive, local time).

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 nighttime use of the existing parallel runway.

Fourth Condition

A voluntary residential sound insulation grant scheme (RSIGS) for residential dwellings shall be provided. Initial eligibility to the scheme shall apply to all residential dwellings situated within the 'Eligibility Contour Sep 2023 as shown in the 'Overview Map' in Pack 1 of submission dated the 4th day of March, 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Draft Decision).

Eligibility to the scheme shall be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55 dB L_{night} contour being eligible under the scheme as detailed in Parts 1 to 5 below.

Further eligibility to the scheme shall include for all residential dwellings that satisfy the following criteria:

- Residential dwellings situated in the 50 dB L_{night} contour in the first full year when the Relevant Action comes into operation, together with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year. For the avoidance of doubt, this represents a one-off review after the first full calendar year when the RA is in operation or may be aligned with other two-yearly noise insulation reviews and reports.
- Residential dwellings subject to aircraft noise of 80 dB L_{Amax} based on the noise footprint of the airport's westerly and easterly single modes of approach and departure (not averaging the modes of operation of the airport over the 92 days of summer) between 23:00 hrs and 06:59hrs. The 80 L_{Amax} boundary contour shall be calculated using the Airport Noise Contour Model for the previous year. The boundary should be based on

the calculated Noise Above metric of 80dBA L_{Amax} (N80) = 1 contour line. (This will include any location with 1 or more events per night of L_{Amax} 80 dBA or more).

Part 1 Definitions

1.1 The following definitions shall apply with reference to the scheme described in Part 2.

Term: Approved Contractor

Meaning: A contractor procured and managed by the Applicant and considered competent and appropriately qualified and have suitable levels of insurance coverage to install the sound insulation measures described in Part 4 in line with acceptable standards and in compliance with the Building Regulations.

Term: Bedroom

Meaning: A room other than in an attic or loft within an Eligible Dwelling which is used as sleeping accommodation.

Term: Competent Surveyor

Meaning: An appropriately qualified surveyor to inspect and determine relevant information in relation to the existing construction and elements of an Eligible Dwelling for the purposes of undertaking an Elemental Analysis as defined in Part 5.1, Step 5 below.

Term: Eligibility Contour Area

Meaning: The 55 dB L_{night} contour area as varied from time to time pursuant to the review process set out in Part 3.2 below.

Term: Eligible Dwelling

Meaning: A habitable dwelling built in compliance with the provisions of the building regulations and the Planning and Development Act within the Term Eligibility Contour Area and which otherwise qualifies under the conditions set out under Part 3.1 below.

Term: Index Linked

Meaning: Index-linked by reference to changes in the Consumer Price Index (CPI) (maintained by the Central Statistics Office) in the period between the Application and the date of the Statement of Need.

Term: Initial Eligibility Contour Area

Meaning: The area shown on the 'Eligibility Contour Sep 2023' as shown in the 'Overview Map' in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Decision).

Term: Relevant External Noise Level

Meaning: The noise exposure level at the relevant Eligible Dwelling.

Term: Statement of Need

Meaning The recommended measures identified from those available under the scheme as outlined in Part 4.

Term Target Performance

Meaning: An improvement of at least 5 dB, where feasible, and acceptable to the homeowner, in the sound insulation of each bedroom of the Eligible Dwelling. Where possible, the guidelines recommended in BS8233:2014 for internal ambient noise levels shall be targeted.

Part 2 – Purpose of the Scheme

2.1 The purpose of the scheme is to provide financial assistance by the Applicant to property owners in the form of a grant in the sum of €30,000 (Index Linked) towards the costs of noise insulation measures to Bedrooms in Eligible Dwellings (the Grant).

2.2 Bedrooms and properties may qualify only once for the financial assistance provided under this scheme.

2.3 Where a dwelling is eligible under this scheme but is also eligible for insulation under the Residential Noise Insulation Scheme (RNIS) and the Home Sound Insulation Programme (HSIP) best endeavours shall be made by the Applicant to ensure that the dwelling receives insulation under RNIS and HSIP instead of this scheme.

Part 3 – Eligibility

3.1 Dwellings shall be determined to be Eligible Dwellings under this scheme if they are located within (i) the Initial Eligibility Contour Area as shown on the map ‘Eligibility Contour Sep 2023’ as shown in the ‘Overview Map’ in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Draft Decision) or (ii) the Eligibility Contour Area (following any review carried out pursuant to Part 3.2 below) and:

- (a) Were constructed pursuant to a planning permission granted following a planning application lodged on or prior to 9th December 2019, being the date of adoption of Variation no. 1 to the Fingal Development Plan 2017-2023 incorporating policies relating to development within Aircraft Noise Zones;
- (b) Have not benefitted from noise insulation previously under this scheme; and
- (c) Have not benefitted from noise insulation under either the RNIS or HSIP schemes previously.

3.2 By 31 March 2027 and every two years thereafter, the Applicant shall update and publish a revised Eligibility Contour Area map identifying all authorised habitable dwellings within the 55 dB L_{night} contour in the calendar year immediately preceding the review.

Part 4 - Measures available under the Scheme

4.1 The owner of an Eligible Dwelling in accordance with Part 3 and following the procedure described in Part 5 shall be entitled to the Grant to be applied towards a selection of insulation measures to be applied to Bedrooms within an Eligible Dwelling as specified in Paragraphs 4.2 to 4.10 below.

4.2 The insulation measures referred to in Paragraph 4.1 must be installed by an Approved Contractor and comprise of the following unless the equivalent measure already exists within the Eligible Dwelling

- (a) Primary Acoustic Glazing

(b) Secondary Acoustic Glazing

(c) Glazing Roof Light

(d) Passive Ventilator

(e) Mechanical Ventilator

(f) Loft Insulation

(g) Ceiling Overboarding

4.3 The sound installation measures provided under this scheme shall otherwise comply with the specification of the measures in place under the RNIS scheme as summarized in Part 5 below.

4.4 Where secondary acoustic glazing is to be installed, this shall meet the following specification, namely, 6.4 millimetres laminated glass with minimum 100 millimetres gap from the primary glazing unit. However, where this is not possible, the secondary glazing should be provided to account for the below variations.

Thickness of Glazing of the Inner Window	Window Minimum Horizontal Distance
Less than 4 mm and not less than 3 mm thick	200mm
Less than 6 mm and not less than 4 mm thick	150mm

4.5 Where secondary glazing is being installed reasonable endeavours will be made to repair the draft seals, catches and hinges to provide an air-tight seal on the existing primary glazing unit.

4.6 Where a replacement primary acoustic glazing is to be provided, this shall achieve a minimum R_w of 43 dB tested and rated to BS EN ISO 140-3 and BS EN ISO 717.

4.7 Where ventilators (passive or mechanical) are to be provided, a ventilation strategy for the bedrooms within each Eligible Dwelling shall be determined in accordance with Part F of the Building Regulations. Mechanical ventilation shall comprise of a ventilator unit consisting of a controlled variable-speed inlet fan with sound attenuating duct and cover that is capable of

supplying fresh air to the room directly from outside by means of the supply duct and cowl (or grille).

4.8 Where no loft insulation is present in an Eligible Dwelling 200mm of fibrous acoustic insulation may be placed between ceiling joists, the insulation is to have a minimum density of 80 kg/m³. Where insulation is already present but found to be unsatisfactory additional layers of insulation will be added to increase the total thickness to 200mm.

4.9 Any ceiling overboarding shall comprise of a continuous layer of mass to provide at least 12kg/m³ added above joists in attic, for example 22mm plywood (or similar approved).

4.10 In the event that loft Insulation or loft boards cannot be installed due to inaccessibility or other practical reasons, any ceiling overboarding shall comprise a dense plasterboard with a total minimum surface mass of 12kg/m³, that is, 15mm SoundBloc (or similar approved).

Part 5 – Procedure

5.1. The Applicant in operating this Scheme shall follow, the relevant parts of the procedure set out in this Part 5 as required in the discharge of the Applicant's obligations under Condition 7 of the North Runway Consent, the discharge of which obligations is achieved through the RNIS.

Step 1 – Determine Eligibility - Eligible Dwellings shall be identified as per Part 3 of this Schedule.

Step 2 – Notification of Eligibility - The Owner of an Eligible Dwelling shall be notified of their eligibility under the scheme within six months of their eligibility being determined under Step 1.

Step 3 – Determine Relevant External Noise Level - The Relevant External Noise Level at the Eligible Dwelling shall be determined.

Step 4 – Undertake Building Survey – The Applicant shall use reasonable endeavours to arrange for the Eligible Dwelling to be inspected by the Competent Surveyor (and secure the necessary agreement to this from the

owner of the Eligible Dwelling) within six months of eligibility being determined to record relevant information. The building survey shall be carried out by a Competent Surveyor appointed on behalf of the Applicant. The survey shall record the location and number of Bedrooms, and for each Bedroom record the following relevant information:

- External wall constructions - where possible the construction type of the external walls will be recorded for example wall composition including inner leaf, cavity, and external leaf dimensions including all associated building materials;
- Window type – e.g. frame material, single glazing, double glazing, including key dimensions;
- Roof construction – including where possible roof construction type;
- Details of chimneys and fireplaces;
- Ventilation paths – e.g. existing wall and floor vent types, quantities and dimensions;
- Details of any existing sound insulation measures which have been installed previously;
- Dimensions of all Bedrooms including window, roof and wall dimensions;
- Drawings and/or floor plans – if these are available from the owner;
- Photographic records of the building.

Step 5 – Elemental Analysis - An elemental analysis shall be undertaken to provide a technical assessment of the noise insulation required for the Eligible Dwelling. The following process shall be followed:

- (a) The existing sound insulation properties of each Bedroom shall be established;
- (b) The anticipated future internal noise levels within each Bedroom having regard for the Relevant External Noise Level, presented in octave bands

scaled from measurements taken around the Airport, and the existing noise insulation performance obtained from Step (a);

- (c) A comparison shall be made between the anticipated internal noise level to the BS8233:2014 Targets for internal ambient noise;
- (d) An assessment will be undertaken to determine the required improvement in the noise insulation performance, having regard for the Target Performance;
- (e) Through an elemental analysis, the most effective combination of measures set out in Part 4 having regard for the Target Performance and the financial assistance grant shall be identified.

Step 6 – Statement of Need - A Statement of Need shall be prepared for each Eligible Dwelling. The Statement of Need will be a bespoke document for each Eligible Dwelling. The Statement of Need shall:

- (a) Describe the existing sound insulation performance for each Bedroom having regard for the Building Survey as described in Step 4;
- (b) Identify the potential improvement in the existing sound insulation performance for each Bedroom as can be afforded within the Grant and whether the Target Performance can be met;
- (c) Set out the recommended set of measures for the Eligible Dwelling in the form of a schedule of works and the associated measures on a bedroom-by-bedroom basis;
- (d) Provide an opinion on the future internal noise level following the implementation of the noise insulation works and the ability of the works to meet Target Performance.

The Statement of Need shall be issued to the owner of the Eligible Dwelling.

Step 7 – Acceptance - Subject to the owner of the Eligible Dwelling agreeing to the scope of works as defined under the Statement of Need, the engagement of the Approved Contractor and access to the dwelling by the Approved Contractor for the purposes of undertaking the works, the Airport will use

reasonable endeavours to procure that the Approved Contractor undertakes the scope of works within six months of the owner's agreement to the same.

Step 8 – Works – The scope of works as defined by the Statement of Need shall be undertaken by the Approved Contractor or a suitably qualified contractor procured by the homeowner. The Applicant shall procure the Approved Contractor to ensure that the works are undertaken to the necessary standards and in compliance with the necessary regulations and that the Approved Contractor provides the owner with all appropriate certification and warranties relative to the works completed to the Eligible Dwelling. The Approved Contractor shall photograph the Eligible Dwelling before and after the works for record purposes.

5.2 In the event that a property owner declines to accept the scope of works as defined under the Statement of Need (Step 6) the Applicant shall make a grant available towards the costs of sound insulation measures through the Approved Contractor equal to the cost of the measures identified through the Statement of Need. This grant may be used by the owner to request alternative measures providing they as a minimum meet the Target Performance. Where the alternative measures are calculated to cost more than the cost of the measures identified through the Statement of Need, any difference shall be at the expense of the owner.

5.3 In the event that a property owner wishes to appoint their own competent contractor, the Applicant will provide a specification for the works. The property owner must provide a written quotation from their competent contractor for approval of both the identity of the contractor and the quotation by the Applicant. Following approval, the property owner shall be responsible for managing the works and making payments to their contractor and the provisions of and schedule as agreed by the planning authority shall be deemed to be amended accordingly. Upon completion of the works, the Applicant will carry out an inspection and issue payment to the property owner. Where works are not carried out in accordance with the approved specification, payment will not be made by the Applicant. Where works are not carried out in accordance with the approved specification, payment will not be made by the

Applicant. The Applicant must act reasonably in the approvals process, but if the Applicant does not approve of the contractor or the quotation, payment will not be made by the Applicant.

Reason: To account for the impact of noise from individual aircraft movements from, any change in flight paths, and assessed in terms of the maximum noise level at a receptor during the fly-by. Also, to mitigate the impact of aircraft nighttime noise as a result of the use of the Airport's runways.

Please see Appendix 2 of this report for maps detailing 'Eligibility Contour Sep 2023' in connection with above as per 'Overview Map' in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates.

Máire Daly
Senior Planning Inspector

26th May 2025

4.0 Decision on the Relevant Action – Supplementary Report

4.1. Introduction and Background

- 4.1.1. The Board is required under Section 37 of the Planning and Development Act ('PDA') to make a decision on the relevant appeal i.e., the Relevant Action in conjunction with a decision on the Regulatory Decision. I note that the process has been previously explained in detail under the initial inspector's report, including the decision issued by Fingal County Council and the planning assessment as it related to the Relevant Action which is focussed under Section 12.0 to 14.0 (including the EIA and AA processes).
- 4.1.2. Section 1.0 of my report (above) has previously set out an overview of the proposed RA, the background to the process as addressed under the initial inspector's report including relevant timelines and the structure of my current report as it relates to the RA and RD. A substantial amount of information has been submitted to the Board in relation to the RA throughout the appeal process. The planning assessment contained within the initial inspector's report has had regard to all the information provided, including the original application documentation, all submissions and observations lodged by third parties (including prescribed bodies), the responses received on foot of both the Board's requests for further information and subsequent further third-party submissions following circulation of those responses. I have read all the documentation on file including the EIAR (including Revised and Supplementary additions), the NIS (including updated addendums), related planning reports and supporting documentation submitted with the application as well as those received in response to further information requests. I have visited the subject site and its surroundings, and I have also read in full the observations submitted in respect of the Board's Draft Decision including the third-party observations and submissions, the submissions received from the applicant, as well as the observations from the IAA. As previously outlined these submissions have been summarised under Section 2.0 above.
- 4.1.3. As highlighted previously it is not intended to re-evaluate matters concerning the RA where I consider that a sufficient assessment has already been conducted under the initial inspector's report and where I agree with the conclusions or recommendations.

However, where I consider issues do need review or further assessment, I have highlighted these issues to the Board under the sections that follow. Therefore, having regard to all the information that has been received, I consider that the key issues for consideration by the Board in relation to the RA in this case are as follows:

- Flight Paths
- Dublin Airport Passenger Cap
- Update to relevant Frameworks and Plans
- Other Considerations
- Appropriate Assessment Screening and Ecologist's Report

4.2. Flight Paths

- 4.2.1. Condition no. 3 of the original permission for the NR (ABP Ref. PL06F.217429) states that *'the runways at the airport shall be operated in accordance with the mode of operation – Option 7b – as detailed in the Environmental Impact Statement Addendum'* details of this are provided as follows:

"6.2.4 Aircraft of Categories C/D (medium to heavy jets) departing to the west (Runway 28) are required to maintain straight ahead after take-off to 5NM before commencing turn, unless otherwise cleared by ATC above 3000 feet.

6.2.5 Aircraft of Categories C/D (medium to heavy jets) departing to the east (Runway 10) are required to maintain straight ahead after take-off to 5NM before commencing turn (if turning left), and 6NM (if turning right), unless otherwise cleared by ATC above 3000 feet. The disparity here is to ensure that southbound aircraft do not over-fly Howth Head. Northbound aircraft will turn over the sea thereby avoiding the communities of Portmarnock and Malahide.

- 4.2.2. This is known in the aviation industry as the Noise Preferential Route (NPR) and formed the basis of the Environmental Impact Statement (EIS) for the north runway's planning permission. The NPR is a path or corridor (1.8km at its widest point) that aircraft follow from take-off until being directed by Air Traffic Control (ATC) onto their

main air traffic routes, typically at 3,000 feet altitude above mean sea level⁶⁵. Unless directed otherwise by ATC, all aircraft taking off from Dublin Airport are required to follow specific flight paths (i.e., NPRs). To minimise disruption, NPRs are designed to avoid the overflight of built-up areas where possible. The initial inspector's report under para. 12.6.75 clarified that *"the flight patterns submitted in the applicant's supplementary information and included for the purpose of the proposed scenario of the EIAR, differ to those submitted in the original EIS for the NR application"*.

- 4.2.3. I also note that the initial inspector's report states that *"The Board will note that the flight patterns submitted to the planning authority for the original Relevant Action also differed from those submitted with the original EIS for the NR application. The main difference between the revised EIAR and the amended supplementary EIAR is the divergence north from the NR, earlier than previously indicated in the revised EIAR permitted by the planning authority"*.
- 4.2.4. The initial inspector's report has considered these flight path changes in detail and provided an assessment of the impacts of same as part of their environmental impact assessment. I note that the meaning of the term 'mode of operation' was also considered as part of the assessment and an examination of same was contained in the Vanguardia report (Appendix 5 of initial inspector's report), as part of this report the wording of Condition 3 is examined where it states, *"the runways at the airport shall be operated in accordance with the mode of operation."* As emphasised previously in the initial inspector's report the applicant has confirmed throughout the RA and in the supplementary information that the terms of original Condition no. 3 a) to c) will not be altered. It is noted that the flight paths have been altered to diverge northwest almost immediately on take-off when departing the NR to the west.
- 4.2.5. One of the main concerns highlighted by third parties in response to the Board's Draft Decision relates to the amended flightpaths and in particular the alterations to the departures from the NR and the increased degree of deviation from the original NR permission's flight path or NPRs. This issue was previously discussed in depth in the initial inspector's report and supported by expert opinion in the appended

⁶⁵ Aircraft normally travel in the middle of this corridor allowing 900m of corridor space on either side of the aircraft. However, the precise path followed within the corridor may vary depending on factors including navigational equipment, the type and weight of aircraft and weather conditions (particularly winds that may cause drifting). Aircraft flying inside this corridor are considered to be flying on-track.

Vanguardia reports. In general terms the flight paths used in the submitted supplementary EIAR are based on those in place following the NR's opening in August 2022 and involve aircraft departing to the west from the SR in a straight line on axis with the runway, whereas aircraft depart the NR to the west using north to north westerly flight paths so they diverge from aircraft using the SR by at least 15 degrees i.e. the departures from the NR are turning north earlier than previously proposed at a location around The Ward and Newpark. Figures 13B-2 (SR) and 13B-3 (NR) of the Supplementary EIAR Appendix 2 show these flight paths modelled for both the south and north runways respectively. Several submissions have been received on the Draft Decision from the North Runway Technical Group as well as concerned residents' and community groups, educational facilities and individual local residents and business owners. I note that previous submissions were also received from the same individuals and groups and have been noted in the initial inspector's report. The submissions again reference a more 'appropriate' missed approach option which they claim the daa have not considered adequately and also the lack of consideration of other alternatives. The submissions also refer to the misinterpretation of the IAA's role in relation to the finalisation of these flight paths. I have addressed these concerns in the sections that follow.

Flight Paths and consideration within the Regulatory Decision

- 4.2.6. Firstly, in relation to the NR flight paths, I would direct the Board to section 7.6.3 Noise Abatement (NA) Operating Procedures of the ANCA Regulatory Decision Report⁶⁶. This section of the RD report provides a list of the available measures and feasibility of noise abatement operating procedures as they may be available to Dublin Airport. Table 7.9 contains the Inventory of Noise Abatement Operating Procedures for the original two-runway system i.e., prior to the NR opening in August 2022. Eight original NAs (prior to the opening of the NR) are listed under this Table 7.9 with the following stated under:

“NA-01 to NA-08 relate to measures currently in place at Dublin Airport in its current form as a two-runway system. With the commencement of north runway operations, the current two-runway preference (NA-01) and associated noise preferential routes (NA-02) will be replaced by the three-runway operating preference described in

⁶⁶ <https://www.fingal.ie/sites/default/files/2022-06/Regulatory%20Decision%20Report.pdf>

Condition 3 of the North Runway Planning Permission with associated NPRs coming into place. As such, abatement measures NA-01 and NA-02 will be replaced with NA-09 and NA-10 as described in Table 7.10 below”.

- 4.2.7. Table 7.10 outlines the ‘*Current inventory of noise abatement operating procedures (three-runway system)*’ i.e., with the NR in operation and includes for NA-09 - Three-Runway Preferential Runway Programme and NA-10 – Three Runway Noise Preferential Routes (NPRs) or Environmental Noise Corridors and Track Keeping. NA-10 states the following “*The aim of the measure is to reduce impact by directing aircraft along paths which are designed to avoid built-up areas. These paths are called Noise Preferential Routes (NPRs). All Aircraft taking off from Dublin Airport are required to follow specific NPRs. Once an aircraft reaches the end of the NPR, or at an altitude of 3,000 feet, IAA-ATC will turn it onto a more direct heading to its destination*”.
- 4.2.8. Section 7.6.3.1 of same report provides an overview of noise abatement operating procedures as they may be available for Dublin Airport. For each measure, the applicant’s position and proposals are presented alongside ANCA’s assessment. ANCA’s response Review and Opinion in relation to Noise Preferential Routes highlights that it is the role of the IAA to design and operate the Airspace at Dublin Airport and states that this is ‘separate from the planning process’. This section also states that the north runway flight paths have been the subject of stakeholder engagement and safety assessment work⁶⁷. From an examination of the consultation documents this stakeholder engagement included details in relation to the minimum 15° divergence from the NR for easterly flow and a split divergence of 15° and 75° for westerly departures⁶⁸. The applicant states in their response to the ANCA RFI⁶⁹ that “*The details of the NPRs are the same as consulted with the exception of the 15 degree divergence to the west being amended to 30 degrees to account for the safety regulatory requirement for missed approaches as outlined in the Source*

⁶⁷ Dublin Airport, North Runway Report, Consultation on Flight Paths and Change to Permitted Operations, February 2017 (available here: <https://www.dublinairport.com/docs/default-source/north-runway-downloads/public-consultation-report-flight-paths-and-change-to-permitted-operations>)

⁶⁸ (Page 26) NPR scenario 2 stated the following - Scenario 2: Straight out on South Runway; 15° divergence for easterly departures on North Runway; split divergence of 15° and 75° for westerly departures on North Runway, depending on ultimate destination of aircraft. Note that the Revised EIAR reflected these divergences.

⁶⁹ Dublin Airport North Runway Relevant Action Application, Draft - Initial Response to ANCA Request for Further Information, June 2021

document. Full airspace design is separate from the planning process as is undertaken by the IAA and safety regulator'. I note that some third party submissions received on the Draft Decision contend the requirement for this 30 degree divergence, stating that this type of divergence is only required for fully segregated operations for the reason of maximising use of both runways.

4.2.9. ANCA state that within the context of the application it is not considered feasible or within ANCA's competency to promote alternative airspace designs which relate to nighttime operations or to reconsider a re-design of the airspace for Dublin Airport as a three-runway system. ANCA's experts indicated in the RD report that should the airspace be re-designed then this could take a minimum of four years to design, test, consult and implement. ANCA therefore was of the view that it was not feasible to consider alternative airspace designs within the context of this Relevant Action and as such the airspace design for Dublin Airport as a three-runway system as captured by measure NA-09 and NA-10 of the current inventory did not require further analysis.

4.2.10. ANCA's Review and Opinion in relation to Route Alteration follows the same thought process and states that *"as outlined in our consideration of noise preferential routes, the designs which have been relied on by the Applicant as part of their assessment work were originally the subject of consultation in 2016 and 2017 and have since been developed by the IAA and subject to safety assessment⁷⁰. This may have an influence on whether certain communities, populations or locations are exposed to different levels of aircraft noise under departure routes. Any alternative designs including route alternation would also need to be the subject of consultation and further design work which, given the opening of the north runway and the operation of Dublin Airport as a three-runway system is scheduled for 2022 alongside the implementation of the relevant action if approved, is unfeasible. As such, this measure has not been considered further as part of this relevant action and is therefore not progressed for further assessment"*.

4.2.11. In response to concerns raised in relation to flightpaths at Draft RD stage, ANCA stated the following:

⁷⁰ Dublin Airport North Runway Relevant Action Application, Draft – Initial Response to ANCA Request for Further Information, June 2021 - Response to 115

“The noise assessment informing the making of the RD incorporated the future flight paths of the air navigation service provider as contained within the Application. ANCA does not have a role in establishing flight paths, including matters relating to straight out or divergent routes⁷¹”.

- 4.2.12. From the Board’s perspective I would also consider it would not be feasible for the Board to consider alternative airspace design which relate to nighttime operations.

Public Consultation

- 4.2.13. Secondly in relation to flight paths and public consultation I would highlight the following to the Board - consultation regarding the applicant’s proposals to seek changes to condition no. 3(d) and 5 of the North Runway planning permission began in 2016. The details of the consultation events held is contained in the revised EIAR under Section 5.2. These details were included in response to FCC’s request for further information item 1 (f) which stated the following:

“While details of consultations are outlined out in Chapter 5, there is little information on the timings of the various consultations and no information has been provided in relation to the issues raised in the consultations and how these have informed the assessments in the EIAR. Information should be provided on timings of consultations, issues arising and how these have informed / been assessed in the EIAR”

- 4.2.14. The detailed results of the public consultation held are contained within the document titled *Consultation on Flight Paths and Change to Permitted Operations, February 2017* report appended to Chapter 5 of the Revised EIAR (Appendix 5A).
- 4.2.15. Specific consultation of flight paths and change to permitted operations (referred to as Phase 2 consultation) took place between 24th October 2016 and 19th December 2016. The applicant in their consultation material outlined that all aircraft taking off from Dublin Airport are required to follow specific NPRs and that once North Runway operations commence, new flight paths to and from the airport will be introduced. The applicant outlined that to allow simultaneous operations on the runways, the departure paths will have to diverge by a minimum of 15°.

⁷¹ ANCA Public Consultation Report, 23rd June 2022 - Page 30

4.2.16. Key concerns raised within submissions as part of the consultation related to the proposed unrestricted use of the runway system through the removal of the operating restrictions and increases in nighttime noise. The applicant states in the Consultation Summary of the Revised EIAR that the Phase 2 consultation materially changed and improved the proposals being brought forward i.e., the applicant revised the proposed Relevant Action to address the key concern of unrestricted nighttime flights, replacing it instead with the Noise Quota Count System and only seeking to use the North Runway in the night shoulder hours and not the full night period as previously envisaged.

4.2.17. I note that under Chapter 4 of the revised EIAR an Examination of Alternatives was presented. As part of this chapter the nighttime noise insulation mitigation measures are listed in Table 4-2, along with the existing measures in use at Dublin Airport. Table 4-2: Existing, Planned and Recommended Noise Management Measures for Scenario 02 looks at these management measures for the preferred option which is defined as Scenario 02. I note that Regulation 598/2014 Assessment Measure ID NA-10 lists the Accepted NPR for the North Runway under the Noise Abatement (NA) Operating Procedures. This states the following:

“Three-Runway Noise Preferential Routes (NPRs) or Environmental Corridors (ECs) and Track Keeping – Intent is to minimise disruption by routing aircraft away from built-up areas, where possible. Unless directed otherwise by IAAANSP, all aircraft taking off from Dublin Airport are required to follow specific NPRs. To minimise impact, NPRs are designed to avoid overflight of built-up areas, where possible. An NPR is a path or corridor (1.8 kilometres at its widest point) that aircraft follow from take-off until being directed by IAA-ANSP onto their main air traffic routes, typically at 3,000 feet altitude above mean sea level. Aircraft flying inside the NPR corridor are flying on-track. The preferred departure flight path NPR is straight out on the South Runway and divergence paths of 30-degrees and 75-degrees for the North Runway for westerly flow and straight out on the South Runway and a divergent path of 15- degrees for easterly flow”.

