S. 37

File With _____

SECTION 131 FORM

Appeal NO: ABP 312485

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission ~~dated~~/ received 20/12/24 from DAA 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 LI

E.O.: _____ Date: 2/1/25

To EO: _____

Section 131 not to be invoked at this stage. ☐

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

S.E.O.: _____ Date: _____

S.A.O: _____ Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission to: _____

Allow 2/3/4weeks – BP _____

EO: _____ Date: _____

AA: _____ Date: _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314485

M _____

Please treat correspondence received on 20/12/21 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 23

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐

3. Keep Copy of Board's letter ☐

Amendments/Comments

Deep Deed

4. Attach to file

(a) R/S ☐

(b) GIS Processing ☐

(c) Processing ☐

(d) Screening ☐

(e) Inspectorate ☐

RETURN TO EO ☐

	Plans Date Stamped ☐ Date Stamped Filled in ☐
EO:	AA:
Date: 2/1/22	Date: 21/1/22

David Behan

From: Brian Minogue <brian@tpa.ie>
Sent: Friday 20 December 2024 18:47
To: Appeals2
Cc: Jane Roche
Subject: ABP Ref: PL06F.314485
Attachments: Letter No. 1.pdf; Response to ABP Draft Decision (PL06F.314485).pdf; daa Cover Letter_ISSUE_20122024.pdf

ABP Ref: PL06F.314485
Proposed Relevant Action

Dear Sir/Madam,

I refer to the above referenced appeal and ABP's letter (attached). On behalf of the applicant (daa plc) I hereby provide the attached submissions [TPA Response to ABP Draft Decision (PL06F.314485) and daa Cover Letter] in relation to ABP's 'draft decision' and associated Inspectors Report.

It would be much appreciated if you could confirm receipt of this email.

Regards

Brian Minogue
Associate

Christmas Opening hours
Please be advised that the offices of Tom Phillips + Associates will be closing at 2pm on Monday, 23 December 2024 and reopening on Monday, 6 January 2025.

Tom Phillips + Associates
Town Planning Consultants

TOM PHILLIPS + ASSOCIATES
PLANNING FOR THE FUTURE

Contact

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Our Case Number: ABP-314485-22
Planning Authority Reference Number: F20A/0668
Your Reference: DAA plc

An Bord Pleanála

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 16 September 2024

Re: 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, which relates to the night-time use of the runway system at Dublin Airport.
Dublin Airport, Co. Dublin

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned appeal.

The Board has made a draft decision under Section 37R of the Planning and Development Act, 2000 (as amended).

In accordance with Section 37R (4) (c) (I) (II) of the Planning and Development Act, 2000 (as amended), you are invited to make any submissions or observations that you may have in relation to the draft decision and the related report **on or before 23rd December 2024**.

Enclosed is a copy of the draft decision and the relevant report.

Please be advised that the draft decision and the related report may be viewed/downloaded on the An Bord Pleanála website at https://www.pleanala.ie/en-ie/case/314485

The Board cannot consider comments that are outside the scope of the matter in question. Your submission may be sent to the offices of the Board at An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 or by email to appeals@pleanala.ie.

Please quote the above appeal reference number in any further correspondence

Yours faithfully,

James Sweeney
Executive Officer

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
Facs	**Fax**	(01) 872 2684
Láithreán Gréasáin	**Website**	www.pleanala.ie
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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
appeals@pleanala.ie

20 December 2024
[By Email]

Dear Sir/ Madam

ABP Ref: PL06F.314485

RE: Proposed Relevant Action (S.34C of P&D Acts) to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, County Dublin

1.0 INTRODUCTION

1.1. Executive Summary

daa plc (the "Applicant"), has retained Tom Phillips + Associates (TPA) to lodge this observation in response to the ABP Draft Decision received under cover of Letter dated 16th September 2024 (the "Draft Decision"). The Draft Decision relates to the 3rd Party Appeal (PL06F.314485) against the notice of decision of Fingal County Council (FCC) to grant permission for the proposed Relevant Action (the "RA") at Dublin Airport. As outlined in our response to ABP to the Third-Party Appeal by St. Margaret's The Ward Residents Group (SMTWRG) and others, dated 17th October 2022, it is the Applicant's position that FCC's Decision (incorporating ANCA's Regulatory Decision) (the "RD") should be upheld.

The Applicant submits that the additional restrictions (beyond those contained in the ANCA decision) proposed by ABP in the Draft Decision will have serious and far-reaching consequences for the scale of operations at Dublin Airport, for Ireland's connectivity and for the national and local economy. In this respect, it is unclear to the Applicant whether these practical consequences have been fully appreciated or considered by ABP. At Para 15.1.9 of her report, the Inspector states:

> *"I am satisfied that should the recommendations for aircraft movement limit and additional insulation be implemented, the proposed changes to condition No 3 d) and No 5 is acceptable. It is widely recognised in international guidance, as supported in the Fingal County Development Plan 2023-2029, that operational restrictions at airports should be based on a Balanced Approach. The **additional movement of aircraft during the nighttime hours** can operate at Dublin Airport without significant adverse impact on the existing communities once the appropriate mitigation measures are in place."*
>
> ***[Our Emphasis]***

However, in simple terms, notwithstanding the advancements in technology and development of quieter aircraft, the Draft Decision - in particular the annual 13,000 ATM limit contained in condition 5 - would result in a decrease in permitted aircraft movements at night-time, rather than an increase.

ABP should note that its Draft Decision would result in:

- a decrease in annual nighttime movements of **56%**[1] when measured against nighttime movements[2] in 2019 (the base year for the NAO).
- a decrease in annual nighttime movements of **61%**[3] when measured against recent reported nighttime movements[4], i.e. movements in 2023 (in circumstances where the IAA has not given effect to condition 5 of the North Runway Permission given ambiguities in same).
- a decrease in annual nighttime movements of **45%**[5] when measured against what we have defined as the Permitted Scenario[6], i.e., Condition No 5 if the 65 ATM per night limit is measured as an average over the whole year;
- a substantial decrease in annual nighttime movements would also occur when measured against the scenario where a literal interpretation of Condition No 5 is applied, meaning the average of 65 ATM per night limit is applied during 92-day period in Summer only and there is no limit for the remainder of the year.

The purpose of the RA application is to replace outdated conditions attached to the North Runway Permission in the least restrictive manner[7] with a more sophisticated mechanism more suited to addressing the effects of nighttime noise from aircraft which reflects the technological advances for the last two decades and incentivises further use of quieter aircraft and with a measure that is fully aligned with the application of the balanced approach and EU

[1] Reduction of c.16,274 night atms
[2] As reported by ANCA in noise-mitigation-effectiveness-review-report-for-2023.pdf
[3] Reduction of c.20,448 night atms
[4] As reported by ANCA in noise-mitigation-effectiveness-review-report-for-2023.pdf
[5] Reduction of c.10,725 night atms when assuming 65 flights per night for 364 days in the year.
[6] The permitted scenario assessed in the submitted EIAR is that with Conditions 3d and 5 in place in the future years (ie constrained).
[7] As required by Regulation 598

Regulation 598[8]. The Draft Decision, however, would have the opposite effect. It would reduce night-time traffic below the level permitted under the North Runway Permission and below the levels flown over recent years (excluding Covid). Far from facilitating the growth of Dublin Airport in line with national aviation policy (which is discussed further below), it would require its contraction, with serious detrimental consequences for Ireland's connectivity and economic development. It would largely remove any incentive for the use of quieter aircraft. These practical consequences, which we consider may not have been fully appreciated, are the result, in our respectful submission, of a number of errors in the analysis underpinning the Draft Decision, including the imposition of a new and very far-reaching operating restriction without the Balanced Approach including cost-effective assessment having been properly applied.

This observation sets out the fundamental errors in process leading to the Draft Decision and the supporting '*Inspectors Report*' (the "Inspectors Report") (dated 29th May 2024) and the Appendices thereto. The Applicant is raising serious concerns around the process followed and the resulting Draft Decision, and would request that ABP reassess their process and the Draft Decision to ensure that the process set out in the Planning and Development Act (the "2000 Act") (as amended by the Aircraft Noise (Dublin Airport) Regulation Act 2019 (the "2019 Act) is followed. This legally required process has not been followed and this has resulted in a Draft Decision which has, as set out above, serious (and we believe possibly unintended) consequences for the Applicant and all users of the Airport. The applicant and its technical team are of the strong view that the ANCA RD currently under appeal is a robust decision, made in compliance with the relevant statutory obligations and should be upheld in this appeal process.

1.2. Issues Arising

The issues arising, details of which are contained in this observation, can be summarised as follows:

a) This appeal under section 37R of the 2000 Act, as inserted by the 2019 Act, is a first of its kind, is novel and mandates an entirely different process than a standard planning appeal under section 37 of the 2000 Act.
b) The mandated process for this appeal has not been followed by ABP and additional mitigation measures and operating restrictions have been imposed without following the 'Balanced Approach'[9] and cost-effective assessment required by the 2019 Act.
c) Compliance with the Noise Abatement Objective (the "NAO")[10], explained further below, is a material consideration for the RA and the appeal, and whilst ABP's expert noise consultant[11] (the "ABP Noise Consultant") identified that the RA and the

[8] Regulation - 598/2014 - EN - EUR-Lex

[9] ICAO Balanced Approach to Aircraft Noise Management
[10] Noise Abatement Objective for Dublin Airport; and Noise Abatement Objective Report for Dublin Airport June 2022
[11] Dublin Airport North Runway Addendum Report - Noise (19 April 2024) prepared by Vanguardia

resulting RD would achieve the NAO[12], additional restrictions were then proposed, contrary to the requirements of the 2019 Act and contrary to the fact (as acknowledged by ABP's Noise Consultant) that additional restrictions were not required to meet the NAO.

d) With regard to the assessment of restrictions as against the NAO as required under the 2019 Act, we note that the metrics set by ANCA in creating the NAO to assess compliance with the ANCA NAO are primarily the number of people Highly Sleep Disturbed (HSD) and Highly Annoyed (HA). ABP placed great reliance on additional metrics related to Additional Awakenings which are not a defined measurable criteria for the NAO, without seeking to establish how the defined measurable criteria and these additional metrics interact. It is evident that this assessment did not properly engage with the metrics underlying the NAO.

- Under the terms of the 2019 Act, proposed new measures and restrictions cannot be imposed in an appeal under section 37R unless they are shown to be required in order to comply with the NAO and/or the process set out under section 9 of the 2019 Act is followed. As the measures and restrictions contained within the ANCA RD have been found to be sufficient to comply with the NAO, the additional restrictions contained in the Draft Decision are by their nature more restrictive than required to comply with the NAO.

e) Aside from the procedural issues referred to above, the process followed in coming to the proposed conditions (and most importantly, the new draft condition 5) contains a number of calculation errors. It is the view of the Applicant and their technical advisors, that this condition may not have been arrived at in its current form, had those errors had not occurred.

f) As a result, the Applicant requests ABP to reassess the appeal under the provisions of the 2019 Act, addressing the procedural and technical errors identified. It is the Applicant's submission that this process should lead to the ANCA decision being upheld.

As set out above, it is important for the Applicant to convey the serious consequences of these issues. For example, should the current draft condition 5 come into being, it would mean that almost half of the current night flights permitted under the most stringent interpretation of the existing Condition 5[13] would not be permitted at Dublin Airport. The foregone economic impact of operating restrictions to the Irish economy if the RA was not granted has been estimated at an additional 3,130 jobs and €256 million in GDP by 2024[14], so we would suggest that the economic impact of the current draft Condition 5 could be double that. The context contained in the Draft Decision does not suggest to us that this was the intended outcome.

[12] Dublin Airport North Runway Addendum Report - Noise (19 April 2024) prepared by Vanguardia - see Pages 27 and 28.
[13] Contained in ABP Ref. PL 06F.217429 Board Order
[14] Dublin Economic Impact of Operating Restrictions, Update Report, June 2023, InterVISTAS

1.3. Background Context

This planning application was lodged on 18th December 2020[15]. FCC issued a Notice of Decision to Grant Permission on 8th August 2022, with the relevant 3rd Party Appeals being submitted to ABP in August 2022. In that context, the Applicant is anxious to see this appeal dealt with as expeditiously and robustly as possible.

As set out within the body of this observation, the process set out in the relevant legislation has not been followed and significant errors have occurred in the assessment process undertaken, with the result that the Draft Decision issued by ABP contains serious errors in terms of process and content. Most pertinently, the Draft Decision has been issued without regard to the requirements set out within Section 37R and notably those processes defined within Section 37R (3)(a) and (b) of the 2000 Act (as inserted into the 2000 Act by way of the 2019 Act, and arising originally from the requirements of EU Regulation 598/1416) ("Regulation 598").

What follows is a summary of the Applicant's concerns with the Draft Decision as they relate to the critical errors of process, calculations and interpretation of submitted documents.

Note that for the purposes of the Relevant Action and this submission, daa has had to take an interpretation of the existing Condition 5. This is just one of a number of possible interpretations of the existing Condition 5 and is without prejudice to daa's position in this respect in other fora. For simplicity, daa is interpreting the existing Condition 5 as permitting an average of 65-night flights per night.[17]

2.0 PROCEDURAL ISSUES

2.1. Process under the 2019 Act – ANCA and FCC roles

The 2019 Act was enacted to comply with Ireland's obligations under Regulation 598. The recitals to Regulation 598 provide that one of its aims is to ensure both the effective functioning of Union transport systems and the protection of the environment. With that in mind, it establishes processes to be followed prior to the introduction of noise mitigation measures or operating restrictions which "*limit access or reduce operational capacity of an airport*". Ireland has elected to incorporate these processes into the planning system by way of amendments to the 2000 Act, as set out in the 2019 Act. This includes a process whereby the holder of a planning permission containing an operating restriction may apply to revoke, revoke and replace, or amend the terms of said operating restriction (defined as a "Relevant Action Application"), as has occurred here. The 2019 Act sets out the process to be followed in the case of a Relevant Action Application, and any subsequent appeal.

[15] And subsequent response to FCC's request for further information (13th September 2021) that was submitted.
[16] EU Regulation 598 of 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC
[17] As set out in our Reply to the ABP RFI September 2023, there is ongoing uncertainty around the interpretation of condition 5. For the purposes of the assessments in the RA Application, daa has taken this approach to the interpretation, but it is without prejudice to daa's position on this matter in other forums.

As set out by ANCA in their 2022 Regulatory Decision (RD)[18], ANCA found that a 'noise problem' would occur as a result of the RA. This finding, then triggered the process under Section 9 of the 2019 Act whereby ANCA set the Noise Abatement Objective ("NAO") referred to below and then proceeded through the steps in the 2019 Act.

2.2. Noise Abatement Objective

On 20th June 2022, the ANCA issued their report[19] setting the NAO for Dublin Airport. The NAO as adopted, provides that its policy objective is to:

> *'Limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport'.*

The NAO Report includes an explanation of the NAO, how performance against it is to be measured, the outcomes expected to be achieved, and how it is to be monitored. The NAO benchmarks against 2019 levels and mandates specified reductions in the number of highly sleep disturbed and highly annoyed persons against the levels recorded in 2019 as set out below:

> *"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. The following will also be used to help identify where noise exposure results in the populations experiencing the harmful effects. These are the number of people exposed to aircraft noise above:*
>
> - *55 dB Lnight (a level of night-time noise exposure described by the WHO as representing a clear risk to health)*
> - *65 dB Lden (where a large proportion of those living around Dublin Airport can be considered highly annoyed)*
>
> *In order to measure performance, these metrics shall be completed using a noise model prepared in accordance with the methodology described in Directive 2015/996 (European Civil Aviation Conference (ECAC) Doc.29 4th Edition or as amended). The noise model shall be validated using local noise and track keeping performance data from Dublin Airport's systems.*
>
> *The calculation of the number of people exposed to aircraft noise shall have regard for the most recent population data available and assessed against the population exposed to aircraft noise in 2019[20].*

[18] RegulatoryDecision R eport.pdf
[19] Noise Abatement Objective Report.pdf
[20] Noise Abatement Objective Report - see Page 24

The primary metrics which ANCA relied on in creating the NAO are as referred to above. We discuss below the difficulties in importing a differing metric (in this case Additional Awakenings) into this assessment without any equivalence being made with the metrics pursuant to which the NAO was created.

2.3. Assessment Under Section 34C

Once the NAO was set, ANCA then proceeded to undertake an assessment of the RA. Section 34C of the 2000 Act clearly sets out the process to be followed by ANCA in its assessment, including incorporating the requirements of section 9 of the 2019 Act.

Under Section 9 of the 2019 Act, the process to be followed in arriving at new Operating Restrictions or Noise Mitigation Measures is set out. All of the below obligations apply equally to ANCA and ABP (in their respective roles as the competent authority at planning and appeal stage respectively)[21] and notably, to any additional or alternative Operating Restrictions or Noise Mitigation Measures which ABP considers implementing, beyond those set out in the ANCA RD.

The elements relevant to this assessment are:

A. **Section 9 (2)**

*The competent authority **shall** ensure that the **Balanced Approach** is **adopted where a noise problem at the airport has been identified** and, to that end, shall further ensure.... [our emphasis]* [further details below]:

ANCA identified that a noise problem would arise from the RA due to three aspects:

> *"1. The Application proposes an increase in aircraft activity at night, when referenced against the situation that would otherwise pertain, which may result in higher levels of human exposure to aircraft noise.*
>
> *2. The Application proposes a situation where some people will experience elevated levels of night time noise exposure for the first time which may be considered harmful to human health.*
>
> *3. The EIAR accompanying the Application indicates that the proposed relevant action will give rise to significant adverse nighttime noise effects."*

Section 9(2) of the 2019 Act then goes on to state that the CA should ensure that:

> *"the Balanced Approach is adopted where a noise problem at the airport has been identified and, to that end, shall further ensure that, as appropriate:*

[21] As per section 10 of the 2019 Act

a) *the noise abatement objective is, as appropriate, defined, restated or amended,*
b) *taking into account, as appropriate, Article 8 of, and Annex V to, the Environmental Noise Directive;*
c) *measures available to reduce the noise impact are identified;*
d) *the likely cost-effectiveness of the identified noise mitigation measures and operating restrictions (if any) is thoroughly evaluated;*
e) *the measures, taking into account public interest in the field of air transport as regards the development prospects of the airport, are selected without detriment to safety;*
f) *the stakeholders are consulted in a transparent way on the intended actions;*
g) *the measures are adopted and sufficient notification is provided for;*
h) *the measures are introduced."*

B. **Section 9(3)** of the 2019 Act provides:

The competent authority shall ensure that, when noise-related action (including a noise mitigation measure or operating restriction) is taken, the following combination of available measures is considered, with a view to determining the most cost-effective measure or combination of measures:

(a) the foreseeable effect of a reduction of noise at source;
(b) land-use planning and management;
(c) noise abatement operational procedures;
(d) not applying operating restrictions as a first resort but only after consideration of the other measures of the Balanced Approach. (our emphasis)

C. Section 9(7)(a)

Most importantly Section 9(7)(a) provides that '*Measures or a combination of measures taken in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000 for the airport* ***shall not be more restrictive than is necessary in order to achieve the noise abatement objective'.***

[Our Emphasis]

We note that the report of Vanguardia[22], provides that ***"Both the revised and supplementary EIARs show that the NAO objective*** *to "Limit and reduce the long term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport"* ***is predicted to be achieved if the RA is permitted".***

[Our Emphasis]

[22] Appendix 5, section 7.1

2.4. ANCA's Assessment Under Section 34C

When it received the Relevant Action Application, ANCA undertook an assessment under the terms of Section 9, (including the application of the Balanced Approach as referred to above) and determined that noise abatement and/or mitigation measures were required to address the identified noise problem caused by the RA and in order to meet the NAO. As required, the Balanced Approach was applied to identify and select possible noise abatement and/or mitigation measures which are cost-effective in meeting the NAO.

