

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

To

SEO

Having considered the contents of the <sup>Observation</sup> submission dated/received 3/10/22  
 from FedEx 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

Signed

Date

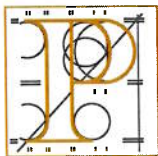
EO

Signed

Date

AA

BP



An  
Bord  
Pleanála

## Planning Appeal Online Observation

### Online Reference

NPA-OBS-001369

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### Online Observation Details

**Contact Name**  
Michael Roche

**Lodgement Date**  
03/10/2022 15:09:35

**Case Number / Description**  
314485

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### Payment Details

**Payment Method**  
Online Payment

**Cardholder Name**  
Michael Roche

**Payment Amount**  
€50.00

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### Processing Section

S.131 Consideration Required

☒

Yes — P.T.O.

☐

N/A — Invalid

Signed



September 30, 2022

*An Bord Pleanála*  
64 Marlborough St, Rotunda  
Dublin 1, D01 V902  
Ireland

**RE: Observation on a Planning Appeal – An Bord Pleanála Ref: ABP-314485-22**

We have been made aware that the above referenced planning appeal has been submitted to An Bord Pleanála against the Fingal County Council decision to amend the conditions No. 3(d) and No. 5 of the 2007 North Runway Planning Permission related to the DUB night-time runway operations (Ref. No. F20A/0668).

FedEx is a U.S.-certificated air carrier, authorized to conduct all-cargo operations under the U.S.-EU air transport agreement (ATA). At DUB, FedEx operates<sup>1</sup> narrow body jets connecting Ireland to FedEx hub facilities at Stansted (UK) and Paris (FR). At those dedicated hub facilities, Irish shipments can be routed onto FedEx transatlantic, transpacific, intra-European and British air services, as well as ground connections. Our system facilitates the ability of Irish shippers and businesses to obtain full benefit from FedEx's hallmark express network for both inbound and outbound shipments. As one of the major cargo airlines' operating at DUB, the results of the planning process are critical to the ongoing efficiency of FedEx services into and out of Ireland. In order to facilitate the best service options available to our customers, we participate regularly in the Dublin Airport Coordination Committee and have provided comments regarding the ANCA and Fingal County planning process regarding the amendments of conditions No. 3(d) and No. 5 of the 2007 North Runway Planning Permission related to the DUB night-time runway operations (Ref. No. F20A/0668).

Throughout the Fingal County planning process, FedEx strongly supported the modification of the restrictive operating conditions at DUB to support a stable operating environment for cargo carriers to and from Ireland. We noted that implementation of conditions No. 3(d) and No. 5 would be inconsistent with the obligations of the Government of Ireland under the ATA. We specifically noted the lack of adherence to the ICAO Balanced Approach to Aircraft Noise Management (Balanced Approach), codified in Part V of Annex 16 to the

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<sup>1</sup> FedEx uses its U.S.-registered aircraft for operations involving Stansted and Paris, and contracts with an EU carrier to provide Dublin-Liege service on certain days of the week. These operations are conducted pursuant to FedEx's authorities issued by the U.S. Department of Transportation (DOT) and U.S. Federal Aviation Administration (FAA), consistent with the rights afforded to FedEx via the U.S. air service agreements with the European Union (EU) and the United Kingdom (UK).

Chicago Convention, and absence of the due process that the ATA requires Ireland to afford to U.S. carriers when considering limitations on operations. We also questioned whether implementation of the planning conditions at issue were consistent with Irish obligations under European Directive (EC) 2002/30 and the subsequent Regulation (EC) 598/2014.

The Balanced Approach, incorporated in European Directive (EC) 2002/30 and Regulation (EC) 598/2014 and incorporated by reference in Article 15 (Environment) of the ATA, requires government authorities to identify and analyze the noise problems at an airport to support identification and evaluation of available options to identify the most suitable measure or combination of measures to mitigate a specific noise problem. In addition, Article 15 of the ATA imposes specific consultation timelines, mitigation efforts, and measures to ensure that U.S. carriers are afforded a fair and equal opportunity to compete when government authorities consider restrictions at airports related to environmental concerns.

For the reasons stated above, we wish to reiterate our support to the ANCA process and implementation of the Fingal County Council the Fingal County Council decision to amend the conditions No. 3(d) and No. 5 of the 2007 North Runway Planning Permission related to the DUB night-time runway operations (Ref. No. F20A/0668).

Sincerely,

A handwritten signature in black ink, appearing to read "Donald R. Dillman", followed by a horizontal line.

Donald R. Dillman  
Director of Operations  
Senior Vice President, Flight Operations