4.2.18. Following the introduction of the Airport Noise (Dublin Airport) Regulation Act 2019 which gave effect to Regulation 598/2014 into Irish law and the establishment of ANCA, it became apparent that the mechanism to amend and replace the operating

restrictions would require the setting of a NAO by ANCA and a proposed Relevant Action by the Applicant. I am aware of the statutory public consultation which was required in relation to the RD process (consultation with ANCA) and the statutory planning application process, as well as the appeal process. It is noted that the appeal process included for the additional 14-week period as outlined under section 37R(4)(c)(ii) of the PDA. The submissions received in response to the Board's request for further information highlighted the further changes to proposed flight paths that have come into play since the opening of the NR in August 2022.

4.2.19. I am satisfied that appropriate consultation on the various options has been carried out under both the RD process by ANCA and also by the Board under the PDA and the 2019 Act, as detailed above.

Role of the IAA

4.2.20. Many of the submissions received on the Draft Decision highlight the discrepancies within the initial inspector's report in relation to the role of the IAA. In response to the Draft Decision the IAA made a formal submission in which they clearly outlined their roles. This was the IAA's first participation in this process. I acknowledge the errors in the initial inspector's report in relation to the IAA's role and for clarification purposes I have now summarised these for the Board's information as follows:

- The IAA has responsibility for the regulation of aviation safety, aviation security, and consumer interests. Since April 2023 the air navigation service provision (i.e., air traffic control) function of the IAA has been transferred to a separate new commercial semi-state company – Irish Air Navigation Service trading as AirNav Ireland, therefore the IAA and AirNav Ireland are now separate entities, and the IAA is no longer an air navigation service provider.
- Since April 2023 the IAA is now responsible for discharging Ireland's obligations in relation to EU rules governing the setting of capacity and the allocation of slots at coordinated airports, under the Slot Regulation (currently applicable to just Dublin Airport). The IAA state in their submission on the Board's Draft Decision that contrary to para. 12.4.8 of the initial Inspector's Report, the scheduling of flights at night is not a matter for the daa and instead that the allocation of slots for night flights is carried out by the independent slot coordinator, based on available capacity which has been

declared in the coordination parameters by the IAA, taking into consideration the capacity of each airport sub-system. To clarify the IAA state in their submission that *“the level of scheduled traffic at Dublin Airport, including nighttime traffic, is therefore a function of the available capacity, as declared by the IAA through the coordination parameters, and the decisions of individual airlines as to how many flights they wish to operate within that available capacity”*.

- The IAA is also responsible for the regulatory oversight of the safety of flight operations, of the provision of safe and secure aerodromes, and of the safe management of Irish airspace and manoeuvring of aircraft on the ground at aerodromes, including the certification and oversight of AirNav Ireland.

4.2.21. I note that the Aircraft Noise (Dublin Airport) Regulation Act 2019 transferred the role of competent authority for the introduction of noise-related operating restrictions from the IAA to Fingal County Council, so that this role would be undertaken within, rather than separately from, the planning process, accordingly, making amendments to the PDA 2000.

4.2.22. The IAA in their submission highlight the misconception, in both the initial Inspector's Report and the Vanguardia reports, as to the roles and responsibilities in respect of Instrument Flight Procedures (IFPs), as well as the nature of the regulatory requirements and the oversight role of the IAA in that regard. The IAA are clear in their submission that they did not specify any requirements in relation to the diversion north/northwest, earlier from the north runway than originally proposed. The IAA state that IFPs, such as arrival and departure flight paths are the responsibility of the aerodrome operator i.e., daa. The IAA state that their role is to ensure that the flightpaths submitted to them by the daa meet safety requirements, including ICAO, EU, and National requirements. In the case of the current IFPs at Dublin Airport (as submitted by the daa), the IAA assessed these and having considered same compliant with safety requirements approved them.

4.2.23. I note the many submissions from third parties received prior to the Board's Draft Decision and also as a result of the Draft Decision highlight concerns with the IFPs currently in effect at Dublin Airport and how they differ from those which were previously modelled by the daa (i.e. where no divergence occurred or later

divergence off the parallel runways operating in a westerly direction). The IAA outline in their submission on the Draft Decisions that *'in line with safety requirements, there are different possible options in that regard, based on various permutations, such as, for example, whether the parallel runways are operated dependently or independently'*. They also state that there is also the possibility of an Alternative Means of Compliance (AltMoc) to demonstrate compliance with safety requirements being developed, however, this would require a proposal and submission to the IAA for approval. The IAA state that they are aware of a limited number of examples in Europe where an AltMoc has been approved in respect of flightpaths which do not diverge in the case of parallel runways.

- 4.2.24. I acknowledge that it is not the IAA's role to perform a qualitative or comparative engineering analysis of the proposed solution, nor is the Authority permitted to suggest improvements or alternatives. To summarise the IAA does not choose or recommend flight path routes.
- 4.2.25. In examining the changes to the flight paths discussed above I have considered the changes to the air noise modelling in the supplementary EIAR. The RD was informed by the information contained in the Revised EIAR (2021), this revised EIAR assumed theoretical flight paths that included a deviation to the northwest soon after take-off (minimum 15 degree divergence), whereas, because it was written after the northern runway opened in August 2022 the supplementary EIAR uses flight paths based on radar tracks of aircraft departing runway 28R (the northern runway to the west) which although they still divert to the northwest are slightly different to those assumed for the revised EIAR. This greater divergence above 15 degrees is raised as an issue in numerous submissions received on the Board's Draft Decision. In response to the changes in flight paths the Board requested additional information from the applicant on the proposed insulation scheme. This information was assessed previously within the initial Inspector's report, and I note that the scheme aligns with the extant flight patterns.

Independent Noise Assessments

- 4.2.26. In relation to flight path changes many third-party submissions which are summarised in the initial inspector's report included independent acoustic analysis at locations where the new flights paths have been operating since the opening of the

NR. I note that additional independent acoustic analysis have also been submitted in response to the Board's Draft Decision, these are detailed under Section 2.0 above. Many of these assessments highlight differences between the surveyed data and the noise contours and information produced by the daa, and based on this comparison several third parties consider the daa assessments underestimate the scale of impact.

4.2.27. The majority of these reports received in response to the Draft Decision assessed the noise levels from aircraft flyovers using long term (92-day) noise monitoring i.e., over the summer of 2024. The main objective of the assessments was to quantify the existing noise environment and the current noise levels from aircraft noise from the operation of the new North Runway at Dublin Airport. As part of the SMTW Environmental DAC submission independent noise monitoring results completed at nine locations proximate to the airport completed by Wave Dynamics⁷² were submitted. These were completed over the 92-day period between 16th June and 16th September 2024, which is stated is the equivalent to the modelling period used in the daa contour maps. The results of this monitoring showed a difference of approximately 2dB higher in monitoring data compared to modelled predictions with an increase in 2dB equating to approximately 40% more noise energy. In support of their submission the observers also refer to a recent Anderson Acoustics report⁷³ (dated October 2024) which presents noise contours that closely align with real-world monitoring data as per the Wave Dynamics data. The observers argue that the Anderson Acoustics report exposes a stark difference in outcomes between consultants, namely Bickerdike Allen Partners (BAP) who prepared the noise contours for the Relevant Action.

4.2.28. I note also as part of the independent noise monitoring assessments that Sound Exposure Level (SEL) measurements for the three most common aircraft types were also compared to the daa predicted noise contours for the same aircraft types which showed exceedances for all three aircraft types, however new generation aircraft types such as Boeing 737-800 MAX and Airbus A320 Neo on comparison were predicted to be to be similar to the SEL predicted contours submitted by daa, thus

⁷² SMTW Environmental DAC submission, December 2024 - Appendix F – Wave Dynamic Report

⁷³ SMTW Environmental DAC submission, December 2024 - Appendix H of - Dublin Airport – Departure profiles noise investigation, October 2024

confirming the applicant's measurements in that instance. I note that there were a significant number of events recorded at certain dwellings⁷⁴ which met or exceeded 80dB L_{Amax}, and it is therefore predicted that any permission of nighttime take offs from the North Runway will cause a significant increase in the maximum noise levels at these locations.

- 4.2.29. While I acknowledge the difference between predicted previous modelling results and actual measured noise levels as outlined in the report referenced above, I am also aware of the obligations of the daa with regard to their performance against the NAO which is monitored by ANCA and the terms and conditions included under the RSIGS to ensure the appropriate insulation of eligible properties. The monitoring of performance is to be informed by annual reports in line with ANCA's obligations under the Act of 2019 and ANCA has set out these requirements as part of the Regulatory Decision. The noise modelling is to be validated using local noise and track keeping performance data from Dublin Airport's systems. I also note that eligibility to the RSIGS scheme is to be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55 dB L_{night} contour being eligible under the scheme as detailed in the scheme requirements.
- 4.2.30. I note that similar issues to those raised above have also been previously addressed under the noise expert's report (Appendix 5 to the Board's Draft Decision) where the Board's expert highlights that *"Noise measurements at the same location by different surveyors will normally vary due to differences in measurement uncertainty, sampling variation, instrumentation tolerances, the measurement location characteristics that influence noise"*. In addition, I note that several of the acoustic survey reports submitted also include monitoring results and maximum measurement results from daytime hours, as previously highlighted by the Board's noise expert these type of measurements will not reflect the levels at night if the RA goes ahead as the QC scheme would prevent the noisiest aircraft flying during the day using the NR at night. In summary, I note that it is inevitable that the modelling will initially not match all the noise levels at all the receptors all the time. I consider that this variance has been considered as part of the RD and the reason regular

⁷⁴ Colm and Sandra Barry – Appendix F of submission

monitoring and measurement of noise contours and revision where necessary are factored into the conditions of the RD.

4.2.31. In relation to meeting the NAO and in particular for those residents impacted by the RA and change in flight patterns, I note that the Board's Draft Decision included a second and third criteria for insulation eligibility for those which are in new flight paths (50 dB L_{night} and an increase in noise exposure of at least 9 dB when compared to the current permitted operation) and also those residential dwellings subject to aircraft noise of 80dB L_{Amax} . An assessment of the impact on those newly impacted by the change to flight patterns is included in the initial inspector's report, this has been informed by the information received on the application, supplementary information received, submissions received and has also been informed by the Vanguardia Reports. I consider that a thorough examination of the supplementary information presented, and the amended flight paths has been undertaken in the initial inspector's report. The assessment considered the criteria for insulation and also the amended contour areas⁷⁵ for dwellings eligible for insulation under the RSIGS. It is noted that the amended eligibility contours now include areas to the north and northwest of the NR. The consideration of these changes involved an examination of all geographical areas impacted and the ability of the RA to achieve the NAO. I note that the RSIGS scheme is configured so that homes that are not eligible for insulation on the date of the RD may be eligible following a review process, with the review occurring every 2 years commencing on 31st March 2027. All residential dwellings situated in the 55dB L_{night} contour following review will become eligible.

4.2.32. I also note that with the actual flight path changes (i.e. in place since the opening of the NR) that overall outcomes of the RA are broadly the same and this was previously stated in the initial inspector's report and the Vanguardia Report (Appendix 4 to the Draft Decision) "*e.g. the sharing of ATMs across two rather than one runway at night means some people get less noise, but others get more noise which will be mitigated by noise insulation, and the numbers in each category are little changed and therefore the decision on the scheme should not be affected*". In addition with regard to the change in flight paths I note Vanguardia's conclusion

⁷⁵ Information received on 4th March 2024 in response to the Board's second request for additional information.

under Appendix 5 which states *“the impact is broadly the same i.e. fewer people are significantly adversely affected in 2025 and 2035 compared to 2019 (or 2018), although in terms of %HSD more people are significantly adversely effected in 2025 and 2035 if the RA is permitted compared to if it is not. But those who suffer these effects are in different areas to those who were identified in the 2007 EIAR”*.

Conclusion

- 4.2.33. In summary, having taken into account the new information presented as part of the submissions in response to the Draft Decision, I would concur with the conclusion of the initial inspector in this regard and I am satisfied that the numbers of people HSD as presented in the Supplementary EIAR are not substantially different to the initial numbers contained in the conclusion contained in the revised EIAR considered by ANCA and the Planning Authority. In addition, regarding the updated information received as part of the Supplementary EIAR, I note that ANCA as part of their review of the noise modelling provided in the Revised EIAR at the time of making the RD strongly recommended that the applicant revalidate their modelling following commencement of the NR⁷⁶. I also note that the NAO makes this a requirement i.e. *“The noise model shall be validated using local noise and track keeping performance data from Dublin Airport’s systems”*. In addition, I note that through the annual compliance reporting which is a requirement of the Act of 2019 and through this aspect of the NAO it will be possible to identify whether the airport is meeting the NAO or not. This has in fact been discussed previously under the sections related to the RD in my report above. ANCA highlight to the Board in their submission that *“if performance is different to the forecasts provided with the Application, ANCA is entitled to impose further noise mitigation measures and operating restrictions if required to meet the NAO”*.
- 4.2.34. Taking the above into account, I consider it also important that the Board in its assessment of the proposal place sufficient weight on the benefit of the insulation to be provided, particularly as it relates to achieving the requirements of the NAO as issued by the ANCA. Since the RD was made by the ANCA new departure routes from the NR have been implemented and adjusted, while I note that these flight

⁷⁶ As per ‘ANCA’s consideration of particular issues raised within the appeal documents’ contained within the ANCA correspondence received by the Board on 20th October 2022.

paths have some deviation from those assumed within the original application and those within the revised EIAR, following an examination of the information presented before me I am satisfied that with the implementation of the mitigation measures proposed as part of the RD, with the proposed additions as outlined under Section 3.8 of my report above, that the increase in aircraft noise at night that is likely to occur as a result of the RA can be appropriately mitigated.

4.3. Dublin Airport Passenger Cap

- 4.3.1. Several of the submissions received on the Board's Draft Decision re-iterate concerns in relation to the lack of information about future mitigation if the proposed 40 million passengers per annum (mppa) is reached or exceeded. The Board will note that this issue was previously addressed in the initial inspector's report. Dublin Airport currently has a terminal passenger cap of 32mppa. The proposed RA does not seek any amendment of conditions in relation to the permitted annual passenger capacity of the Terminals at Dublin Airport.
- 4.3.2. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F06A/1248; 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 (MPPA). I note that there are currently two live applications under consideration with Fingal County Council in this regard – F25A/0094E the Operational Application: which seeks permission for growth to 36mppa with no physical works sought and F23A/0781 – the Infrastructure Application which seeks permission for growth to 40mppa and associated infrastructure. Both of these applications were under assessment by the planning authority at the time of writing this report, with further information currently being sought under both. Where future mitigation, is required, this would form part of those relevant applications. I do not consider this matter requires further addressing under the current RA appeal.

4.4. Updates to relevant Plans and Frameworks

- 4.4.1. The sections that follow outline any relevant updates to plans and frameworks which may concern the proposed RA.

National Planning Framework

- 4.4.2. On 8th April 2025, the Government approved the revised National Planning Framework (NPF – First Revision)⁷⁷ this follows a comprehensive NPF revision process which has been underway since June 2023. A number of key drivers of change in Ireland were a significant focus for the revision process, and the final framework document sets an agenda to cater for population growth and the associated housing requirement, infrastructure delivery and climate and environment, in particular new policies in relation to renewable energy development. The Plan will shape necessary reviews of current regional strategies and local authority development plans in the near future.
- 4.4.3. The revised National Planning Framework tasks Dublin Airport with providing High Quality International Connectivity- outlining a key aim for “*the development and enhancement of modern, technologically-advanced, cost efficient infrastructure at our State airports to maintain and enhance international connectivity, maintain the highest standards of safety and security and reduce aviation’s environmental impact*”. The Plan states that high quality international connectivity will be crucial for overall international competitiveness and identifies same as a key National Strategic Outcome. A key priority for the Dublin City and Metropolitan area includes for enhanced airport and port access and capacity. I note that the plan also discusses environmental noise and states that it is important to more proactively manage noise with National Policy Objective 94 stating the following “*Promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life and support the aims of the Environmental Noise Regulations through Strategic Noise Maps, Noise Action Plans and national planning guidance*”.

⁷⁷ Both Houses of the Oireachtas have approved the Revised National Planning Framework (NPF). The approval by the Seanad and the Dáil followed the decision of Government to approve the Final Revised NPF on 8th April 2025.

Conclusion

- 4.4.4. Having reviewed the revised NPF, I do not consider that any of the revisions outlined or the strategic aims in relation to Dublin Airport or the national policy objectives in relation to same would have any implications for the proposed RA.

Climate Action Plan 2025

- 4.4.5. In the time since the publishing of the Board's Draft Decision and the writing of this current inspector's report, the Government has adopted the most recent Climate Action Plan 2025 (CAP 25)⁷⁸. This is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development Act 2015 (as amended by the Act of 2021) (the Climate Act). CAP 25 builds on the Climate Action Plan of 2024, reinforcing the measures, actions and policy supports required to support Ireland's transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It represents an update or iteration of Ireland's ongoing climate action strategy and I note the continuity between CAPs and the considerable overlap in the iterative evolution of the actions.
- 4.4.6. Section 14 of CAP 25 outlines the key trajectory, trends, actions and key targets in relation to the Transport industry. I note under section 14.2.4 one of the main 'Improve' Measures relates to the National Policy Framework for Alternative Fuel Infrastructure which states that Regulation (EU) 2023/1804 (AFIR) on the deployment of alternative fuels infrastructure sets out mandatory minimum levels of alternative fuels infrastructure to be deployed by EU Member States on the TEN-T network, across land transport, maritime and aviation sectors. In terms of the Aviation Sector Section 14.2.5 states that "*International aviation emissions are outside the scope of Climate Action Plan targets. However, it is widely acknowledged that deployment of SAFs⁷⁹ will play the greatest role in decarbonising the aviation sector in the short to medium term. ICAO has requested Contracting States to develop a national SAF Policy Roadmap, which will input into a wider national State Action Plan on CO₂ Aviation Emissions Reduction Activities. Ireland will submit its updated State Action Plan to ICAO by end-2024*". Most recently I note the

⁷⁸ Climate Action Plan 2025, published on 15th April 2025.

⁷⁹ Sustainable Aviation Fuel

Programme for Government 2025 which included an action to “Develop a National Sustainable Aviation Fuel Policy Roadmap”.

- 4.4.7. In addition to the above I also note the recent publication of the update to the *Long-term Strategy on Greenhouse Gas Emissions Reductions (2024)*⁸⁰. This strategy sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. I note that emissions from international aviation and from shipping remain outside national emissions targets for EU Member States and are not covered by the Paris Agreement, given the complexities involved in the attribution and accounting for international emissions strategies, and actions are instead required at an international level. In relation to Aviation, the 41st International Civil Aviation Organisation Assembly adopted a long-term aspirational goal (the LTAG), for aviation emissions reductions, including a collective global goal of achieving net zero carbon emissions from aviation by 2050. One of the measures outlined as part of this was in relation to the promotion of sustainable aviation fuels. I note that the EU is taking action to reduce aviation emissions in Europe and working with the international community to develop measures with global reach. Targets for the reduction of CO₂ emissions in the aviation sector are being set by the ICAO and filtered down to the EU and then for airlines and EU members states to comply with. I note that at EU level the EU ‘Fit for 55’ Package of measures includes among others the ReFuelEU Aviation Regulation.
- 4.4.8. CAP 25 again reinforces the information in the submitted EIARs where on an international level the ICAO is undertaking a collaborative industry based and multilateral approach including the proposed reduction in aviation emissions and therefore the Government has set aside any targets for the aviation sector with regard GHG reductions. I note the many submissions received on the Draft Decision which raised issues regarding the CHG emissions. The Board will note that the recommendations throughout my planning assessment supports the introduction of an aircraft movement restriction, in addition to the NQS. This matter was also discussed previously under the initial inspector’s report, and I consider the assessment and conclusion outlined still valid. The move towards less noisy modern aircraft, in compliance with an aircraft movement restriction, can support a reduction

⁸⁰ <https://www.gov.ie/en/department-of-the-environment-climate-and-communications/publications/long-term-strategy-on-greenhouse-gas-emissions-reductions/>

in GHG emissions and while there will be an increase in emissions initially, there would be no further increase and a potential for decrease in the long term. Having regard to the proposed modernisation of fleet mix, in conjunction with the recommendation for a restriction on aircraft movements, these would impact the significance of impact of any change in CHG emissions.

Conclusion

- 4.4.9. An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to perform its functions, in so far as practicable, in a manner that is consistent with the following national climate plans, policies and objectives set out in s. 15(1) of the Climate Act: a) the most recent approved climate action plan, b) most recent approved national long term climate action strategy, c) national adaptation framework, sectoral plans, d) furtherance of the national climate objective and e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State⁸¹.
- 4.4.10. As part of the process of assessment within this supplementary related report I have had regard to CAP 2025 and CAP 2024 as it relates, the national and sectoral adaption plans and frameworks with regard transportation and aviation and any national climate objectives for the aviation industry⁸² and I am satisfied that the proposed Relevant Action will not preclude the achievement of any of these targets and will not have long term significant negative impact on climate change. I have also considered all the submissions received in response to the Draft Decision on matters in relation to climate change and carbon emissions. While I note that the proposal is an emission causing project, I also note that in general the transition to net zero envisages air travel continuing to grow while also in time envisaging emissions reducing as a result of alternative aviation fuels and increased aircraft efficiency. At this juncture I consider it worth noting the High Court Judgment in *Coolglass*⁸³, at para. 132 and 133 states that it doesn't expressly follow from a pro-renewables interpretation of s. 15 that the Board has to refuse permission to

⁸¹ Section 15 (1) of the Climate Action and Low Carbon Development Act 2015 (as amended).

⁸² National Mitigation Plan (July 2017), National Adaptation Framework (June 2024), Sectoral Adaptation Plans - Adaptation Planning – Developing Resilience to Climate Change in the Irish Transport Sector (DTTAS, 2017), Sectoral Planning Guidelines for Climate Change Adaptation (2024) and A National Aviation Policy for Ireland (August 2015 DTTS).

⁸³ Irish High Court of Planning and Environment, *Coolglass Wind Farm Limited v. An Bord Pleanála* [2025] IEHC 1.

emissions causing developments for example because net zero envisages a transition period and that refusal of a project here may cause displacement of that project to another part of the world with lower environmental standards. While it is not envisaged in this case that displacement would be caused were the proposal to be refused, I do note that the transition period referred to would be relevant. I also consider that the implementation of a cap on aircraft movements as part of this RA would be expected to reduce emissions when compared with a situation where a cap may not be in place and a possible unlimited number of aircraft flights below a QC of 0.125 would be allowed. In addition to consideration of the submissions received on the Draft Decision I have also had regard to the initial inspector's report and the assessment of the EIAR and the Relevant Action and the conclusion of same assessments with which I agree. In addition, and as referred to above, I have also had regard to the recommendation from the Board's noise expert for further restrictions to the Regulatory Decision and Relevant Action for restrictions to ATMs at night. In conclusion I am satisfied that matters in relation to Climate Change and Carbon have been appropriately addressed in terms of the application and the EIARs accompanying the application and that in coming to my recommendation I am, in so far as practicable, performing my functions in a manner consistent with the national climate goals.

4.5. Other Considerations

Water Framework Directive

- 4.5.1. I have assessed the proposed RA and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. As per the information submitted within the revised EIAR the primary threat to the surface water quality has been identified as de-icing of aircraft. The increase in the number of aircraft which may require de-icing as a result of the proposed RA is not considered significant and I note that a pollution control system is already in place for the runways. I note that concerns in relation to Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) was also raised in the submissions received on the Draft Decision and that this issue had also been previously raised in the initial

inspector's report. In relation to PFAS I consider the pollution retention facilities provided for on the runways, the aprons, and the taxiways, to collect these type of substances (including those emitted as a result of de-icing activities) sufficient to prevent any significant negative effects on surrounding watercourses. Operational discharges at the airport are controlled under an extant trade effluent licence and the stormwater drainage network for the North Runway has been designed to attenuate flows and avoid water quality impacts to the receiving watercourses. I also note that the paved area drainage network is sealed to protect groundwater from contamination. In addition, I note that there will be no change to the stormwater run-off volumes, attenuation discharge rates, attenuation volume requirements, or discharge locations because of the proposed Relevant Action. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface or groundwater water bodies either qualitatively or quantitatively.

4.5.2. The reason for this conclusion is as follows:

- Nature of works - no physical infrastructure works and any increase in aircraft use is not considered significant.

Conclusion

4.5.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

4.6. Screening for Appropriate Assessment

4.6.1. An assessment of the submitted Screening Reports (including Addendum) for the proposed Relevant Action was carried out as part of the initial inspector's report, the details of which can be found under Section 14.0 of same report. As part of this assessment the inspector presented a background to the RA and the information submitted to assist with the examination and determination. The inspector also provided a summary of the process carried out by ANCA during the RD process and

details of both the AA Screening and the Stage 2 Appropriate Assessment carried out for that process.

4.6.2. In total three documents were submitted in relation to the AA process and the RA, these are as follows:

- Appropriate Assessment Screening Report (AECOM, December 2020) submitted to FCC as part of the original application.
- Revised AA Screening Report (AECOM, September 2021) – submitted in response to FCC request for further information. This report focussed on a comparison between the Permitted Scenario (i.e., as permitted under FCC Reg. Ref. No. F04A/1755; ABP Ref. No: PL06F.217429 as amended by FCC F19A/0023, ABP Ref. No. PL06F.305298) and the Proposed Scenario which represented the proposed scenario with the RA in place.
- Addendum to Appropriate Assessment Screening Report (AECOM, September 2023) – this accompanied the response to Board’s RFI. This report focussed on the changes which took place at Dublin Airport since the previous AA Screening which included:
 - Update to flightpaths from North Runway upon commencement which differ from the assumed flight paths used for modelling/assessment purpose.
 - Updated air traffic forecast data.
 - Earlier fleet modernisation.

4.6.3. I note that the AA Screening Addendum Report (September 2023) did not propose any amendments to the Zone of Influence (ZOI), however it did note the addition of the North-West Irish Sea Candidate SPA (site code 004236) within this zone. The updated AA Screening (September 2023) states that for the years 2025 and 2035, under the proposed scenario, the passenger numbers (32 mppa) and the ATMs (240,000 per annum) will remain the same.

4.6.4. In order to assist the inspector with their assessment at the time, the Board’s Ecologist provided a report (see Additional Inspector’s Report Appendix 3) which informed the screening assessment completed under the initial inspector’s report (See Section 14.2 of initial inspector’s report). The Board’s Ecologist’s report

provided a review of the proposed development, the documentation submitted and both ANCA's and FCC's AA assessments. I note that the NAO and RD, were subject to both a Stage 1 (AA Screening July 2021) and Stage 2 (NIS June 2022) assessment by ANCA. This assessment of both the NAO and the RD considered them as two interlinked components, the NAO setting a framework for the RD, which in turn sets the framework for future applications for planning permission at the airport.