This included the undertaking of a Cost Effectiveness Analysis[23] which required ANCA to evaluate the cost-effectiveness of noise mitigation measures and any proposed operating restrictions, with a view to determining the most cost-effective measure or combination of measures for achieving the NAO[24].

The measures which were identified and selected, and complied with the requirements of Section 9 having arisen from a Balanced Approach assessment, were then imposed by ANCA in their Regulatory Decision as conditions to address the noise problem caused by the RA and to meet the NAO objectives.

ANCA issued a draft RD on 11th November 2021 and engaged in a 14-week consultation process as required under section 34C(12) of the 2000 Act. ANCA issued a RD on 20th June 2022 which was then included in a Notice to Grant planning permission by FCC on 8th August 2022.

2.5. ABP's Role - Section 37R of the 2000 Act

Now at the appeal stage, section 37R(3)(c) provides that ABP may, having considered all the material provided, accept or reject all or any part of the RD and the accompanying report. Under section 37R(3)(a), section 9 applies to ABP's consideration of an appeal, and to the measures and restrictions forming part of their consideration of the relevant appeal. This would include assessing whether it meets the NAO and/or if different or amended measures are required to meet the NAO. If ABP were to find that alternative restrictions are required in order to comply with the NAO, the steps set out above must be complied with including carrying out a 'Balanced Approach' and cost-effectiveness assessment.

It is clear from the 2019 Act, that the above steps are prerequisites to the introduction of a proposed new Operating Restriction or Noise Mitigation Measure. These steps have not been complied with in the case of both proposed draft conditions 3e and 5.

The practical effect of the above requirements is that once the NAO is achieved, no additional noise mitigation measures or operating restrictions that would be more restrictive than required to comply with the NAO are permitted[25]. While they were not taken through a Balanced Approach assessment the Applicant would suggest that the conditions contained in the Draft Decision are significantly more restrictive than would be required to comply with the NAO, and that is evident from the serious impact set out elsewhere in this submission.

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[23] Annex I & Annex II of the EU Regulation 598

[24] Refer to Section 9 of ANCA's Regulatory Decision Report.pdf

[25] We note that Section 12.2.49 of the ABP's Inspectors Report confirms that *"the setting of these objectives [NAO] is a matter for ANCA and not for the Board to amend".*

It is appreciated that some time has passed since the RA Application was initially made to FCC and ANCA. We note that to deal with th s, additional technical information was provided to ABP by the Applicant on 13th September 2023 and 4th March 2024, principally to reflect changes since the opening on the North Runway, changes to flight paths and a quicker return to growth post-Covid which arose after the RA Application was initially submitted to FCC. As set out within the RFI response submitted on 13th September and Supplementary EIAR[26], after allowing for mitigation, the numbers experiencing significant residual effects remain limited when considering the overall situation, i.e. different people may be affected but the overall numbers are similar. As set out within the submitted EIARs[27] and summarised in section [2.5] below, the RA will exceed the reductions required to be achieved as set out within the NAO, as such it is confirmed that the RA and RD will continue to achieve the NAO.

The revised information included a revised Cost Effectiveness Analysis by Ricondo[28]. It confirmed that the updated cost-effectiveness analysis, resulted in the same recommended measures as those in the 2021 CEA Report[29]. The revised Cost Effectiveness Analysis remains relevant and valid for ABPs consideration of the RA and RD. The Applicant's technical team confirm that the additional information provided resulted in changes that are limited in nature and the impacts arising do not warrant a change to the decision made by ANCA on the RD, as the NAO will continue to be met as set out in the above section.

2.6. Technical Aspects of the NAO Comparison

The policy objective of the NAO is to *"limit and reduce the long-term adverse effects on human health as the airport grows sustainably, by progressively reducing or limiting the effect of long-term noise"*.

The metrics selected by ANCA to primarily determine progress in meeting the NAO, are the number of people Highly Sleep Disturbed and the number of people Highly Annoyed. This method of assessment looks at cumulative aircraft noise exposure levels around the airport, and not singled out for specific methods of operations or specific communities (i.e. it looks at the overall combined effect on the wider population). It looks at the overall noise contours and the combined impact of the noise impacts over a set time period.

The further metrics, Lnight and Lden, are used to help identify priorities with associated thresholds based on World Health Organization (WHO) guidelines[30]. The use of the Lden and Lnight metrics aligns with the requirements of the END[31]. The Lnight metric is a long-term outdoor noise exposure indicator.

[26] Supplementary EIAR (September 2021) - Volume 2: Main Report
[27] EIARs submitted for the proposed Relevant Action on the ABP website
[28] North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Cost Effectiveness Analysis Updates, Ricondo, September 2023
[29] Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Cost Effectiveness Analysis Report (Revision 2 - September 2021)
[30] WHO-EURO-2018-3287-43046-60243-eng.pdf
[31] NAO report page 24

The NAO provides that the calculation of the number of people exposed to aircraft noise shall have regard for the most recent population data available and be assessed against the population exposed to aircraft noise in 2019. The NAO includes the following measurable criteria:

> *'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. The following will also be used to help identify where noise exposure results in the populations experiencing the harmful effects. These are the number of people exposed to aircraft noise above:*
>
> - *55 dB Lnight (a level of night-time noise exposure described by the WHO as representing a clear risk to health)*
> - *65 dB Lden (where a large proportion of those living around Dublin Airport can be considered highly annoyed).'*
>
> *[Our Emphasis]*

The NAO sets out required percentage reductions for each category of impact in future years commencing in 2030. It provides that "*the calculation of the number of people exposed to aircraft noise shall have regard for the most recent population data available and assessed against the population exposed to aircraft noise in 2019*"[32]. Note that the baseline for comparison for the NAO is 2019 and not the Permitted Scenario.

Importantly, as referenced by the Inspector[33], the RD and RA can achieve the outcomes of the NAO subject to all homes within the priority targets above 55 dB Lnight having been retrofitted by the Applicant, or newly built with enhanced home insulation (i.e. having access to home insulation).

2.6.1. References to the NAO in the IR

With regard to the current appeal, there are a few references to the NAO in the supporting documents. Section 7.0 of the Vanguardia Addendum Report[34] describes the NAO and its context and ultimately finds that *'The supplementary EIAR shows a reduction in persons highly sleep disturbed in 2025 and 2035 compared to 2018 (the revised EIAR showed the same for a 2019 baseline compared the future scenarios with or without the RA). This complies with the NAO.'*

[our emphasis]

[32] NAO Report, Page 1
[33] Para 12.5.19 of Inspectors Report
[34] (Rev P01, 19th April 2024)

The above statement from Vanguardia that the NAO is achieved by the RA is clear. As set out above and in accordance with Section 9(7) of the 2019 Act, measures or a combination of measures taken shall not be more restrictive than is necessary in order to achieve the Noise Abatement Objective. If ABP do not agree with Vanguardia, and consider that the NAO has not been met and more or revised measures are required to achieve the NAO, a detailed assessment justifying those measures in accordance with the Balanced Approach must be undertaken.

For completeness you will note that para 12.2.48 of the ABP Inspector's Report states:

'The figures in the EIAR (Table 13C-52 and 13C-64), indicate that under the proposed scenario, with the Relevant Action (proposed scenario), the number of people exposed to aircraft noise above 55 dB Lnight will be greater in both 2025 and 2035 when compared to 2018 and the permitted scenario. This means that the proposed preferred scenario cannot meet one of those objectives of the NAO with the proposed operating restrictions."

[Our Emphasis]

As this statement refers to 2018, whereas the NAO refers to 2019, this statement is irrelevant in determining whether the RD and RA can achieve the NAO. Furthermore, the delta between the 'proposed scenario' and the 'permitted scenario' is not a metric which is included in those metrics used to determine whether the NAO would be achieved or not. Notwithstanding this, the assessment fails to take into account the benefit of noise insulation specifically aimed at addressing the nighttime noise effects which will be imposed by mandatory conditions attached to the relevant permissions and in accordance with the Residential Sound Insulation Grant Scheme (RSIGS). Including 'consented' developments does not take account of noise mitigation measures.

As outlined above, noise sensitive developments built or occupied in the noise zones around Dublin Airport since 2005 would have been subject to noise mitigation by way of conditions by FCC, thanks to the forward thinking of the planning authority through their land use and development management practices to safeguard against encroachment in areas which are subject of higher levels of aviation noise.

As can be seen in Figure 1 below, the current zone of eligibility[35] slightly exceeds the current Noise Zone 'B'[36] and historic FCC Outer Noise Zone. Notwithstanding this, new dwellings within this area would fall within the Residential Noise Insulation Grant Scheme and would be subject to mitigation as required by the RD. This would continue to be the case until a future alignment of the existing noise zones with the relevant contours occurs. Furthermore, all new dwellings constructed within the noise zones would be subject to insulation already by way of the current insulation scheme or by way of developer provided insulation as imposed by FCC.

[35] As identified in the Map Sets attached to the RFI response to ABP by TPA, dated 4th March
[36] FCC County Development Plan 2023-2019, Noise Zone B

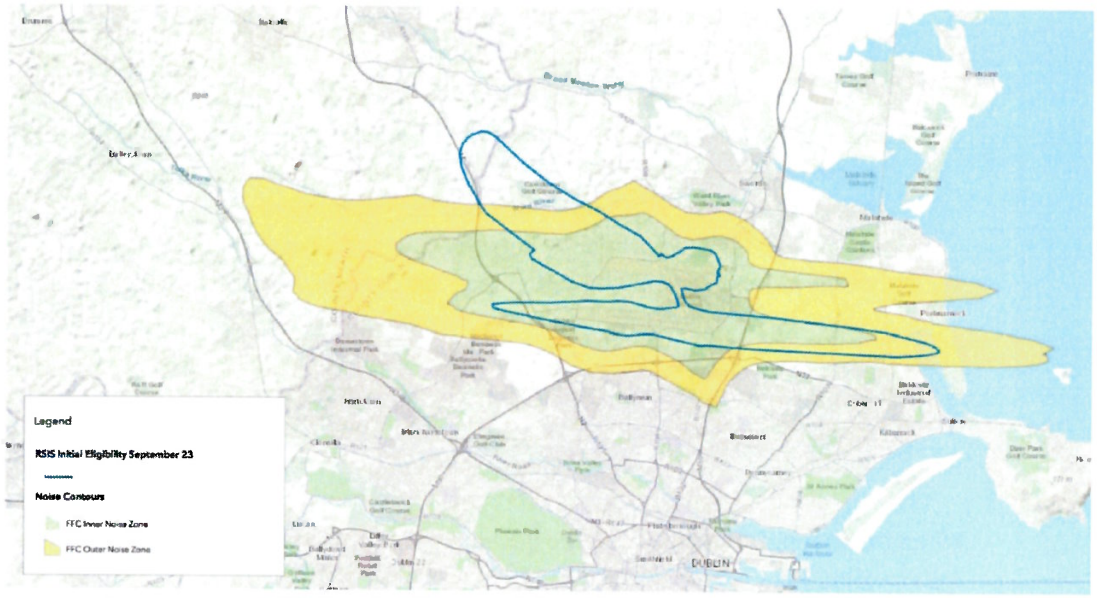

Figure 1: FCC Noise Zones, FCC CDP 2023-2029 with RSIS Eligibility Contour Areas overlain.

For the avoidance of doubt, it should be noted that the Lnight contour is an external noise metric. It relates to external noise levels. Therefore should the NAO be interpreted to mean that all future consented developments (that are subject to insulation) within the 55dB Lnight contour are included in the calculation of those exposed to aircraft noise above 55 dB Lnight, with no allowance being made for the noise insulation applied, it would effectively mean that full compliance with the Lnight metric of the NAO could only be achieved by FCC not approving any more development within the Noise Zones. Therefore, limiting population growth within this area to the population of 2019. This would be a direct conflict with existing policy, and an issue that only FCC could control. In this case, a movement cap would be unlikely to achieve compliance, as population within the 55dB Lnight contour will continue to grow in line with FCC Development Plan zoning. As such, new population would be exposed to noise above 55dB, unless all night movements ceased. As such, the Applicant is firmly of the view that insulation must be taken account of as included for in Condition No.3 of ANCA's regulatory decision. The control of development within the vicinity of the airport through land use planning measures and noise zoning, which is outside the control of daa, is also vital to ensuring an acceptable outcome and is recognised by ANCA as part of the suite of controls[37]. It is clear that land use planning in the vicinity of the airport has evolved to allow the airport sustainably grow in line with national policy whilst protecting those within the area from the effects of noise through insulation. If this land use management approach was not deemed acceptable, the land surrounding the airport should not have been zoned for residential development.

This issue does not detract from the view of ANCA that the RA can comply with the NAO as clearly set out within their 'reasons for Regulatory Decision' within the Regulatory Decision[38], in particular the reasons for the third condition of the regulatory condition which states:

[37] See section 1.7.3 of the Regulatory Decision Report
[38] Regulatory Decision.pdf

> *"The NAO night-time priority of 55 dB Lnight reflects levels of noise exposure which presents a clear risk to human health.* ***The Residential Sound Insulation Grant Scheme is therefore designed to mitigate the impact of night time aircraft noise in the vicinity of Dublin Airport.*** *Although noise insulation is a relatively costly measure,* ***a noise insulation scheme comprising of suitable measures with eligibility set around the priority value of 55 dB Lnight will help to mitigate effects on those who become newly exposed to potentially harmful levels of aircraft noise as per the second aspect of the noise problem.*** *It will also benefit those who have already been exposed to noise above this priority value and would continue to do so in the future. By further allowing those who are forecast to experience very significant effects in 2022 and 2025 to benefit from insulation under the scheme will further reduce the number of people highly sleep disturbed"*
>
> ***[Our Emphasis]***

When these consented and insulated developments are appropriately excluded in accordance with existing land use planning measures, it is clear that the number of people exposed to aircraft noise above 55 dB Lnight will decrease in 2025 compared to 2019 and further measures are not necessary.

In addition to the above, it is noted that paragraph's 12.8.3 and 12.8.4 of the Inspector's Report notes:

> *'12.8.3. In addition to those HA and HSD the NAO requires the number of people exposed to aircraft noise above 55 dB Lnight and 65 dB Lden shall be reduced compared to 2019.*
>
> *12.8.4. ANCA concluded that the RD and RA can achieve these targets. ANCA are responsible for monitoring and managing these targets, in conjunction with the Daa, and have recently reported that one of the four NAO targets are not being achieved as all homes within the priority targets above 55 dB Lnight do not have access to home insulation.'*
>
> *[Our Emphasis]*

However, the ABP Draft Decision and Inspector's Report do not properly engage with the NAO and make no clear determination on whether the proposed RD and RA meet the NAO, beyond the references above. This is a critical error in the process undertaken by ABP.

The ABP Inspector's Report notes at paragraph 1.2.4:

> *'both the Airport Noise Act, 2019 and Section 37R of the PDA, 2000 allow the Board to make alterations to the relevant Regulatory Decision, in so far as the appeal relates and adopt noise mitigation measures or operating restrictions (if any), or a combination thereof, which were not, during the process that gave rise to the relevant regulatory decision, the subject of previous consultation conducted by the competent authority pursuant to section 34B or 34C, as the case may be but can adopt new mitigation and/or operational restrictions not considered in ANCA's decision.'*
>
> *[Our Emphasis]*

The above statement is factually correct, and it is noted that the remit of the Board is to make alterations to the RD is in so far as the appeal relates. In this regard, the 3rd Party appeal clearly relates to the RD decision by ANCA, as incorporated into the decision of FCC.

2.6.2. Impact of Updated Information on NAO Comparison

In the context of the updated information provided to ABP referred to at section 2.5 above, for the avoidance of doubt, we summarise below the information contained with the Supplementary EIAR (September 2023) which confirms that the RA will continue to meet the NAO (Refer to Table 1.1 below). The Supplementary EIAR (September 2023) included information for those forecasted to be highly annoyed and highly sleep disturbed in 2025 and 2035. Furthermore, the population forecasted to be within the Lden and Lnight contour in 2025 and 2035 was also provided.

Table 1.1: RA metrics and alignment with the NAO

NAO Measurable Criteria	**2019 [NAO Baseline Year]**	**2025 with NRRA ("proposed")**	**2035 with NRRA ("proposed")**
Highly Annoyed	115,740 (Dec 2020 EIAR Table 13-15)	53,854 **(Reduction of 53% from 2019)** (Sep 2023 EIAR Table 13-33)	35,445 **(Reduction of 69% from 2019)** (Sep 2023 EIAR Table 13-43)
Highly Sleep Disturbed	47,044 (Dec 2020 EIAR Table 13-23)	23,884 **(Reduction of 49% from 2019)** (Sep 2023 EIAR Table 13-38)	16,026 **(Reduction of 67% from 2019)** (Sep 2023 EIAR Table 13-48)
≥65 dB Lden	285 (Dec 2020 EIAR Table 13-11)	254 (Reduction of 31 from 2019) (Sep 2023 EIAR Table 13-32)	188 (Reduction of 100 from 2019) (Sep 2023 EIAR Table 13-42)
≥55 dB Lnight	1,533 (Dec 2020 EIAR Table 13-19)	1,463 (Reduction of 70 from 2019) (Sep 2023 EIAR Table 13-49)	1,197 (Reduction of 336 from 2019) (Sep 2023 EIAR Table 13-49)

Table 1.1 above sets out the four measurable criteria that are included within the NAO for determining if the NAO is achieved. These are highly sleep disturbed, highly annoyed, 55 dB Lnight and 65 dB Lden. For reference, the NAO includes the following expected outcomes for measuring compliance with the NAO:

- The number of people highly sleep disturbed and highly annoyed in 2030 shall reduce by 30% compared to 2019;
- The number of people highly sleep disturbed and highly annoyed in 2035 shall reduce by 40% compared to 2019;
- The number of people highly sleep disturbed and highly annoyed in 2040 shall reduce by 50% compared to 2019 and;
- The number of people exposed to aircraft noise above 55 dB Lnight and 65 dB Lden shall be reduced compared to 2019.

