

An
Bord
Pleanála

Draft Decision

ABP-314485-22

Draft Decision in accordance with Section 37(4) of the Planning and Planning and Development Act 2000, as amended.


Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0668

Appeal by Friends of the Irish Environment and by Others against the decision made on the 8th day of August, 2022 by Fingal County Council to grant, subject to conditions, a permission to Dublin Airport Authority PLC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed 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 circa 580 hectares. 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

number 3(d) and the replacement of the operating restriction in condition number 5 of the North Runway Planning Permission (Fingal County Council register reference number F04A/1755; An Bord Pleanála reference PL06F.217429 as amended by Fingal County Council register reference number F19A/0023, An Bord Pleanála reference ABP-305289-19), as well as proposing new noise mitigation measures. Conditions number 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 2300 and 0700 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 2330 and 0600 and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional two hours, that is, 2300 to 2400 hours and 0600 to 0700 hours. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 and 0700 hours over and above the number stipulated in condition number 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 register reference F04A/1755; An Bord Pleanála reference.: PL06F.217429 as amended by Fingal County Council register reference number F19A/0023, An Bord Pleanála reference 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 0700 to 2300 hours to 0600 to 0000 hours. The relevant action also is: To replace condition number 5 of the North Runway Planning Permission (Fingal County Council register reference number F04A/1755; An Bord Pleanála reference: PL06F.217429 as amended by Fingal County Council register reference number F19A/0023, An Bord Pleanála reference 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 (that is, conditions which are not specific to nighttime use, namely conditions numbered 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 number 3 of the Terminal 2 Planning Permission (Fingal County

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Council register reference number F04A/1755; An Bord Pleanála reference PL06F.220670) and condition number 2 of the Terminal 1 Extension Planning Permission (Fingal County Council register reference number F06A/1843; An Bord Pleanála reference 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, at Dublin Airport, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Appropriate Assessment

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 Special Area of Conservation (Site Code 000205)
- Baldoyle Bay Special Area of Conservation (Site Code 000199)
- Rogerstown Estuary Special Area of Conservation (Site Code 000208)

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

- (a) the distance of the proposed development from the European Sites and the demonstrated lack of any meaningful ecological connections;

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- (b) the potential for disturbance impacts from noise which, in the majority of instances L_{max} remains the same or changes only slightly under the proposed RA at all European sites considered;
- (c) 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;
- (d) 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;
- (e) that although increases in night-time 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; and,
- (f) 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 Special Areas of Consideration (and Special Protection Areas) such that there is deterioration.

Environmental Impact Assessment

Having regard to the examination of environmental information and in particular to the Environmental Impact Assessment Report and Environmental Impact Assessment Report Supplement, and the submissions from the planning authorities and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment have been identified throughout this report. In the absence of additional operational restrictions and mitigation measures it is considered that the proposed development would give rise to

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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 (HA), 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 (HSD) will increase in both assessment years (that is, 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 emissions 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 to be of minor significance.

- The significance of the effect of the impacts of the Relevant Action on aircraft noise and vibration has been presented in the Environmental Impact Assessment Report as an average over the entire night-time period. Aircraft noise is not experienced as an average and the noise impacts of sleep from Air Traffic Movements 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 Noise Quota 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 communities impacted by the flight paths of aircraft.

Proper Planning and Sustainable Development

Having regard to,

European legislation, including of particular relevance.

- European Communities (Relating to the Assessment and Management of Environmental Noise) (Directive 2002/49/EC).

National policy and guidance including:

- the Climate Action Plan 2024,
- Project Ireland 2040- the National Planning Framework (NPF), and
- A National Aviation Policy for Ireland, 2015.

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,
- Fingal Noise Action Plan 2019-2023,
- Dublin Airport Local Area Plan, 2020, and
- Dublin Airport Noise Action Plan, 2019-2023,

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 submitted,
- the Screening for Appropriate Assessment,
- the report of the Planning Inspector, and
- the submissions and observations received,

it is considered that, subject to the reasons and considerations above, and compliance with the conditions set out below, the decision to grant permission in respect to the proposed development would not seriously injure the amenities of property in the vicinity by reasons of excessive noise disturbance at night and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development 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 the planning authority, the developer shall agree such details in writing with the planning authority 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 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 ABP-305298-19 (Planning Authority register reference number 19A/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.

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3. Revoke Part (d) of condition number 3 of An Bord Pleanála permission PL06F.217429 (Planning Authority register reference F04A/1755):
“Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours,”

And replace with:

- (d) Runway 10L-28R shall not be used for take-off or landing between 0000 and 0559 hours (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.

Also, include an additional Part (e) in condition number 3 of permission PL06F.217429 (Planning Authority register reference F04A/1755):

- (e) Runway 10L-28R shall be used for departure only between the hours of 06:00 to 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 Report Supplement (September 2023) in the interest of the protection of the amenities of the surrounding area.

4. Revoke condition number 5 of An Bord Pleanála permission PL06F.217429 (Planning Authority register reference number F04A/1755): "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 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."

And replace with the following:

The airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between the hours 2300 and 0659 (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.

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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:

$NCL(\text{Take-Off}) = EPNL(\text{Flyover})$

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

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 per 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

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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.

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5. The airport shall be subject to an annual aircraft movement limit of 13,000 between the nighttime hours of 2300 and 0659 (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 night-time 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 two 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,

- 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.

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

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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 Draft 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, 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 €20,000 (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.

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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 number 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.

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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 kilogrammes per metres cubed. Where insulation is already present but found to be unsatisfactory additional layers of insulation will be added to increase the total thickness to 200 millimetres.

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4.9 Any ceiling overboarding shall comprise of a continuous layer of mass to provide at least 12 kilogrammes per metres squared added above joists in attic, for example 22 millimetres 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 12 kilogrammes per metres squared, that is, 15 millimetres SoundBloc (or similar approved).

Part 5 – Procedure

5.1. The Applicant in operating this Scheme shall follow 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

pm

- (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 the 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 home owner. 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 night-time noise as a result of the use of the Airport's runways



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 11th day of September, 2024.