- 4.6.5. The Board's Ecologist in her report confirmed that the AA screening reports prepared for the RA application were prepared by suitably qualified experts and there was sufficient information on file to undertake a thorough assessment. The Board's Ecologist also noted the documentation submitted with the RA, the NAO and RD and the Addendum report and concluded that based on the best available scientific knowledge in terms of surveys and assessments, significant effects such as disturbance of SCI bird species and bird collision can be excluded.
- 4.6.6. The Board will note that an updated report has also been provided by the Board's Ecologist (dated 2nd May 2025) to inform my current assessment which has been appended to this report. This report has taken account of the submissions received on the Draft Decision and the issues raised in relation to the Appropriate Assessment process. I note that many of the points raised as part of the previous submissions to the Board prior to the Draft Decision being made have been reiterated as part of the submissions received in response to the Board's Draft Decision. A summary of the issues raised in the submissions received on the Draft Decision are listed under Section 2.0 of this report above and any matters that are considered to be relevant in the context of Appropriate Assessment are discussed further below.

Updated Ecologist Report following submissions on Draft Decision (See Appendix 3 attached to this report)

- 4.6.7. The submitted report dated 2nd May 2025 examines the issues raised within the further submissions received in response to the Board's Draft Decision and in particular focuses on the following issues which were raised:

- Outdated bird survey data;

- Full range of possible impacts and effects not considered (including impacts on individual species, ex-situ effects, movements of birds between sites);
- Conservation objectives not considered adequately;
- Wildlife management measures incorrectly used to rule out significant effects;
- Red Kite (Annex I) not considered in AA Screening.

4.6.8. The Board's Ecologist addressed the concerns above and having examined her report I have provided a summary and conclusion based on each of the issues as follows:

- Surveys - Though the CIEEM guidelines advise on the appropriateness of survey material of a certain date, this advice relies on certain factors which need to be considered e.g., changes to habitats since surveys were undertaken, whether the subject site (airport site) may support mobile species etc. The circumstances involved in the RA case are unique given that there are no physical infrastructure requirements, and the proposed changes relate to amendments to existing operational scenarios. The results of the 2016-2018 surveys are just one piece of objective information that is considered in the AA Screening Report and provides context for the consideration of likely significant effects. I am satisfied that the survey information provided is adequate to inform the AA Screening and that no reassessment in this regard is required.
- Possible Impacts and Effects – Following a comprehensive review of scientific studies related to noise levels and bird hearing and the effects of aircraft noise and visual stimuli on birds (non-breeding waterbirds and breeding seabirds) and marine mammals it has been determined that the only feasible impacts that could reasonably arise for European Sites within a zone of influence of the proposed Relevant Action are increased noise and/or visual disturbance from over-flying aircraft, and collision risk impacts (i.e. bird strike) related to the increase in number of flights. Taking account of what the RA actually involves it was determined that impacts in relation to reductions in habitat area, damage to the physical environment and interference with species reproductive activities could be scoped out from further consideration. With regard to ex-situ habitats in particular those referred to in the submissions i.e.

bird quiet zones in Portmarnock, these are areas located adjacent to the European site network designed primarily to protect designated sites and species from human disturbance in particular from dogs and to enhance the habitats available adjacent to the core areas of the protected sites. The Board's ecologist concludes that if the rationale that has been applied to excluding significant effects on European sites is applied, i.e. that there will be no significant change to background noise disturbance levels from the Relevant Action⁸⁴, then there will be no significant change in background disturbance levels from overflying aircraft at other ex-situ sites utilised by SCI species or movements between sites. I consider this an appropriate conclusion, and I am satisfied that this issue has been addressed and that no further consideration is necessary as part of the AA Screening process.

I also note that the matter of the scientific basis of nighttime effects on birds was addressed previously in the ANCA Consultation Report in relation to the RD under Section 3.5 *Submissions and Observations Related to the Appropriate Assessment - Natura Impact Statement*. Specifically, the consultation report refers the reader to Chapter 5, 'Assessment of Effects', and specifically Section 5.15, of ANCA's Natura Impact Statement, which provides commentary on the assessment of effects that has been undertaken including with regard nighttime effects on birds and with reference to the literature sources used to support this. This assessment concludes that birds were unlikely to be any more disturbed by aircraft at night than during the day. Following an examination of the submitted objective information, I am satisfied that likely significant effects on any European site from bird disturbance impacts associated with the proposed Relevant Action can be excluded.

- Conservation objectives not considered adequately - The screening report considers the conservation objectives of European Sites and also details threats, pressures and current conservation status. I consider the information

⁸⁴ The AA Screening includes evidence of vantage point surveys comprising 252 hours of field survey in 2017 and 2018, in the Baldoyle Bay and Rogerstown Estuary areas. No disturbance events caused by overflying aircraft from Dublin airport were observed. These surveys were carried out at a time when Dublin Airport was at its busiest with the number of ATMs similar to that predicted under the proposed RA up to 2035. The AA Screening Report states that on the basis of this evidence, it is clear that overflying commercial aircraft using Dublin Airport has no effect on bird species using these European sites.

presented appropriate and where there have been any changes to the designated site's listed or where new sites have been designated within the ZOI these are discussed in detail under Section 4.6.9 and 4.6.10 to of my report below and detailed under Table 1.1.

- Wildlife management measures incorrectly used to rule out significant effects – The Dublin Airport's WMP prevents flocks of birds including species that are SCI species of SPA sites amassing in and around the airport in the interest of public safety. This plan is ongoing and a standard feature of airport operations, inherent in day-to-day management and is required irrespective of the proximity to European Sites and therefore I am satisfied that same can be taken into account in Screening as objective information.
- Concerns regarding Red Kite – this species does not form a SCI of any SPA within Ireland. While I note the species is listed on Annex I of the Birds Directive the provisions of Article 6(3) are in view of the Conservation Objectives of the European Sites under examination and does not extend to Annex I bird species not listed for those SPA sites. Therefore, the examination and consideration of this species is not required as part of the AA Screening.

Updates to European Sites since Draft Decision was issued

4.6.9. Given the passage of time since the Draft Decision was issued, I have carried out a re-examination of the designated sites within the RA's possible zone of influence. The only updated noted was the addition of a qualifying interest for one site - Lambay Island SAC (Site Code: 000204). This site now has an additional qualifying interest the Harbour Porpoise [1351].

4.6.10. The table below is intended to supplement Table 11 of the initial inspector's report and contains an update of the relevant European site and an updated assessment in relation to 'likely significant effect'. A screening conclusion is then presented to ensure a clear presentation of the findings of the updated assessment.

Table 1.1 - Updates to European Site's since Draft Decision was issued – Supplement to Table 11 of initial inspector's report

Special Area of Conservation (SAC)					
European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed area related to Relevant Action (Km)	Connections (source, pathway receptor)	Test for likely significant effects	Revised Screening conclusion
Lambay Island SAC (Site Code: 000204)	<p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> <p><i>Halichoerus grypus</i> (Grey Seal) [1364]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p>CO: To maintain the favourable conservation status of the habitats listed.</p> <p>CO: To maintain the Favourable conservation condition of species listed.</p> <p>Full details of conservation objectives are available here - https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO_000204.pdf</p>	c. 14.8km northeast Easterly departures from the northern runway will reach this site after c. 22km (arriving flights do not cross Lambay Island).	No direct avenues of connectivity. No possibility of effects due to lack of connection to the habitats for which this site is designated, distance from site to qualifying interests and dilution factor.	Noise modelling results as presented in the submitted AA Screening Report (September 2021) indicates an increase of more than 2dB under the proposed RA for this site. According to the submitted literature review evidence of marine mammal disturbance from aircraft at lower altitudes has previously occurred under heights of 380m and this only caused alert behaviour and did not cause 'active' disturbance. Given the location of the SAC, flights will be at their lowest altitudes above them (on departure or arrival) at c. 22km (Lambay Island SAC) based on the flight paths presented. Given the distance from the airfield, these flights will routinely be in excess of 500m, and sound levels will be relatively low and masked by the sound of the waves. Increased overflights will not result in an increase in air pollutants that would negatively impacts these habitats. No possible in combination effects.	No likely significant effect-excluded from the need for consideration in AA.

In-Combination Assessment

4.6.11. I note various submissions received on the Board's Draft Decision refer to the lack of an up-to-date assessment of more recent planning applications in relation to airport development. I note from the Board's online planning system and Fingal County Council's planning enquiry system that there have been several planning permissions recently granted on the airport site. The section that follows examines these recent developments:

- ABP Ref. PL06F.317828-23 (Fingal County Council (FCC) Reg. Ref. F23A/0301) – reconfiguration and expansion of the 2-storey US Customs and Border protection (CBP) pre-clearance facility and works to former flight catering building - Approved by the Board on 02nd May 2025. AA screening was carried out for this project which concluded that *“due to the location, scale and nature of the proposed project, it is considered that the proposed project either alone or in combination with other plans or projects will not result in likely significant effects on any Natura 2000 site, in view of its conservation objectives and therefore the proposed project will not adversely affect the integrity of any Natura 2000 sites”*. I also note the Board's screening determination on same which determined that a Stage 2 NIS was not required. Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.
- FCC Planning Ref. F24A/0824E – Terminal 1 – Taxi rank enclosure for Terminal 1 Arrivals – Approved 10th December 2024 - It was not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.
- FCC Planning Ref. F24A/0309E – Approved 30th October 2024 - provision of infrastructure to facilitate the charging of electrical buses for Dublin Airport. This project was subject to AA Screening which concluded *“that the proposed EV Bussing project, either alone or in-combination with other plans and*

projects, will not significantly affect Baldoyle Bay SAC, Baldoyle Bay SPA or any other European site, in view of their conservation objectives. Thus, it is recommended that it is not necessary for the proposed EV Bussing project to proceed to Appropriate Assessment". Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

- ABP. Ref. PL06F.316138 (P.A. Reg. Ref. F22A/0460) – Approved by the Board 17th April 2024 - construction of a subterranean underpass of runway 16/34 and all associated and ancillary works. This project has been subject to the Stage 2 Appropriate Assessment (Natura Impact Statement) process which concluded: *"it is concluded beyond reasonable scientific doubt that there will be no adverse effect on the integrity of any relevant European site in view of its conservation objectives as a result of the Proposed Development, individually or in-combination with other plans or projects."* Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

The Board should note that this application was subject to judicial review, High Court Record No. 2024/745 issued on 7th June 2024. The High Court found against the applicant for judicial review and these proceedings have concluded.

4.6.12. Several other appeals are currently under consideration by the Board at the time of the writing of this report including:

- ABP Ref. PL06F.322149 (P.A. Reg. Ref. F25A/0011E) - Demolition of spiral ramps/ Modifications to be made to façade at terminal 1. This project was subject to AA screening which concluded *"On the basis of objective information and in view of best scientific knowledge and applying a precautionary principle, it is concluded by the authors of this report that with the absence of any mitigation measures the proposed T1 Spirals Demolition, either alone or in-combination with other plans or projects, will not result in likely significant effects on any European site"*. Based on the scale and nature

of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

- ABP ref. PL06F.320748 (P.A. Reg. Ref. FW24A/0253E) – 950 space staff surface carpark. This project has been subject to the Stage 2 Appropriate Assessment (Natura Impact Statement) process which concluded: “... *the implementation of the prescribed mitigation measures, it has been concluded by the authors of this report that there will be no adverse effects on the integrity of European sites as a result of the proposed development, either alone, or in combination with other plans or projects.*” Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.
- ABP Ref. PL06F.320815 (P.A. Reg. Ref. F23A/0636) - Upgrades to drainage infrastructure and construction of additional drainage infrastructure to improve performance of the surface water management with all associated site works. This project has been subject to the Appropriate Assessment Screening process which concluded: “*it can be excluded on the basis of the best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the European Sites*”. Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

4.6.13. In addition, there are currently several applications within the current planning process under consideration by Fingal County Council, these include the following which at the time of the writing of this report were either under a request for further information from the planning authority or a response to further information had just been received by the planning authority:

- P.A. Reg. Ref. F25A/0094E – Operational Application - in which daa is seeking to raise the passenger cap at Dublin Airport from 32 million to 36 million passengers per annum. Further information has been sought by FCC on this application, and I note that a NIS has been requested as part of this.

- P.A. Reg. Ref. F23A/0781 – Infrastructure Application - which includes for an increase in passenger numbers to 40 million and other related infrastructural project elements is also currently under consideration by the planning authority. This project has been subject to the Stage 2 Appropriate Assessment (Natura Impact Statement) process which concluded: “*It is therefore concluded in view of best scientific knowledge and on the basis of objective information, that the Proposed Development will have no adverse effect on the integrity of any European site in view of its conservation objectives, either alone or in-combination with other plans or projects*”. Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.
- F24A/0512E - provision of an Aircraft Observation Facility on Old Airport Road (Collinstown Lane) – further information received on 06th May 2025 - This project has been subject to the Appropriate Assessment Screening process which concluded: “*the proposed Aircraft Observation Facility, either alone or in-combination with other plans or projects, will not result in likely significant effects on Baldoyle Bay SAC or Baldoyle Bay SPA or any other European site. Thus, it is recommended that it is not necessary for the scheme to proceed to Appropriate Assessment.*” Based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

4.6.14. As well as the above projects applied for by the daa an up-to-date examination of the wider environs surrounding the airport campus was also carried out. The following two projects which are currently live have been considered relevant for further scrutiny for in-combination effects:

- ABP Ref: NA29N.314724 - MetroLink Rail Order Application - This application was accompanied by an NIS. The project includes works and a station stop at Dublin Airport. Taking into account the nature of the proposed Relevant Action and the lack of any construction activities required for the proposal and based on available environmental assessments submitted for the proposed MetroLink project, significant in-combination effects are not likely to occur.

- ABP Ref: PA06F.312131 - Greater Dublin Drainage Project – the proposed project at its nearest point is located is c. 850m south of the airport, with the proposed biosolids storage facility located c. 1.8km west of the airport site. Given the location of the proposed elements of the drainage project in relation to the airport site and the lack of any connectivity and taking into account the nature of the Relevant Action proposal and the lack of any construction activities it is unlikely there will be significant in-combination effects. Therefore based on the scale and nature of this project, I am satisfied that in-combination effects including any residual effects on European sites associated with the proposed RA will not occur.

4.6.15. As stated above this RA action is for alterations to the operation of the airport and as such does not include any physical infrastructure. The additional movements of flights, etc. has been addressed as part of the initial inspector's report under Section 14.0 Appropriate Assessment in the description of the potential impacts. The proposed RA project alone would not be likely to give rise to significant effects on any European sites in view of their conservation objectives. Having considered the assessment presented and having reviewed the above list of recent projects for any in-combination impacts and taking account of timing, location, nature and scale of the projects, and strict operational and regulatory procedures at the airport, it is considered that there will not be any significant in-combination effects with the proposed RA and those recently approved projects or any proposed future additional infrastructure projects or operational applications at the airport which are currently within the planning process.

4.6.16. In relation to plans, I am satisfied that the proposed RA would not give rise to any further in-combination effects which have not already been considered in their own screening.

4.6.17. In summary, therefore I am therefore satisfied that it can be reasonably concluded that no residual effects which could contribute towards a likely significant effect will result from the proposed Relevant Action in-combination with any of the above listed projects.

Mitigation Measures

- 4.6.18. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this updated screening exercise. The AA Screening Report as outlined in the initial inspector's report acknowledges the proposed new residential sound insulation measures; however, it is clear to state that these sound insulation measures are not intended to avoid or reduce significant effect on any European site.

Screening Determination and Conclusion - Finding of no likely significant effect

- 4.6.19. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites:

- Malahide Estuary SAC (site code 000205)
- Baldoyle Bay SAC (site code 000199)
- Rogerstown Estuary SAC (site code: 000208)
- North Dublin Bay SAC (site code: 000206)
- South Dublin Bay SAC (Site code: 000210)
- Ireland's Eye SAC (Site code: 002193)
- Rockabill to Dalkey Island SAC (Site code:003000)
- Howth Head SAC (Site code: 000202)
- Lambay Island SAC (Site Code 000204)
- Rye Water Valley/Carton SAC (Site Code 001398)
- Malahide Estuary SPA (site code 004025)
- Baldoyle Bay SPA (site code 004016)
- North-West Irish Sea Candidate SPA (site code 004236)
- South Dublin Bay and River Tolka Estuary SPA (site Code: 004024)
- Rogerstown Estuary SPA (site code 004015)
- North Bull Island SPA (Site code: 004006)

- Ireland's Eye SPA (site code: 004117)
- Howth Head Coast SPA (Site code: 004113)
- Lambay Island SPA (Site Code: 004069)
- Skerries Islands SPA (Site code: 004122)
- Rockabill SPA (Site Code: 004014)
- Dalkey Islands SPA (Site code: 004172)

or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

4.6.20. This determination is based on the following:

- The distance of the proposed development from the European Sites and the demonstrated lack of any meaningful ecological connections.
- The potential for disturbance impacts from noise which, in the majority of instances L_{Amax} remains the same or changes only slightly under the proposed RA at all European sites considered.
- The altitudes and noise levels of aircraft when above identified European sites are outside of the ranges commonly considered, within the scientific literature, to be causes of disturbance.
- The interest features of the European sites have already become habituated to noise and overflying more generally, and any increase as a result of Relevant Action is unlikely to have further significant effects.
- That although increases in nighttime flights are proposed to occur, this will lead to no significant effect to the conservation objectives of the European sites within the Zol;
- That increased numbers of flights are low enough that changes in air quality will also be small and will not affect the habitats within the SACs (and SPAs) such that there is deterioration.

5.0 Relevant Action - Conclusion and Recommendation

- 5.1.** The proposal under consideration is the Relevant Action as applied for subject to the incorporation of the Final Regulatory Decision as outlined under Section 3.8 of this report above. The RA (incorporating the RD) is recommended based on the information received as part of the application and the appeal and also takes into account the further information received by the Board and the information within the submissions received following the Board's Draft Decision.
- 5.2.** My assessment has taken into account the requirements of section 37 of the PDA as read with section 37R of the PDA and all considerations as set out in this supplementary report, as well as those outlined where relevant under the initial inspector's report. The Final Regulatory Decision (as outlined under Section 3.8 above) has been incorporated into this decision of the Board set out below. As outlined in detail under Section 3.0 above the recommended changes to the RD, in particular the proposed new figure for the air traffic movement limit, is broadly based on the calculation of the NQS, the information contained in the applicant's supplementary information and the EIARs.

6.0 Reasons and Considerations

- 6.1.** In coming to my decision, I have taken into consideration where relevant the information contained within the initial inspector's report and the Board's Draft Decision, as well as that information received subsequent to same draft decision. Therefore, in conclusion I have had regard to the following:

Appropriate Assessment

- 6.2.** The proposed development comprising the taking of a relevant action, was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having examined the Appropriate Assessment Screening Reports (initial and addendum report) and all other documentation submitted by the applicant in relation to the Relevant Action, as amended by and incorporating the Regulatory Decision, as well as the documentation associated with the Regulatory Decision and NAO by ANCA and having carried out Screening for Appropriate Assessment of the project, and an updated Screening assessment

following the Draft Decision, and in light of best scientific knowledge, and in the absence of mitigation measures, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites:

- Malahide Estuary SAC (site code 000205)
- Baldoyle Bay SAC (site code 000199)
- Rogerstown Estuary SAC (site code: 000208)
- North Dublin Bay SAC (site code: 000206)
- South Dublin Bay SAC (Site code: 000210)
- Ireland's Eye SAC (Site code: 002193)
- Rockabill to Dalkey Island SAC (Site code:003000)
- Howth Head SAC (Site code: 000202)
- Lambay Island SAC (Site Code 000204)
- Rye Water Valley/Cartron SAC (Site Code 001398)
- Malahide Estuary SPA (site code 004025)
- Baldoyle Bay SPA (site code 004016)
- North-West Irish Sea Candidate SPA (site code 004236)
- South Dublin Bay and River Tolka Estuary SPA (site Code: 004024)
- Rogerstown Estuary SPA (site code 004015)
- North Bull Island SPA (Site code: 004006)
- Ireland's Eye SPA (site code: 004117)
- Howth Head Coast SPA (Site code: 004113)
- Lambay Island SPA (Site Code: 004069)
- Skerries Islands SPA (Site code: 004122)
- Rockabill SPA (Site Code: 004014)
- Dalkey Islands SPA (Site code: 004172)

or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following:

- The distance of the proposed development from the European Sites and the demonstrated lack of any meaningful ecological connections.
- The potential for disturbance impacts from noise which, in the majority of instances L_{Amax} remains the same or changes only slightly under the proposed RA at all European sites considered.
- The altitudes and noise levels of aircraft when above identified European sites are outside of the ranges commonly considered, within the scientific literature, to be causes of disturbance.
- The interest features of the European sites have already become habituated to noise and overflying more generally, and any increase as a result of Relevant Action is unlikely to have further significant effects.
- That although increases in nighttime flights are proposed to occur, this will lead to no significant effect to the conservation objectives of the European sites within the Zone of Influence.
- That increased numbers of flights are low enough that changes in air quality will also be small and will not affect the habitats within the SACs (and SPAs) such that there is deterioration.

Environmental Impact Assessment

6.3. Having regard to the examination of environmental information in particular to that contained within the revised and supplementary EIAR and the submissions received from the planning authorities, prescribed bodies and third parties in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment were identified and outlined in detail in the initial inspector's report, with further scrutiny of certain issues carried out under this supplementary related report.

6.4. It is concluded that in the absence of additional operational restrictions and mitigation measures it is considered that the proposal would give rise to significant direct or indirect impacts of the population and human health, and the minor direct and indirect impacts on climate change as detailed below:

- Population and Human Health will be mainly impacted by the number of people Highly Annoyed, which will initially decrease in 2025 and then increase

in 2035 in the Relevant Action when compared to the permitted scenario. The number of people Highly Sleep Disturbed will increase in both assessment years (i.e. 2025 and 2035). These figures are based on the average impact of the increased aircraft movements and do not reflect the full extent of the increased movement of aircraft during the additional two nighttime hours in the Relevant Action. The inclusion of additional mitigation measures and operating restrictions in the form of an aircraft movement limit can ensure additional awakenings are minimised and the impact on sleep disturbance is mitigated.

- Total Annual Green House Gas (GHG) emissions of the Relevant Action is projected to increase in 2025 when compared to the permitted scenario and then decrease in 2035. No specific mitigation measures have been included in the predicted emissions. The decrease in the 2035 is based on a change in forecasted aircraft scheduling which indicates there will be an increase in short-haul night flights modelled in 2035 which will decrease long-haul day flights, leading to lower Continuous Climb Departures (CCD) emissions in the proposed scenario for 2035 when compared to the permitted scenario. The scheduling has not been presented in the documentation. This aside, international aviation towards net zero will ensure the use of climate friendly fuels and having regard to minor differences of aircraft movement increases between the permitted and proposed scenario, the long-term impact on the climate is considered of minor significance.
- The significance of effect of the impacts of Relevant Action on aircraft noise and vibration has been presented in the EIAR as an average over the entire nighttime period. Aircraft noise is not experienced as an average and the noise impacts of sleep from ATMs are intermittent and not continuous. The additional awakening results generally follow the same pattern as the HA and HSD, but the scale of the additional awakening results has a much greater significance due to the reality of the effect of one additional awakening. This result is greater due to the number of aircraft movements which is allowable under the NQS system. This impact can be mitigated through the inclusion of an aircraft movement restriction during the additional nighttime hours and the

use of an insulation scheme to protect the existing community impacted by the flight paths of aircraft.

The Relevant Regulatory Decision

- 6.5.** The proposed Relevant Action was considered in light of the Relevant Regulatory Decision and the requirements of section 37R of the PDA and section 9 of the Aircraft Noise (Dublin Airport) Regulation Act 2019, the details of which are outlined under Section 3.0 of this report. These include but are not limited to consideration of the Noise Abatement Objective, the Balanced Approach, Cost Effectiveness Analysis, Alternatives Considered, Noise Mitigation Measures and Operating Restrictions, as well as those submissions and observations received in response to the Board's Draft Decision.

Proper Planning and Sustainable Development

- 6.6.** In accordance with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, the Board performed its functions in relation to the making of its decision, in a manner consistent with the most recent approved, climate action plan, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State;

And in coming to its decision, regard was had to the following:

European legislation, including of particular relevance:

- European Communities (Relating to the Assessment and Management of Environmental Noise) (Directive 2002/49/EC);
- Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise ("The END Directive");

- Commission Directive (EU) 2015/996 of 19 May 2015 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council European Communities (Environmental Noise) Regulations 2018;
- Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach;
- Aircraft Noise (Dublin Airport) Regulation Act 2019;
- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
- Directive 2000/60/EC (Water Framework Directive).

National policy and guidance including:

- Climate Action Plan 2024 and 2025,
- Project Ireland 2040- the National Planning Framework First Revision, adopted on 8 April 2025,
- A National Aviation Policy for Ireland, 2015,
- Long-term Strategy on Greenhouse Gas Emissions Reduction (2024)

Regional and Local Level policy; including:

- Eastern and Midlands Regional Authority – Regional Spatial and Economic Strategy (EMRA-RSES) (2019)
- Fingal County Council Climate Action Plan 2024-2029
- The policies and objectives of the Fingal County Development Plan 2023-2029, particularly DAO16 and the introduction of a Noise Quota System,
- Dublin Airport Local Area Plan, 2020 (extended to 2030⁸⁵),
- Dublin Airport Noise Action Plan, 2024-2028.

⁸⁵ On 10th March 2025 councillors unanimously agreed to extend the Dublin Airport Local Area Plan to 2030

And the following matters:

- the nature, scale, and location of the proposed development,
- the planning history of the site and the surrounding area,
- the pattern of existing and permitted development in the area,
- the distance to dwellings and other sensitive receptors from the proposed development,
- the Environmental Impact Assessment Report (Revised and Supplementary Reports) submitted,
- the Screening for Appropriate Assessment (including Addendum Report),
- the submissions and observations received,

and it is therefore considered that, subject to compliance with the conditions of the Relevant Action as outlined below, which incorporates the proposed final Regulatory Decision, the proposal would not seriously injure the amenities of property in the vicinity by reasons of excessive noise disturbance at night and be in accordance with the proper planning and sustainable development of the area.

7.0 Conditions

1. The development comprising the taking of a relevant action, shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 14th day of September 2023 and the 4th day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with Fingal County Council, the developer shall agree such details in writing prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity and of proper planning and sustainable development of the area.

2. Apart from any departures specifically authorised by this permission, the development comprising the taking of a relevant action, shall be carried out and completed in accordance with the terms and conditions of the permissions, under An Bord Pleanála PL06F.217429 (Planning Authority register reference number F04A/1755) and as extended under Planning Authority register reference number F04A/1755/E1 and further amended under An Bord Pleanála reference PL06F.305298 (Planning Authority register reference number F19A/0023) (the amending permission), and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. The existing operating restriction, Condition 5, of the North Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reading as:
'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'

shall be revoked and replaced with an annual noise quota scheme operating restriction as follows:

The Airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise-related limits on the aircraft permitted to operate at night. The NQS shall be applied as detailed below.

Part 1 - Definitions

- 1.1 The following definitions shall apply with reference to the scheme described in Part 2.

Term: Annual Quota Period

Meaning: The twelve-month period from 1 April to 31 March inclusive each year.

Term: EASA Noise Certification Database

Meaning: The database of noise certification levels approved and as varied from time to time by the European Union Aviation Safety Agency (EASA) and published on its website. (<https://www.easa.europa.eu/domains/environment/easa-certification-noise-levels>).

The noise levels are established in compliance with the applicable noise standards as defined by International Civil Aviation Organization (ICAO) Annex 16 Volume 1.

Term: Night time

Meaning: The hours at night between 23:00 (local time) to 06:59 (local time).

Term: Noise Classification Level (NCL)

Meaning: The noise level band in EPNdB assigned to an aircraft for take-off or landing, as the case may be, for the aircraft in question for the purposes of identifying the Quota Count of the aircraft. The Noise Classification Level for an aircraft taking off from and landing at the Airport shall be taken from the Flyover Level from the EASA Noise Certification Database:

$NCL(Take-Off) = EPNL(Flyover)$

$NCL(Landing) = EPNL(Approach) - 9 \text{ dB}$.