As set out in table 1.1 above, the RA will achieve a 67% reduction in those highly sleep disturbed and 69% reduction in those highly annoyed in 2035 compared to 2019. The NAO expected outcome is for a 40% reduction in both metrics when compared to 2019. The RA clearly exceeds the NAO expected outcome for 2030[39], 2035 and 2040[40].

Furthermore, the RA will result in the number of people exposed to aircraft noise above 55dB Lnight and 65 dB Lden being reduced compared to 2019. It is noted that this does not take into account future consented schemes. However, future consented schemes will benefit from noise insulation as required within the Fingal Development Plan and conditions of the RD and FCC Notice to Grant. It is noted that the number of new people that live in future consented developments within the ≥55 dB Lnight[41] will increase in 2025 before reducing in 2035 (and continuing to gradually decrease to 2040 and beyond due to fleet modernisation), the effects will be mitigated by way of noise insulation.

As identified above, the Supplementary EIAR Chapter on Aircraft Noise and Vibration (Chapter 13), confirmed that the four measurable criteria (i.e. HA, HSD, Lden & Lnight) of the NAO will be met in 2035 when compared to 2019 and therefore NAO continues to be achieved. We note that this is the same conclusion reached by Vanguardia in terms of NAO compliance.

2.6.3. Additional Awakenings

As identified above, the NAO sets clear measurable criteria for ABP (in its role as the CA) to use when assessing compliance with the NAO, when compared to 2019 conditions.

Notwithstanding this, the ABP assessment in determining the need for a modified RD (as stated at paragraph 15.1.11) includes an assessment of the RA and RD using metrics not included within the NAO, such as the use of LAmax in draft proposed condition 6. In this regard, we note that ANCA considered the use of alternative metrics such as indoor and outdoor LAmax levels and description of effects such as awakenings, ANCA stated[42]:

> *"Whilst recognising that such metrics can be used to describe effects such as awakenings and physiological reaction, ENG18 states that: "the relationship between different types of single-event noise indicators and long-term health outcomes at the population level remains tentative". **As such the ENG18 made no recommendations for single-event noise indicators**".*

The NAO established by ANCA does not rely on additional nighttime awakenings and the application of maximum noise levels to determine additional potential awakenings.

However, it is apparent that Vanguardia have relied on the concept of Additional Awakenings to surmise that additional mitigation is required beyond that set out in the RD. This has been done without establishing, based on research, if there is any difficulty in achieving the

[39] RA will exceed measure in 2025 & 2035, as such 2030 measure will also be exceeded.
[40] RA will exceed measure in 2035, as such 2040 measure will also be exceeded.
[41] as FCC continue to approve development on zoned land within this area
[42] ANCA Public Consultation Report, 23rd June 2022, Page 21

objectives of the NAO whilst using those four designated metrics as set out in the NAO (i.e HA, HSD, Lden and Lnight).

We consider that the use of metrics that are not contained within the NAO, without correlating them to the metrics that are contained within the NAO, to determine the need for additional measures and then to not undertake the required Balanced Approach including cost-effectiveness analysis before arriving at additional measures is non-complaint with the 2019 Act and Regulation 598. Whilst it may be appropriate for ABP in the context of an EIAR[43] to use metrics such as an Additional Awakenings Assessment and *LAmax* when examining the anticipated environmental effects of a proposal this must not detract from the assessment required to determine if the RD and RA meets the NAO and the identified metrics within it. Additionally, should ABP, then seek to add mitigation measures to mitigate the effects identified in the EIAR this can only be done where the RA is determined not to meet the NAO and those mitigation measures must be no more restrictive than required to achieve the NAO as per Section 9(7)(a) of the 2019 Act and must be subject to the Balanced Approach including cost-effectiveness assessment as per Section 9-(2) of the 2019 Act.

However, we note there is research[44] which has used alternative metrics to those contained within the NAO to describe the potential impacts of aircraft noise events on sleep, such as indoor and outdoor LAmax levels, their distribution and occurrence. Whilst recognising that such metrics can be used to describe effects such as awakenings and physiological reaction, ENG18[45] states that: *"the relationship between different types of single-event noise indicators and long-term health outcomes at the population level remains tentative"*. As such the ENG18 made no recommendations for single-event noise indicators, which includes the use of Additional Awakenings assessment.

The assessments prepared by ANCA utilised evidence prepared by WHO to describe the impact of aircraft night noise on sleep. This evidence, as described in the NNG[46], and ENG18, provides dose response relationships which equate the impact of aircraft noise on sleep in terms of the annual average Lnight metric and the number of people Highly Sleep Disturbed. This metric is incorporated within the 2019 Act through references to Directive 2002/49/EC (as amended by Directive 2020/367) which adopts the WHO dose-response relationships.

The studies that have informed the WHO dose-response relationship between aircraft noise and sleep are based on large scale epidemiological studies, and socio-acoustic surveys on self-reported sleep disturbance are linked and referenced to outdoor noise exposure data. As such, they have been adopted by WHO as appropriate measures for assessing impacts.

[43] We note that on the basis of the case law of the Court of Justice of the European Union (CJEU), and, in particular, the Judgments in the Brussels Airport Case (Case C-275/09) and Pro-Braine (Case C-121/11), this application to remove, replace or vary Conditions No. 3(d) and No 5 of the North Runway permission is not an application for development consent for a 'project' within the meaning of the EIA Directive, and is therefore outside the scope of that Directive. Strictly without prejudice to that position, daa submitted an EIAR with the application out of an abundance of caution.

[44] Mathias Basner and Sarah McGuire, WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep Int. J. Environ. Res. Public Health 2018, 15, 519;

[45] Environmental Noise Guidelines 2018

[46] The World Health Organization Night Noise Guidelines of 2009

The Applicant's Response to ABP's RFI (no. 1) dated 14th September 2023 included commentary regarding the appropriateness of using the probability of Additional Awakenings in order to assess the effects of peak noise levels of ATMs. The RFI response included a report prepared by Dr. Thomas Penzel, an IEEE[47] Fellow member for contributions to biosignal analysis for sleep medicine and an expert on aircraft noise and health related issues as well as report by Bickerdike Allen Partners ('BAP') dated 13 September 2023.

We note the report prepared by Dr. Penzel, provides subject-matter expert commentary on the suitability of probability of Additional Awakenings as an appropriate measure of the effects of aircraft noise and outlines the many variables and research findings which have resulted in debate within the scientific community on this matter. The report concludes that there is no conclusive research on the appropriateness of using the probability of Additional Awakenings in order to assess the effects of peak noise levels of ATMs. The Inspector's Report did not engage with how Dr. Penzel's professional opinion factored into the decision to apply LAmax and Additional Awakenings. We would like to re-iterate the position expressed by Dr. Penzel and to request the Board to re-consider these earlier submissions when reviewing this observation.

Notwithstanding the above, it appears that ABP have used the LAmax level metric to design mitigation measures related to an environmental impact. These mitigation measures, in turn, have not been determined using the Balanced Approach. Furthermore, ABP have concluded that the measures would achieve an acceptable outcome, without setting out how the proposed measures would actually reduce the effects i.e. the relevant technical information in relation to the proposed noise mitigation measures and how their success will be measured. For instance, at paragraph 12.2.60 of the Inspector's Report there is an indication set out that the range of environmental impact mitigation measures proposed could mitigate and reduce the impact on sleep disturbance to an 'acceptable level'. There is no definition or explanation as to what an 'acceptable level' would be. Further, there is no measurable criteria put forward to assess the success of the measures in achieving the NAO. Equally, given that the NAO does not provide an awakenings metric there is no attempt to relate the 'acceptable level' of awakenings to the NAO metrics. As such, ABP have not set out how the proposed measures would actually reduce the effects. Furthermore, no account for the achieved benefits of sound insulation at night for existing, consented and ANCA RSIS schemes when evaluating the potential impacts.

2.7. General comments on the Vanguardia Report

2.7.1. Additional Awakenings & NQS

It is evident that Vanguardia's review focuses primarily on nighttime awakenings and the potential for additional awakenings caused by the RA. Importantly Vanguardia's Report[48] states at Section 7.0 '***In short, although in future with or without the changes this RA would facilitate, the NAO to*** *"Limit and reduce the long term adverse effects of aircraft noise on*

[47] Institute of Electrical and Electronics Engineers
[48] Addendum Report – Noise, Rev P01, 19/04/2024

health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport." would ***be achieved.****'*

Vanuguardia acknowledges that the % of those highly sleep disturbed is expected to decrease when comparing the 2035 RA to 2018. They would have also found an expected decrease if they compared to 2019, the baseline as defined in ANCA's NAO. Notwithstanding this, Vanguardia then compare the 2035 Permitted Scenario to the 2035 RA to conclude that implementing the RA will cause additional nighttime awakenings[49]. The RA Application is clear in that the delta between the Permitted Scenario and the proposed RA will result in additional effects, however the use of the 'Permitted Scenario' is not the delta upon which the acceptability of the RA is to be measured, the baseline is 2019 as clearly set out within the NAO.

Vanguardia also cites studies sponsored by WHO[50] that indicate average metrics like Lnight need to be supplemented by single-event metrics like LAmax to reach a better understanding of nighttime awakenings but do not indicate why WHO did not consider this metric to assess awakening effects. Vanguardia indicates that a reduction in Lnight does not necessarily equate to a reduction in nighttime awakenings, but do not provide qualitative evidence based on aircraft noise modelling to support this statement.

Furthermore, Vanguardia does not address the NAO objective to reduce the number of people HSD. Accomplishing the reduction objective is not possible if the Lnight level remains the same in the long-term. In addition, the reduction in the number of people HSD is expected to lead to a reduction in nighttime awakenings when considering all populations around the airport. Vanguardia did not provide any quantitative evidence that the Lnight level would remain the same in the long-term; therefore, making the achievement of the NAO unlikely. Instead, the focus is on Additional Awakenings for a specific area when compared to the Permitted Scenario, and not awakenings compared to 2019 (as required by the NAO) for the entire area around the airport.

For example, Vanguardia's report characterises Lnight as not appropriate because people do not experience aircraft noise in an averaged manner and therefore LAmax based metric is inherently preferable. There are flaws in Vanguardia's approach – a single LAmax data point is not useful without data on the number and frequency of events and many medium level LAmax events might have greater impact than a single higher LAmax. L_{Aeq} metrics do not assume there is a continuous level of aircraft noise and effectively take both noise level and number of events into account, including periods when there are no aircraft noise events. As stated by WHO *"from a scientific point of view, the best noise indicator is the one that performs best in predicting the effect of interest[51]."* WHO also indicated that Lnight was found to have adequate level of evidence to assess nighttime disturbances. Vanguardia does not provide any scientific evidence to the contrary.

[49] Vanguardia Report No.1, Section 5

[50] It is noted that WHO did consider use of single-event metrics such as L_{max}, but indicated that use of L_{max} or metrics such as number of events above an L_{max} level may be associated with calculating noise for exposure levels below 40 dB L_{night}, which has a very high level of uncertainty. In addition, lower levels can lead to outright bans on nighttime operations, which is not feasible in many airport environments and not aligned with the ICAO Balanced Approach. WHO does indicate average sound metrics may not account for individual awakenings, but application of single event metrics is not widely used.

[51] Section 2.2.2 on page 9, Environmental noise guidelines for the European Region

The application of a cap on movements at night appears to be arrived at due to concern over the ability of the proposed Noise Quota Count System (NQS) to control Additional Awakenings and based on the information presented above, the conclusion to introduce a cap is not supported.

The Vanguardia report refers to a 2022 CAA report (based on 2014 social survey[52]). It should be noted that that report found that Additional Awakenings correlates with community response similarly well to $L_{Aeq,8h}$ and Lnight and stated that this *"is not surprising, since average summer night awakenings are well-correlated with $L_{Aeq,8h}$ and Lnight"*. Further, the Vanguardia Report states that the Awakenings assessment supports movement limit because Lnight is relatively insensitive to changes in numbers of ATMs. This is an opinion only and is not substantiated by qualitative or technical evidence.

Several statements are made that there are more awakenings in the Proposed Scenario compared to Permitted Scenario. This appears to be justification for the Additional Awakenings metric compared to Lnight, but all metrics would expect to be worse with c. 100 flights per night compared to c. 65, with similar mix of aircraft types, and is the key reason that the RSIGS was proposed as a mitigation measure against the RA's increased nighttime operations. Again, this comparison is not consistent with the NAO and approach used to assess progress towards the NAO as it relates to the delta between the permitted and proposed scenario rather than the metrics within the NAO.

The Vanguardia Report proposes that properties predicted to experience 80 dB LAmax or more at night from the noisiest ATM should qualify for noise insulation. The report or condition does not indicate a frequency of events above 80 dBA (Lmax) that qualify a home for the Grant Scheme. The Vanguardia Report does not recognise the effect of operational distribution on reducing aircraft noise exposure effects. In addition, the Vanguardia Report does not justify the need for a movement limit assuming the proposed sound insulation is completed.

The Vanguardia report gives examples that if every aircraft is 3 dB quieter but double the movements then Lnight is unchanged. Vanguarda also states an Additional Awakenings assessment of the same change could show that additional awakenings are likely. Vanguardia have not done the assessment required to substantiate this point, nor was there a RFI in relation to this. In this regard, and to assist ABP, the Applicant's Airport Acoustic Experts Bikerdike Allen Partners LLP (BAP) have carried out a sensitivity test of the Awakenings assessment (presented in Section 3.0 of Appendix B) using the scenario given in the Vanguardia report, i.e. twice as many flights which are all individually 3 dB quieter. As this assessment demonstrates, the total number of AA would change very little and remain in line with the NQS which would meet the NAO. The BAP assessment confirms a difference between -5% to +8%, and an average difference of 0% when analysing the Permitted and Proposed scenarios in 2025 and 2035, including the easterly mode and westerly mode scenarios (Refer to Section 3.0 of Appendix B).

This result represents the total number of Additional Awakenings for the whole population. For those exposed to higher levels, Additional Awakenings will go up, but this cohort are receiving insulation as proposed in the RA application as part of the Residential Sound Insulation Grant Scheme (RSIGS), and such are mitigated. Therefore, an additional condition

[52] Survey of Noise Attitudes 2014: Aircraft Noise and Sleep Disturbance, Further Analysis CAP2251

on the unfounded basis that it would control the number of Additional Awakenings is not justified.

2.7.2. NQS Increments

Vanguardia also make arguments against the NQS, based on the width of the classification bands, which they argue could be exploited, e.g. 90-92.9 dB is QC 1 and 93-95.9 is QC 2. In this respect, they suggest that theoretically if an aircraft that is 93.0 was replaced by one that is 92.9, that the QC is halved, even though it is only a reduction of 0.1 – alternatively, an aircraft could go up by 5.9 and merely double the QC. We note that this concern could be mitigated by using smaller QC bands as has been done at London City and Bristol airports in the UK for example. The converse is also true – reducing from 95.9 to 90.1 is a 5.8 decibel improvement but merely a halving of the QC. Therefore, this rational is not a solid basis to justify imposition of a movement limit. It should also be noted any changes in the noise from aircraft will be reflected in the Lnight contours and HSD which are computed and compared to the NAO in which HSD and HA are identified as measurable criteria.

2.8. Issue of 'Draft Report'

ABP's 'Draft Decision' dated 11th September 2024, Inspector's Report dated 29th May 2024 and Public Notice dated 17th September 2024 state that a 'Draft Decision' has been made pursuant to section 37R of the Planning and Development Act 2000 (as amended). The 2019 Act sets out the process to be followed in the case of an appeal against a Relevant Action Application and Regulatory Decision and section 37R(4)(c)(i) states:

> *'The Board shall—*
>
> *(i)* ***publish*** *on its website* ***a draft of the decision*** *it is minded to make on the relevant appeal* ***in so far as the decision relates to the relevant regulatory decision*** *—'*
>
> *[Our Emphasis]*

We note that ABP have issued a 'draft decision', however the draft decision, as set out in ABP's Draft Decision Order dated 11th September, is to:

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

It appears that ABP have conflated the separate requirements to assess both the regulatory decision (i.e. the decision of ANCA) and the planning authority's decision (i.e. the decision by FCC which incorporates ANCA's decision) and have in error issued a 'draft grant of planning permission'. As set out above, the 2000 Act calls for ABP to issue at this stage of the process a draft of the decision as it relates to the relevant regulatory decision only.

This has resulted in an intertwining of environmental considerations within the Inspector's Report which makes it unclear whether recommendations are being made as they relate to the relevant regulatory decision and the Regulation 598 process (relevant to the regulatory

decision) or other environmental impact type considerations available to the relevant planning authority.

2.9. Application of additional mitigation measures and operating restrictions without undertaking the Balanced Approach

Rather than the process set out under the 2019 Act as set out above, the assessment within the Draft Decision appears to be primarily based on the Inspector's review of the Environmental Impact Assessment Report (EIAR) and the conclusion that the RA would give rise to significant direct and indirect effects on the population and their health. This conclusion was based on comparing the potential for night-time awakenings for the Permitted Scenario and the RA (Proposed Scenario)[53].

Section 12.2.53 of the Inspector's Report appears to explain the process undertaken to impose additional mitigation measures when stating:

> *'Alterations to the RD are permitted under Part 12 of the Airport Noise (Dublin Airport) Regulations Act 2019 and Section 37R 4 a) of the PDA Act, as amended. Should the Board be minded making any noise mitigation measures or operating restrictions which were not previously subject to assessment in the RD they are required to identify all the noise mitigation measures and operating restrictions (if any) proposed to be adopted and not just those measures and restrictions which were initially included in the Regulatory decision. At a minimum the Board is required to give reasons for the proposed changes in the draft decision and annex them to the related report'*

ABP can consider additional measures not included in the ANCA regulatory decision. Notwithstanding this, ABP (as the CA) are not relieved of their obligation under section 9.7 of the 2019 Act in respect of assessment against the NAO and then to conduct the Balanced Approach and cost-effective assessments, as set out above.

Under Section 37R(4)(b)) of the 2000 Act (which incorporates section 9(12) of the 2019 Act into the ABP process), all documentation related to ABP's Balanced Approach assessment, cost-effectiveness analysis and relevant technical information (including assessment on the potential effects on the European aviation network and economic impact caused by the operating restriction) considered by ABP shall be made available in the draft decision report for the general public and interested stakeholders to review and comment during the period required under the 2019 Act. Providing only a reason to amend the regulatory decision does not meet the requirements of the 2019 Act or Regulation 598.

Note that additionally, following the final decision, under section 37R(11) of the 2000 Act, ABP shall take such steps as it considers appropriate to cause Article 8 of Regulation 598 to be complied with. This refers to the requirement to notify the European Commission in advance of the introduction of any proposed Operating Restrictions. Under Article 8 of Regulation 598, this notification must be accompanied by *"a written report in accordance with the requirements specified in Article 5 explaining the reasons for introducing the operating restriction, the noise abatement objective established for the airport, the measures that were considered to meet that objective, and the evaluation of the likely cost-effectiveness of the various measures considered, including, where relevant, their cross-border impact"*.

