



<https://www.friendsoftheirishenvironment.org/>

An Bord Pleanála,
Marlborough Street,
Dublin
5 September, 2022

AN BORD PLEANÁLA	
OG- 056927-22	
05 SEP 2022	
Fee: € 220	Type: Carol
Time: 6:10	By: Carol

Re: F21A/0668

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

The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning Permission, in accordance with the annual night time noise quota.

Friends of the Irish Environment is Company Limited by Guarantee since 2001, a registered charity, a member of Irish Environmental Network and the European Environmental Bureau whose aims and objectives relate to the promotion of environmental protection and who have during the period of 12 months preceding the making of this submission, pursued those aims or objectives.

We attach the Council acknowledgment of our original objection to this development, dated 2 February, 2021.

Friends of the Irish Environment wishes to appeal this decision, which did not address our repeated climate concerns, specifically highlighted in our observation on our Further Observation on planning application F20A/0668 dated 26 October 2021, also attached, with its specific reference to the UK's Committee on Climate Change's advice on the Sixth Carbon Budget.

The issue of the differential climate impact of night flights due to non-CO₂ climate forcing has not been addressed by the Council in its decision and therefore we submit our observation as the grounds of our appeal. In doing so we would make the following additional points:

The statement on p.124, repeated in substance on p. 174, of the Chief Executive's report that "the -1.79% GHG reduction by 2035 is broadly consistent with the overall (national) target of net zero by 2050" is a bland assertion with no explanation and is clearly not true. A far greater reduction is required by 2035 to be on a pathway to net zero by 2050.

Friends of the Irish Environment is non-profit Company Limited by Guarantee and a Charity registered in Ireland. It is a member of the European Environmental Bureau and the Irish Environmental Network. Registered Office: Kilcatherine, Eyeries, Co Cork, Ireland. P75 CX53 Company No. 326985. Charities Registration No. 20154530 Revenue Charities Tax Exemption CHY 22294
Tel & Fax: 353 (0)27 74771 Email: admin@friendsoftheirishenvironment.org
Trustees and Directors: Kieran Cummins, Caroline Lewis, (UK), Tony Lowes, Ian Lumley, Judy Osborne (UK)

On p.166, the Chief Executive's report quotes from the Strategic Environmental Assessment:

In addition, the SEA of the NAO and the RD states the following in relation to climate forcing:

uncertainties around climate forcing in the scientific community mean it is not yet included in guidance for carbon calculations provided by the UK Committee on Climate Change or the International Civil Aviation Organisation (ICAO), and as such has not been expressly factored into this assessment.

The CE's Report doesn't itself make any express judgement on this decision to ignore non-CO₂ forcing, appearing to simply accept the contention made by DAA in this regard.

Assuming the reference here is to the UK Committee on Climate Change's advice on the Sixth Carbon Budget, it is a misrepresentation. The relevant section of that report is part 4 of chapter 8 at <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf>, including the following in Box 8.7:

We have projected best estimates of the change in non-CO₂ warming from UK aviation consistent with our exploratory scenarios to 2050 for aviation demand and GHG emissions. These estimates rely on the latest synthesis of aviation non-CO₂ effects.³⁶

There is no legitimate reason for the applicant to disregard the non-CO₂ effects of the changed flight patterns which would result from the changes that they have applied for. Taken in the overall, the UK CCC advises (Box 8.6) that

Globally, non-CO₂ effects contribute around two-thirds of the total aviation effective radiative forcing – twice as much as historical CO₂ emissions from aviation.

As the proposed amendment would lead to an increase in night flights (both by switching from daytime and additional flights) the non-CO₂ effects would be an even greater proportion of total radiative forcing. So the applicant in preparing analysis for the environmental assessment has ignored the vast majority of the climate impact of the proposal.

The Council in turn has disregarded its obligation to ensure that a valid environmental assessment is done and instead simply quoted the applicant. This in breach of obligations both as regards environmental assessment (whether EIA, SEA, or both) and under s.15 of the Climate Action and Low Carbon Development Act as amended.

Yours, etc.

Tony Lowes

Fingal County Council
Main St. Swords
customercareunit@fingal.ie
26 October 2021

Further observation on planning application F20A/0668

A chairde,

Thank you for the notification. We note that the applicant has chosen not to assess the non-CO₂ impacts of aviation on the climate, even though

- a) the non-CO₂ impact of aviation is estimated to be twice that of the CO₂ emissions, and
- b) an increase in night flights is known to have a much greater impact on greenhouse forcing than an increase in daytime flights.

Since our last submission, we have become aware that the research we referred to in our last submission on this application has been reviewed and synthesised in a report by the European Aviation Safety Agency for the European Commission. Please find the report attached, also at https://eur-lex.europa.eu/resource.html?uri=cellar:7bc666c9-2d9c-11eb-b27b-01aa75ed71a1.0001.02/DOC_1&format=PDF

The applicant in presenting an Environmental Impact Assessment, does not have the right to choose ignore most of the resulting climate impact of the proposal. The justification presented is that the current EU policy regime only address CO₂.

As the attached report shows, the gap in the current EU policy is not based on a scientific assessment that only CO₂ emissions have an impact on the climate. On the contrary, the European Commission, recognises the non-CO₂ impacts, and has commissioned the European Aviation Safety Agency to report on them. That report has recommended that these impacts are large in scale, are capable of being abated, and should be included in EU policy.

In these circumstances, there is no justification for the applicant failing to set out the full climate impact of the emissions that would result from their proposal, and the EIAR does not meet the requirements of the EIA Directive.

Tony Lowes



Mr. Tony Lowes
Friends of the Irish Environment
1, Eskivaude
High Street
Eyeries
P75 CX53

Date: 2 February, 2021

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: FINGAL COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. F20A/0668

A submission/observation has been received from Mr. Tony Lowes, Friends of the Irish Environment, in relation to the above planning application.

The appropriate fee of €20.00 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

Amy Finn

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Blanchardstown Office t: (01) 870 8434 e: blanch.planning@fingal.ie

for Senior Executive Officer

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

The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning Permission, in accordance with the annual night time noise quota.

The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.'

Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise

quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to nighttime use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.

Location: Dublin Airport, Co. Dublin.

Area: Swords

Applicant: daa plc

Application Type: Permission

Date Received: 18 December, 2020

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KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS
ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF
THE PLANNING AUTHORITY.

**Please note that all planning applications, including
submissions/objections will be published on the Council's website.**