Term: Quota Count.

Meaning: The amount of the quota assigned to one take-off or to one landing by an aircraft based on the Noise Classification Level for the aircraft having regard for engine type and take-off weight:

Noise Classification Level	Quota Count (QC)
Greater than 101.9 EPNdB	16.0
99-101.9 EPNdB	8.0
96-98.9 EPNdB	4.0
93-95.9 EPNdB	2.0

90-92.9 EPNdB	1.0
87-89.9 EPNdB	0.5
84-86.9 EPNdB	0.25
81-83.9 EPNdB	0.125
Less than 81 EPNdB	0

Part 2 – Noise Quota Scheme

2.1 Subject the dispensations described in Paragraph 2.2:

- (a) A take-off or landing at the Airport shall be determined to fall within the night time based on runway time.
- (b) No aircraft with a Quota Count of 4.0 or more shall be permitted to take off at the Airport during the night time.
- (c) No aircraft with a Quota Count of 2.0 or more shall be permitted to land at the Airport during the night time.
- (d) Each aircraft landing at or taking off from the Airport during the night time will be assigned a Quota Count based on its Noise Classification Level.
- (e) The Noise Quota at the Airport shall be limited to 16,260 for the Annual Quota Period.

2.2 The restrictions set out in Paragraph 2.1 shall not apply in any of the following dispensations:

- (a) Where a take-off or landing of any aircraft at the Airport is made in an emergency, where there is an immediate danger to life or health, whether human or animal.
- (b) Where a take-off or landing of any aircraft at the Airport occurs as a result of a delay to that aircraft which is likely to lead to serious congestion at the Airport and/or serious hardship or suffering to passengers or animals.
- (c) Where a take-off or landing of any aircraft at the Airport occurs as a result of widespread and prolonged disruption of air traffic.

- (d) Flights for military, medical or humanitarian purposes granted exemption by the Irish Government

Part 3 – Noise Quota Scheme Reporting Requirements

3.1 The Applicant shall submit quarterly reports to the planning authority and ANCA on its implementation of the Noise Quota Scheme. The reports shall include:

- (a) the number of aircraft operating during the Noise Quota Period and their type, including technical details including their engines and take-off weights, where applicable;
- (b) the Quota Count assigned to aircraft operating in the Noise Quota Period;
- (c) the total Noise Quota used during the quarter and in the Annual Period to date;
- (d) the total Noise Quota used by Quota Count in the quarter and in the Annual Period to date; and
- (e) Details of any dispensations pursuant to Paragraph 2.2 which have been relied upon during the quarter and in the Annual Period to date.

3.2 The quarterly reports shall be issued so that:

- (a) The first quarterly report considering activity over the period 1 April to 30 June each year is published by no later than the 30 September each year.
- (b) The second quarterly report considering activity over the period 1 July to 30 September each year is published by no later than the 31 December each year.
- (c) The third quarterly report considering activity over the period 1 October to 31 December each year is published by no later than the 31 March the following year.
- (d) The fourth quarterly report considering activity over the period 1 January to 31 March each year is published by no later than the 30 June each year.

Part 4 – Noise Performance Reporting

4.1 The Applicant shall issue annual reports to the planning authority and ANCA on its noise performance. The report for the previous Annual Period (1 January to 31 December) shall be issued by no later than 31 March each year, for the first full Annual Period to which this regulatory decision applied and comprise of:

- (a) Noise exposure statistics and contours as required to facilitate performance review of the Noise Abatement Objective including as a minimum:
 - Annual 55dB L_{night}
 - Annual 65dB L_{den}
 - the number of people ‘highly sleep disturbed’ and ‘highly annoyed’ in accordance with the approach recommended by the World Health Organisation’s Environmental Noise Guidelines 2018 as endorsed by the European Commission through Directive 2020/367, taking into account noise exposure from 45 dB L_{den} and 40 dB L_{night} .
 - Annual L_{night} contours from 40 dB in 5 dB increments
 - Annual L_{den} contours from 45 dB in 5 dB increments
 - Summer 60 dB $L_{Aeq, 16hr}$, 63 dB $L_{Aeq, 16hr}$ and 69 dB $L_{Aeq, 16hr}$ (measured averaged across 92-day summer period from 16th June to 15th September)
- (b) Confirmation of the number of residential properties that (i) have benefitted from and (ii) are eligible for but yet to benefit from the Applicant’s noise insulation schemes.
- (c) Key Statistics with respect to aircraft operations in the preceding Annual and Summer Periods including but not limited to:
 - aircraft movements including average hourly movements
 - use of the Noise Quota Scheme
 - movements by aircraft type
 - passenger numbers
 - aircraft destinations

- flight routings
 - runway use
- (d) Summaries from noise monitoring terminals for the Airport in such format as ANCA shall stipulate.
- (e) Details of all noise modelling undertaken in support of the Noise Performance Reporting describing compliance with the methodology set out in Directive 2015/996 (ECAC Doc.29 4th Edition). All noise modelling shall be validated using local noise and track keeping performance data from the Airport's systems.
- (f) Summary of complaints records for the preceding Annual Period categorised by the:
- location of complaints; and
 - reason for complaint
- (g) Details of any anticipated changes or developments that may affect noise at the Airport in the current year, through for example airspace change or fleet modernisation.

Reason: To limit the impact of the aircraft noise at Dublin Airport on sleep disturbance in the interest of residential amenity and to ensure the effective implementation of the Noise Abatement Objective for the Dublin Airport by means of a noise-related limit on aircraft operations.

4. The existing operating restriction imposed by Condition 3(d) and the exceptions at the end of Condition 3 of the North Parallel Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reading:

'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.'

shall be amended as follows:

Runway 10L/28R shall not be used for take-off or landing between 00:00 and 05:59 (inclusive, local time) 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.

Reason: To permit the operation of the runways in a manner which reduces the impacts of aircraft nighttime noise, whilst providing certainty to communities as to how they will be affected by nighttime operations from the North Runway, while also providing continuity with the day-time operating pattern set down by Conditions 3(a)-(c) of the North Runway Planning Permission.

5. The airport shall be subject to an annual aircraft movement limit of 35,672 between the nighttime hours of 23:00 and 06:59 (inclusive, local time).

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 nighttime use of the existing parallel runway.

6. A voluntary residential sound insulation grant scheme (RSIGS) for residential dwellings shall be provided. Initial eligibility to the scheme shall apply to all residential dwellings situated within the 'Eligibility Contour Sep 2023 as shown in the 'Overview Map' in Pack 1 of submission dated the 4th day of March, 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Draft Decision).

Eligibility to the scheme shall be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55 dB L_{night} contour being eligible under the scheme as detailed in Parts 1 to 5 below.

Further eligibility to the scheme shall include for all residential dwellings that satisfy the following criteria:

- Residential dwellings situated in the 50 dB L_{night} contour in the first full year when the Relevant Action comes into operation, together with a change of at least +9 dB when compared with the current permitted operation in the same equivalent year. For the avoidance of doubt, this represents a one-off review after the first full calendar year when the RA is in operation or may be aligned with other two-yearly noise insulation reviews and reports.
- Residential dwellings subject to aircraft noise of 80 dB L_{Amax} based on the noise footprint of the airport's westerly and easterly single modes of approach and departure (not averaging the modes of operation of the airport over the 92 days of summer) between 23:00 hrs and 06:59hrs. The 80 L_{Amax} boundary contour shall be calculated using the Airport Noise Contour Model for the previous year. The boundary should be based on the calculated Noise Above metric of 80dBA L_{Amax} (N80) = 1 contour line. (This will include any location with 1 or more events per night of L_{Amax} 80 dBA or more).

Part 1 Definitions

1.1 The following definitions shall apply with reference to the scheme described in Part 2.

Term: Approved Contractor

Meaning: A contractor procured and managed by the Applicant and considered competent and appropriately qualified and have suitable levels of insurance coverage to install the sound insulation measures described in Part 4 in line with acceptable standards and in compliance with the Building Regulations.

Term: Bedroom

Meaning: A room other than in an attic or loft within an Eligible Dwelling which is used as sleeping accommodation.

Term: Competent Surveyor

Meaning: An appropriately qualified surveyor to inspect and determine relevant information in relation to the existing construction and elements of an Eligible Dwelling for the purposes of undertaking an Elemental Analysis as defined in Part 5.1, Step 5 below.

Term: Eligibility Contour Area

Meaning: The 55 dB L_{night} contour area as varied from time to time pursuant to the review process set out in Part 3.2 below.

Term: Eligible Dwelling

Meaning: A habitable dwelling built in compliance with the provisions of the building regulations and the Planning and Development Act within the Term Eligibility Contour Area and which otherwise qualifies under the conditions set out under Part 3.1 below.

Term: Index Linked

Meaning: Index-linked by reference to changes in the Consumer Price Index (CPI) (maintained by the Central Statistics Office) in the period between the Application and the date of the Statement of Need.

Term: Initial Eligibility Contour Area

Meaning: The area shown on the 'Eligibility Contour Sep 2023' as shown in the 'Overview Map' in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Decision).

Term: Relevant External Noise Level

Meaning: The noise exposure level at the relevant Eligible Dwelling.

Term: Statement of Need

Meaning The recommended measures identified from those available under the scheme as outlined in Part 4.

Term Target Performance

Meaning: An improvement of at least 5 dB, where feasible, and acceptable to the homeowner, in the sound insulation of each bedroom of the Eligible Dwelling. Where possible, the guidelines recommended in BS8233:2014 for internal ambient noise levels shall be targeted.

Part 2 – Purpose of the Scheme

2.1 The purpose of the scheme is to provide financial assistance by the Applicant to property owners in the form of a grant in the sum of €30,000 (Index Linked) towards the costs of noise insulation measures to Bedrooms in Eligible Dwellings (the Grant).

2.2 Bedrooms and properties may qualify only once for the financial assistance provided under this scheme.

2.3 Where a dwelling is eligible under this scheme but is also eligible for insulation under the Residential Noise Insulation Scheme (RNIS) and the Home Sound Insulation Programme (HSIP) best endeavours shall be made by the Applicant to ensure that the dwelling receives insulation under RNIS and HSIP instead of this scheme.

Part 3 – Eligibility

3.1 Dwellings shall be determined to be Eligible Dwellings under this scheme if they are located within (i) the Initial Eligibility Contour Area as shown on the map 'Eligibility Contour Sep 2023' as shown in the 'Overview Map' in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates (attached to this Draft Decision) or (ii) the Eligibility Contour Area (following any review carried out pursuant to Part 3.2 below) and:

- (a) Were constructed pursuant to a planning permission granted following a planning application lodged on or prior to 9th December 2019, being the date of adoption of Variation no. 1 to the Fingal Development Plan 2017-2023 incorporating policies relating to development within Aircraft Noise Zones;

- (b) Have not benefitted from noise insulation previously under this scheme; and
- (c) Have not benefitted from noise insulation under either the RNIS or HSIP schemes previously.

3.2 By 31 March 2027 and every two years thereafter, the Applicant shall update and publish a revised Eligibility Contour Area map identifying all authorised habitable dwellings within the 55 dB L_{night} contour in the calendar year immediately preceding the review.

Part 4 - Measures available under the Scheme

4.1 The owner of an Eligible Dwelling in accordance with Part 3 and following the procedure described in Part 5 shall be entitled to the Grant to be applied towards a selection of insulation measures to be applied to Bedrooms within an Eligible Dwelling as specified in Paragraphs 4.2 to 4.10 below.

4.2 The insulation measures referred to in Paragraph 4.1 must be installed by an Approved Contractor and comprise of the following unless the equivalent measure already exists within the Eligible Dwelling

- (a) Primary Acoustic Glazing
- (b) Secondary Acoustic Glazing
- (c) Glazing Roof Light
- (d) Passive Ventilator
- (e) Mechanical Ventilator
- (f) Loft Insulation
- (g) Ceiling Overboarding

4.3 The sound installation measures provided under this scheme shall otherwise comply with the specification of the measures in place under the RNIS scheme as summarized in Part 5 below.

4.4 Where secondary acoustic glazing is to be installed, this shall meet the following specification, namely, 6.4 millimetres laminated glass with minimum

100 millimetres gap from the primary glazing unit. However, where this is not possible, the secondary glazing should be provided to account for the below variations.

Thickness of Glazing of the Inner Window	Window Minimum Horizontal Distance
Less than 4 mm and not less than 3 mm thick	200mm
Less than 6 mm and not less than 4 mm thick	150mm

4.5 Where secondary glazing is being installed reasonable endeavours will be made to repair the draft seals, catches and hinges to provide an air-tight seal on the existing primary glazing unit.

4.6 Where a replacement primary acoustic glazing is to be provided, this shall achieve a minimum R_w of 43 dB tested and rated to BS EN ISO 140-3 and BS EN ISO 717.

4.7 Where ventilators (passive or mechanical) are to be provided, a ventilation strategy for the bedrooms within each Eligible Dwelling shall be determined in accordance with Part F of the Building Regulations. Mechanical ventilation shall comprise of a ventilator unit consisting of a controlled variable-speed inlet fan with sound attenuating duct and cover that is capable of supplying fresh air to the room directly from outside by means of the supply duct and cowl (or grille).

4.8 Where no loft insulation is present in an Eligible Dwelling 200mm of fibrous acoustic insulation may be placed between ceiling joists, the insulation is to have a minimum density of 80 kg/m^3 . Where insulation is already present but found to be unsatisfactory additional layers of insulation will be added to increase the total thickness to 200mm.

4.9 Any ceiling overboarding shall comprise of a continuous layer of mass to provide at least 12 kg/m^3 added above joists in attic, for example 22mm plywood (or similar approved).

4.10 In the event that loft Insulation or loft boards cannot be installed due to inaccessibility or other practical reasons, any ceiling overboarding shall comprise a dense plasterboard with a total minimum surface mass of 12kg/m³, that is, 15mm SoundBloc (or similar approved).

Part 5 – Procedure

5.1. The Applicant in operating this Scheme shall follow, the relevant parts of the procedure set out in this Part 5 as required in the discharge of the Applicant's obligations under Condition 7 of the North Runway Consent, the discharge of which obligations is achieved through the RNIS.

Step 1 – Determine Eligibility - Eligible Dwellings shall be identified as per Part 3 of this Schedule.

Step 2 – Notification of Eligibility - The Owner of an Eligible Dwelling shall be notified of their eligibility under the scheme within six months of their eligibility being determined under Step 1.

Step 3 – Determine Relevant External Noise Level - The Relevant External Noise Level at the Eligible Dwelling shall be determined.

Step 4 – Undertake Building Survey – The Applicant shall use reasonable endeavours to arrange for the Eligible Dwelling to be inspected by the Competent Surveyor (and secure the necessary agreement to this from the owner of the Eligible Dwelling) within six months of eligibility being determined to record relevant information. The building survey shall be carried out by a Competent Surveyor appointed on behalf of the Applicant. The survey shall record the location and number of Bedrooms, and for each Bedroom record the following relevant information:

- External wall constructions - where possible the construction type of the external walls will be recorded for example wall composition including inner leaf, cavity, and external leaf dimensions including all associated building materials;
- Window type – e.g. frame material, single glazing, double glazing, including key dimensions;

- Roof construction – including where possible roof construction type;
- Details of chimneys and fireplaces;
- Ventilation paths – e.g. existing wall and floor vent types, quantities and dimensions;
- Details of any existing sound insulation measures which have been installed previously;
- Dimensions of all Bedrooms including window, roof and wall dimensions;
- Drawings and/or floor plans – if these are available from the owner;
- Photographic records of the building.

Step 5 – Elemental Analysis - An elemental analysis shall be undertaken to provide a technical assessment of the noise insulation required for the Eligible Dwelling. The following process shall be followed:

- (a) The existing sound insulation properties of each Bedroom shall be established;
- (b) The anticipated future internal noise levels within each Bedroom having regard for the Relevant External Noise Level, presented in octave bands scaled from measurements taken around the Airport, and the existing noise insulation performance obtained from Step (a);
- (c) A comparison shall be made between the anticipated internal noise level to the BS8233:2014 Targets for internal ambient noise;
- (d) An assessment will be undertaken to determine the required improvement in the noise insulation performance, having regard for the Target Performance;
- (e) Through an elemental analysis, the most effective combination of measures set out in Part 4 having regard for the Target Performance and the financial assistance grant shall be identified.

Step 6 – Statement of Need - A Statement of Need shall be prepared for each Eligible Dwelling. The Statement of Need will be a bespoke document for each Eligible Dwelling. The Statement of Need shall:

- (a) Describe the existing sound insulation performance for each Bedroom having regard for the Building Survey as described in Step 4;
- (b) Identify the potential improvement in the existing sound insulation performance for each Bedroom as can be afforded within the Grant and whether the Target Performance can be met;
- (c) Set out the recommended set of measures for the Eligible Dwelling in the form of a schedule of works and the associated measures on a bedroom-by-bedroom basis;
- (d) Provide an opinion on the future internal noise level following the implementation of the noise insulation works and the ability of the works to meet Target Performance.

The Statement of Need shall be issued to the owner of the Eligible Dwelling.

Step 7 – Acceptance - Subject to the owner of the Eligible Dwelling agreeing to the scope of works as defined under the Statement of Need, the engagement of the Approved Contractor and access to the dwelling by the Approved Contractor for the purposes of undertaking the works, the Airport will use reasonable endeavours to procure that the Approved Contractor undertakes the scope of works within six months of the owner's agreement to the same.

Step 8 – Works – The scope of works as defined by the Statement of Need shall be undertaken by the Approved Contractor or a suitably qualified contractor procured by the homeowner. The Applicant shall procure the Approved Contractor to ensure that the works are undertaken to the necessary standards and in compliance with the necessary regulations and that the Approved Contractor provides the owner with all appropriate certification and warranties relative to the works completed to the Eligible Dwelling. The Approved Contractor shall photograph the Eligible Dwelling before and after the works for record purposes.

5.2 In the event that a property owner declines to accept the scope of works as defined under the Statement of Need (Step 6) the Applicant shall make a grant available towards the costs of sound insulation measures through the Approved Contractor equal to the cost of the measures identified through the Statement of Need. This grant may be used by the owner to request alternative measures providing they as a minimum meet the Target Performance. Where the alternative measures are calculated to cost more than the cost of the measures identified through the Statement of Need, any difference shall be at the expense of the owner.

5.3 In the event that a property owner wishes to appoint their own competent contractor, the Applicant will provide a specification for the works. The property owner must provide a written quotation from their competent contractor for approval of both the identity of the contractor and the quotation by the Applicant. Following approval, the property owner shall be responsible for managing the works and making payments to their contractor and the provisions of and schedule as agreed by the planning authority shall be deemed to be amended accordingly. Upon completion of the works, the Applicant will carry out an inspection and issue payment to the property owner. Where works are not carried out in accordance with the approved specification, payment will not be made by the Applicant. Where works are not carried out in accordance with the approved specification, payment will not be made by the Applicant. The Applicant must act reasonably in the approvals process, but if the Applicant does not approve of the contractor or the quotation, payment will not be made by the Applicant.

Reason: To account for the impact of noise from individual aircraft movements from, any change in flight paths, and assessed in terms of the maximum noise level at a receptor during the fly-by. Also, to mitigate the impact of aircraft nighttime noise as a result of the use of the Airport's runways.

Please see Appendix 2 of this report for maps detailing 'Eligibility Contour Sep 2023' in connection with above as per 'Overview Map' in Pack 1 submission dated 4th March 2024 submitted on behalf of the applicant by Tom Phillips and Associates.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Máire Daly

Senior Planning Inspector

26th May 2025

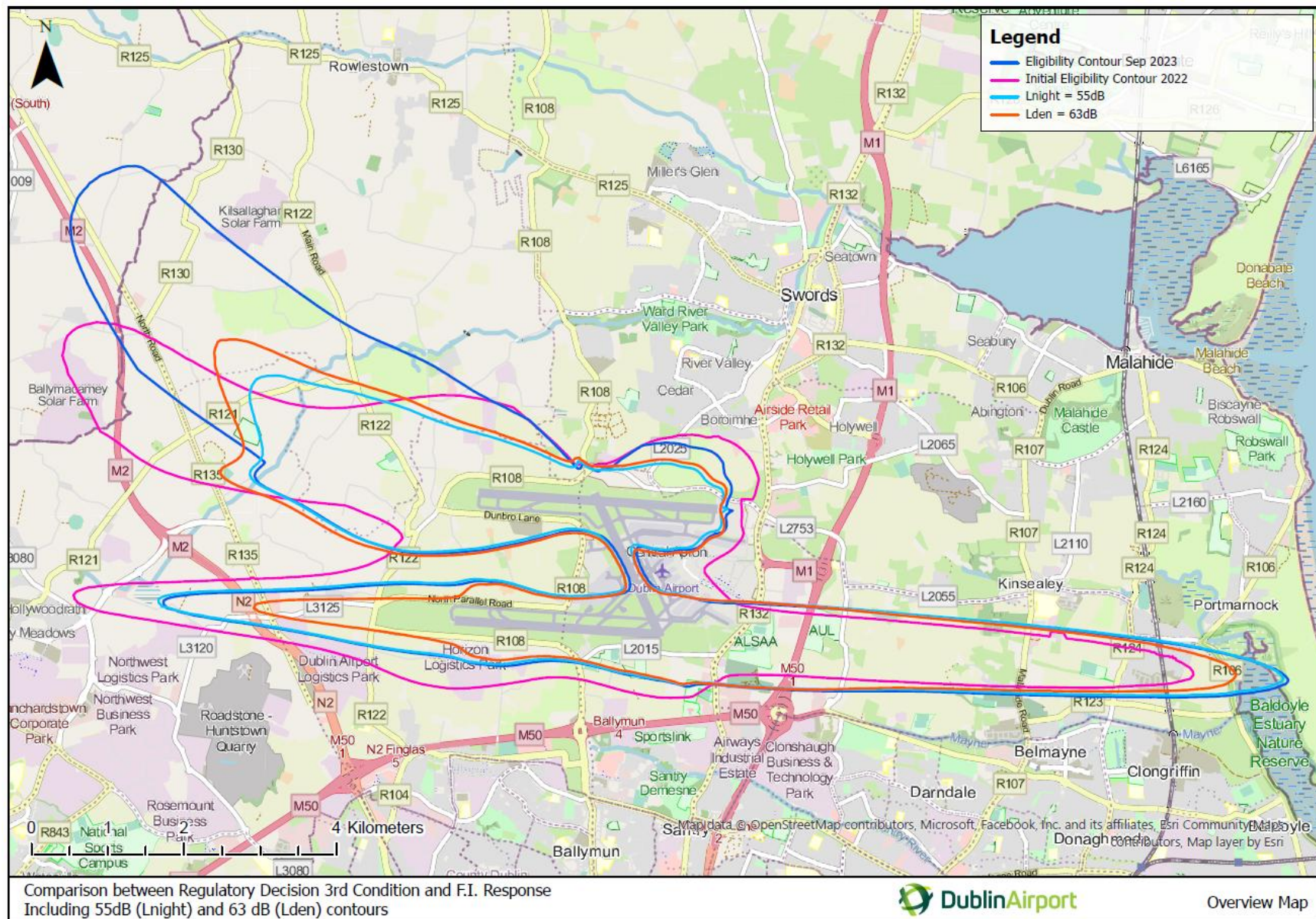
Appendix 1: List of Observers – received in response to Draft Decision

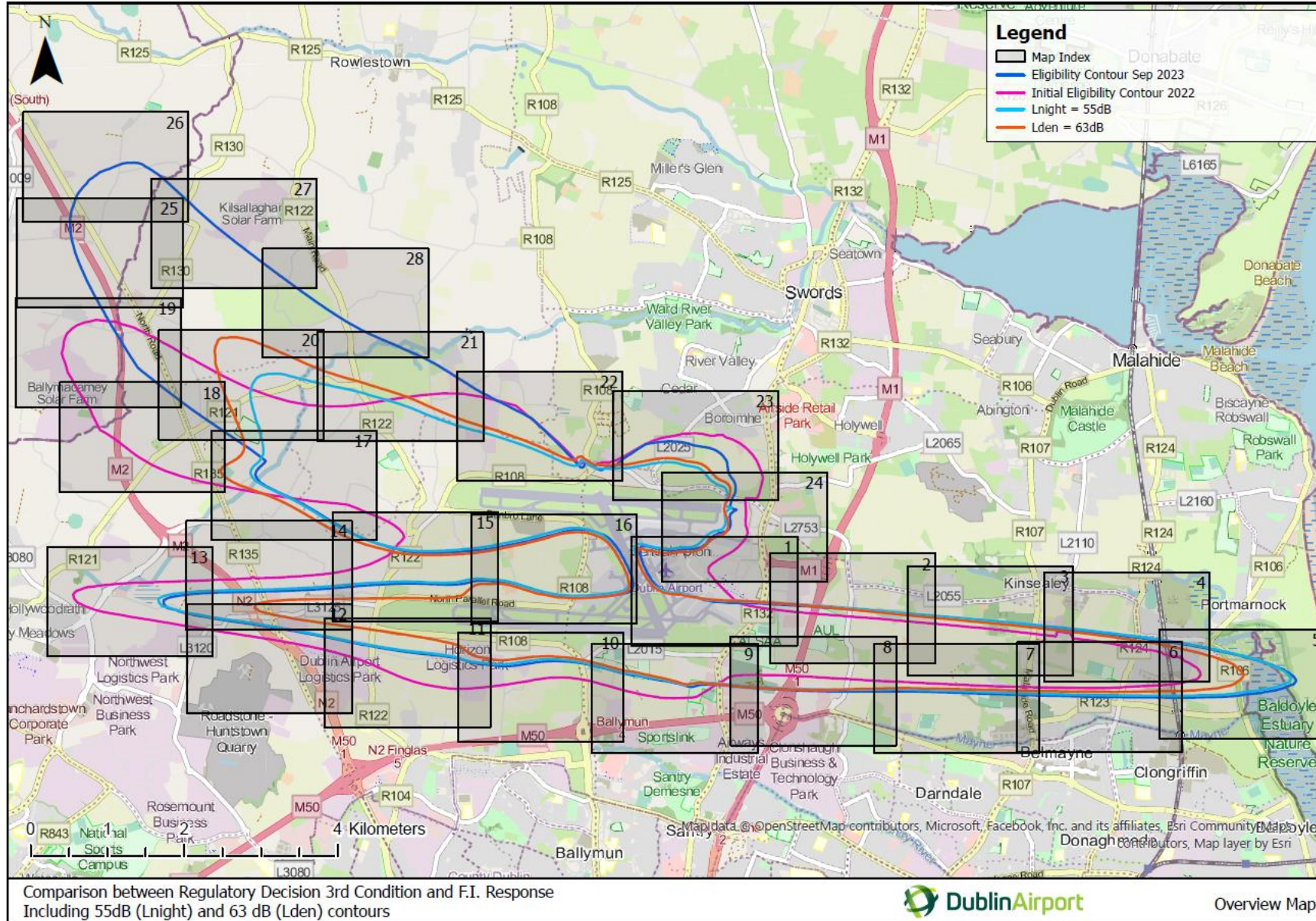
Adrian Kelly	James Ryan	Sheelagh Morris and others
Aer Lingus	James Scully	Shelly Barron
Aidan Bodkin	Jane and Denis O'Shea	Siobhain Isdale
Aidan Conaty	Jim Isdale	SMTW Environmental DAC
Airlines for America	Joe Bonner	Stephen Devine
Alan Fitzpatrick	Joe Cronin	Stephen Smyth
Alan Lynch	John Farrell	Susan Crawford
Albert Rattigan and Catherine O'Donovan	John Harris	Terence Murphy
Ambrose Jameson	John Smyth	Terence Quinlan
Andrew Anderson	John Stamford	Teresa O'Dowd
Angela Martin	John Yeates	Thomas Conaty
Ann McNelis	Jonathan McNally	Thomas Fee
Annette Akinrinde	Karl Cassidy	Tippy Toes Playschool
Ballyboughal Community Council	Kate Rooney	Tony Byrne
Bart and Bernie Glover	Keith Murphy	Tony Gray
Bernadette Conaty-Beyer	Ken and Marjan McCarthy	Vicky McGauley
Bernadette Lawless & Keith Hanlon	Kevin Fennelly	Vincent O'Donoghue
Bernadette Mary Egan	Kilcoskan National School	William Dempsey
Breda and Francis Murray	Leona Cantwell	St. John and Alicia Baird
Breffni and Orla Conaty	Liam O'Gradaigh	ACI EUROPE
Brendan Murphy	Lily Conaty	Airnav
Brian Dougan	Linus and Elaine Kavanagh	Aisling Doran
Brian Murphy	Lisa Morris	Anne Winters
Brian Prendergast	Lo Klinkenbergh	Cargo Airline Association
Bryan Beggan	Loreto O'Byrne	Chambers Ireland
Carol Smyth	Mairead and Gerry Fitzsimons	Claire Kiernan
Cathal Haughey	Mairead O'Keeffe	Claire Smith
Catriona Hurley	Majella Keane	Coolquay Residence Alliance