[53] Insert references to where this occurs in IR

The European Commission may then review the process leading up to the introduction of a noise related operating restriction to ensure that it complies with the process required under Regulation 598. It is the view of the Applicant and its technical team that if the errors in process and assessment are not addressed, the European Commission would have no option but to find that the decision does not comply with the process required under Regulation 598.

Notwithstanding the serious procedural issues referred to above, for completeness we have identified issues arising elsewhere in the Draft Decision as follows:

2.10. Factual errors

2.10.1 92-day night modelling period and summer season

The first issue we are identifying relates to errors arising in the calculations informing the assessment of the night Air Traffic Movements (ATMs) forecast to occur in the summer period. The most serious is to conflate (i) the 92-day summer modelling period with (ii) the summer season used for scheduling purposes (i.e. approx. 7 months) (and which is used in the Heathrow Night Quota System (NQS)). This conflation has serious implications for the "cap" arrived at.

For reference:

g) 92-day summer modelling period: this is 16 June to 15 September inclusive and is 92 days long. This is the standard [noise] assessment period in the UK and is used for the LAeq,16h and Laeq,8h noise metrics. This period is referenced in the Civil Aviation Authorities Policy on Minimum Standards for Noise Modelling[54].

h) Summer season: this is defined as the period when Irish Standard Time / British Summer Time is used, i.e. the last Sunday in March to the last Saturday in October. This is noted in 12.4.37 of the Inspector's Report. This is either 210 or 217 days long, depending on the year (average 214 days). This period follows the IATA scheduling calendar and is used globally at all slot coordinated airports, such as Dublin Airport, to manage scheduling and slot bookings and is used in the UK for separating the Summer and Winter QCS periods (with a provision of the variation of Easter each year.)

The issue arises initially when the Inspector starts to calculate how many ATMs may be permitted if the NQS (as approved by ANCA) was in place.

In looking at what the RA might permit in terms of flight numbers within the parameters of the Noise Quota Count[55], the Inspector has firstly identified a figure of 87 ATMs per night,

54 https://www.caa.co.uk/publication/download/18321#:~:text=Summer%20is%20defined%20here%20as,June%20and%2015%20September%20inclusive.

55 Page 87 of the Inspector's Report

which is also referenced by Vanguardia[56]. This figure is a representation of the annual average number of night movements forecast to occur in 2025 with the RA Approved as set out within the Revised EIAR (Sept 2021 Submission). We note that the Supplementary EIAR (September 2023) submission in response to ABP's 1st Request for Further Information (RFI) revised this forecast figure based on updated forecasts to an average of 98 ATMs per night. As such, the use of the 87 ATMs per night figure is not based off the most up to date forecasts available to ABP, but this is not the primary issue.

Notwithstanding this, the calculations within the Inspector's Report uses the 87 ATMs per night figure and then multiplies it by 365[57] to arrive at an annual figure of 31,755. 70% of this figure is then calculated (to establish the number of flights expected to occur in the summer season), to arrive at a figure of 22,228 movements.

The logic in this approach would be appropriate if this Annual ATM Summer Season figure was divided by the number of days in the Summer season (i.e. average of 214 days when Irish Standard Time / British Summer Time is in use).

However, the calculations then incorrectly divide the Annual ATM Summer Season figure by 92 (relating to the 92-day summer modelling period) to arrive at a value of 241 flights per night in the summer season and exaggerating the number of flights forecast to occur in the summer season. As such, the impact of the proposed RA has been unduly exaggerated, from c.117 per night to 241 per night.

Additionally, it is noted that the 70% figure used by the Inspector with respect to the amount of the quota count to occur in the summer season, appears to come from the Anderson Acoustics NQS Proposal – Response to RFI[58] and strictly relates to the 6.5hr period that forms part of the control period originally applied for. The equivalent percentage value for movements in the 8hr period would be a little lower as can be seen from Annex C of the Anderson Acoustics NQS report[59]. Although this difference is small, if the 70% figure is being relied upon to calculate the forecasted night ATMs for the summer season then use of the percentage value over the 8hr period would likely result in a difference in ATMs, albeit relatively minor.

2.10.2 Calculation of 13,000 ATM Night limit

Following the above over exaggeration of the flights which could possibly occur under the NQS, the Inspector sought to calculate a suitable limit[60]. Below is a summary of the incorrect process followed:

- An annual average of 87 ATMs (instead of 96 ATM referred to above) per night was used as a starting point and multiplied by 92 (reflecting the 92-day modelling period) to calculate that 8,004 night ATMs will occur in the summer.

[56] Dublin Airport North Runway Addendum Report - Noise (19 April 2024) prepared by Vanguardia -see Page 8
[57] This should be 364 as the airport is closed on Christmas Day
[58] Section 4, Dublin Airport Night Quota System Proposal – RFI Update, by Andersons Acoustics
[59] Annex C, Dublin Airport Night Quota System Proposal – RFI Update, by Andersons Acoustics
[60] ABP Inspectors Report (ABP Ref. 314485-22), Para 12.4.60

- This represented the 92-day modelling period, instead of using the 214 days which should be used for the summer season.
- It was then then incorrectly assumed that this 8,004 ATMs represents 70% of the annual night ATMs (when it actually represented 92 days) and it was calculated that the annual ATMs experienced would be c. 11,434 before adding some tolerance to result in the final limit of 13,000[61].
- This was then split 30/70 by to allow for 9,100 night ATMs for the summer and 3,900 night ATMs for the winter.

This calculation process seriously underestimates the actual night movements forecast.
A more accurate approach, would have been to:

- Multiply 96 ATMs by 364 (referred to above) to get the avg. annual night ATM figure of 34,944.
- This could then be divided by 70% to (24,460) to understand the level of night ATMs that are expected to occur in the summer season (avg. 214 days).
- This could then be divided by 214 to understand the average nightly ATMs within the same period, i.e. c.114.

The erroneous figure of 13,000 is then mistakenly compared to the variation between overall annual (night & day) forecast ATMs in the 2025 Permitted Scenario and the number of ATMs in the 2025 Proposed Scenario as set out in Table 11.1 (Fig 1 below) of the Supplementary EIAR (September 2023) to justify its use. The 13,000 annual operations difference in Table 11-1 for 2025 does not represent nighttime movements but rather the delta between all Permitted and Proposed ATMs. This error is set out at paragraph 12.4.30 and 13.10.6 of the ABP Inspector's Report.

Table 11-1: Permitted and Proposed Annual ATM Projections for each Assessment Year (000s)

Year	Scenario		
	Permitted	Proposed	Variation
2025	227	240	13
2035	228	240	0

Fig 1: *Table 11.1 of Supplementary EIAR (September 2023)*

This error has resulted in the assumption that the RA would result in an increase of 13,000 'night' ATMs. This assumption disregards the fact that the 13,000 variance also reflects changes in daytime movements and ignores that the existing Permitted Condition also permits a baseline of (average) 65 night ATMs (i.e. the 13,000 is in addition to the permitted, and is not the total which would require permitting).

As such, even if the method of calculation was correct, the condition imposed would be almost twice as restrictive as the current Permitted Scenario. Using the summer modelling period of 92-days, would allow 98 ATM per night during that period (9,100 divided by 92 days), for the rest of the year the limit would be **14** ATM per night (3,900 divided by 272 days). If this total was not split out across the seasons, this results in a flat average of **35**-night ATM per year,

[61] Inspector's Report (ABP Ref. 314485-22) - see Pages 184 and 185

which is an almost 50% decrease in the nighttime movement limit compared to the conservative interpretation of the current Condition 5.

2.10.3 Misinterpretation of 'Unconstrained Forecast'

In addition to the above, there are misinterpretations made in relation to the Mott MacDonald Report *'Dublin Airport Operating Restrictions: Quantification of Impacts on Future Growth (September 2023)'* and the forecasts set out within it. The Mott MacDonald Report sets out the 'Unconstrained'[62] scenario (i.e. with 32mppa cap in place and no existing condition 5 or RA) including the busy summer schedule. This scenario is incorrectly represented within the ABP Inspector's Report to reflect the 'actual' proposed ATMs with mitigation[63]. As noted by the Inspector[64], the Vanguardia Report does not consider the busy summer schedule.

This is an error in understanding of the Mott MacDonald Report. The Mott MacDonald Report does not represent demand for night-time movements based on the busy day schedule with the RA in place. It presents the 'Unconstrained' scenario (i.e. with 32mppa cap and no existing condition 5 or RA). The use of this 'Unconstrained' scenario to reflect the 'actual' proposed ATMs with mitigation is a critical misunderstanding. This misinterpretation is then concluded with the assumption that the proposed no. of night-time ATMs in 2025 is 48,545 or 133 ATMs over 365 nights. This misunderstanding, has resulted in a further exaggeration of the change in nighttime ATMs that will occur should the ANCA decision stand.

2.10.4 Inappropriate comparison to Operational Restrictions at UK Airports

The comparison drawn by the Inspector and Vanguardia to operating restrictions in place at UK airports is missing essential context which means that it cannot simply be compared to the current context and case before ABP. In determining the appropriateness of applying a nighttime ATM limit, the Inspector's Report[65] notes that London's three main airports are subject to 'night flying restrictions'. In making direct comparisons to these UK examples, it is important to understand the context of the UK ATM limits.

In the first instance, the restrictions in place at the London Airports were developed and implemented in the early 1990s and as such pre-date Regulation 598. As such, they were not subject to a 'Balanced Approach' assessment as now required by Regulation 598. At their introduction they were designed to accommodate the existing operation and allow for some growth, whilst encouraging the use of quieter aircraft. Furthermore, the recent UK Government Consultation on night flight restrictions at Heathrow, Gatwick and Stanstead advised that:

> *"the underlying principle of the restrictions has been to **balance the need to protect local communities** from excessive aircraft noise at night – which the Government recognises is the least acceptable aspect of aircraft operations – **with permitting the***

[62] *The unconstrained schedule (if there were no 23:00-07:00 night limits) departures peak hour is 06:00-06:59. (Refer pg 7 Mott MacDonald Report (June 2023).*
[63] Reference for page of IR
[64] Inspector's Report (ABP Ref. 314485-22), Para 12.4.29
[65] Paragraph 12.4.35

operation of services that provide benefits to the aviation industry and the wider economy"[66]

[Our Emphasis]

The comparison of ATM and QC Limits at the London Airports also fails to consider that the period for which the ATM and QC Limits apply at the London Airports is 6.5h period compared with the 8h period proposed for Dublin Airport by ANCA. Whilst the night-time period is defined as the 8h period from 23:00-07:00, the NQS and movement limits at the London Airports apply only to operations in the period 23:30 to 06:00[67] (as identified by the Inspector and Vanguardia, but then not considered). Outside of 23.30 to 06.00, the remainder of the 8hr night period comprises two so-called "shoulder periods[68]" which are recognised for their critical role in European connectivity and scheduling (in particular with reference to the 1h time difference to mainland Europe), airport capacity and airport resilience. In effect, the periods 23:00-23:30 and 06:00-07:00 at the London Airports are unrestricted. Typically (although there is variation from season to season), between 06:00-07:00am there are currently well-over 40 ATMs at Heathrow, 30-40 ATMs at Gatwick and 20-30 ATMs at Stansted. Furthermore, growth in those hours is unrestricted by a movement limit or NQS. Currently there are approximately 20-25 ATMs at Dublin within the same 6:00-7:00 hour, which will also be covered by the NQS to limit the effects of noise. As such, it is not appropriate to compare and judge the suitability of ATM limits for an 8-hour period covered by the NQS at Dublin to the shorter period existing at the three main London Airports. There is also a significant disparity in the population size (and as a consequence the number of people affected) by London Airports compared to Dublin Airport. It is also noted that ANCA in its Public Consultation Report[69], discussed the ability to compare the Dublin situation with other International Airports and noted that:

> "*...both the Aircraft Noise Regulation and ICAO guidance require the identification and application of noise control measures on an airport-specific basis. Fleet mixes and operating patterns will differ between airports and the proximity and composition of communities around an airport will also be location specific basis. Some cities may be served by a number of airports and, in those instances, noise control measures can be distributed across the airports in a manner that can be tailored to best address community and economic requirements".*

As such, we note caution should be applied when seeking to compare Dublin Airport's situation with UK and other examples.

[66] Reference to document
[67] Can we provide a reference to somewhere that confirms this?
[68] Between the hrs of 23:00-23:30 and 06:00-07:00
[69] ANCA, Public Consultation Report, 23 June 2022, Page 33

3.0 CONCERNS WITH THE INTENDED CONDITIONS

Whilst we note that the process undertaken to apply new mitigation measures and new operation restrictions is critically flawed, for completeness we wish to make the following observations in relation to the proposed conditions 3(e), 4, 5 and 6.

3.1 Draft Conditions have not been considered cumulatively

The ABP assessment and application of proposed conditions is focused on the impact of individual operating restrictions and on specific geographic areas to assess the noise problem. This means that the cumulative impact of the proposed conditions is not assessed (in line with the process undertaken by ANCA). For example, the application of the movement cap in draft condition 5 would mean that the proposed NQS would be of no impact, as the noise levels would never come near the NQS levels. Similarly, the cumulative effect of the proposed condition 3(e), with the existing Condition 3(c) has not been considered. Additionally, an effect of the proposed conditions no. 3(e) and 5 would be a variation to the previously submitted 'eligibility contour' for the insulation scheme which has not been acknowledged.

3.2 Draft Condition No. 3 (e)

The ABP Draft Decision to 'grant permission' for the proposed development includes condition 3(e) which states:

> *"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."*

We have noted that this draft condition could be conservatively interpreted to mean that the North Runway could only be used during the hours 06.00 - 08.00 for departures – i.e. no other use of the NR for departures other than between these two hours. Due to the surrounding information included in the section of the Draft Decision referring to use of the NR for two hours, we are not interpreting it in that manner. However, if that was the intention, all operational issues referred here would be compounded and all procedural issues related to Section 9 would equally apply.

It is noted that neither the RD by ANCA nor the Notice of Decision to Grant Permission by FCC sought to include conditions limiting the use of the North Runway to departures (no arrivals) between the hours 06:00 to 08:00. It is also noted that the restriction would apply to the hour of 7:00-8:00 also, a daytime hour, when the application overall relates to nighttime use.

The effect of the proposed condition 3e) would be to limit the use of Runway 10L-28R to departures during the hours of 06:00 to 08:00, with no arrivals allowed. In westerly winds, this would be normal practice, as the exisiting condition 3(b) prefers arrivals on the South Runway. However, in easterly winds, operations would normally be arriving on Runway 10L (North Runway) and departing on Runway 10R (South Runway). This is due to the requirement to

comply with existing Condition 3c)[70] which prefers use of the South Runway for departures during easterly winds. As such, there is a direct conflict between existing condition 3c) and proposed condition 3e). We note that easterlies are experienced c.30% of the time at Dublin Airport.

It appears that the new Condition 3(e) is an attempt to require segregated mode (i.e. use of one runway for arrivals and one for departures) to be implemented between the hours of 06:00 – 08:00. This appears to stem from a misinterpretation of the submitted EIAR. At page 284 of the Inspector's Report, under the heading 'Conclusion on HA', the ABP Inspector states that '*under the proposed scenario the NR will be used during the nighttime and for departures with segregated mode only between 06:00 and 08:00*' and at page 332, under the heading 'changes of mode of operation', the ABP Inspector makes the assumption that '*due to the inclusion of the NR for departures between 06:00 and 08:00 as a mitigation measures, I consider any grant of permission should explicitly refer to this segregate mode.*'

The Supplementary EIAR (September 2023) stated that daa was proposing to adopt the mitigation measures and controls of the ANCA RD. Those which were taken account of in the assessment were summarised as comprising the NQS and the preferential runway use system with night activity on the North Runway limited to 2 hrs, meaning 2300-0000 and 0600-0700. The latter part is effectively Condition 3a-d (as would be amended by the RD).

At paragraph 13.4.6 of the Inspector's Report, the North Runway hours are stated as being between 0600 and 0800. It is unclear where this originates from and may be a misunderstanding.

As set out above, proposed condition 3(e) would clearly constitute a new operating restriction (which includes the daytime period i.e. 7.00am – 8.00am) on the airport with no Balanced Approach or CEA process undertaken as required under the 2019 Act and Regulation 598.

Currently, Dublin Airport operates mixed mode from 2300-0659 with all arrivals and departures on the south runway (28L/10R). At 0700, departures take off on the North Runway in westerlies, while arrivals remain on the South Runway. During easterly operations, at 0700, arrivals land on the North Runway while departures remain on the southern runway. The effect of the proposed condition would mean that during easterly operations no arrivals would be possible on the North Runway and all traffic would need to move to the South Runway to comply with the preference contained in conditions 3(c) and this new condition 3(e). Condition No. 4

For completeness we wish to make the attached observations (Appendix C) on proposed Condition No. 4. These are related to further technical analysis of the implications associated with Condition No. 4 as drafted, suggesting changes to ensure the provisions are achievable. We consider that if these technical provisions are left unaddressed, would make implementation and management of the NQS and the Residential Sound Insulation Grant Scheme ('RSIGS') unworkable from an operational perspective.

[70] Condition 3c) states: *(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft...*

3.3 Condition No. 5

ANCA considered the imposition of a flight-cap restriction during its Regulation 598 Assessment[71] finding:

> *"Whilst a cap on night time aircraft movements is a straightforward and transparent way of restricting aircraft operations,* ***it does not consider the noise and associated effects of aircraft operation****. Furthermore, the noise assessment determined that a simple cap on aircraft movements does not align with wider sustainability aspects of the NAO (i.e., allowing the airport flexibility to grow whilst managing the impact of noise). For this reason, the noise quota does not include a movement limit.*
>
> *If a movement cap is included as an operating restriction in addition to a noise quota count, there may not be an incentive for the use of quieter aircraft as the movement cap might be achieved before the noise quota count has been used. Conversely, if the noise quota count is reached before the movement cap is achieved, there is no benefit gained, from a noise reduction perspective, of having a movement cap".*

For a movement cap to now also be imposed alongside the NQS, robust assessment must be provided to comply with the 2019 Act.

The errors in both the process undertaken and the approach to calculation of the proposed movement limit are set out above. In addition to those critical errors, it is important to highlight that the imposition of a night-time ATM limit of 13,000 movements would reduce the current permitted scenario by c.10,660 movements per annum (i.e. a circa 45% reduction in night flights from the Permitted Scenario resulting in a profound effect to both the Irish economy, ability to meet the National Policy on Aviation[72] commitments and European Aviation network operations.

The new draft Condition 5 would result in a substantial national economic impact and to the area around Dublin Airport as indicated in supporting documentation considered by ANCA related to the costs of implementing the Permitted Condition of 65-night ATMs. The economic impact of the existing Condition 5 was estimated by InterVistas Consulting[73] to result in the Irish economy potentially forgoing an additional 3,130 jobs and €256 million in GDP by 2024, relative to the night operations with the RD granted s. By 2025, the forgone economic impact was estimated to be 1,510 jobs and €122 million in GDP. In simple terms, the economic effect of the proposed 13,000 movement limit or cap of 35 ATMS per night, could result in almost doubling of those forgone economic impacts.

