

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

To

SEO

Having considered the contents of the ^{Observation} submission dated/received 3/10/22
 from DHL Express I recommend that section 131 of the Planning
 and Development Act, 2000 be/~~not~~ be invoked at this stage for the following reason(s):

No new issues raised

Signed

Date

EO

To

EO

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

Signed

Date

SEO

Signed

Date

SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

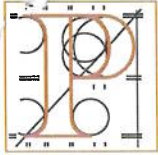
Date

EO

Signed

Date

AA



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001366

Online Observation Details

Contact Name
Bernard McCarthy

Lodgement Date
03/10/2022 14:43:55

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Michael Farrell

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒

Yes — P.T.O.

☐

N/A — Invalid

Signed



Bord Pleanála Ref: ABP-314485-22

Date: 3rd October 2022

Register Ref: F20A/0668

I'm writing to express DHL Express support for the regulatory decision of ANCA to amend Condition 3(d) and/or Condition 5 of the 2007 North Runway Planning Permission.

As an express cargo carrier, transporting time-definite parcels, DHL flies during the night period out of necessity rather than choice. This enables us to provide a next day, express service to our businesses in Ireland importing and exporting. You will be aware of the economic value of air freight to the Irish economy; air freight flown at night in Ireland contributes €1.1 billion in GDP and supports 15,000 jobs. Furthermore, analysis undertaken by FTAI/York Aviation demonstrates that a tonne of air freight is 53 times more valuable than a tonne of freight travelling by any other mode.¹ Taking this value into account ANCA's own cost-effectiveness assessment of noise mitigation measures and operating restrictions concluded a movement cap is "more costly than other means" of achieving the Noise Abatement Objective at Dublin Airport.

In a letter to CAR in April 2021 DHL stated it was our view that the approach taken by the Dublin Airport Coordination Committee to identify a mechanism to restrict night slots was discriminatory and in conflict with the requirement of EC 95/93 for neutral, transparent and non-discriminatory slot allocation rules. DHL has been clear in recent years that a noise quota scheme is a more effective mechanism to manage noise than a night movement cap.

In light of the appeals that have been submitted to An Bord Pleanála in relation to the FCC/ANCA decision to amend the two onerous conditions, Condition 3(d) and/or Condition 5 of the 2007 North Runway Planning Permission, DHL Express want to highlight our support for the regulatory decision of ANCA as outlined below:

The Regulatory Decision of ANCA directs that the Planning Authority include in their planning permission three conditions relating to noise mitigations measures and operating restrictions. These three conditions involves the amendment of the operating restriction set out in condition no. 3(d), the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission and propose a noise mitigation measure: a voluntary residential sound insulation grant scheme.

¹ FTAI/York Aviation, *The economic impact of cargo night flying at Dublin Airport*, 2020.

- **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) with
 - '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.'
- **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) with
 - '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'.

As Ireland looks to economic growth, businesses need certainty to support investment decisions. Therefore, DHL does not believe it is in the interest of the airport, airlines, the local community or Irish Plc to attempt to introduce a further operating restriction at Dublin Airport until the current appeal has been heard.

As stated, we welcome regulatory decision of ANCA to amend Condition 3(d) and/or Condition 5 of the 2007 North Runway Planning Permission. However we note until we have a clear decision from An Bórd Pleanála on this issue, we will lack business certainty needed to plan for the future. We would like confirmation that no additional operating restrictions will be introduced at Dublin Airport until the appeal has been heard and sufficient notice (as set out in the Aircraft Noise (Dublin Airport) Regulation Act 2019) has been given to all relevant parties, including operators.

Yours sincerely,

Bernard McCarthy
Managing Director
DHL Express Ireland