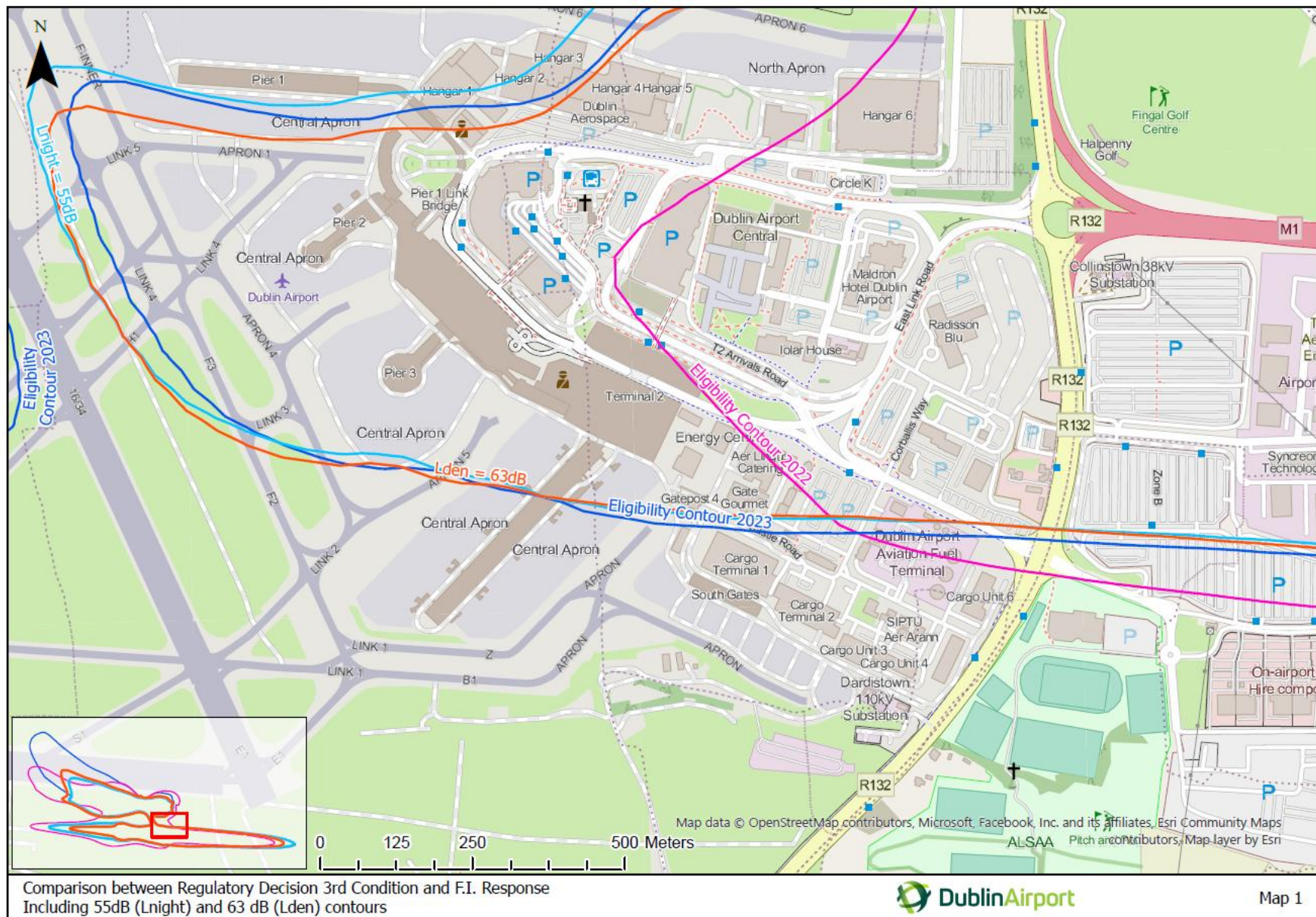
Cedars Ridgewood Management GLC	Malahide Community Forum	Cyril Vallin
Christopher Ratcliffe	Margaret Bennett	David Buckley
Ciaran McCreary	Maria and Shane Carolan	David R. Kelly
Cllr Ann Graves and Louise O'Reilly TD	Marie Archer Murphy	Donal O'Brien
Cllr Darragh Butler and others	Mark Levins	Dublin Chamber
Cllr Dean Mulligan	Martin and Leah Moran	Dylan Cassidy
Cllr Ian Carey	Mary Madigan	Emerald Airlines
Cllr John Walsh	Maurice O'Donnell	European Express Association
Cllr. Hellen Meyer and Darren O'Rourke TD	Michael and Margaret O'Rourke	Fingal Chamber
Colm & Ewelina Kavanagh	Michael Conneally	Gavin Wilson
Colm and Sandra Barry	Michael Kavanagh	Irish Aviation Authority
Colm Ratcliffe	Michael MacCabe	Irish Exporters Association
Conor Tormey	Natalie Creevey	Ivan Taylor
DAA plc	Neil and Annette Cashell	Joe Newman
Danny O'Neill	Neil Carey	John Dennehy
Darren Murphy	Niall Farrell	John G. Law
David Egan	Niamh Cronin	Joe O'Reilly
David Hanratty	Niamh Maher	Jose Duarte Afonso
David Smyth	Nick Egan	Josephine Moloney
Dawn Conaty	Noel Bannon	Keith Rankin
Dean Murphy	Noelle Dollard	Kevin Doran & Marie McHale
Deirdre McNamara	Noelle Spring	Lillian Murtagh
Derek Hanlon	Noreen Wright	Linda and Robert McNally
Desmond Guckian	Orla Roche	Mary Sheridan
DHL Express	Patricia A. Byrne	Michael and Susan Lillis
Dolores Beggan	Patrick Hughes	Michael O' Connor
Dolores McGuire	Paul and Patricia Mangan	Micheal Padden
Dolores Murphy	Paul Corrigan	Michelle Queally
Doreen Mooney	Paul Doolan	Mike Delaney
Eddie & Marisa Cassidy	Pauline McGuinness	Paddy Brangan
Eithna Ratcliffe	Pearse and Evelyn Sutton	Patricia Klinkenbergh
Emma Isdale	Peter and Deirdre Goodman	Paula Duffy

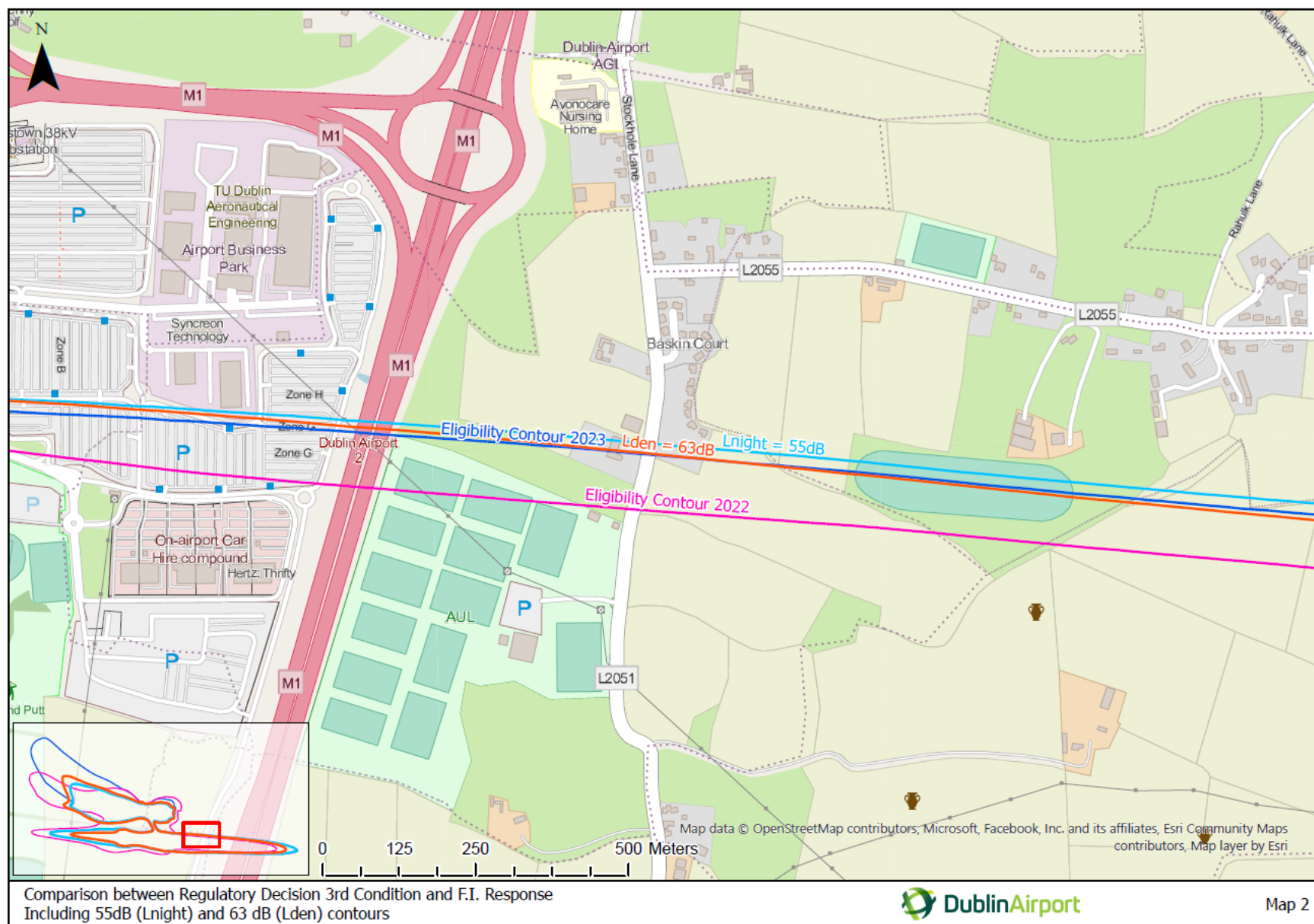
Eoin Keary	Peter Coyle	Qatar Airways
Eric Duffy	Peter Swail	Robert and Margaret O'Brien
Esther Cassidy	Peter Wilson	Ryanair
Eugen Dmitras	Portmarnock Community Association	Sabrina Joyce-Kemper
Fiona Irwin	Rabbitte Property Group Limited	Scott Wright
Frank Reidy	Rachel Keane	Sean Costello
Fred O'Brien	Randolph Taylor	South Dublin Chamber
FTA Ireland	Raphael Ardiffe	South Dublin Chamber
Gareth O'Brien	Raymond and Carmel Fox	Tanya & Trevor Ratcliffe
Georgina Gaughan	Raymond Wright	Tourism Ireland
Gerald Turley	Renee Barnett	Tristan Murphy
Gerard O'Sullivan	Robert J. Beyer	TUI Group
Gillian Archer Murphy	Robert Kennedy	U.S Department of Transportation
Gillian Toole	Robert Murphy	United
Grainne and Michael McFadden	Sabrina Joyce- Kemper on behalf of Wild Irish Defence CLG	University of Galway
Grainne Carey	Saint Margaret's The Ward Residents Group	UPS
Gregory Hughes	Sarah Maguire	Veronica Murphy
Hilary Shearman	Seamus and Ursula Horan	WESTJET
Hugh Donohoe	Sean Carolan	International Air Transport Association (IATA)
Ibec	Sean McIvor	
Irish Tourism Industry Confederation ITIC	Serena Taylor	

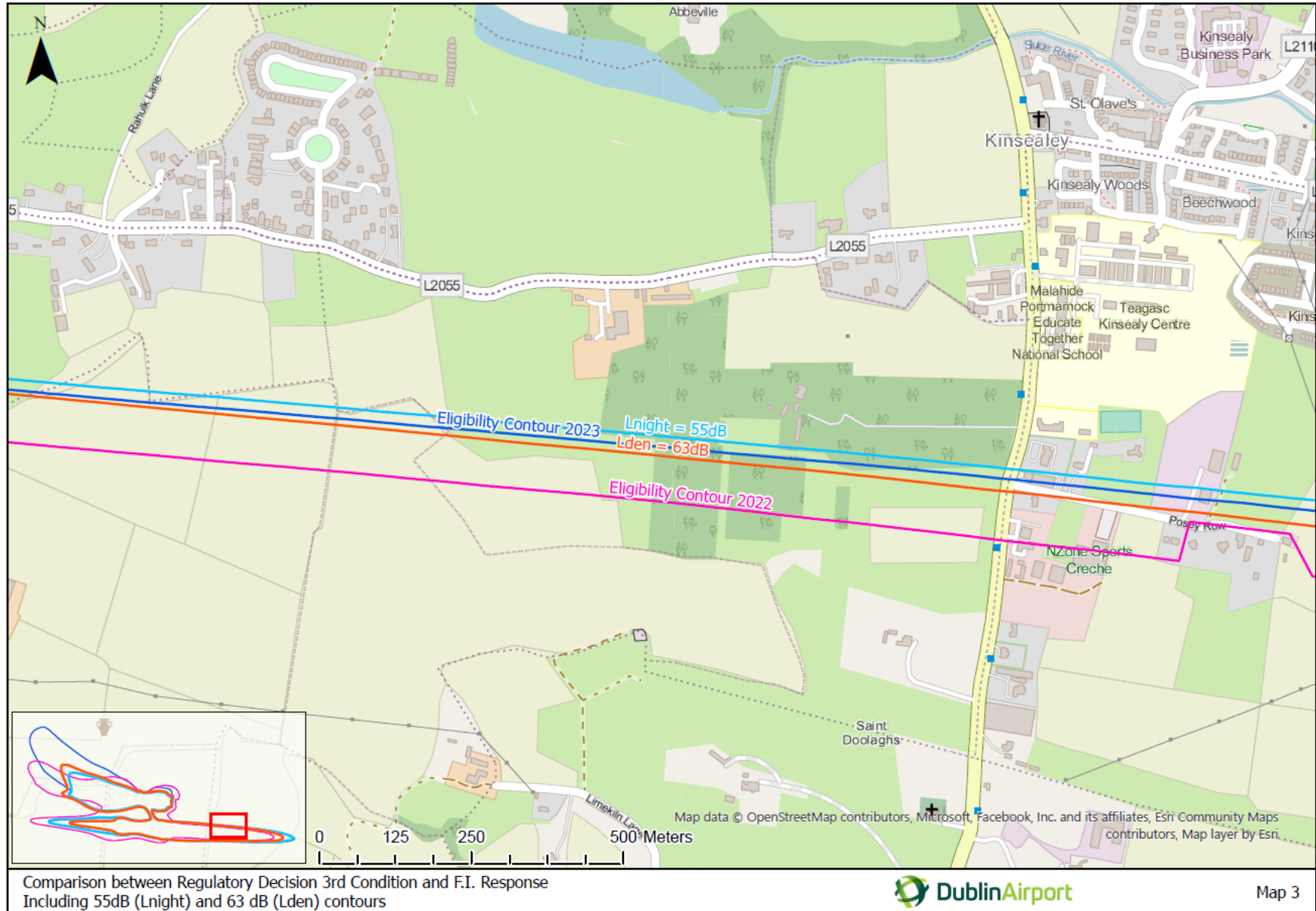
**Appendix 2: Residential Sound Insulation Grant Scheme
(RSIGS) Initial Eligibility-Sep_23 – Overview Maps (1:60,000 Scale - Open
Street Map Base) and Map 1-28 (1:7,500 Scale - Open Street Map Base)**