Condition 5 conflicts with the National Planning Framework objective to maintain and improve key infrastructure such as Dublin Airport to provide high-quality international connectivity that is key to Ireland's competitiveness and prospects[74]. Further, Condition 5 conflicts with the Draft National Planning Framework, November 2024[75] which reiterates that Ireland relies

[71] Refer to Page 33, ANCA Public Consultation Report, 23rd June 2022
[72] gov.ie - National Aviation Policy

[73] Dublin Airport, Economic Impact of Operating Restrictions – Update, September 2023 (ABP RFI No.1)
[74] Project Ireland 2040, National Planning Framework, Page 145
[75] Updated-Draft-Revised-National-Planning-Framework

heavily on international connectivity to enable export-led growth, support and develop our tourism sector and also to attract high value foreign direct investment.

The proposed operating restriction will also have an effect on the European aviation network, the extent of which is required to be evaluated pursuant to Annex II of Regulation 598. The degree of the proposed night limit operation restriction also conflicts with the National Aviation Policy commitments regarding development of new routes and services; optimising the operation of the Irish airport network to ensure maximum connectivity to the rest of the world; ensuring that the regulatory framework for aviation reflects best international practice; and, that economic regulation facilitates continued investment in aviation infrastructure at Irish airports to support traffic growth[76].

Further, a general observation in relation to a movement limit is that it can be effective in reducing noise impacts in combination with a NQS, however, as aircraft becomes quieter, a point will be reached where the movement limit becomes more restrictive that the NQS, as such there will be no further encouragement to use quieter aircraft during the night period. Once the NQS is met, there will be no benefit to encourage further reduction in noisy aircraft as the movement limit would restrict further growth in ATMs. As such, a movement limit in this scenario would be counterproductive.

3.4 Condition No. 6

As indicated elsewhere in this submission, the development and imposition of Operating Restrictions is a last resort and only considered when it is apparent that measures from the other pillars of Balanced Approach indicate that the NAO will not be achieved, even then an operating restriction should only go as far as necessary to achieve the NAO. Notwithstanding our position, and the position concurred with within the Vanguardia report, that the RA would achieve the NAO, any additional measures proposed must be considered in that way, ie consideration of the other pillars of the balanced approach before consideration of additional operating restrictions.

It appears that part of the ABP justification for the ATM limit and the proposed noise insulation scheme modification, to include the 80dB Lmax criteria, relates to the generally accepted principal that sleep disturbance is not just a function of outdoor ambient noise levels, but also internal event based maximum noise levels and their frequency. Notwithstanding issues raised elsewhere within this submission re: the use of the Additional Awakenings metric for the NAO, we note that the concept of Additional Awakenings has evolved to consider all of these factors and is based on internal maximum noise event levels and provides a means to consider the implications of a sequence of noise events on objective disturbance of sleep, where sleep disturbance is indicated by the probability of awakening.

Calculating the probability of additional awakening is a function of maximum event noise levels, the number of occurrences and the noise insulation afforded by a building. Consistent with the Balanced Approach, prior to considering operating restrictions, considerations for reducing the probability of awakening and identifying measures that could reduce the external event level i.e. reduce the number of occurrences and/or increase the sound insulation of a property are required. The RA and RD address these elements with an NQS designed to encourage the use of quieter aircraft to reduce individual aircraft max noise levels

[76] National Aviation Policy for Ireland dated August 2015, page 7

over time (it should be noted that operational procedures can also affect this); and a noise insulation scheme designed to increase the sound insulation of the building envelope to reduce internal noise levels. In addition, again consistent with the Balanced Approach, the FCC Noise Zones ensure limited development in higher noise areas, and where developments are permitted that adequate noise insulation is provided. The combined effect of these measures on awakenings must then be considered.

On the basis of the Vanguardia Report, the ABP Inspectors Report recommends including an 80dB LMax contour for eligibility to the noise insulation scheme *"to account for the impact of noise from individual ATMs assessed in terms of the maximum noise level at a receptor during the fly-by".*[77] It is noted that even though the NAO does not include event-based noise measures, the addition of LAmax based eligibility may not be considered unreasonable in an EIA context. However, the inference of this statement is that the addition of this criteria would sufficiently mitigate event-based noise levels from "noisiest" aircraft for the EIA. Whilst this measure mitigates EIA noise effects, achievement of the NAO remains unchanged by the noise insulation scheme modification. As the NAO is achieved, when considered together, the mitigation presented in the RD and the enhancement to the noise insulation scheme recommended by the Inspector, renders an operating restriction unnecessary in either an EIA or NAO context.

In addition to this, we note that the proposed conditions have not been considered cumulatively, eg if the noise insulation scheme was expanded as proposed in the draft decision, there may be no apparent justification for a movement limit . Notwithstanding this, in addition to the critiques listed above, we wish to make the technical observations contained in Appendix C on the proposed Condition No. 6. The observations made are related to the requirement for further technical analysis of the implications associated with Condition No. 6, as drafted.

4.0 DIRECTION UNDER SECTION 37R (6)(A) OF THE 2000 ACT

For completeness, we refer to a second letter received from ABP. Letter No. 2[78] (Appendix B) directs the airport authority (daa plc) to engage in discussions with the Irish Aviation Authority (IAA) and operators of aircraft in the airport concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, the subject of the 'draft decision', and inform the Board of the outcome of those discussions. For completeness we hereby provide a copy of the airport authority's response to Letter No. 2 as an appendix to this observation. We note that this submission has been separately submitted by the airport authority in accordance with Section 37R (6)(b) of the 2000 Act.

5.0 SECTION 15 ASSESSMENT

It is noted that since the previous RFI submissions were made to ABP the most recent Climate Action Plan 2024 (CAP2024) was approved by Government (21 May 2024). A summary document has been prepared and hereby submitted (Appendix F) to assist ABP in ensuring its

[77] ABP Inspectors Report para 12.5.40,
[78] Pursuant to Section 37R (6)(a) of the 2000 Act

obligations are in accordance with Section 15 of the Climate Action and Low Carbon Development Acts 2015 to 2021.

6.0 CONCLUSION

In conclusion, this submission highlights significant procedural and technical errors in ABP's Draft Decision regarding the proposed Relevant Action (RA) at Dublin Airport. We consider that the Draft Decision and the supporting Inspector's Report fail to comply with the legally required processes under the 2000 Act and the 2019 Act.

We reiterate our position that the proposed RA and the Regulatory Decision (RD) by the Aircraft Noise Competent Authority (ANCA) would achieve the Noise Abatement Objective (NAO) and contend that, notwithstanding the errors in calculation etc set out above, ABP's additional restrictions are not supported by the Balanced Approach required by the 2019 Act. The significant potential negative impacts of the proposed conditions, particularly Condition 5, which would significantly reduce the number of permitted night flights, leading to substantial economic consequences for Ireland and operational challenges for Dublin Airport and the European Aviation Network have been set out above.

Given these issues, it is requested that ABP reassess the appeal, addressing the identified procedural and technical errors, and ensuring compliance with the relevant statutory obligations. We consider that once ABP reassess the appeal, taking into account the procedural flaws, it will be apparent to ABP as the competent authority, that the RA and RD will achieve of the NAO, and additional restrictions, the nature of those included in the current draft decision are unwarranted. We note that ABP should consider whether any further public consultation is required in respect of its proposed decision in the light of any changes it intends to make from the draft decision the subject matter of this submission.

Notwithstanding this, should ABP form a different opinion, and after undertaking the balanced approach determine further restrictions are required, then, in accordance with the requirements of section 37R(4)(c) of the 2000 Act, there is an obligation for ABP to issue a draft decision and undertake consultation in accordance with the relevant statutory requirements. Notwithstanding this, it is our position that the decision of ANCA and subsequently FCC in this respect should be upheld.

Yours faithfully

Gavin Lawlor
Director
Tom Phillips + Associates

Encl.

APPENDIX A: ABP LETTER

Our Case Number: ABP-314485-22
Planning Authority Reference Number: F20A/0668
Your Reference: DAA plc

An Bord Pleanála

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 16 September 2024

Re: 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, which relates to the night-time use of the runway system at Dublin Airport
Dublin Airport, Co. Dublin

Dear Sir / Madam

I have been asked by An Bord Pleanála to refer to the above-mentioned appeal.

The Board has made a draft decision under Section 37R of the Planning and Development Act, 2000 (as amended).

In accordance with Section 37R (4) (c) (i) (II) of the Planning and Development Act, 2000 (as amended), you are invited to make any submissions or observations that you may have in relation to the draft decision and the related report **on or before 23rd December 2024.**

Enclosed is a copy of the draft decision and the relevant report.

Please be advised that the draft decision and the related report may be viewed/downloaded on the An Bord Pleanála website at https://www.pleanala.ie/en-ie/case/314485

The Board cannot consider comments that are outside the scope of the matter in question. Your submission may be sent to the offices of the Board at An Bord Pleanala, 64 Marlborough Street, Dublin 1, D01 V902 or by email to appeals@pleanala.ie

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

James Sweeney
Executive Officer

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APPENDIX B: BAP AWAKENINGS ANALYSIS

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Allen
Partners
Architecture
Acoustics
Technology

DUBLIN AIRPORT NRRA
ABP DRAFT DECISION

AWAKENINGS ASSESSMENT
SENSITIVITY TESTING

Report to

daa plc
Old Central Terminal Building
Dublin Airport
Co Dublin
Ireland

A11267_27_RP066_2.0
20 December 2024

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Bickerdike Allen Partners LLP is an integrated practice of Architects, Acousticians, and Construction Technologists, celebrating over 60 years of continuous practice.

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Acoustic Consultants: Expertise in planning and noise, the control of noise and vibration and the sound insulation and acoustic treatment of buildings.

Construction Technology Consultants: Expertise in building cladding, technical appraisals and defect investigation and provision of construction expert witness services.

Bickerdike Allen Partners
Architecture Acoustics Technology

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1.0 INTRODUCTION

On 16th September 2024, An Bord Pleanála (ABP) issued a Draft Decision (DD) in relation to the 3rd party appeal (PL06F.314485) against the notice of decision of Fingal County Council (FCC) to grant permission for the proposed Relevant Action (RA) at Dublin Airport, County Dublin.

This report focusses on one element of the DD, that being the imposition of a new limit on the number of night flights compared to the FCC notice of decision. This is contained in Condition 5 of the DD.

The retention of a cap on movements at night is due to concern over the ability of the proposed Noise Quota Count System (NQS) to control Additional Awakenings (AA), in particular that an increase in ATMs with quieter aircraft could lead to an increase in AA with no change in the Quota Count (QC) under the NQS. BAP have carried out sensitivity testing of the AA assessment, previously provided to ABP. The findings of this do not support the concern over the inadequacy of the NQS to control AA and instead show that an increase in ATMs with quieter aircraft resulting in the same QC would not result in material changes in the number of AA.

2.0 DRAFT DECISION CONDITION 5

The condition is repeated below:

> *"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."*

2.1 Number of flights in limit

While not the subject of this report, we note there has been an error in the calculations made by the Inspector in deriving the limit which has resulted in it being substantially lower than it appears was intended. This is discussed in detail in other responses provided on behalf of daa.

2.2 Need for aircraft movement limit

Before discussing the NQS itself, it is noted that it will not be operating alone in controlling noise from the airport. Firstly, there is the Noise Abatement Objective (NAO) set by the Aircraft Noise Competent Authority (ANCA) which is specifically designed to limit and reduce the long-term

adverse effects of aircraft noise on health and quality of life, particularly at night. One of the outcomes of this is reductions in the number of people highly sleep disturbed. Activity at the airport is also limited by a passenger limit, which the RA does not seek to alter.

The RA also introduces mitigation, as modified by the FCC notice of decision, in response to noise at night. The eligibility for this is to be assessed every 2 years based on actual noise, so responding to any changes in activity from that forecast.

Irrespective of the above, the need for a limit on the number of aircraft movements at night is justified by a statement that the proposed Noise Quota System (NQS) would be insufficient to control the number of Additional Awakenings (AA) due to aircraft noise and it is stated that AA are more sensitive to the number of movements than other metrics.

There is also a reliance on the reports prepared by ABP's noise consultant, Vanguardia Limited, which are provided as Appendices 4 and 5 of the Inspector's Report (IR). The Vanguardia reports state that if the number of flights increases but they are individually less noisy then this *"could lead to increases in the number of persons experiencing Additional Awakenings"*. Specifically, a scenario is given of twice as many aircraft operating which are all individually 3 dB quieter.

However, neither Vanguardia nor the Inspector have carried out an analysis of how the AA assessment would actually change at Dublin Airport if there were more flights which are individually quieter (and therefore would be rated the same under NQS), and this was not requested of daa.

BAP have carried out a sensitivity test of the AA assessment (presented in Section 3.0) using the scenario given in the Vanguardia report, i.e. twice as many flights which are all individually 3 dB quieter. This finds that the total number of AA would change very little, in line with the NQS. Therefore, an additional condition to control the number of AA does not appear justified.

3.0 AWAKENINGS ASSESSMENT SENSITIVITY TESTING

BAP previously prepared an AA assessment which was provided to ABP following a Request for Information (RFI). That asked for the AA assessment to be based on the approach described in the review supporting the WHO ENG 2018. This provides a formula which converts the noise level of an individual aircraft movement into a probability that it will cause an awakening.

For each receptor in the study area, this probability was calculated for each night flight in the noise model, and multiplied by the number of people at each receptor to compute a total number of awakenings for each scenario.

To convert the predicted external noise levels to internal noise levels a reduction of 21 dB was assumed. This is the value selected in the WHO Europe Night Noise Guidelines for Europe

(2009). It is a composite value with an allowance for windows not always being closed. The guidelines note that this is a relatively low value and is subject to national and cultural differences. The assessment therefore makes an allowance for the existing and proposed enhancement of the sound insulation scheme at the airport.

A sensitivity test has been carried out on this analysis by doubling the number of flights and making each one 3 dB quieter, as per the scenario given by Vanguardia. This is a theoretical change rather than a realistic possibility and has not considered how double the number of flights could be accommodated; as for the number of night flights at Dublin Airport to double compared to those forecast in the Proposed scenario there would need to be substantial changes in activity that are not forecast. The results have been prepared for the future annual scenarios presented in the original AA assessment which all assume the NQS is in place.. The results are presented in Table 1.

Scenario	Nightly Additional Awakenings		
	Original Forecast	T wiceas many flights all 3 dB qu ieter	Difference (%)
2025 Permitted	27,094	26,956	-1%
2025 Proposed	26,785	26,405	-1%
2035 Permitted	16,087	16,925	+5%
2035 Proposed	20,536	20,306	-1%
2025 Permitted Easterly	33,326	34,265	+3%
2025 Proposed Easterly	40,985	41,273	+1%
2035 Permitted Easterly	20,849	19,877	-5%
2035 Proposed Easterly	33,089	32,365	-2%
2025 Permitted Westerly	24,515	23,753	-3%
2025 Proposed Westerly	21,468	20,453	-5%
2035 Permitted Westerly	14,075	15,230	+8%
2035 Proposed Westerly	15,801	15,338	-3%

Table 1: Nightly Additional Awakenings – Sensitivity Testing

The above results show that the difference to the original assessment ranges from -5% to +8%, and the average difference is 0%. This occurs because although the AA metric is more sensitive to the number of aircraft movements at the highest noise levels, this is offset by larger numbers of people exposed to low levels of aircraft noise from Dublin Airport where the reverse is true. Additionally, those exposed to the highest noise levels are likely to benefit from enhanced insulation which would mitigate the impact.

Nick Williams
for Bickerdike Allen Partners LLP

David Charles
Partner

APPENDIX C: TECHNICAL OBSERVATIONS AND REFERENCES TO CONDITION NOS. 4 AND 6

Condition No. 4:

"The Airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (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.

ITEM NO.1

Term	Meaning
EASA Noise Certification Database	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.

Applicant's Comments

The Arrival and Departure QC calculation should be based on the Aircraft Noise Certificate for each aircraft which is provided by the airline to Dublin Airport. The referenced EASA database has noise certification data that is based on aircraft types with possible engine and airframe variations (such as winglets), rather than the individual aircraft. This can result in a QC calculation based on aircraft type from the EASA database calculating higher than the QC based on the Aircraft Noise Certificate.

For example; calculating the departure QC for the aircraft 'B737800' using the EASA database gives the result of 1.0, however using the actual Noise Certificate data for a specific Ryanair B737800 (Registration number 9HQDX) gives the lower departure QC result of 0.5 (as shown in the table below)

Aircraft type	MTOW	Flyover	Lateral	Approach	NCL (Dep)	QC (Dep)
Ryanair B737800	72000	84.0	93.9	96.3	88.9	**0.5**
B737800	80000	85.3	95.1	96.4	90.2	**1.0**

Aircraft QC based on the EASA database can be higher than the actual Noise Certificate QC value. For a given operational limit, fewer operations would be permitted. The EASA database is based on aircraft types rather than the Aircraft Registration Number (aka Tail Number) and does not recognise airlines certifying aircraft for lower maximum take-off mass. The EASA database is not easily searchable and requires information not available to the airport such as engine details, or airframe variations such as winglets. This means that the proposal to use the EASA database is neither practical nor correct.

International law (ICAO Annex 14) requires airlines to provide an Aircraft Noise Certificate (or equivalent) for each aircraft to the airport operator. At Dublin Airport, this certificate data and the resulting calculated QC are already in use for the noise-related landing fees. The existing Airport Noise Monitoring System (ANOMS) is already established using this database, therefore it would be logical that Dublin Airport use this system to calculate the QC.

Applicant's Request

The applicant is requesting the rewording of Condition 4 to refer to the use of the Aircraft Noise Certificate to calculate NCL and QC for individual aircraft to get accurate QC results rather than the non-specific aircraft data from EASA database. EASA Database can be referred to in the absence of a Noise Certificate. The requested rewording is shown in the section below[79] with the corrected NCL (Take-off) formula.

ITEM NO.2

Term	M eaning
Noise Classification Level (NCL)	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(Take-Off) = EPNL(Flyover) NCL(Landing) = EPNL(Approach) –9 dB.

79 Requested rewording of the definition of Noise Classification Level (NCL)

Applicant's Comments

The formula for NCL(Take-off) is incorrect as it ignores EPNL(Lateral) (aka EPNL Sideline). This is an erroneous transcription of the UK CAA definition of QC. The CAA publication EG_Sup_2024_077_en.pdf provides the definition of QC and seasonal limits for London airports and defines *"noise classification for an aircraft on take-off...(as) half the sum of the flyover and the sideline noise levels in EPNdB as measured at the certification points specified in that Annex during the noise certification of the aircraft at its maximum certificated take-off weight."*
(Note that "Sideline" refers to the same point as "Lateral" on a noise certificate.)

