

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

To

SEO

Having considered the contents of the submission dated/received 3/10/22
 from Portmarnock Community Association 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

[Signature]

EO

Date

14/10/22.

To

EO

Section 131 not to be invoked at this stage.

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

Signed

SEO

Date

Signed

SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

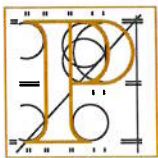
EO

Date

Signed

AA

Date



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001375

Online Observation Details

Contact Name
Finbarr Quigley

Lodgement Date
03/10/2022 15:55:50

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Finbarr Quigley

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

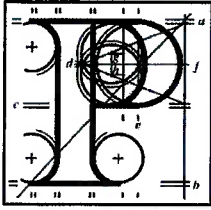
☒

Yes — P.T.O.

☐

N/A — Invalid

Signed



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Finbarr Quigley

(b) Address

Portmarnock Community Association, c/o Ivy
Lodge, Strand Road, Portmarnock D13 ED85

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the
address in Part 1

☒

The agent at the address
in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Fingal County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

ABP- 314485-22

(c) Planning authority register reference number

(for example: 18/0123)

F20A/0668

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Dublin Airport, Co. Dublin

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Observations from Portmarnock Community Association

October 2022

Portmarnock Community Association (PCA) wishes to submit the following observations in relation to the appeal against the decision of Fingal County Council to grant planning permission Planning Application F20A/0668.

The conditions attached to the grant of planning permission are include listed in the Regulatory Decision by the Airport Noise Competent Authority (ANCA) and we consider that these conditions are flawed.

There are numerous references by ANCA throughout the Noise Abatement Objective (NAO), the Regulatory Decision (RD) and the various supporting reports on the importance of noise exposure from 45 dB Lden and 40 dB Lnight to the recommendations of the WHO publication 'Environmental Noise Guidelines for the European Region 2018' (ENG18) relating to reduction of noise levels to below 45 dB Lden and 40 dB Lnight.

As examples, the first paragraph and start of the second paragraph on Measurable Criteria in the NAO state:

"The NAO 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 Environmental Noise Guidelines 2018 as endorsed by the European Commission through Directive 2020/367, taking into account noise exposure from 45 dB Lden and 40 dB Lnight. These metrics describe those chronically disturbed by aircraft noise.

These metrics help articulate the effect of aircraft noise on health and quality of life."

On Pages 27 and 28 of the RD Report, the following excerpts from ENG 18 are provided:

For average noise exposure, the Guideline Development Group (GDG) strongly recommends reducing noise levels produced by aircraft below 45 dB Lden, as aircraft noise above this level is associated with adverse health effects.

For night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below 40 dB Lnight, as aircraft noise above this level is associated with adverse effects on sleep.

It is also noted in Table 2.5 of the RD Report that for average night noise level over a year (Lnight) of 40 to 55 dB "adverse health effects are observed amongst the exposed population. Many people have to adapt their lives to cope with noise at night. Vulnerable groups are more severely affected."

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

The standing of the WHO guidelines was strengthened by European Directive 2020/367 which states (as noted on Page 28 of the RD Report):

“At the time of adoption of this Directive, the high quality and statistically significant information that could be used was that of the World Health Organization (WHO) Environmental Noise Guidelines for the European Region, presenting dose-effect relations for harmful effects induced by the exposure to environmental noise. Consequently, the dose-effect relations introduced in Annex III to Directive 2002/49/EC should be based on those guidelines. In particular concerning the statistical significance, the WHO studies were based on representative populations, and the results of these assessment methods are consequently considered relevant when applied to representative populations.”

Notwithstanding this, ANCA state in the ANCA Consultation Report that the NAO has set an outcome which requires the number of people exposed to aircraft noise above 55 dB Lnight to be reduced on the basis that current technology does not make it possible for the NAO to require Dublin Airport to reduce noise exposure so that nobody is exposed to levels above the WHO recommended values of 45 dB Lden and 40 dB Lnight.

We do not have the expert knowledge available to address ANCA’s statement but find it difficult to understand that the WHO and ENG18 would set requirements that are impossible to be achieved. We would request that An Bord Pleanála assess this statement in detail with the benefit of specialist industry expertise and attach relevant conditions to any grant of planning permission that reflect the requirements of ENG 18, whether by restrictions on operations, a noise quota system or a noise insulation grant scheme.

In addition to this overall comment that Conditions 1 to 3 of the Regulatory Decision should be amended as necessary to following the revision of the DRD Report, we have the following particular comments that we consider should be addressed in any grant of planning permission in this case

- A system should be put in place for a phased reduction of the noise quota total as noise performance of aircraft improves in order to encourage use of the best performing aircraft in relation to noise performance
- The fleet mix for Dublin Airport in 2019 as given in Table 7.1 of the DRD Report indicates that the vast majority of aircraft using Dublin Airport have a Noise Quota Count of 1 or less based on information available from the UK Civil Aviation Authority (SUP 010/2018-1). We therefore consider that it is reasonable to revise the conditions so as not to permit any aircraft with a Quota Count of 1.0 or more to land or take off at the Airport from 1 January 2024 rather than not permitting any aircraft with a Quota Count of 2.0 or more to land or with a Quota Count of 1.0 or more take off at the Airport from 1 January 2030 as presently proposed
- For avoidance of doubt and clarity for the general public, the conditions should include a clear statement that *“Night time flights shall cease until the end of the*

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Annual Period immediately on exceedance of the annual limit of the Noise Quota Scheme for the relevant Annual Period."

- The quarterly reports on the Noise Quota Scheme should include a summary spreadsheet stating the types of aircraft operating during the quarter and Annual Period, the Quota count assigned to the aircraft type for take-off and landing, the number of take-offs and landings for each aircraft type during the quarter and cumulatively in the Annual Period and the Noise Quota Count for each aircraft type during the quarter and cumulatively in the Annual Period. This summary spreadsheet should be available on the planning authority and DAA websites within 7 days of the submission of the quarterly report to the planning authority. This will give greater transparency and clarity to the public on the operation of the scheme.

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct **fee** is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.