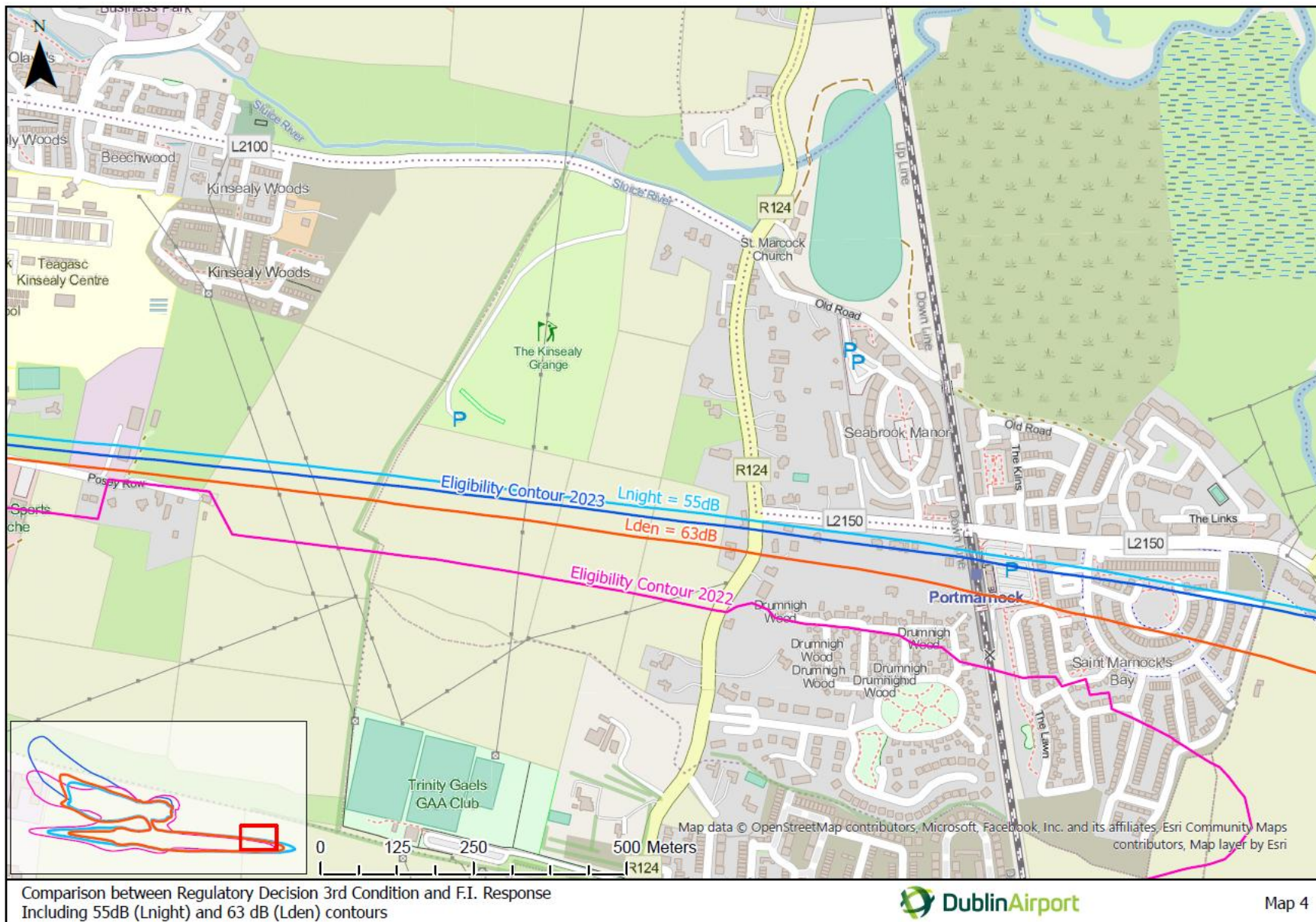


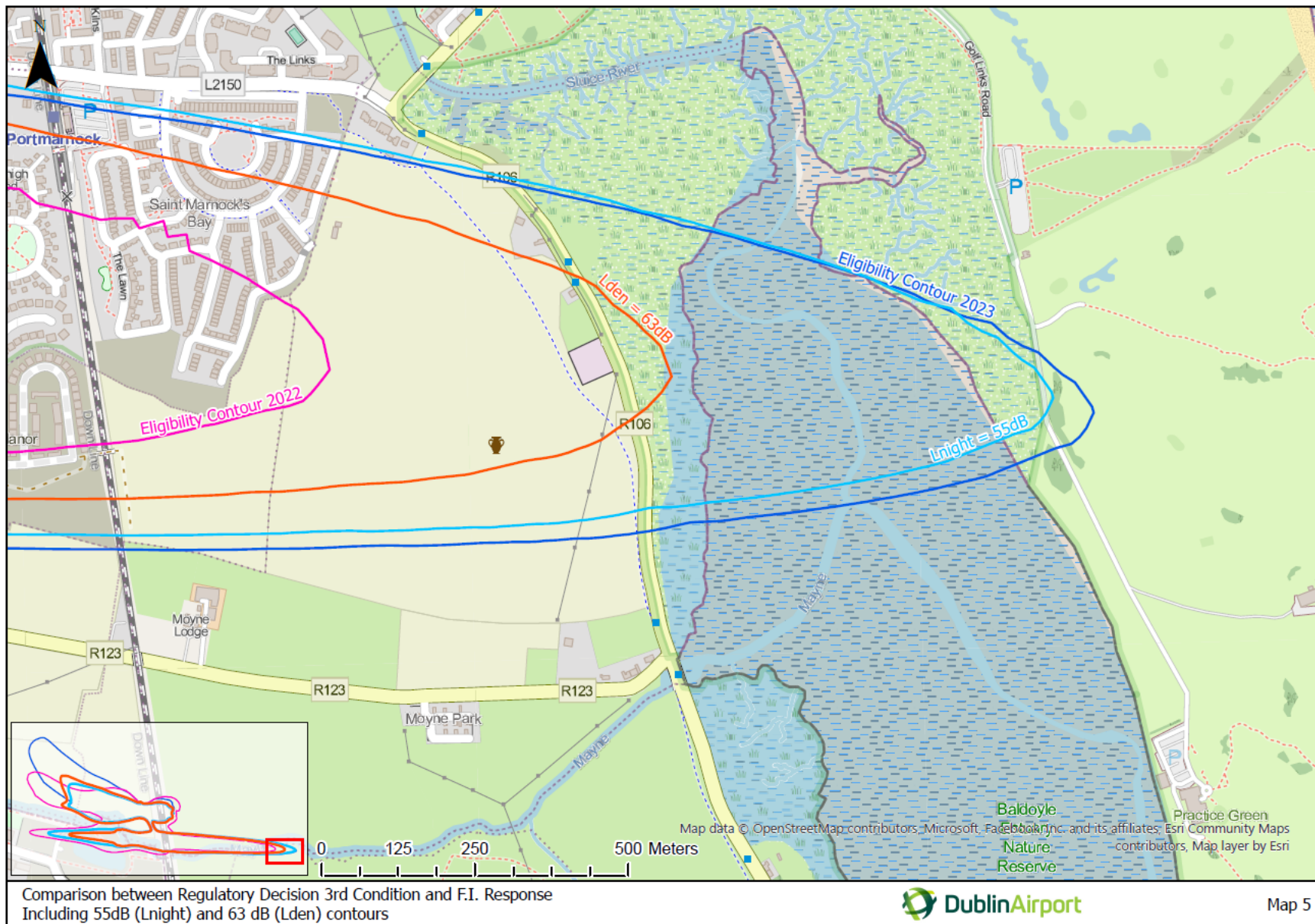


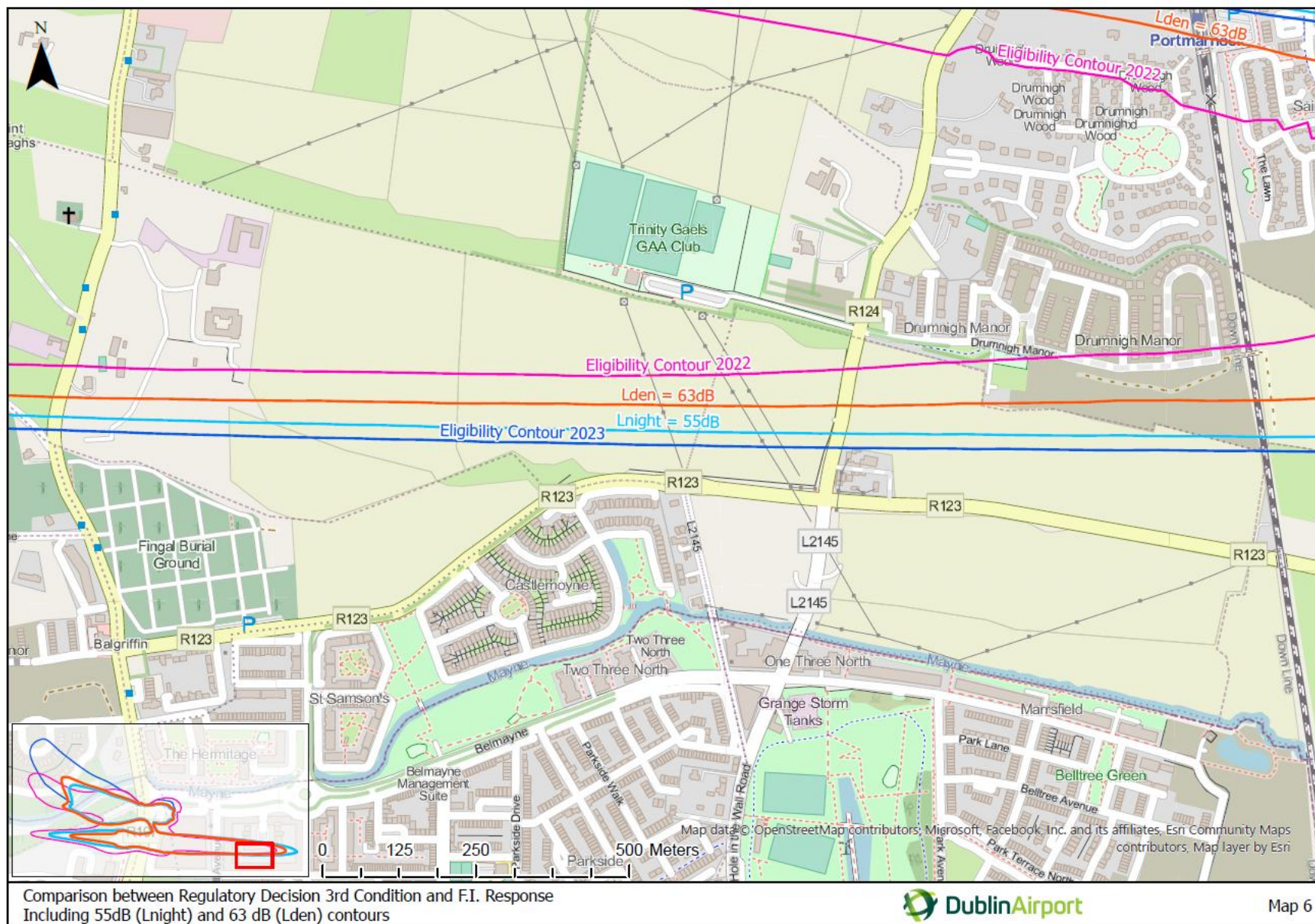


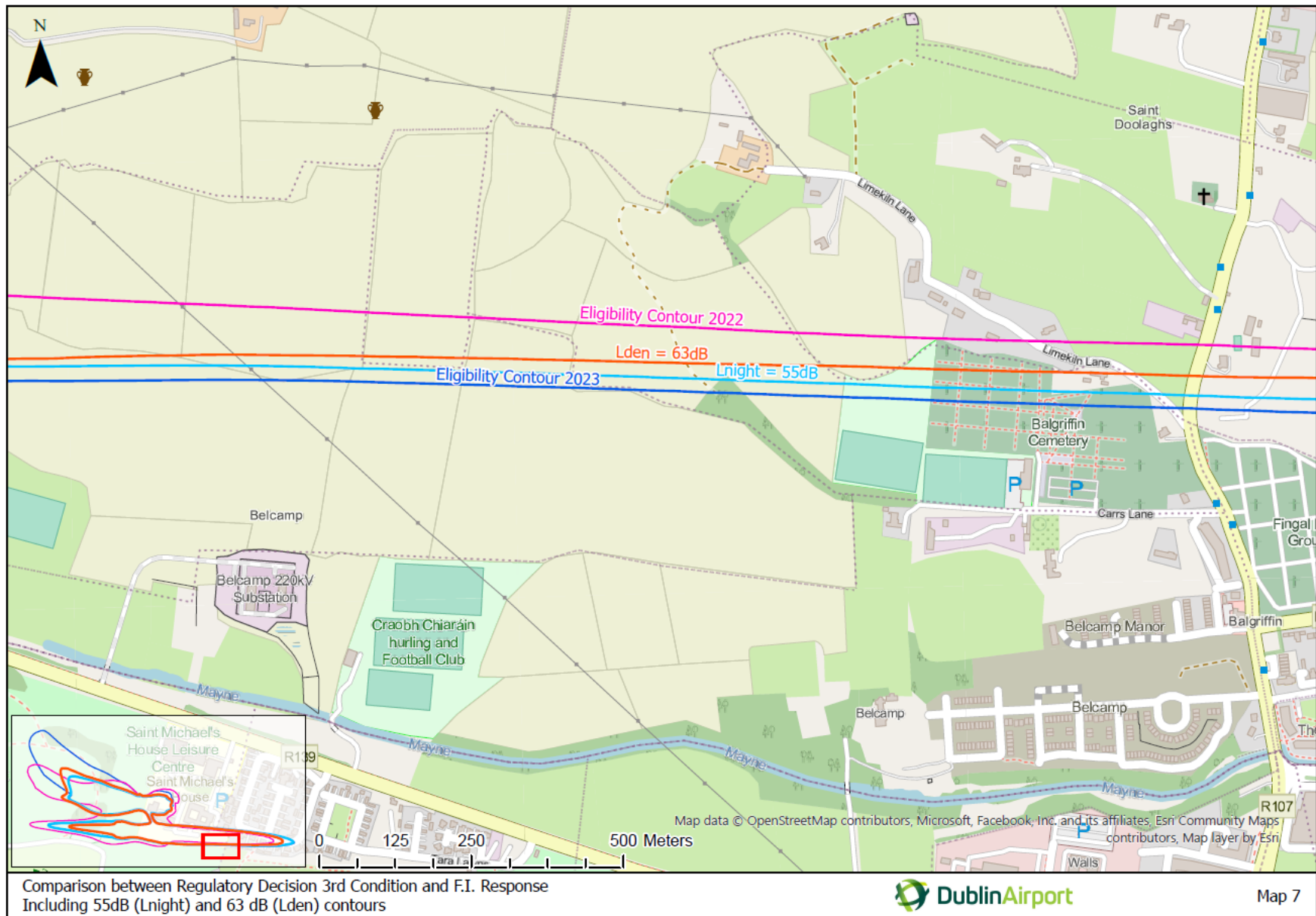


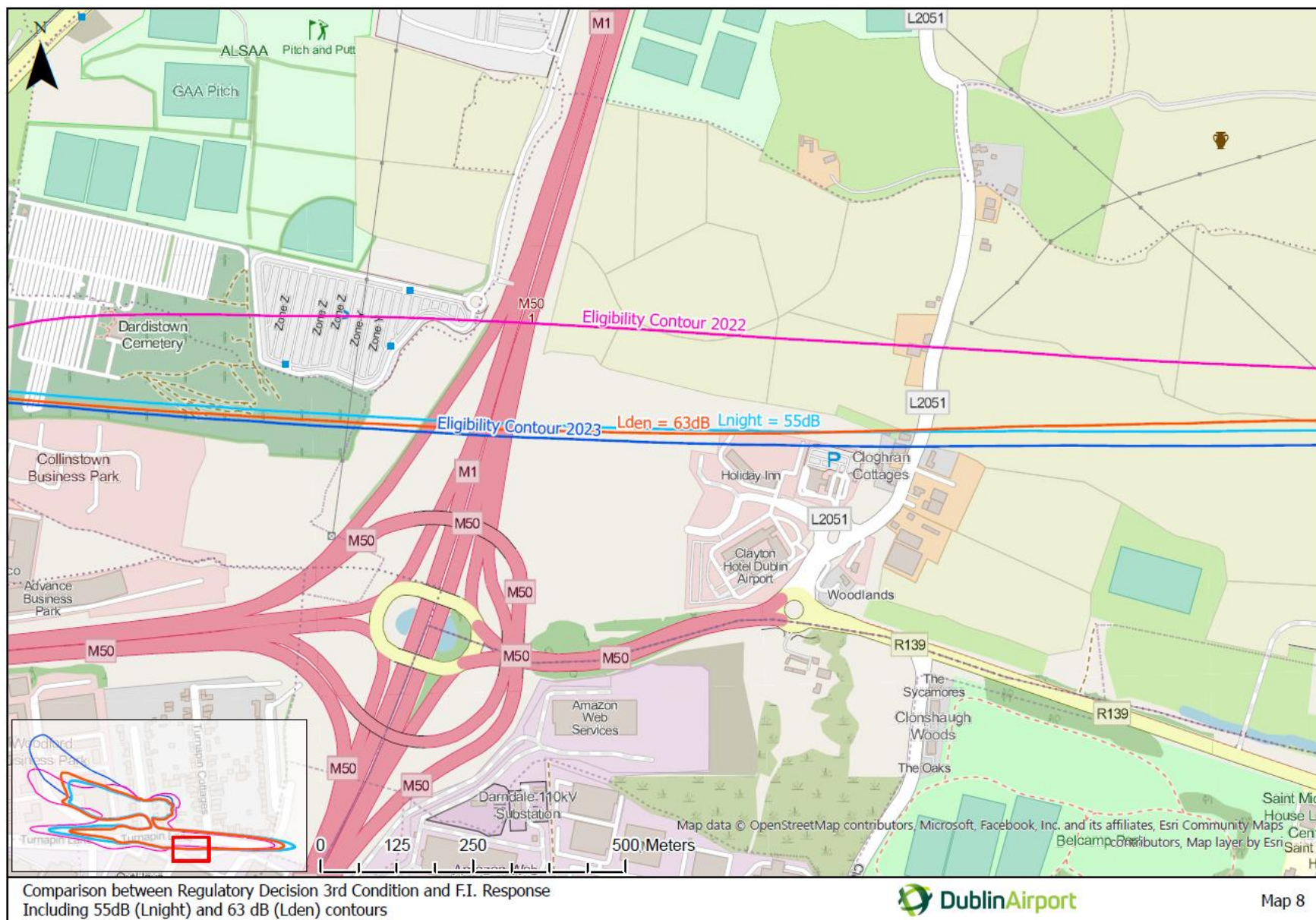


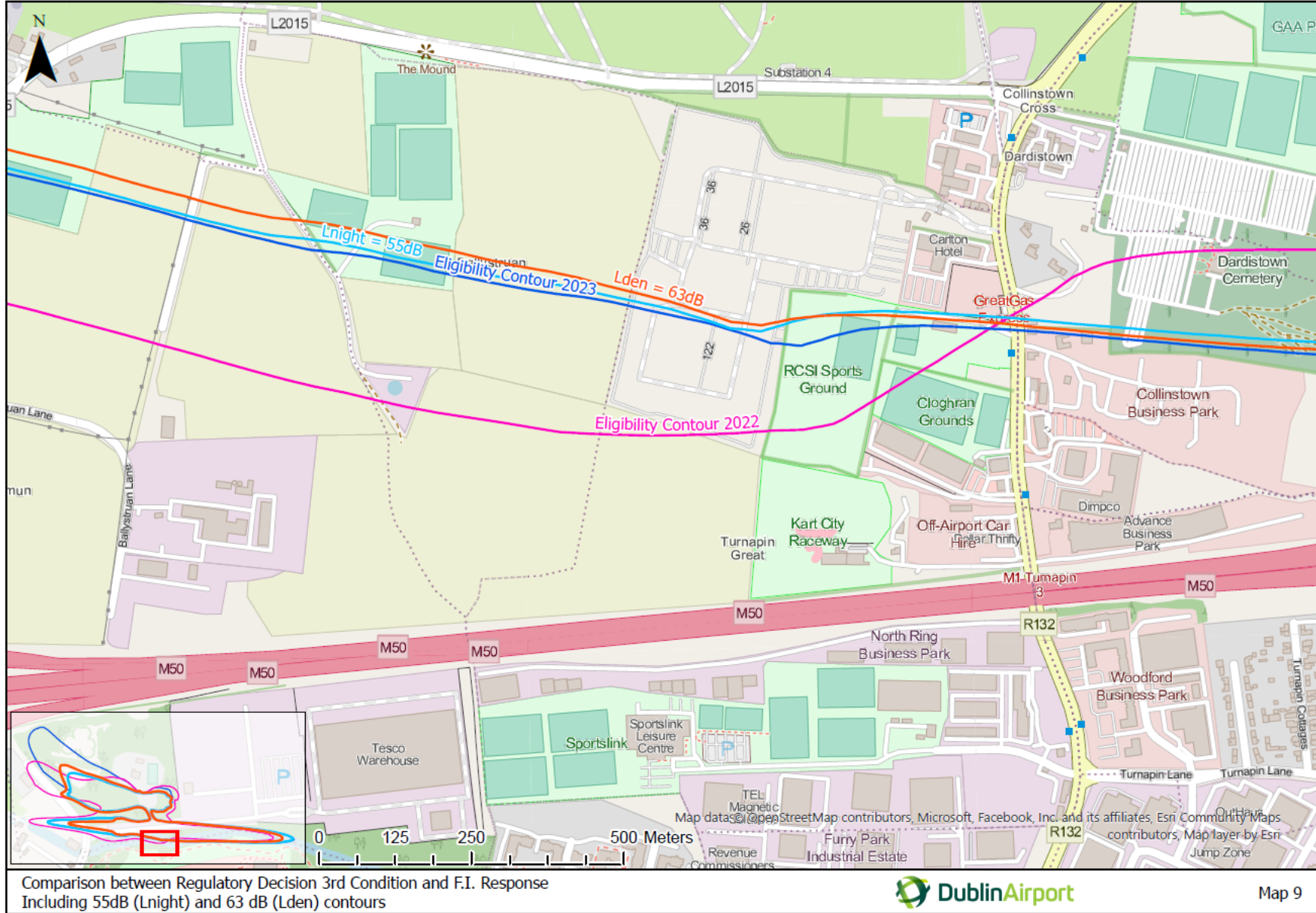


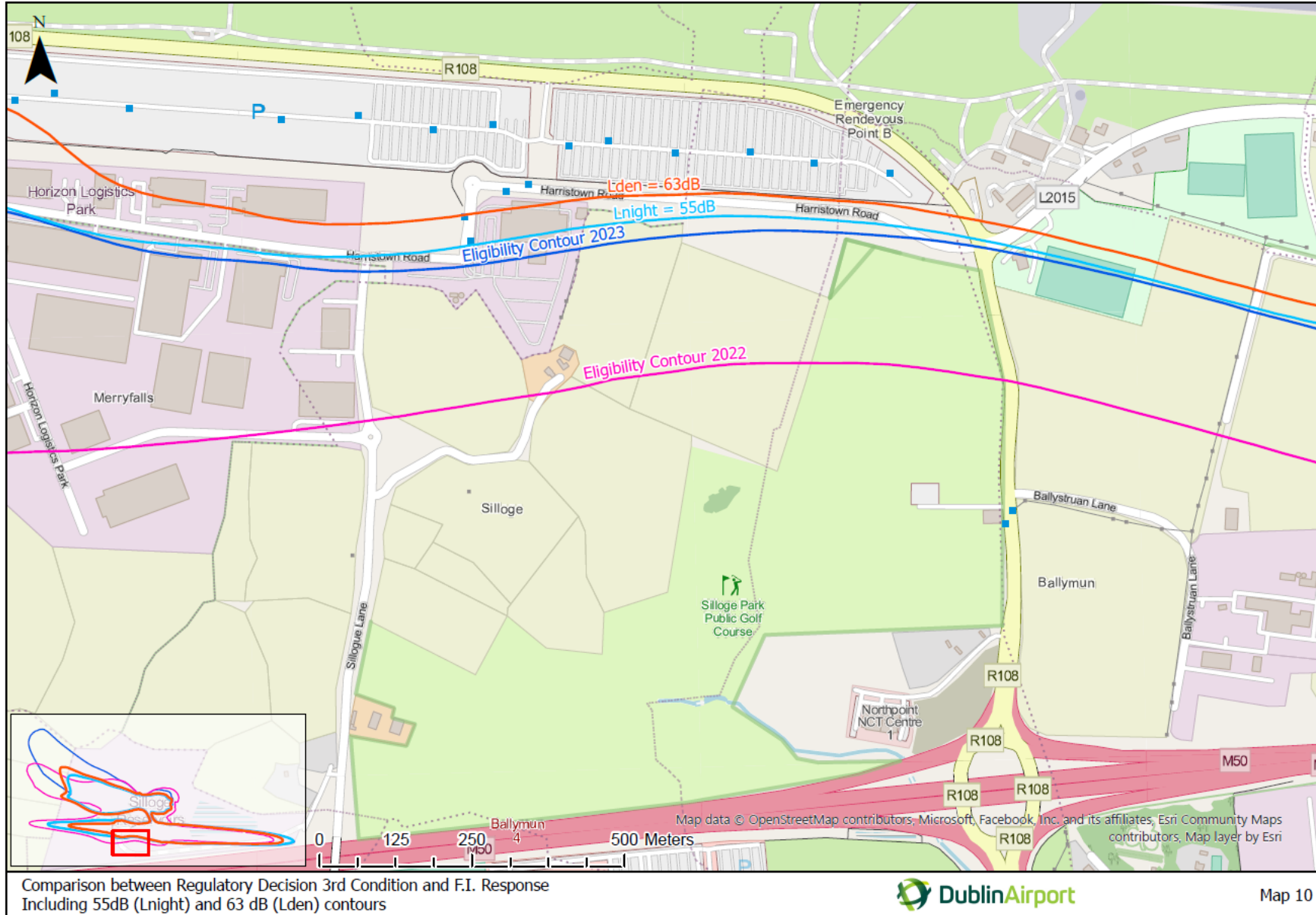


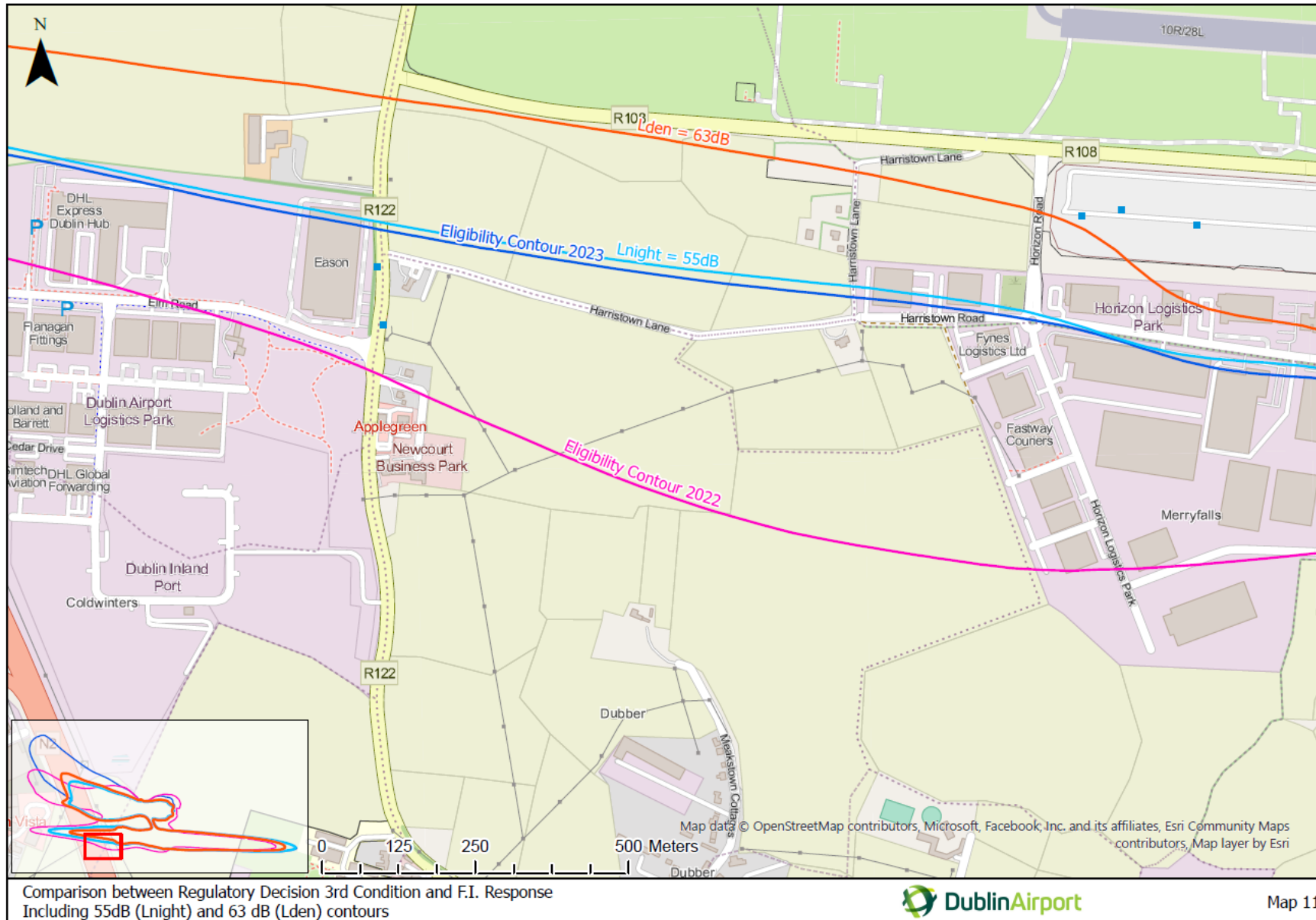


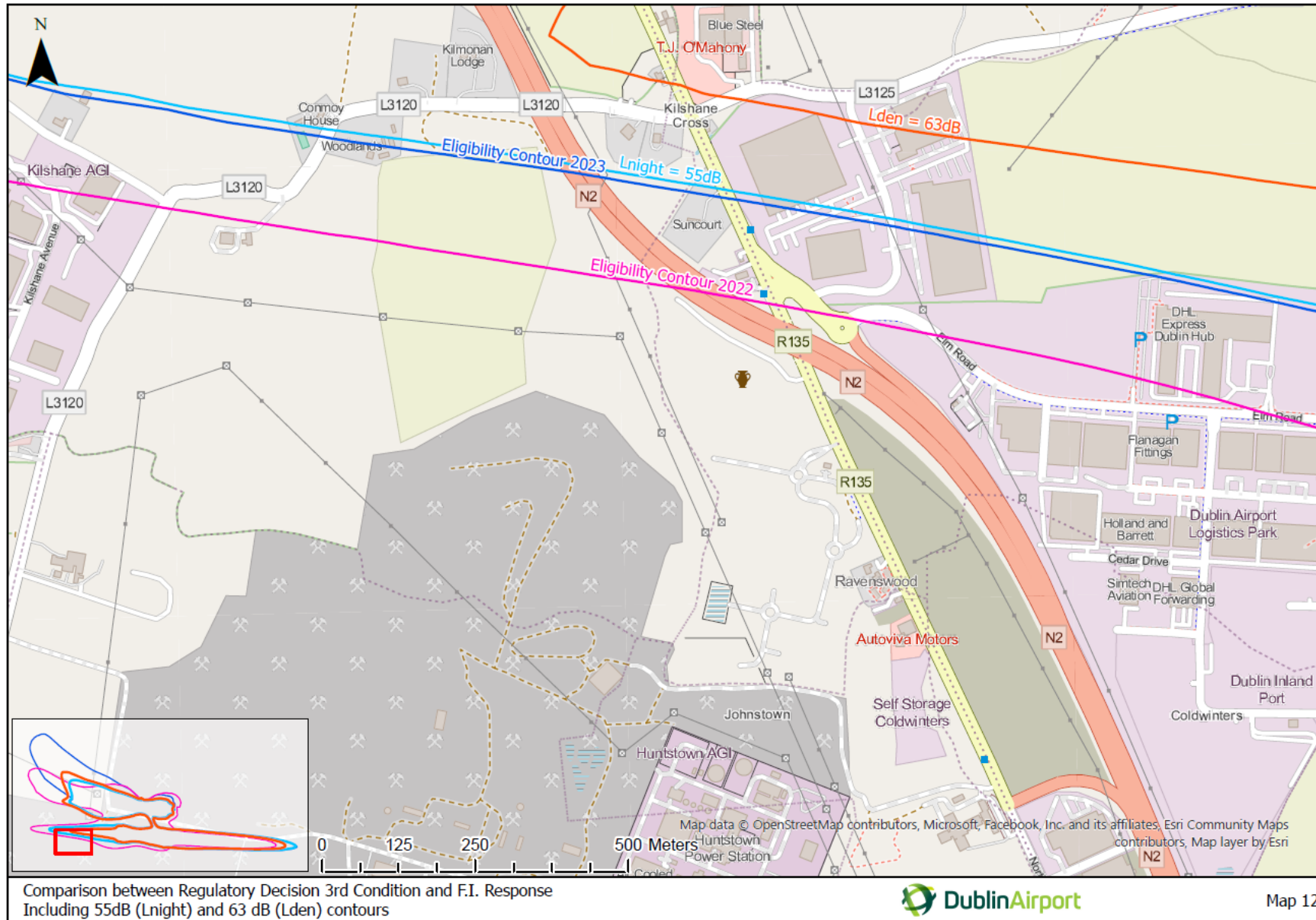