The QC was developed by the UK CAA and is not an ICAO metric. Noise Certificate data is defined and required by ICAO Appendix 14 and (by CAA definition) used to calculate QC. This definition also refers to the "maximum certificated take-off weight" and thus refers to the data on the Aircraft Noise Certificate, not the EASA certification database.

Applicant's Request

The applicant is requesting the rewording of the definition of Noise Classification Level (NCL) to read (corrected text is underlined):

Term	Meaning (Requested)
Noise Classification Level (NCL)	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 <u>based on the Aircraft Noise Certificate</u>: NCL(Take-Off) = <u>(EPNL(Flyover)+ EPNL(Lateral)) / 2</u> NCL(Landing) = EPNL(Approach) −9 dB.

<u>ITEM NO.3</u>

Term	Meaning
Quota Count	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:

Applicant's Comments

This definition for Quota Count is incorrect as the NCL and QC calculation only requires the 3 noise EPNL noise certification levels (EPNL Flyover, Lateral and Approach). Engine type and **maximum** take-off weight are included on the Aircraft Noise Certificate, but they are not used for the NCL and QC calculation.

As written, "*take-off weight*" would refer to actual weight at take-off of each aircraft and this data is not available, as aircraft are not weighed before take-off. Moreover, an aircraft's arrival and departure QC are fixed based on noise data on the Aircraft Noise Certificate and they do not vary with take-off (or landing) weight or mass.

Applicant's Request

The applicant is requesting that the definition of Quota Count to be reworded to read as follows: (corrected text is underlined)

Term	Meaning(Requested)
Quota Count	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 the aircraft's Noise Certificate (or, in its absence, the aircraft type and maximum take-off weight.)

ITEM NO.4

"Condition No. 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"

Applicant's Comments

The 31 March due date for the report submission misses the end of the previous QCS year which finishes on 31 March. As per Draft Condition 4.1.1, the Annual Quota Period is 1 April to 31 March, inclusive, each year with quarterly reporting required by Draft Condition 4.3.2. Annual QC report (i.e. the fourth quarterly report) is due on 30 June. This annual Noise Performance Report is due on 31 March, the same day that the QC Year ends, so data and assessment of the 12-month QC compliance cannot be included in this report.

Note: This is further complicated by the Summer Night Movement Limit period mismatch with the QCS and the suggestion below is believed to be the most straightforward way forward.

Applicant's Request

The applicant is requesting that the condition be modified with the underlined text as follows:

"4.4.1 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) and the previous QCS period (1 April to 31 March) shall be issued by no later than 30 June each year..."

ITEM NO.5

Condition 6, Paragraph 3:

"Eligibility to the scheme shall be reviewed every two years commencing in 2027"

Condition 6.3.2:

"By 31 March 2027 and every two years thereafter, the Applicant shall update and publish a revised Eligibility Contour Area map..."

Applicant's Comments

The NRPP Conditions 10 and 7 require two-yearly review and reporting on the existing schemes – RNIS (Residential), SIS (Schools) and VDPS (Purchase) – and, based on the NR opening, the reports submitted in August of even years starting in 2024.

It would be logical to align and combine the RSIGS reporting with that for the existing schemes, as the misalignment of reporting may lead to confusion between schemes by the public.

Applicant's Request

We request that the first review and report on RSIGS is brought forward 7 months to August 2026 to align with the existing 2-yearly RNIS / SIS / VDPS reviews.

In Condition 6 (paragraph 3), replace "2027" with "2026"; and

In Condition 6.3.2 replace "31 March 2027" with "31 August 2026" to align with the 2-yearly RNIS / SIS / VDPS review.

ITEM NO.6

Condition 6, Paragraph 4, Further eligibility Bullet Point 1:

"Residential dwellings situated in the 50 dB Lnight 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,"

Applicant's Comments

As per the Item listed above, RSIGS reviews are best updated in line with the other two-yearly noise insulation reviews and reports.

Applicant's Request

The applicant is requesting that the underlined words be added to the condition:

"Residential dwellings situated in the 50 dB Lnight 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. For the avoidance of doubt, this represents a one-off review after the first full calendar year when the RA is in operation or may be aligned with other two-yearly noise insulation reviews and reports."

ITEM NO.7

Condition 6, Paragraph 4, Bullet Point 2:

"Residential dwellings subject to aircraft noise of 80 dB LAmax 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."

Applicant's Comments

Notwithstanding our submissions regarding the appropriateness of using an LAmax criterion and following ABP's re-assessment of the RD and RA in accordance with the correct statutory process, if it is determined that an LAmax criterion is to be included in the eligibility criteria for the RSIGS scheme, it must be more rigorously defined. As currently drafted, this could refer to any aircraft noise event including rare events.

LAmax data should be drawn from the Annual Airport Noise Contour calculation model based on Noise Modelling because this covers every point in the airport vicinity. For the avoidance of doubt, noise monitoring data is not useful for this purpose as it is not practical or feasible to measure aircraft noise at every house location under all operational circumstances.

An appropriate metric that can be modelled is the Noise Above 80 dBA LAmax (N80) = 1. This would exclude irregular or infrequent events such as the US President's 747.

Applicant's Request

Notwithstanding our stated position on the use of LAmax, the applicant is requesting that the following underlined text be added for clarification to Condition No. 6 (paragraph 4, bullet point 1):

> *"Residential dwellings subject to aircraft noise of 80 dBA LAmax based on the noise footprint of the airport's westerly and easterly single modes of operation of the airport over the 92 days of summer) between 2300 h and 0700 h. The 80 LAmax boundary contour shall be calculated using the Airport Noise Contour Model for the previous year. The boundary should be based on the calculated Noise Above metric of 80dBA LAmax (N80) = 1 contour line. (This will include any location with 1 or more events per night of LAmax 80 dBA or more)."*

ITEM NO.8

Condition 6.1.1 Definitions

Term	Meaning
Target Performance	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."

Applicant's Comments

The daa cannot be responsible for target performance, as the target cannot be mandated because there could be limitations due to homeowner preference. For example, if a homeowner does not want a bedroom window changed, maybe due to the visual difference with other existing ones, then such a decision could affect the noise reduction within the room. In addition to this, the wording "where feasible" may not be broad enough to cover situations that may unfold in practice.

This scheme, like the HSIP and RNIS schemes, is voluntary and as such, homeowners may opt out of certain details, and the daa would not be able to "force" a homeowner to accept all the fit outs to achieve the 5 dB reduction. Therefore, the target performance cannot be guaranteed by the scheme. It would be preferrable if the homeowner could pick and choose the option presented in the Statement of Needs document (SON), but the daa cannot be responsible for the target performance.

Applicant's Request

The applicant is requesting the underlined words be added to the definition;

Term	Meaning
Target Performance	An improvement of at least 5 dB, where feasible <u>and acceptable to the homeowner</u>, 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."

<u>ITEM NO.9</u>

Condition No. 6, Part 3 Eligibility 3.1 (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"*

Applicant's Comments

The Fingal Development Plans 2005–2011 and 2012–2016 also had Aircraft Noise Zones and noise insulation requirements for new dwellings. Homes permitted and built under these requirements should already have enhanced noise insulation and should not be reinsulated by daa.

Applicant's Request

The applicant is requesting that the homes permitted under these requirements be taken into consideration and this section be reworded to include the underlined text in Part 3.1 (a) as follows:

> *3.1 (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,* or granted planning permission under the Fingal Development Plans of 2005 – 2011 or 2012 – 2016 which also had Aircraft Noise Zones and noise insulation requirements.

ITEM NO.10

Condition No. 6, 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."*

Applicant's Comments

The Condition 7 discharge document Section 5 Implementation Phase has many parts that apply specifically to the RNIS and cannot apply to the RSIGS.

This document currently requires (paraphrased): Pre- and post-fit out acoustic testing of 20% of properties insulated under the RNIS and follow-up repeat measurements of these 20% as part of the biennial review.

Already in 2024, some homeowners have declined requests for access to conduct a second round of follow-up measurements, meaning it may not be possible to achieve compliance with the 20% requirement. Requiring pre- and post- noise performance measurements in 20% of homes (with the homeowner consent) would provide reassurance that the RSIGS Scheme is effective in reducing noise exposure. However, repeat measurements for every biennial review in perpetuity is not practicable without homeowner consent and provides no real benefit.

In 2024, the Applicant reported in the Condition 7 Review that it only measured in 11% of RNIS homes and this has been assessed to be non-compliant with Condition 7. As post-fit out measurements can only be conducted in homes where pre-fit out measurements were conducted, it is not possible to bring new homes into the measurement programme.

Applicant's Request

The applicant is requesting that Condition 6.5.1 be modified to include the following underlined text;

5.1. The Applicant in operating this Scheme shall follow the relevant parts of 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. Regarding the pre- and post-fitout testing of the acoustic insulation performance on 20% of properties insulated under the RSIGS, just one round of post-fitout testing is required.

APPENDIX D: ABP LETTER NO.2

Our Case Number: ABP-314485-22

Planning Authority Reference Number: F20A/0668

Your Reference: DAA plc

An Bord Pleanála

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 16 September 2024

Re: 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, which relates to the night-time use of the runway system at Dublin Airport
Dublin Airport, Co. Dublin

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above appeal.

The Board has made a draft decision under section 37R of the Planning and Development Act 2000 (as amended).

In accordance with subsection 6(a) of section 37R of the Planning and Development Act 2000 (as amended), you are hereby directed to:

(i) engage in discussions with the Irish Aviation Authority and operators of aircraft in the airport concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, the subject of the draft decision.

(ii) inform the Board of the outcome of those discussions **on or before 23rd December 2024**

The Board cannot consider comments that are outside the scope of the matter in question. Your submission may be sent to the offices of the Board at An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 or by email to appeals@pleanala.ie

Please quote the above appeal case number in any further correspondence.

Yours faithfully,

James Sweeney
Executive Officer
Direct Line.

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APPENDIX E: DAA CONSULTATION REPORT

daa cpt
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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

By email

20th December 2024

Re: Draft Decision of An Bord Pleanála in the appeal on nighttime use of the Runway System at Dublin Airport

Your Ref: ABP-314485-22 (FCC Ref. F20A/0668)

Dear Sir/Madam,

We write concerning An Bord Pleanála's ("ABP") Direction of the 16th of September 2024, pursuant to subsection 6(a) of section 37R of the Planning & Development Act, 2000 (as amended) to:

> *"(i) engage with the Irish Aviation Authority and operators of aircraft in the airport concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any or the combination thereof, the subject of the draft decision". And to "(ii) to inform the Board of the outcome of those discussions".*

We confirm that we engaged both the Irish Aviation Authority ("IAA") and operators of aircraft at Dublin Airport (the 'airlines') in the following ways to facilitate discussion on the draft Decision:

- **06th of November:** daa circulated the ABP weblink to the Draft Decision and associated documents, to all airlines. Parties were invited to attend two online meetings in which the Draft Decision would be discussed pursuant to the Direction of the Board.

- **22nd of November and 16th of December:** Bilateral engagement with the IAA.

- **27th of November:** daa facilitated a meeting in which a presentation on the Draft Decision was given by planning consultants, Tom Philips and Associates, providing:
  a) An overview of the history of the proposal and the terms of the Draft Decision.
  b) An outline of what is required of daa and Aircraft Operators in terms of the Direction of the Board (i.e. the provisions of s.37R(6) of the PDA).

c) Advised that a questionnaire would be circulated in which airline views could be captured as part of the engagement process on the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination of the Draft Decision

A discussion session with all attendees was then facilitated.

- **9th of December:** daa facilitated a follow up discussion with all parties.

- **03rd of December:** Circulated a Consultation Survey Form to gather views of airlines on the measures outlined in the Draft Decision

The minutes of the above engagement meetings are appended to this letter, informing ABP of the outcome of these discussions. We also attach the questionnaire responses received from a number of attendees.

At all discussion sessions, it was highlighted that submissions could be made directly to ABP on the Draft Decision on or before the 23rd of December. Many attendees expressed their preference to avail of this option to formally make their views known.

We look forward to further opportunities to engage in the process and to the final Regulatory Decision of the Board in due course.

Kind regards,

J Roche

Head of Planning
daa plc.

Appendices
Appendix 1 - Airline Consultation Meeting 1 27112024 Minutes
Appendix 2 - Airline Consultation Meeting 2 09122024 Minutes
Appendix 3 - DAA IAA Meeting 16120224 Minutes
Appendix 4 - 20241216 - RA Consultation Survey Form for airlines views QR
Appendix 5 - 20241220_RA Consultation Survey Form for airlines views_I2_IB
Appendix 6 - RA Consultation Survey Form for airlines views - TUI (TOM BLX)
Appendix 7- 20241220 RA Consultation Survey Form for airlines views_Vueling Reply
Appendix 8 - RA Consultation Survey Form for airlines views - UPS
Appendix 9 - RA Consultation Survey Form for airlines views_BA BACF response 20Dec24
Appendix 10 - RA Consultation Survey Form for airlines views-EA

Appendix 1 - Airline Consultation Meeting 1 27112024 Minutes

Meeting Minutes

Meeting: Airline engagement between Dublin Airport & Aircraft Operators re Draft Regulatory Decision (relating to the night-time use of the runway system)

Date: 27th November 2024.

Time: 14:30 Dublin Time.

Location: Dublin Airport & Online on Microsoft Teams

Attendees: As Below:

Name	Organisation	Name	Organisation
Leon Ronan	DAA	Jane Roche	DAA
Ashling Dunne	DAA	Stephanie Boutin	Air Transat
Simon Fagan	DAA	Laurence Gourley	Aer Lingus
Eoin McGloughlin	DAA	Conor McAuliffe	United Airlines
Joshua Grafman	JetBlue	Gavin Lawlor	Tom Phillips + Associates
Stuart Aveline	British Airways	Leon Ceelen	KLM Royal Dutch Airlines
Gaynor Southan	British Airways	Ciaran Smith	Emerald Airlines
Andrew Somerville	Swiss International Airlines	Brian Minogue	Tom Phillips + Associates
Brian Hedberg	FedEx	Valentin Meurice	Luxair
Peter Hickisch	DHL	Philipp Kummer	DHL
Bradie Manning	Ryanair	Chris Springer	Jet2
Christina Narli Sitohang	Qatar Airways	Keith McEvoy	Airnav Ireland
Stefan Neweling	Ups	Michele Boyce	United Airlines
Eoin Doyle	Aer Lingus	Volker Wackernagel	Air Canada
Micha Hofmann	Ups	Steve Birch	DHL
Nicola Somers	Ryanair	Kealy, Eoin	Ryanair
John Marquet	Delta Airlines	Mike Farrell	DHL
Noah Neis	American Airlines	Francesco Spadafora	Air France
Ed Domaracki	United	Terry Symmans	Airnav Ireland
Alexandra Fourn	Air France	Ulrike Steinmann-Schudra	DHL
Rory Graham	Jet2	Isabel McCarthy	DHL
Sarah Bell	Ups		

Simon Fagan (SF), Head of Planning and Economic Regulation for DAA, opened the meeting and reminded the attendees that the meeting is a requirement for the airport under the Planning and Development Act, 2000 (as amended by the Aircraft Noise (Dublin Airport) Regulation Act, 2019). SF then reminded the attendees of the various conversations and meetings that have occurred over the last several months and noted that the topic of this meeting was not to discuss the passenger cap.

SF handed over to Brian Minogue (BM) of Tom Phillips + Associates, who took the participants through a presentation explaining the draft regulatory decision of An Bord Pleanála and the issues which were pertinent to the Airline and Airport operating community. *(see slides shared for details)*

An opportunity for discussion of the draft regulatory decision was then facilitated, including technical feasibility of and alternatives to the draft operating restrictions. All participants/attendees were invited to make comments and ask questions.

Laurence Gourley (LG) Aer Lingus, asked if An Bord Pleanála was to consider an alternative movement limit, would it need to consult on that again before finalising the decision, and in terms of regulation 598 process, do you think the board can rectify any failure to comply between now and it's final decision or is it already flawed because of a failure to comply with Regulation 598.

Gavin Lawlor (LG) Tom Phillips + Associates, responded by suggesting that he is of the view that it is likely that the board will need to consult again in order to go back and do the process, in line with their legal obligations.

Stuart Aveline, British Airways, requested that slides be circulated after the meeting.

BM confirmed, slides, minutes and the proforma response form will be sent out to all participants.

Leon Ronan (LR) DAA, stated that any participants who have further queries should communicate them to him and they will be collated ahead of the next meeting, where all queries could be addressed.

GL noted that all airlines have an opportunity to provide submissions to An Bord Pleanála independently of the airport consultation and noted that any submissions, made as part of this consultation would be on public record.

The meeting concluded at 15:30pm.

Appendix 2 - Airline Consultation Meeting 2 09122024 Minutes

Meeting Minutes

Meeting: Airline engagement between Dublin Airport & Aircraft Operators re Draft Regulatory Decision (relating to the night-time use of the runway system)

Date: 9th December

Time: 14:30 Dublin Time.

Location: Dublin Airport & Online on Microsoft Teams

Attendees: As Below:

Name	Organisation	Name	Organisation
Leon Ronan	DAA	Jane Roche	DAA
Ashling Dunne	DAA	Stephanie Boutin	Air Transat
Simon Fagan	DAA	Philip Ireland	IATA
Eoin Mc Loughlin	DAA	Colette Zraibi	IATA
Joshua Grafman	JetBlue	David Yaacov	Emirates
Peter O'Broin	IATA	Ciaran Smith	Emerald Airlines
Gaynor Southan	British Airways	Brian Minogue	Tom Phillips + Associates
Jesus Tovar Horcajo	Ryanair	Valentin Meurice	Lux air
Brian Hedberg	FedEx	Mauricio Meixueiro Rios	Emirates
Peter Hickisch	DHL	John Nielsen	SAS
Nanda Horenberg	KLM	Maria Antonia Ramis Bernad	Vueling
Steven Ronald	Aer Lingus	Michele Boyce	United Airlines
David Lawrence	TUI	Volker Wackernagel	Air Canada
Eoin Doyle	Aer Lingus	Terry Symmans	Airnav Ireland
Micha Hofmann	Ups	Ed Domaracki	United
Rory McGrenaghan	British Airways	Alexandra Fourn	Air France
Hsin-Pei Wu	Qatarairways	Sonja Hermann	Sun express
Noah Neis	American Airlines	Sarah Bell	Ups

Simon Fagan (SF), Head of Planning and Economic Regulation for DAA, opened the meeting and reminded the attendees that the meeting is a requirement for the airport under the Planning and Development Act, 2000 (as amended by the Aircraft Noise (Dublin Airport) Regulation Act, 2019). SF then referred to the previous meeting held on the 27th of November where Brian Minogue (BM) took the participants through a presentation explaining the draft regulatory decision of An Bord Pleanála. SF explained the objective of the meeting today was to provide an opportunity for Q&A and further clarification on the presentation and questionnaire that was previously shared.

An opportunity for discussion of the draft regulatory decision was then facilitated, including discussion on the presentation and questionnaire. All participants/attendees were invited to make comments and ask questions.

Peter O'Brien (POB) IATA highlighted the value in numbers and varied responses and encouraged all airlines to make their views known to An Bord Pleanála.

SF highlighted the importance for airlines to outline the impact the movement cap would have on their business and the potential growth implications at Dublin Airport. He also stressed the importance of the Balanced Approach and for the airlines to query the need of a movement cap on top of a noise quota system.

Dave Lawerence (DA) TUI asked would Dublin Airport provide a copy of their submission to the group.

Jane Roche (JR) DAA, explained that the DAA have two responses for the submission, firstly as the applicant which is non-airline related and second representing the consultation with the airlines. Jane stressed that each submission should be unique, but she is happy to share the cover letter outlining the views of the airlines with the group.

Eoin Doyle (ED) Aer Lingus, commented on the importance of highlighting the scale of the movement cap and asked for the figures to be shared with the group.

JR responded to say that the figures were outlined in the presentation that was shared after the previous meeting. She also mentioned the gap in the figures and discussed the 61% reduction in current activity and how the implications were far reaching.

Michelle Boyce (MB) United, commented on the wording of the night period and wanted clarification on what constitutes the night period 06:59 or 07:00.

JR replied and stated that as per the declaration the literal wording applied which is 06:59.

Phillip Ireland (PI) IATA - asked if we agreed on a reduction methodology.

SF responded and advised that we had discussed it conceptually and there were different views on how a reduction would be implemented. He stressed that while we do not want any reduction, if we had no choice and were given a movement cap that is lower than actual figures it would go to the IAA to decide how it should be implemented.

PI responded saying the airlines have a problem with the fact there is no clear indication of how it will be implemented and should mention this in their submission.

Leon Ronan Capacity Planning Senior Manager for DAA reminded the group of the deadline of the 18th of December to submit any views on the survey to the DAA. He also mentioned the deadline for submissions directly to An Bord Pleanála is 23 December and confirmed the combined views and cover letter will be sent to all.

The meeting concluded at 15:00pm.

Appendix 3 - DAA IAA Meeting 16120224 Minutes

Meeting Minutes

Meeting: Engagement between Dublin Airport & IAA re Draft Decision (relating to the night-time use of the runway system)

Date: 16th December

Time: 11:00 Dublin Time.

Location: Dublin Airport & Online on Microsoft Teams

Attendees: As Below:

Name	Organisation	Name	Organisation
Leon Ronan	Daa	Luke Manning	IAA
Simon Fagan	Daa	Brian O'Mahony	IAA
Ashling Dunne	Daa	Adian Corcoran	IAA

Agenda

1. Overview of the An Bord Pleanála draft decision on the Relevant Action
2. Discussion on the technical feasibility of implementing operating conditions.
3. Discussion on alternatives to the operating restrictions proposed in the An Bord Pleanála draft decision.

Simon Fagan (SF), Head of Planning and Economic Regulation for DAA, opened the meeting and referred to the requirement for the airport, under subsection 6(a) of section 37 of the Planning and Development Act, 2000 (as amended) to engage with the Irish Aviation Authority on the technical feasibility of and other alternatives to the noise mitigation measures or operating restrictions, the subject of the draft decision. The meeting was the culmination of several meetings on the agenda topics which included consultation meetings, held on the 27th of November and 09th of December where the IAA, operators of aircraft and airline representative groups were in attendance and a separate bilaterial meeting with the IAA held on the 22nd of November.

At the previous engagement session, held on the 22nd of November, attendees were taken through a presentation explaining the draft decision of An Bord Pleanála and the issues which were pertinent to the airline and airport operating community. An opportunity for discussion was then facilitated, including the technical feasibility of and alternatives to the noise mitigation measures and operating restrictions contained in the draft decision.

Agenda item 1 – Overview of the draft decision

SF provided a brief reminder of the material presented at the previous meeting, which included an outline of the process and timelines to date, a synopsis of the RA and outlined the relevant sections of the draft decision which included the operating restrictions imposed by condition 3(e) and Condition 5.

Agenda item 2 – technical feasibility of implementing the draft operating restrictions.

SF noted that condition 5 provided for a maximum number of nighttime aircraft movements of 13,000 per annum between the hours of 2300 and 0700 local time, which would be a 61% reduction in nighttime movements when measured against current activity. As there was no definition of technically feasible in the act, SF stated that the IAA may wish to consider the practical implementation of the operating restriction as they are responsible for the declaration of capacity under EU 95/93.

Agenda item 3 – Alternatives to the draft operating restrictions.

SF facilitated a discussion regarding alternatives to the operating restrictions contained within the draft decision and noted that any operating restriction or alternative, must follow the process required under Regulation 598, be in line with the Balanced Approach and should be no more restrictive than necessary to satisfy the requirements of the Noise Abatement Objective, NAO.

Luke Manning (LM) noted that the IAA were reviewing the draft decision and intended to provide a separate submission in response to the draft decision.

The meeting concluded at 12:00pm.

Appendix 4 - 20241216 - RA Consultation Survey Form for airlines views QR

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019
Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
2. *Aside from the Relevant Action, development must be in accordance with the original permission, as amended in 2019.*
3. *North Runway shall not be used for take-off or landing between 12am and 6am (except in cases of safety, maintenance and adverse weather etc.) NR shall only be used for departure only between the hours of 6am and 8am.*
4. *Airport will be subject to a Noise Quota Count with an annual limit of 16,260 between 11pm and 7am.*
5. *Airport is subject to an annual aircraft movement limit of 13,000 between the hours of 11pm and 7am inclusive. Aircraft movements split between Winter (3,900) and Summer (9,100) to allow for extra flights during the 92-day summer period.*
6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of:

Condition 3	
1	Comments on technical feasibility
• How are significant delays going to be treated in regard to the use of the north runway. Safety, maintenance and adverse weather conditions are only mentioned • Qatar Airways operates using a banked structure meaning departure/arrival time is critical for connectivity. We must maintain current timings in order to protect the financial viability of the route and not jeopardise the key role it plays for the Irish economy as a air bridge to the east. • Any imposition of a quota will restrict Qatar Airways ability to grow limiting the Irish economy and people access to our expanding network of over 170 global destinations. This lack of growth will also result in more constrained capacity among airlines and higher prices for consumers and tourists. • In recent years Qatar Airways have expanded in Dublin though both frequency and larger aircraft. We intend to continue this growth into the future, but any movement limit will likely result in growth being placed elsewhere in our network to the determent of the Irish economy.	
2	Comments on alternatives
• Why can't the northern runway be used for arrivals between 0600-0800L. Does this limit slot availability or flexibility (retimes) overall	
Condition 4	
1	Comments on technical feasibility
• Need to ensure QR's historic slots are protected as part of the quota count/allocation • Qatar Airways operates using a banked structure meaning departure/arrival time is critical for connectivity. We must maintain current timings in order to protect the financial viability of the route and not jeopardise the key role it plays for the Irish economy as a air bridge to the east. • Any imposition of a quota will restrict Qatar Airways ability to grow limiting the Irish economy and people access to our expanding network of over 170 global destinations. This lack of growth will also result in more constrained capacity among airlines and higher prices for consumers and tourists. • In recent years Qatar Airways have expanded in Dublin though both frequency and larger aircraft. We intend to continue this growth into the future, but any movement limit will likely result in growth being placed elsewhere in our network to the determent of the Irish economy.	
2	Comments on alternatives
• Process/rules for the noise quote period (2300-0700L) needs to be transparent and flexible to enable airlines to maximise/optimise capacity	
Condition 5	

1	Comments on technical feasibility

- Need to ensure QR's historic slots are protected if the overall historic slot position exceeds the limit between 2300-0659L. QR currently has arrivals in the 0600-0659L window in both seasons
- Qatar Airways operates using a banked structure meaning departure/arrival time is critical for connectivity. We must maintain current timings in order to protect the financial viability of the route and not jeopardise the key role it plays for the Irish economy as a air bridge to the east.
- Any imposition of a quota will restrict Qatar Airways ability to grow limiting the Irish economy and people access to our expanding network of over 170 global destinations. This lack of growth will also result in more constrained capacity among airlines and higher prices for consumers and tourists.
- In recent years Qatar Airways have expanded in Dublin though both frequency and larger aircraft. We intend to continue this growth into the future, but any movement limit will likely result in growth being placed elsewhere in our network to the determent of the Irish economy.

2	Comments on alternatives

- Increase the cap to ensure no historic slots are impacted
- Need flexibility to slot swap – will this be allowed
- Where the annual movements are split by season can in some cases the movements in winter be transferred to summer. Annual movement count remains fixed but flexibility between seasons is preferred

Condition 6

1	Comments on technical feasibility

- Flight operations are currently reviewing. Can this be submitted at a late date

2	Comments on alternatives

	Any further comments

Appendix 5 - 20241220_RA Consultation Survey Form for airlines views_I2_IB

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019
Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

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4. *Airport will be subject to a Noise Quota Count with an annual limit of 16,260 between 11pm and 7am.*
5. *Airport is subject to an annual aircraft movement limit of 13,000 between the hours of 11pm and 7am inclusive. Aircraft movements split between Winter (3,900) and Summer (9,100) to allow for extra flights during the 92-day summer period.*
6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of: VUELING AIRLINES

Condition 3	
1	Comments on technical feasibility
The imposition of such a restriction would have a negative impact on airport operations, causing a reduction in airport capacity and runway movements thereby increasing taxi times with on time performance being adversely affected during the critical "first wave" period. Limiting the North runway to departures only from 0600-0800 daily will have the effect of causing single runway operations at Dublin Airport when the airport is operating with winds in an easterly direction. Both arrivals and departures would be required to use the South Runway as departures from the north runway when 10L would be required to be used is not permitted.	

The proposed approach fails to acknowledge Irelands geographic positioning and time difference with Central European time. In addition, the 0600-0800 is the busiest time of the day for departing aircraft at Dublin and critical to ensure optimal aircraft utilisation.

2	Comments on alternatives

Maintaining a smooth running of Dublin Airport when winds are in an easterly direction, requires both runways to remain open as is the case today with departures taking place on the Southern Runway and arrivals on the Northern Runway.

Failure to ensure to ensure that both runways can remain in operation will cause significant congestion for both arrivals and departures not just from 0600-0800 but beyond that as the flying programme of based operators will be off schedule for the day and therefore cause delay to non-based operators such as "xx airline" later in the day. This would be unacceptable for non-based operators.

Airline schedules are planned and put on sale up to a year in advance. No airline or indeed airport can foresee which way the wind can blow on a given day.

Furthermore, the runway capacity of the airport has been declared and slots allocated assuming the use of both runways from 0700.

Condition 4

1	Comments on technical feasibility

Vueling Airlines is broadly supportive of QC limit of 16,260 This is in line with what Dublin Airport proposed to Fingal County Council (FCC) and was approved by FCC and the state's Aircraft Noise Competent Authority (ANCA).

Vueling Airlines believes this is a reasonable and fair way of managing noise at the airport as it provides for an upper ceiling on noise but also gives opportunity for growth as and when quieter aircraft come on stream.

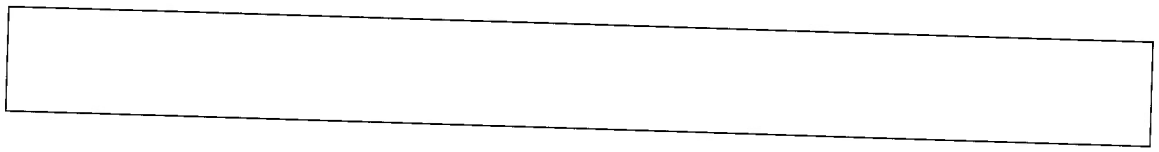
2	Comments on alternatives

Vueling Airlines believes that the level approved for by FCC and ANCA is line with Ireland's requirements under Regulation 598/2014 (Balanced approach). 598/2014 aims are to ensure that operating restrictions are proportionate and that the most cost-effective combination of measures are applied.

The ABP draft decision nighttime movement restrictions are not supported by the application of the balanced approach nor quantifies the significant economic impact of the proposed decision to air carriers or the wider Irish economy.

Implementing a movement cap as the inspector as proposed will ultimately mean that the QC level of 16,260 is never reached and therefore meaningless. We therefore urge the inspector to approve the QC level set by FCC and ANCA and not conflate it with a movement limit.

Condition 5	
1	Comments on technical feasibility
The basis for a 13,000-movement limit from 2300-0659 (inclusive) is unclear as there was no reference to supporting information for this consultation. This would equate to just 35 movements for each night on average per annum. This is significantly below the current level of flights which we understand to be c.115 in summer and c.65 in winter. Setting such a limit which in practical terms which is significantly below the proposed QC limit of 16,260 would mean that there would be a circa 65% reduction in flights operated at night at Dublin. We understand most if not all these flights are operated with slots that enjoy historic rights under Regulation 95/93. Moreover, any flights that are operated in the night tend to be from based operators rather than non -based operators and we therefore believe that it would be impossible for those airlines to reschedule as the aircraft are fully tasked for the rest of the day. Furthermore, it is unclear what the inspector means referring to summer and winter. For avoidance of doubt, Vueling Airlines defines summer and winter in line with the universally accepted IATA definitions which for summer is from the last Sunday in March until the Saturday before the last Sunday in October. For Winter it is from the last Sunday in October until the Saturday before the last Sunday in March. The inspector's report seems to suggest that summer only lasts for 92 days and that during this period, the proposed split of the 13,000 to be 9,100 in summer and 3,900 in winder would mean that there would be c.100 flights allowed in each night. The inspector fails to acknowledge that this would mean there would be zero flight movements permitted in the night for the remainder of what airlines consider summer (IATA season)	
2	Comments on alternatives
Vueling Airlines would suggest that the Board revert to the QC limit as approved by FCC/ANCA as without a limit that can be materially reached, there is no incentive for airlines to use quieter aircraft at night. The Inspector's report has the (intended or unintended) consequence of making the FCC/ANCA decision redundant.	
Condition 6	
1	Comments on technical feasibility
2	Comments on alternatives
	Any further comments



Appendix 6- RA Consultation Survey Form for airlines views - TUI (TOM BLX)

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019
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Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
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5. *Airport is subject to an annual aircraft movement limit of 13,000 between the hours of 11pm and 7am inclusive. Aircraft movements split between Winter (3,900) and Summer (9,100) to allow for extra flights during the 92-day summer period.*
6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of: IBERIA EXPRESS/ IBERIA

Condition 3	
1	Comments on technical feasibility
The imposition of such a restriction would have a negative impact on airport operations, causing a reduction in airport capacity and runway movements thereby increasing taxi times with on time performance being adversely affected during the critical "first wave" period. Limiting the North runway to departures only from 0600-0800 daily will have the effect of causing single runway operations at Dublin Airport when the airport is operating with winds in an easterly direction. Both arrivals and departures would be required to use the South Runway as departures from the north runway when 10L would be required to be used is not permitted.	

The proposed approach fails to acknowledge Irelands geographic positioning and time difference with Central European time. In addition, the 0600-0800 is the busiest time of the day for departing aircraft at Dublin and critical to ensure optimal aircraft utilisation.

2	Comments on alternatives

Maintaining a smooth running of Dublin Airport when winds are in an easterly direction, requires both runways to remain open as is the case today with departures taking place on the Southern Runway and arrivals on the Northern Runway.

Failure to ensure to ensure that both runways can remain in operation will cause significant congestion for both arrivals and departures not just from 0600-0800 but beyond that as the flying programme of based operators will be off schedule for the day and therefore cause delay to non-based operators such as IBERIA EXPRESS/IBERIA later in the day. This would be unacceptable for non-based operators.

Airline schedules are planned and put on sale up to a year in advance. No airline or indeed airport can foresee which way the wind can blow on a given day.

Furthermore, the runway capacity of the airport has been declared and slots allocated assuming the use of both runways from 0700.

Condition 4

1	Comments on technical feasibility

IBERIA EXPRESS/IBERIA is broadly supportive of QC limit of 16,260 This is in line with what Dublin Airport proposed to Fingal County Council (FCC) and was approved by FCC and the state's Aircraft Noise Competent Authority (ANCA).

IBERIA EXPRESS/IBERIA believes this is a reasonable and fair way of managing noise at the airport as it provides for an upper ceiling on noise but also gives opportunity for growth as and when quieter aircraft come on stream.

2	Comments on alternatives

IBERIA EXPRESS/IBERIA believes that the level approved for by FCC and ANCA is line with Ireland's requirements under Regulation 598/2014 (Balanced approach). 598/2014 aims are to ensure that operating restrictions are proportionate and that the most cost-effective combination of measures are applied.

The ABP draft decision nighttime movement restrictions are not supported by the application of the balanced approach nor quantifies the significant economic impact of the proposed decision to air carriers or the wider Irish economy.

Implementing a movement cap as the inspector as proposed will ultimately mean that the QC level of 16,260 is never reached and therefore meaningless. We therefore urge the inspector to approve the QC level set by FCC and ANCA and not conflate it with a movement limit.