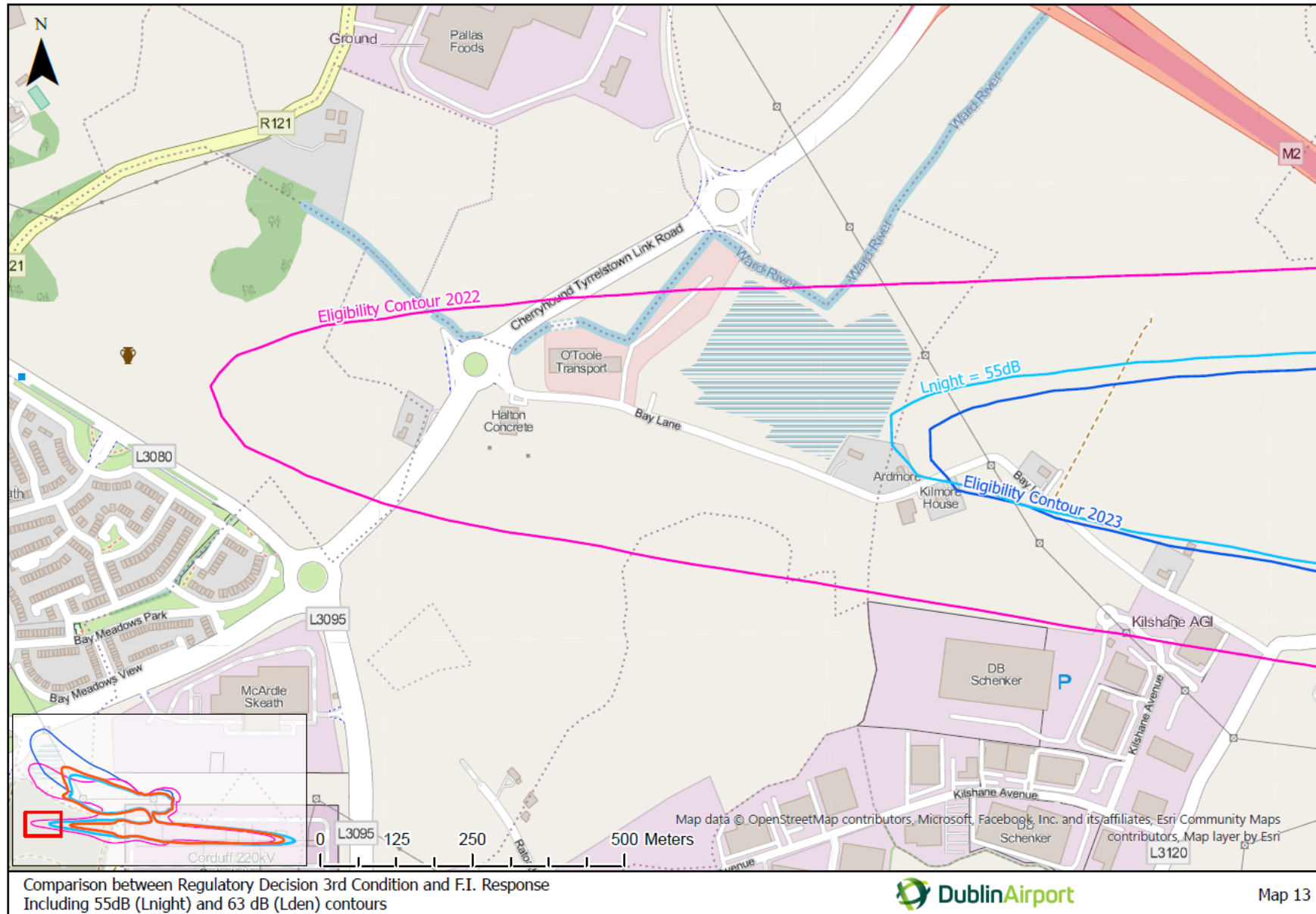


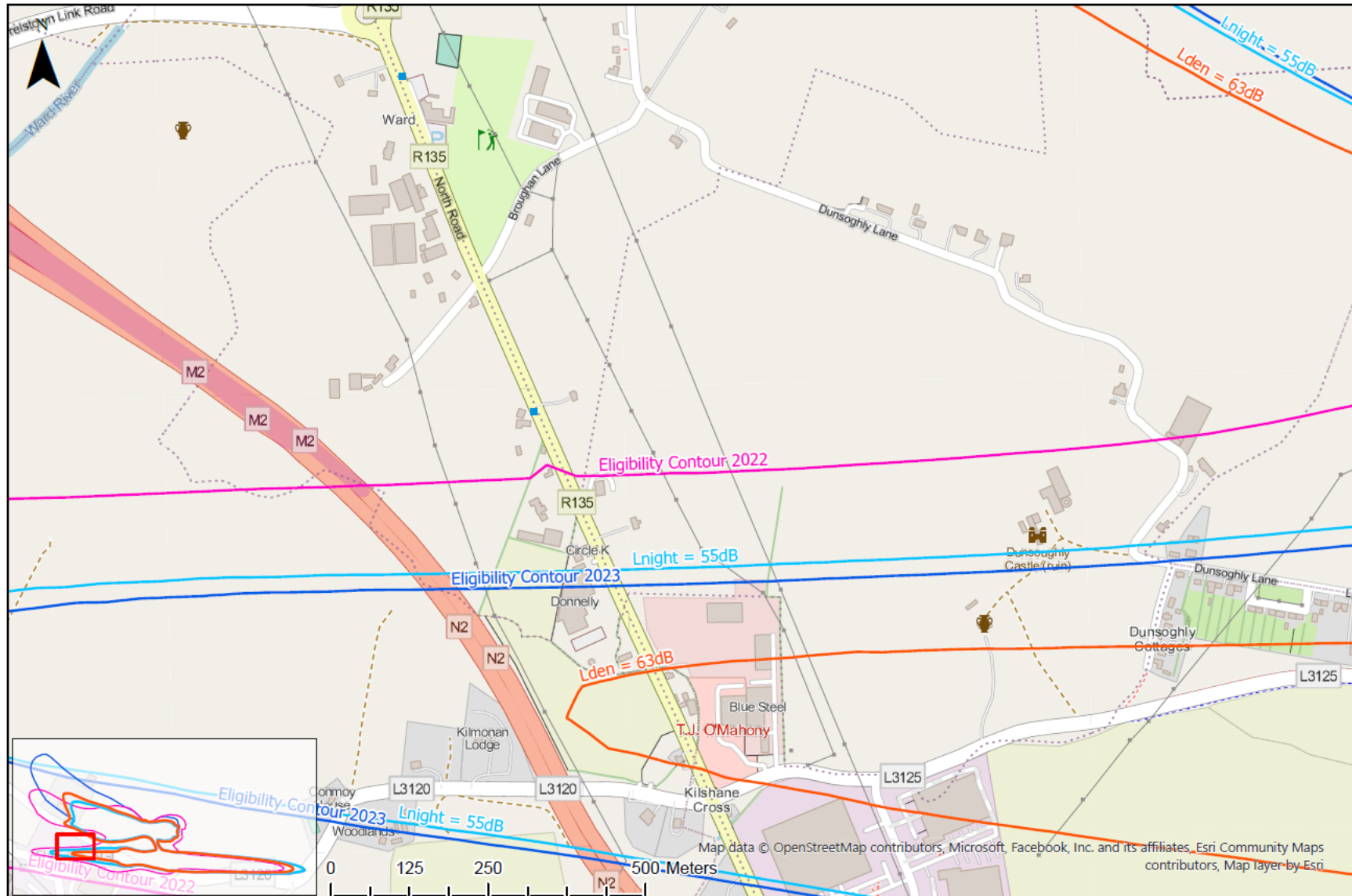




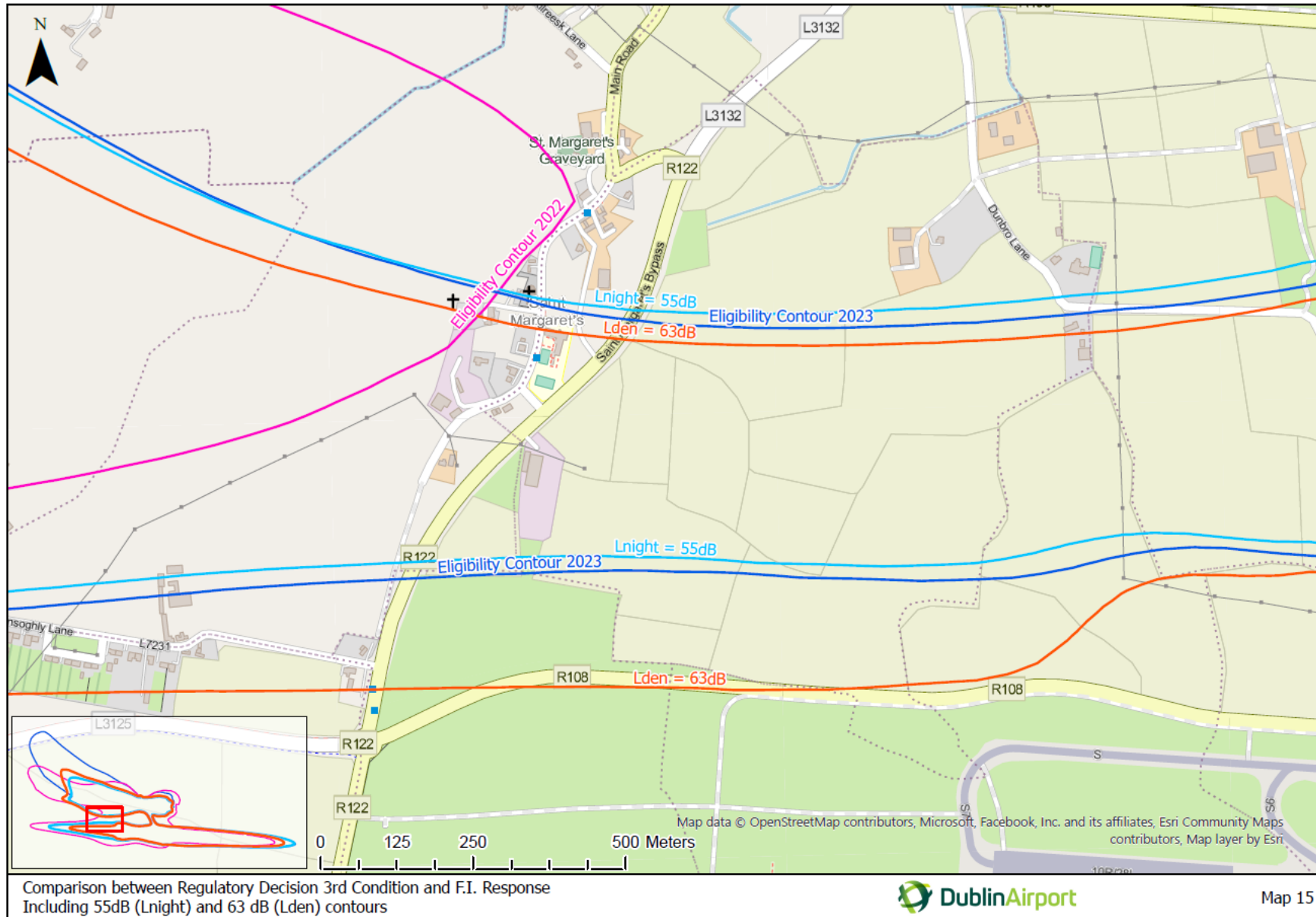


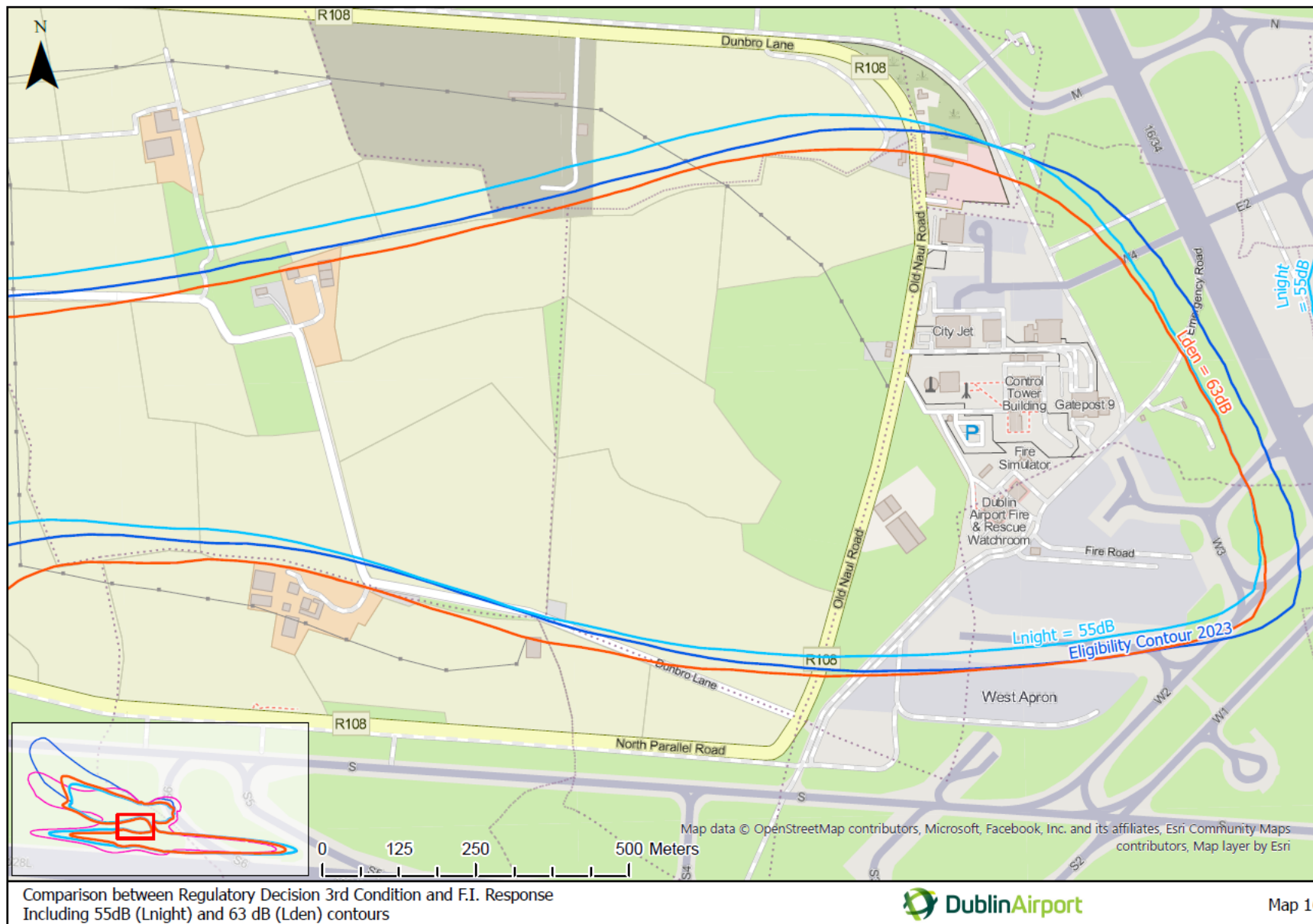


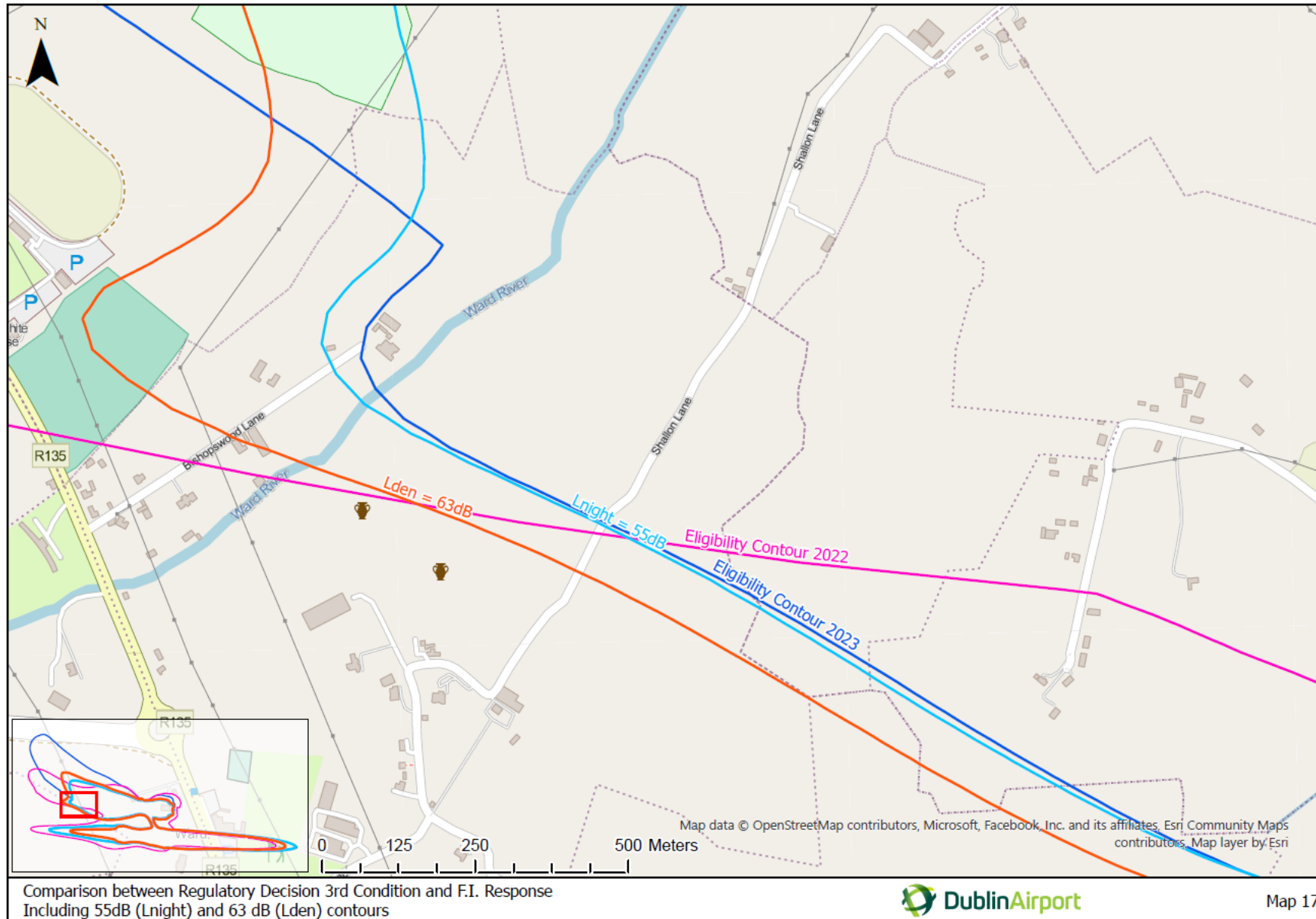


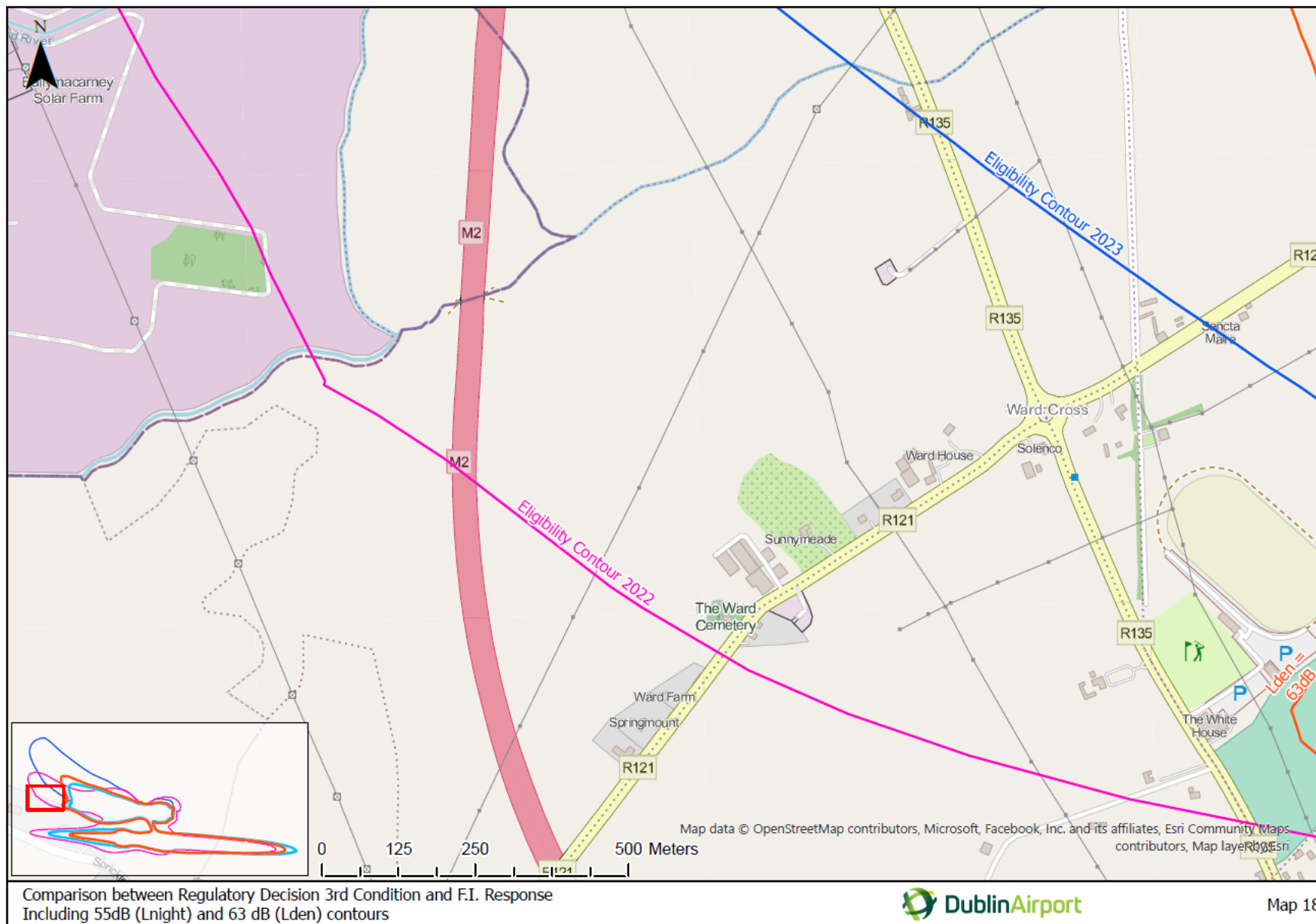


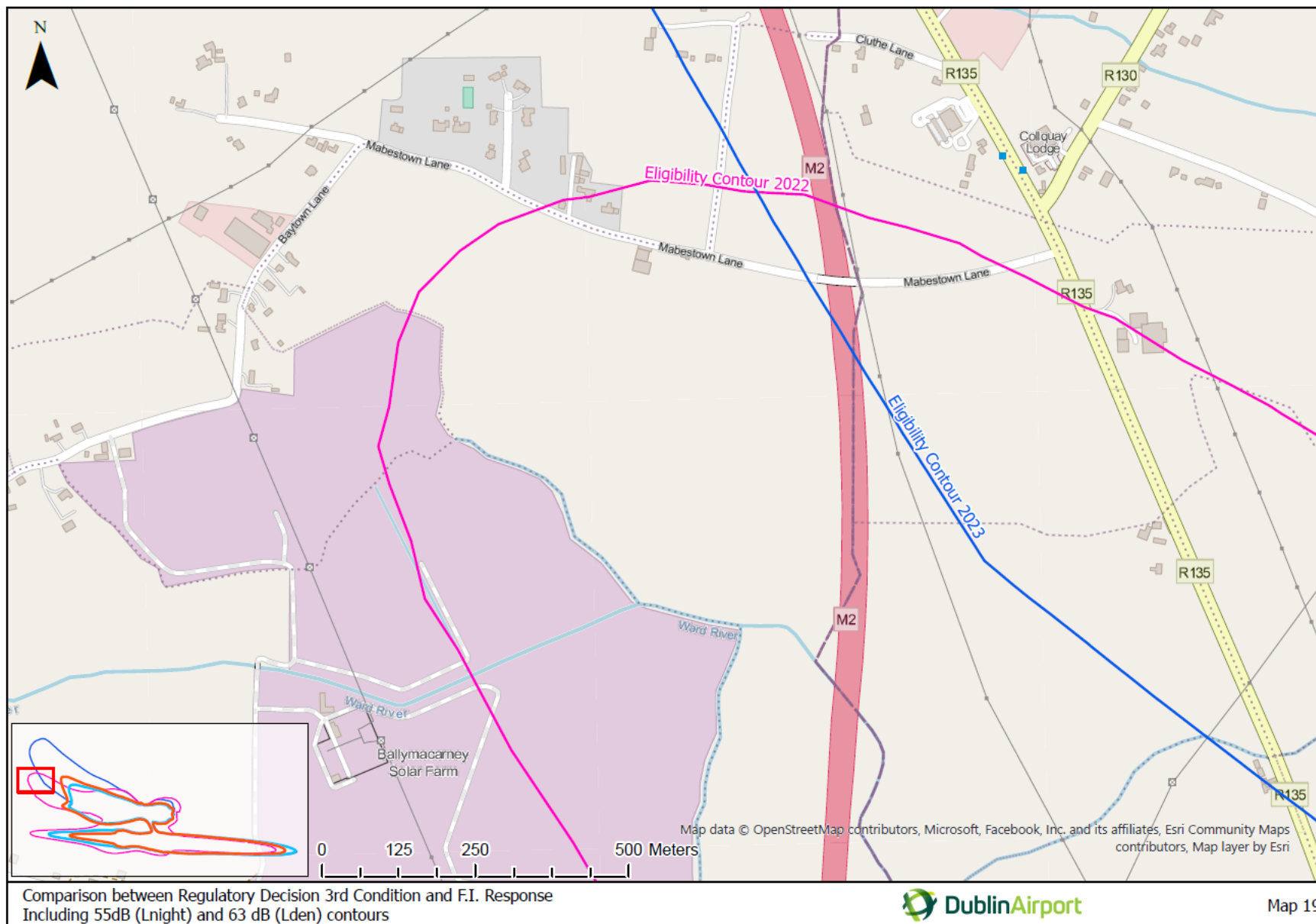
Comparison between Regulatory Decision 3rd Condition and F.I. Response
Including 55dB (L_{night}) and 63 dB (L_{den}) contours

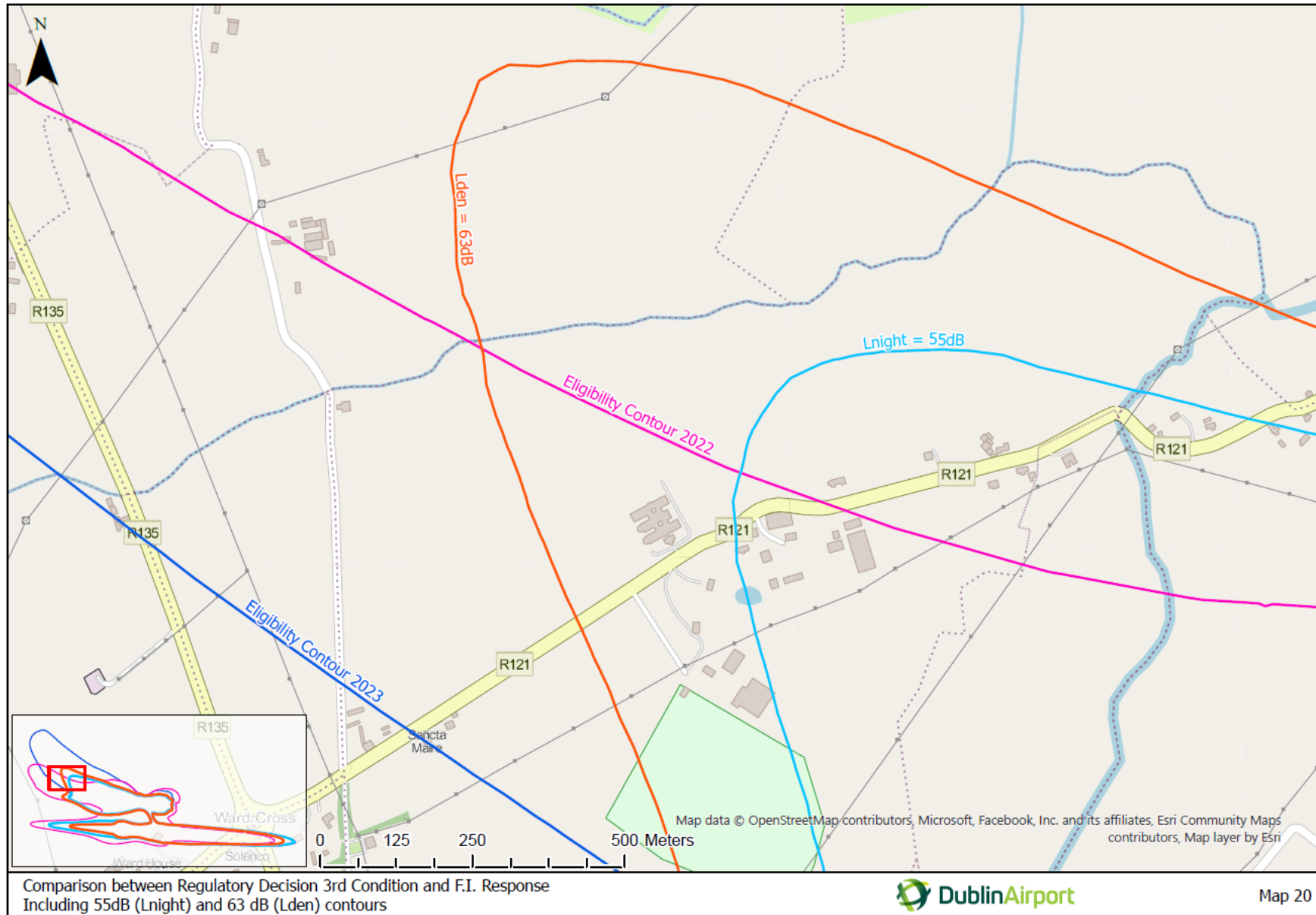


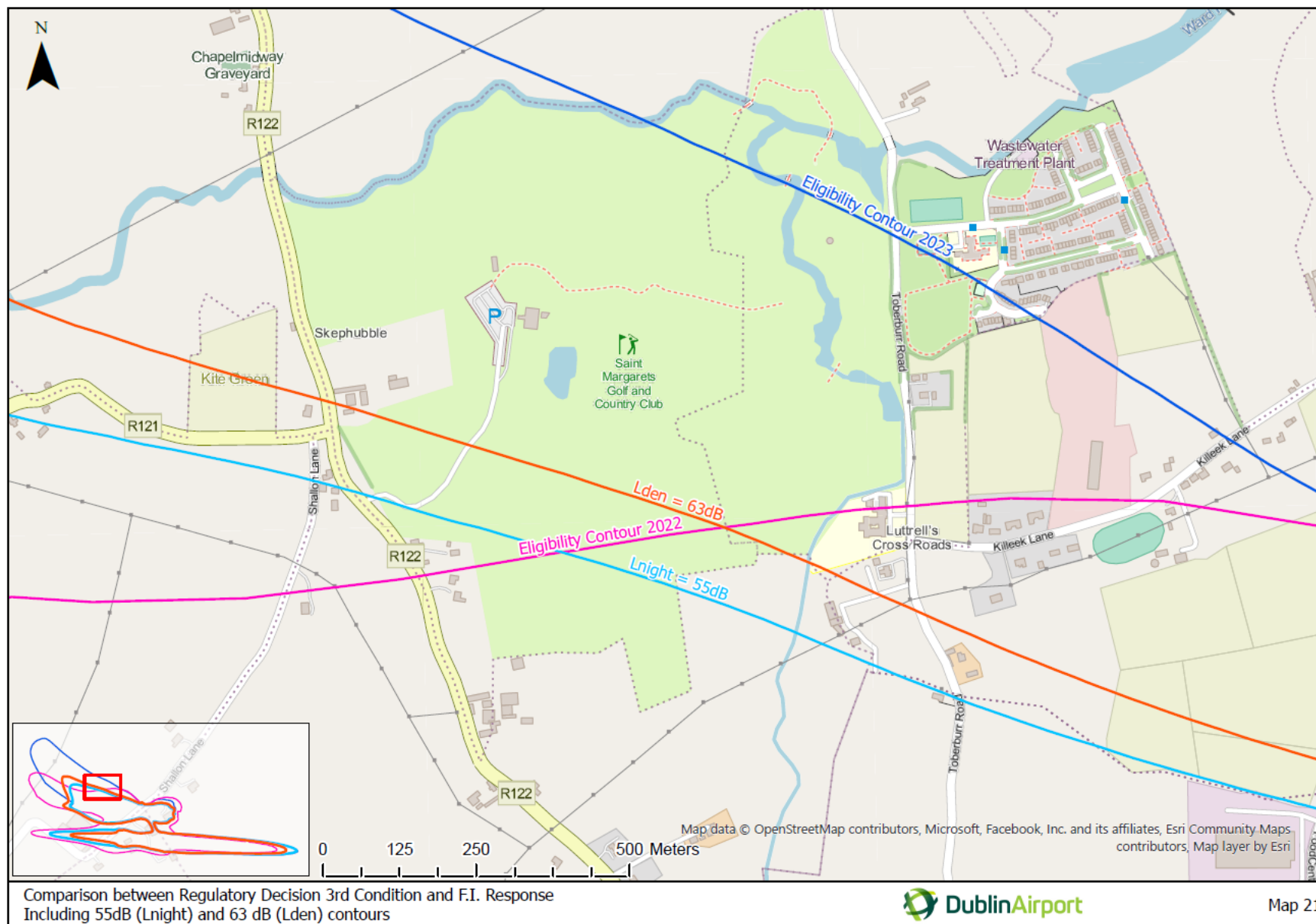


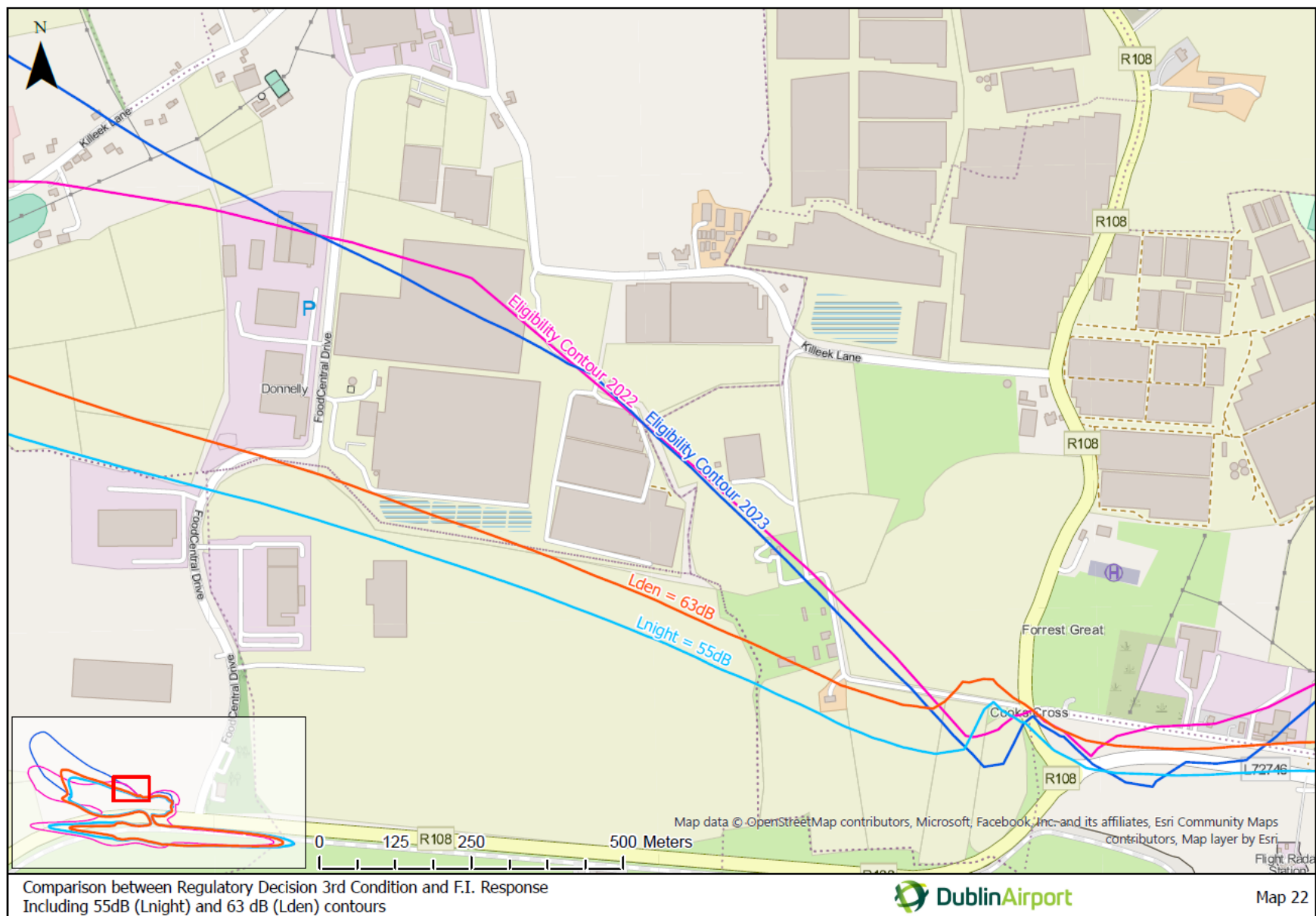


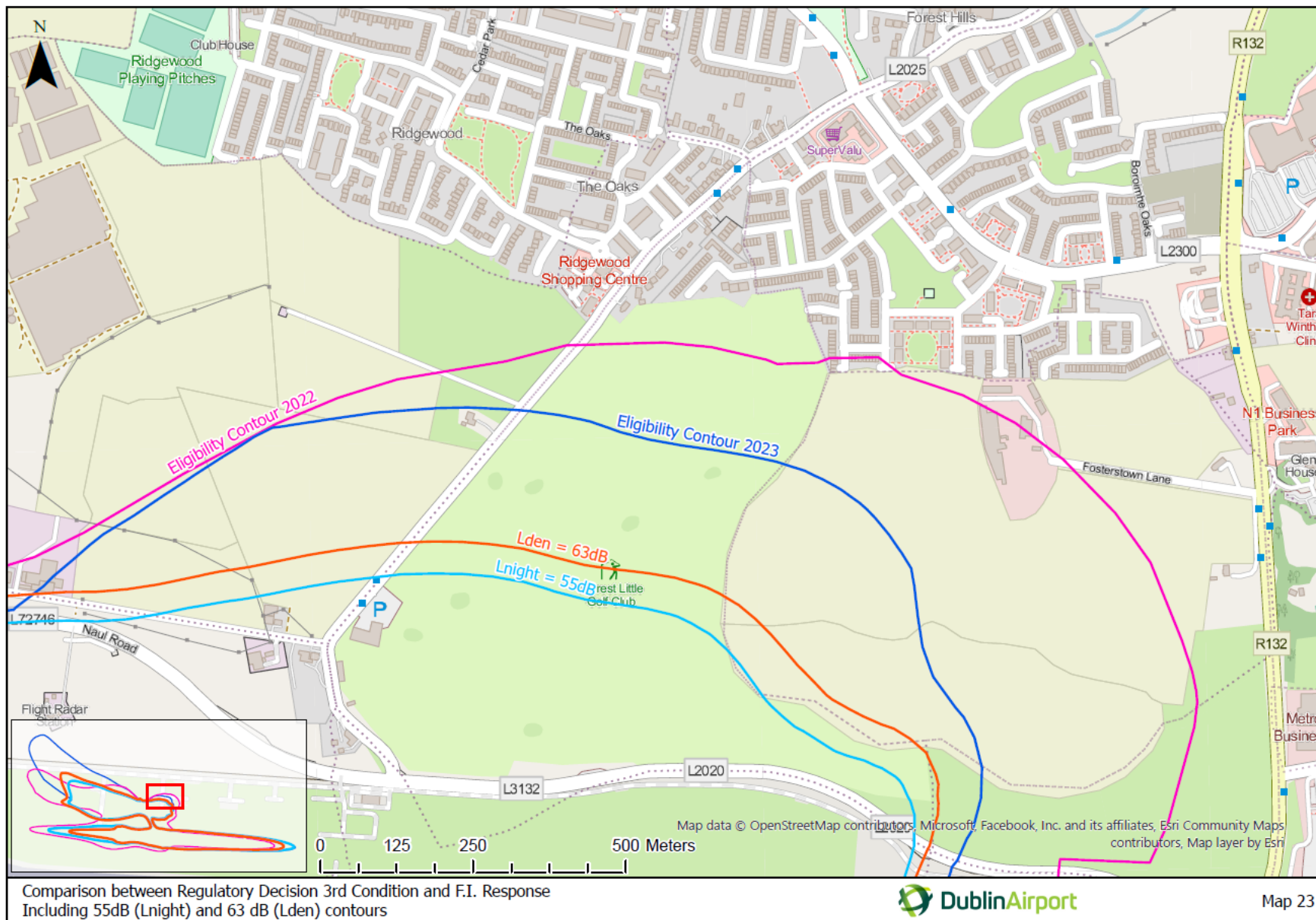


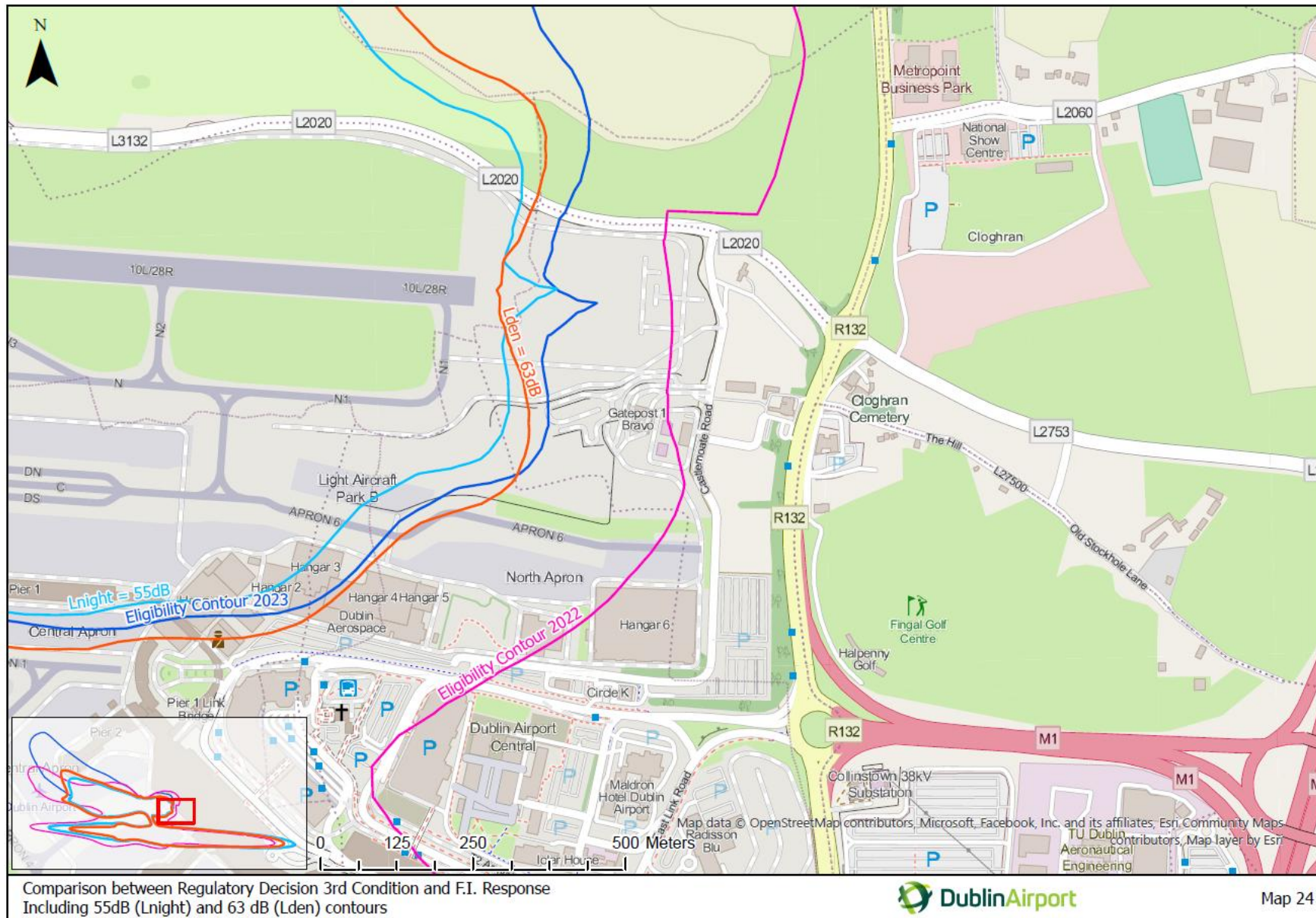


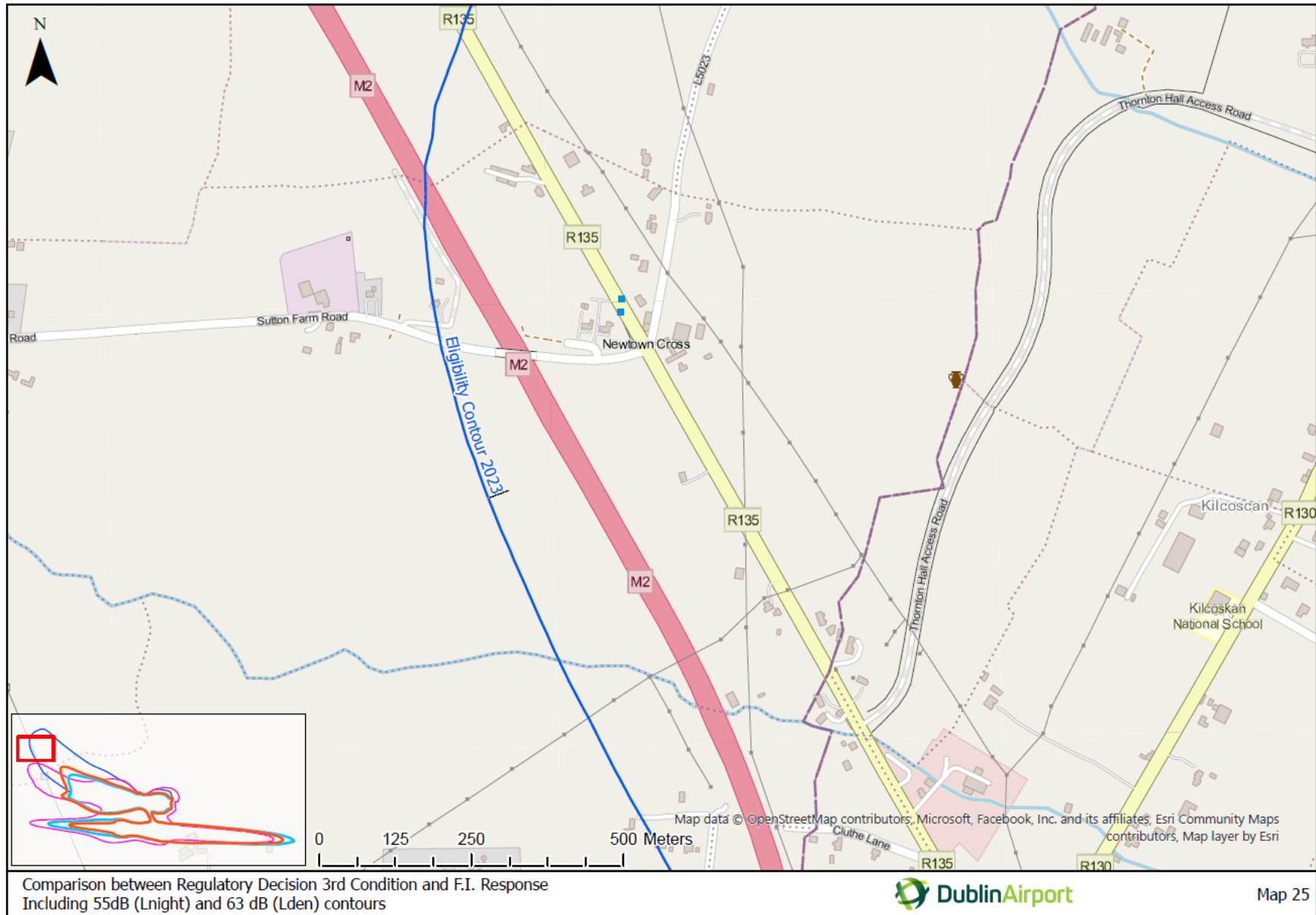


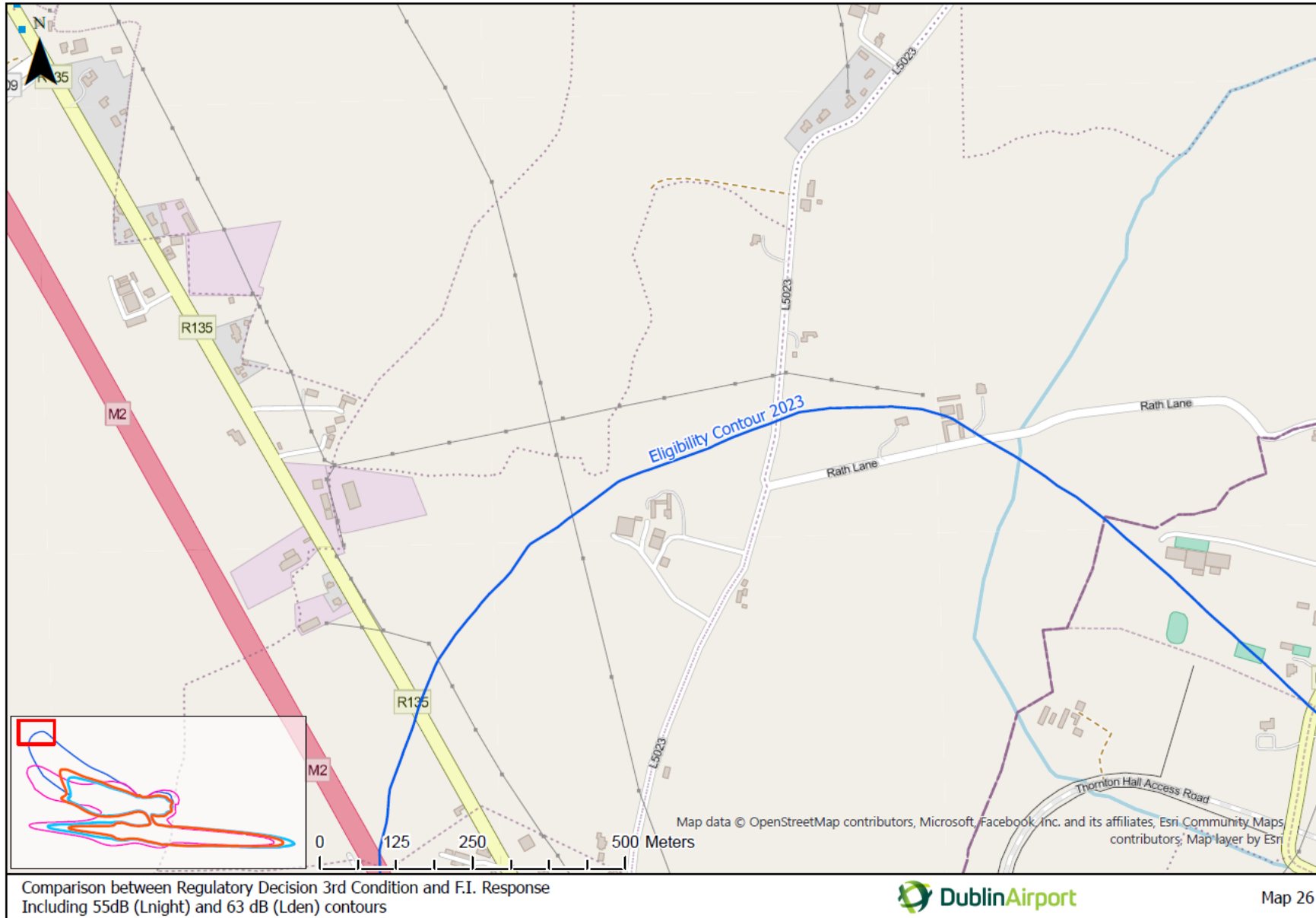


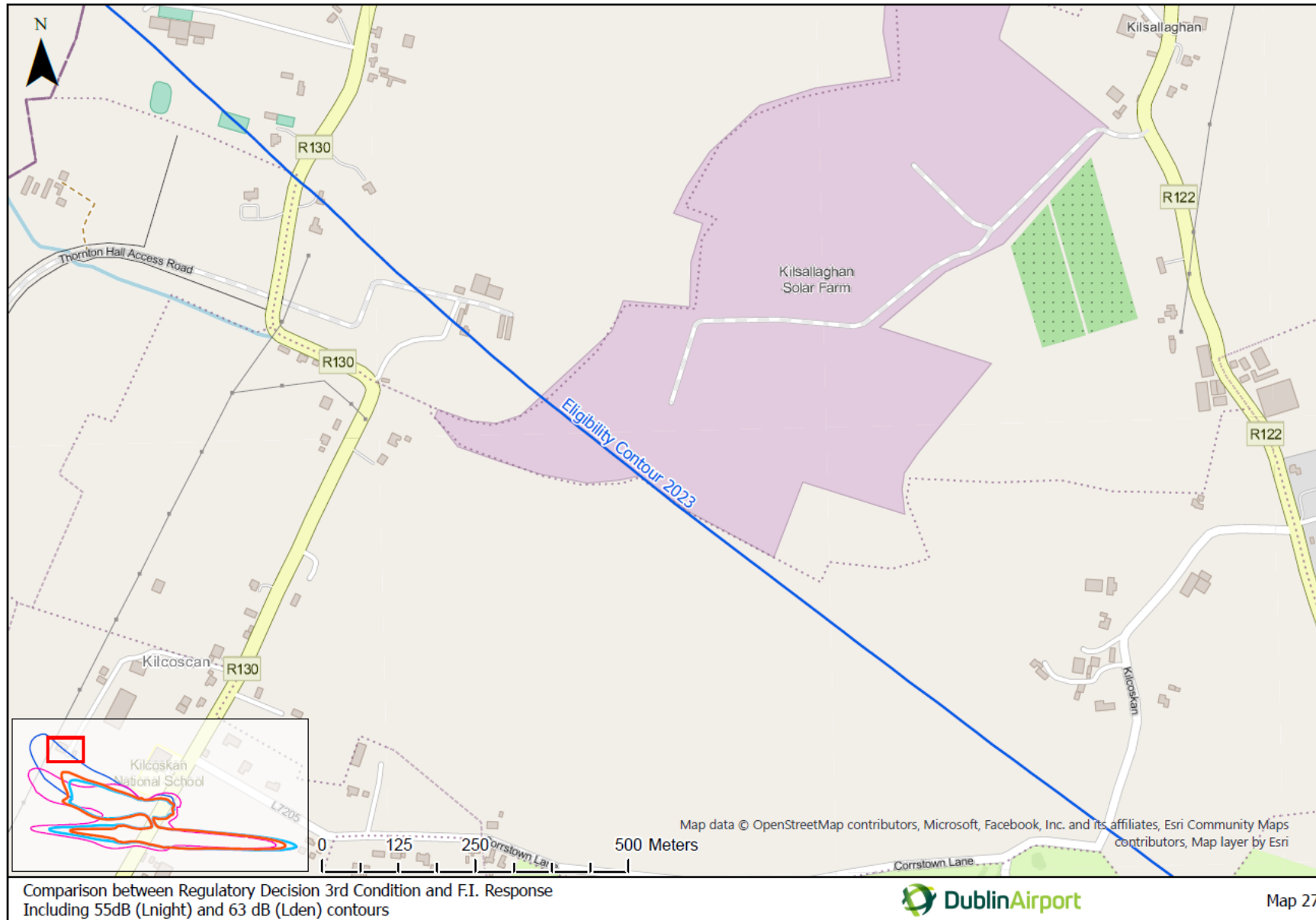


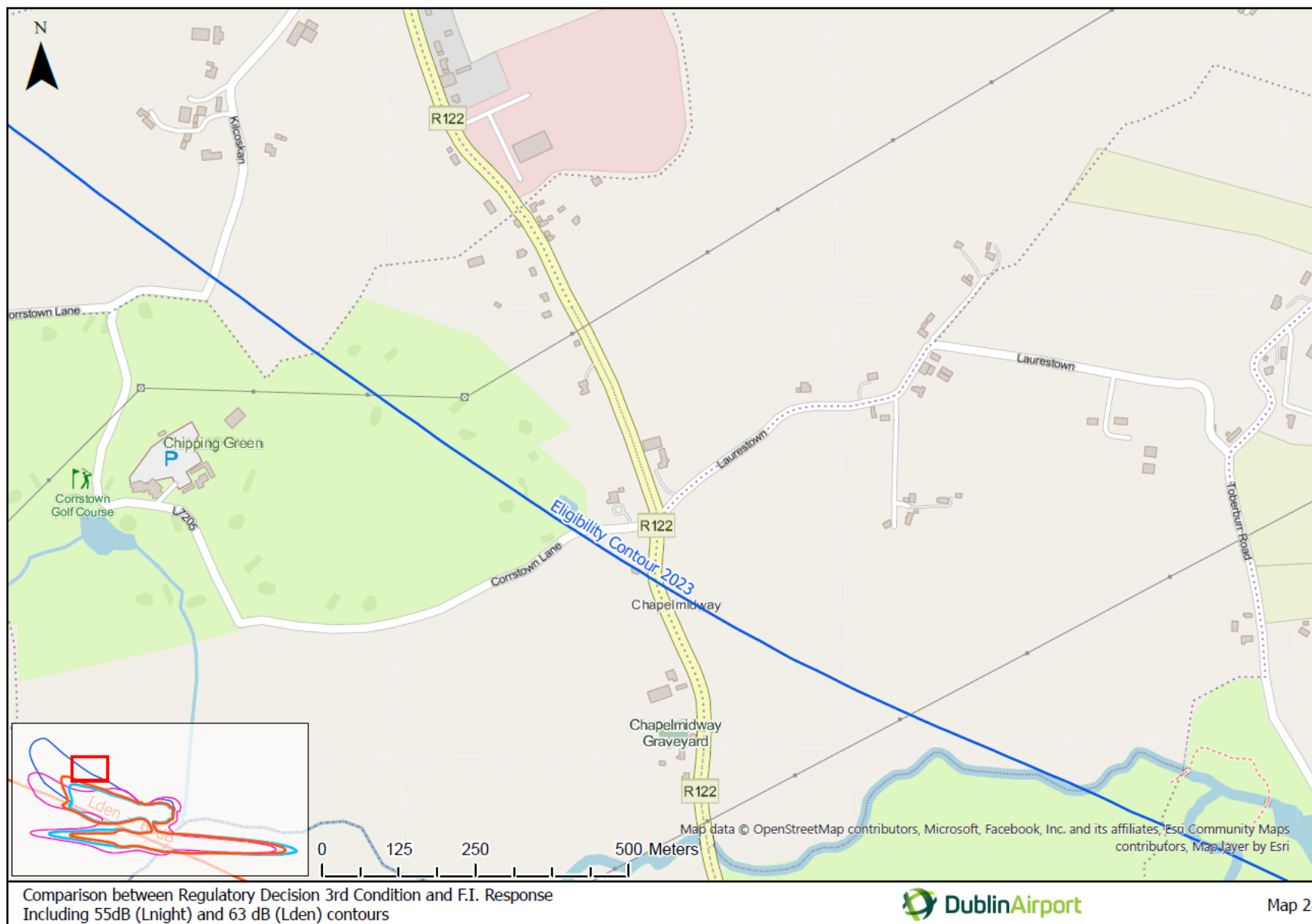












Appendix 3: Ecologist Report (May 2025)

Appendix 4: Vanguardia Report (February 2025)