Condition 5	
1	Comments on technical feasibility
The basis for a 13,000-movement limit from 2300-0659 (inclusive) is unclear as there was no reference to supporting information for this consultation. This would equate to just 35 movements for each night on average per annum. This is significantly below the current level of flights which we understand to be c.115 in summer and c.65 in winter. Setting such a limit which in practical terms which is significantly below the proposed QC limit of 16,260 would mean that there would be a circa 65% reduction in flights operated at night at Dublin. We understand most if not all these flights are operated with slots that enjoy historic rights under Regulation 95/93. Moreover, any flights that are operated in the night tend to be from based operators rather than non -based operators and we therefore believe that it would be impossible for those airlines to reschedule as the aircraft are fully tasked for the rest of the day. Furthermore, it is unclear what the inspector means referring to summer and winter. For avoidance of doubt, IBERIA EXPRESS/IBERIA defines summer and winter in line with the universally accepted IATA definitions which for summer is from the last Sunday in March until the Saturday before the last Sunday in October. For Winter it is from the last Sunday in October until the Saturday before the last Sunday in March. The inspector's report seems to suggest that summer only lasts for 92 days and that during this period, the proposed split of the 13,000 to be 9,100 in summer and 3,900 in winder would mean that there would be c.100 flights allowed in each night. The inspector fails to acknowledge that this would mean there would be zero flight movements permitted in the night for the remainder of what airlines consider summer (IATA season)	
2	Comments on alternatives
IBERIA EXPRESS/IBERIA would suggest that the Board revert to the QC limit as approved by FCC/ANCA as without a limit that can be materially reached, there is no incentive for airlines to use quieter aircraft at night. The Inspector's report has the (intended or unintended) consequence of making the FCC/ANCA decision redundant.	
Condition 6	
1	Comments on technical feasibility
2	Comments on alternatives
	Any further comments

IBERIA EXPRESS
Jorge Jiménez Zapater
Head of Network, Scheduling & Slots

IBERIA
Eva Chico Fernández
Slots Manager

Appendix 7- 20241220 RA Consultation Survey Form for airlines views_Vueling Reply

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019
Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
2. *Aside from the Relevant Action, development must be in accordance with the original permission, as amended in 2019.*
3. *North Runway shall not be used for take-off or landing between 12am and 6am (except in cases of safety, maintenance and adverse weather etc.) NR shall only be used for departure only between the hours of 6am and 8am.*
4. *Airport will be subject to a Noise Quota Count with an annual limit of 16,260 between 11pm and 7am.*
5. *Airport is subject to an annual aircraft movement limit of 13,000 between the hours of 11pm and 7am inclusive. Aircraft movements split between Winter (3,900) and Summer (9,100) to allow for extra flights during the 92-day summer period.*
6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of: TUI Group, including TUIfly Nordic (BLX) and TUI Airways (TOM)

Condition 3	
1	Comments on technical feasibility
Limiting the runway usage limits the ability of Dublin Airport and its carriers to fully exploit the additional capacity and operational benefits that the North Runway could otherwise bring to the airport. The North Runway should be made available, to operations through the full 24hours of an operational day.	
2	Comments on alternatives
No comments	
Condition 4	
1	Comments on technical feasibility
A Noise Quota Count (QC) system is a much more pragmatic method of assessing, and controlling night noise generated at an airport, relating directly to the *amount* of noise created rather than noise occurrences. This better reflects and supports the re-fleeting that many airlines are embarking upon to reduce noise and emissions, and allows for capacity growth alongside fleet developments. Any QC limit should not be set at or below the historic schedule, to allow headroom for operational over-runs, and future schedule growth. TUI would suggest a minimum 20% buffer above the historic schedule as per W24 and S25, both of which are unrestricted seasons (relating to the passenger cap situation). TUI does not believe that the period 0600-0700 (local) should be considered as night operations, this differs from the parameters that airports in the UK operate to, and the 0600h (local) is a peak hour and therefore applying a limit is extremely limiting.	
2	Comments on alternatives
No comments	
Condition 5	
1	Comments on technical feasibility
TUI does not support the continuation of a potential movement-based limit, this is currently significantly below the current historic schedule, and also includes the 06h (local), which is a peak hour for departures. The proposed night period would severely limit operations, potentially meaning carriers cannot operate in a profitable way. The proposed limit makes it impossible to have access to the night at both the start and end of the day, massively limiting carriers ability to schedule short-haul flight effectively (typically 2 return flights from Dublin, per day). We believe that the requirement for a movement limit itself should be reviewed as Tui do not believe that it is necessary along side the QC limits. If it is retained its timings should be reviewed and where appropriate adjusted, to reflect timings typically used at UK airports, and to a movement limit that is above the historic schedule, to provide an operational and growth buffer.	
2	Comments on alternatives
Our overall preference is to support a Quota Count (QC) limit, rather than a movement limit.	

Condition 6	
1	Comments on technical feasibility
TUI does not have any comments regarding this scheme.	
2	Comments on alternatives
TUI does not have any comments regarding this scheme.	
	Any further comments
Any implementation of existing or new night restrictions should not reduce carriers ability to fly in the night versus the current schedule, nor should it restrict the much needed growth that the North Runway provides. The additional runway not only provides opportunity for operational improvements, but provides additional capacity that supports carrier growth, new entrants (stimulating competition), and provides significant economic benefits for the Dublin area and Ireland as a whole, including jobs, supporting local business and both in- and outbound tourism traffic.	

Appendix 8 - RA Consultation Survey Form for airlines views - UPS

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019
Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
2. *Aside from the Relevant Action, development must be in accordance with the original permission, as amended in 2019.*
3. *North Runway shall not be used for take-off or landing between 12am and 6am (except in cases of safety, maintenance and adverse weather etc.) NR shall only be used for departure only between the hours of 6am and 8am.*
4. *Airport will be subject to a Noise Quota Count with an annual limit of 16,260 between 11pm and 7am.*
5. *Airport is subject to an annual aircraft movement limit of 13,000 between the hours of 11pm and 7am inclusive. Aircraft movements split between Winter (3,900) and Summer (9,100) to allow for extra flights during the 92-day summer period.*
6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of:

Condition 3	
1	Comments on technical feasibility
2	Comments on alternatives
Condition 4	
1	Comments on technical feasibility
2	Comments on alternatives
Condition 5	
1	Comments on technical feasibility

Impact to Express Cargo Industry

All cargo flights account for approximately less than 15% of the total movements in the night period (based on S25 numbers), yet the value we bring to the wider economy is much more significant. Night flights currently make an invaluable contribution to Ireland's economy, supporting €1.1billion in GDP and 15,000 jobs. Freight flown at night accounts for 38% of the total freight volumes at Dublin airport, and nearly two thirds of this is transported by express freight operators, primarily those shipping perishable and other time-sensitive goods. [1]

Express cargo is key to the supply chain, enabling Irish businesses, especially in the hi-tech, retail, pharmaceutical and healthcare industries to send and receive just-in-time deliveries. Protecting air freight is critical to economic growth and keeping Irish businesses competitive in a 24-hour global economy. With customers requiring late afternoon collections and early morning deliveries, the only time we can move export and import shipments is by air and at night.

UPS currently operates a daily (Mon-Fri) Boeing 767-300 flight at Dublin Airport which connects Dublin and Shannon to our main air gateway in Cologne, Germany:

[1] https://ftai.ie/wp-content/uploads/2023/05/Air-Cargo-Night-Flying-FINAL.pdf

- Arrives 04:50 from Cologne and Departs 05:35 to Shannon (which falls within the night-time period)
- Arrives 20:35 from Shannon and Departs 21:20 to Cologne

If we were to lose one or both of our slots within the night period, this would put us, as well as business in the wider Dublin area, in a severe competitive disadvantage as packages would be delayed. Simply flying to Shannon Airport would not solve the issue. Delays in Dublin would also affect Shannon Airport and could cause subsequent crew and aircraft availability in Cologne. Rerouting the flight CGN-SNN-DUB and vice versa to mitigate the impact would negatively affect DUB in the P.M. ops through earlier cut off times, meaning customers would need to have their goods ready earlier in the day as well as an increase in fueling and crew costs, because CGN-SNN-DUB is longer than CGN-DUB-SNN.

By flying goods to Shannon, operators would either need to put HGVs on the road to transport goods to Dublin, creating congestion and additional carbon emissions. Alternatively, goods could then be flown from Shannon to Dublin outside of the night-time hours. However, in both cases this would result in the delay of goods reaching businesses in Dublin and the wider region, reducing international competitiveness and creating inefficiencies within the supply chain.

If the sector is significantly restricted from flying at night this will severely impact the express industry with wider implications across the supply chain and Irish economy including:

- Major disruption to supply chains – this will impact each operator's operational networks, which will have knock on effects to the entire supply chain, increasing cost to their business and how they serve their customers.
- Reduced Competitiveness - Irish businesses will be less competitive if they are not able to receive or sends goods as quickly and efficiently as their EU counterparts, again increasing costs and impacting competitiveness.
- Reduced Investment - Negative consequences for Ireland Inc. as a location of foreign direct investment.
- Reduced Employment - Significant job losses across the entire airport as well as wider business community.
- Increased congestion - If goods cannot get in in time for AM delivery it may come by road transport, if at all, resulting in more trucks on road, more congestion and an impact on the environment.

2	Comments on alternatives

Condition 6

1	Comments on technical feasibility
2	Comments on alternatives

	Any further comments

Appendix 9 - RA Consultation Survey Form for airlines views_BA BACF response 20Dec24

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019

Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
2. *Aside from the Relevant Action, development must be in accordance with the original permission, as amended in 2019.*
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6. *Relates to the Residential Sound Insultation Grant Scheme (RSIGS) for residential dwellings within the 55dBLnight contour, or dwellings within 50dB Lnight contour who experience a change of +9dB and Residential dwellings or, subject to 80dB LAmax between 11pm and 7am.*

Response on behalf of: BRITISH AIRWAYS (including BA Cityflyer)

Condition 3	
1	Comments on technical feasibility
The impact on the crucial 'first wave' period is of great concern. Delays are already experienced in this period and further degradation of performance because of the impact of this condition will come at a significant cost to airlines and therefore consumers. The impact of the time difference with central Europe must be taken into consideration and what this means to time sensitivities for airlines flying into Ireland.	
2	Comments on alternatives
Removing the use of the Northern Runway in the proposed period will adversely affect performance. This in turn will then increase the period delays are experienced for both based and non-based airlines. The declaration process for S25 has taken place and considered both runways in use from 0700.	
Condition 4	
1	Comments on technical feasibility
British Airways is broadly supportive of QC limit of 16,260 This is in line with what Dublin Airport proposed to Fingal County Council (FCC) and was approved by FCC and the state's Aircraft Noise Competent Authority (ANCA). British Airways agrees this is a reasonable and fair way of managing noise at the airport as it provides for an upper ceiling on noise but also gives opportunity for growth as and when quieter aircraft come on stream.	
2	Comments on alternatives
British Airways understands that the level approved for by FCC and ANCA is in line with Ireland's requirements under Regulation 598/2014 (Balanced approach). 598/2014 aims are to ensure that operating restrictions are proportionate and that the most cost-effective combination of measures are applied. If the movement cap is implemented as proposed, it will remove the importance of the QC limit. This is an essential tool to encourage airlines to operate quieter aircraft.	
Condition 5	
1	Comments on technical feasibility

The reason for the substantial reduction of night movements proposed versus what already operates is not clear given there was no supporting information referred to. The impact of implementing the severely reduced movement cap would lead to airlines who currently operate in the night being unable to fit the planned flying into the redcued day. The reference to summer and winter lengths does not appear to be correct in the proposal, according to the IATA definitions (and universally how airlines see these season lengths as defined).	
2	Comments on alternatives
British Airways suggests that the Board uses the QC Limit as approved.	
Condition 6	
1	Comments on technical feasibility
2	Comments on alternatives
	Any further comments

Appendix 10 - RA Consultation Survey Form for airlines views-EA

Consultation under section 37R6(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019

Draft Regulatory Decision of An Bord Pleanála dated 11 September 2024 (the "Draft Decision")

Results of the consultation undertaken by daa plc concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, set out in the Draft Decision

Draft Conditions – Conditions 1 and 2 do not contain Noise Mitigation Measures or Operating Restrictions

1. *Development carried out in accordance with plans lodged.*
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Response on behalf of:

Condition 3	
1	Comments on technical feasibility
While Emerald Airlines respect the rational used by An Bord Pleanála to introduce clarity and to preserve the interest of the protection of the amenities of the surrounding areas, Condition 3(e) when taken together with the existing Condition 3(c) means that in easterly wind conditions, aircraft could neither arrive or depart from the North Runway and all operations would be forced to the South Runway. It is imperative for the smooth operation of an airport and airline schedules that runway operations are flexible to take account of weather conditions on the day of operation. According to Met Éireann, easterly wind conditions occur most often between February and May and are commonly accompanied by dry conditions. While these are not the prevailing wind conditions at Dublin Airport, operations would be significantly disrupted if all operations were forced to the South Runway due to increased taxi-times and knock-on congestions. Easterly conditions between February and May would lead to congestions, delays and possible flight cancellation coinciding with key travel period including St. Patricks day, Easter and May holiday periods.	
2	Comments on alternatives
Condition 4	
1	Comments on technical feasibility
Many different effects of noise can be identified and people experience each of them differently. For the practical assessment of any particular effect, it is necessary to define an appropriate indicator of reaction to correlate with a noise exposure measure. Emerald Airlines agree with An Bord Pleanála in adopting the Quota Count (QC) system as proposed by the Aircraft Noise Competent Authority (ANCA) and Fingal County Council. We, however, disagree with the determination of the *'Night Time'* as the hours at night between 23:00 to 07:00 local time. This definition of nighttime is inconsistent with the *'Night Time'* definition adopted by comparator airports, particularly those countries using Greenwich Mean Time (GMT). With Ireland operating on a different time zone to our biggest trading partner, the European Union, it is critical that airlines are able to operate unimpeded in the 06:00 hour to negate against the impacts GMT being -1 hour behind Central European Time (CET).	

60% of passengers who use our scheduled flights for business purposes complete at least on flight leg which departs Dublin Airport between 06:00-07:00 local time (07:00-08:00 CET). Moving the 06:00-07:00 hour into the nighttime period would disrupt this key passenger demographic.	
2	Comments on alternatives
Condition 5	
1	Comments on technical feasibility
We are surprised by the proposed new Operation Restriction tabled by An Bord Pleanála in the draft decision. The methodology used in the determination to create a movement limit has not followed the Balanced Approach (EU Reg 598) and ICAO Annex 16 requirements that must be followed when considering operating restrictions at an EU Airport. It is our strong belief that the calculation on which the ABP movement limit was set uses different metrics to the recommendation for a movement limit in the inspector's report. This key oversight, essentially limiting movements per night to an annual average of 35 per night would have a detrimental impact on all operators at Dublin Airport, equating to a draconian 60% reduction in movements. Aircraft are easily movable assets which airlines will move away from Dublin if this draft decision was to be enforced. In the case of Emerald Airlines, these assets would be moved outside of the Republic of Ireland. This draft condition casts a serious doubt on planned investments by Emerald Airlines in new aircraft, new routes and new jobs for our operations at Dublin Airport. Our operations and network of flights are highly complex, feeding into an intertwined web of restrictions at other airports throughout the United Kingdom and Europe. A movement limit which would result in a 60% reduction in movements would be a hammer blow to Irish tourism, jobs and the wider economy and goes completely against to the National Aviation Policy.	
2	Comments on alternatives
Condition 6	
1	Comments on technical feasibility
2	Comments on alternatives

	Any further comments

APPENDIX F: AECOM SECTION 15 ASSESSMENT

AECOM

Dublin Airport North Runway Relevant Action Section 15 Assessment

Project number: 60601864

18 December 2024

Delivering a better world

Quality information

Prepared by	Checked by	Verified by	Approved by
			
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Revision History

Revision	Revision date	Details	Authorized	Name	Position
1	10/12/2024	Issued for review by daa/legal	ID	Ian Davies	Technical Director
2	18/12/2024	Updated to address daa/legal comments	ID	Ian Davies	Technical Director
3	19/12/2024	Updated to address daa comments	ID	Ian Davies	Technical Director

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1. Introduction

1.1 This Appendix presents a summary assessment of how granting permission for the North Runway Relevant Action (NRRA) the planning authority would be in compliance with their obligation under Section 15 of the Climate Action and Low Carbon Development Acts 2015 to 2021[1] (hereafter referred to as 'the Climate Act').

1.2 Section 15(1) of the Climate Act sets out that:

"A relevant body shall, in so far as practicable, perform its functions in a manner consistent with:

a. The most recent approved climate action plan [CAP]

b. The most recent approved national long term climate action strategy

c. The most recent approved national adaptation framework [NAF] and approved sectoral adaptation plans

d. The furtherance of the national climate objective, and

e. The objective of mitigating greenhouse gas [GHG] emissions and adapting to the effects of climate change in the State."

1.3 This report will demonstrate that permitting the NRRA is consistent with the above requirements of section 15 of the climate act, as part of the obligations of the planning authority under section 15.

[1] Climate Action and Low Carbon Development (Amendment) Act 2021

2. The Most Recent Approved Climate Action Plan

2.1 The Climate Action Plan 2024[2] (CAP2024) was approved by Government on 21 May 2024 and is the third annual, and most recent update, to the 2019 Plan. It is the second statutory update to the CAP since the Climate Action and Low Carbon Development (Amendment) Act 2021 was passed.

2.2 The CAP2024 aligns with legally binding carbon budgets and sectoral emissions ceilings approved in 2022. Ireland's carbon budget programme represents the total amount of emissions that may be emitted by the country during specific time bound periods. The carbon budget programme[3], including total emissions allowed under each budget is as follows:

- 2021-2025: 295MtCO_2eq. This represents an average reduction in emissions of 4.8% per annum for the first budget period
- 2026-2030: 200MtCO_2eq. The represents an average reduction in emissions of 8.3% per annum for the second budget period
- 2031-2035: 151MtCO_2eq. The represents an average reduction in emissions of 3.5% per annum for the third provisional budget

2.3 These carbon budgets have been set in line with Ireland's National Climate Objective for net-zero by no later than 2050. Ireland has also committed to a 51% reduction in GHG emissions by 2030.

2.4 Sectoral Emissions Ceilings[4] were published in September 2022 and provide the total amount of permitted GHG emissions that each sector of the economy can produce during a specific time period, in line with the overarching carbon budgets. The following Sectoral Emissions Ceilings listed in Table 1 have been set. It should be noted that aviation emissions are not considered within any of these sectoral budgets as they are considered to be dealt with at an EU and wider international level. CAP 2024 below states:

"In aviation, the European Green Deal aims to achieve net-zero emissions by 2050 and reflects the global long-term aspirational goal (LTAG) for international aviation of net-zero carbon emissions by 2050, agreed by the International Civil Aviation Organization. Due to the inherent cross-border and international nature of aviation emissions, efforts to reduce aviation emissions are best undertaken within an international framework." (p258 of CAP 2024)

Table 1: Sectoral Emissions Ceilings

Sector	Sectoral Emissions Ceiling (2021-2025) (MtCO_2eq.)	Sectoral Emissions Ceiling (2026-2030) (MtCO_2eq.)
Electricity	40	20
Transport	54	37
Built Environment (residential)	29	23
Built Environment (commercial)	7	5
Industry	30	24
Agriculture	106	96
Land-Use, Land-Use Change and Forestry (LULUCF)[5]	xx	Xx
Other (F-gases, waste, petroleum refining)	9	8

[2] Government of Ireland, Climate Action Plan 2024, 2024, https://www.gov.ie/en/publication/79659-climate-action-plan-2024/
[3] Government of Ireland, Carbon Budget Programme, 2022, https://www.climatecouncil.ie/carbonbudgets/
[4] Government of Ireland, Sectoral Emissions Ceilings, 2022, https://www.gov.ie/en/publication/76864-sectoral-emissions-ceilings/
[5] Following finalisation of the Sectoral Emissions Ceiling for the Land-Use, Land-Use Change and Forestry (LULUCF) sector, total figures will be available

2.5 The CAP2024 aims to close the gap to Ireland's targets by providing a delivery routemap to meet Ireland's climate ambitions. Measures to reduce GHG emissions in line with Ireland's budgets and net zero targets are set out in the main CAP2024. These are supplemented by a set of new, high impact actions set out in the CAP2024 Annex of Actions[6].

2.6 Table 2 demonstrates that the planning authority can be satisfied that, by granting permission for the proposed development, it would, in so far as practicable, be performing its functions in a manner consistent with the most recent approved climate action plan [CAP]. .

[6] Government of Ireland, Climate Action Plan 2024 – Annex of Actions, 2023, https://assets.gov.ie/296415/0e12782b-50bd-4cf1-bbcb-7ee7a488cdec.pdf

Table 2: Consistency with CAP2024

CAP2024 Requirement	Consistency with CAP2024	Where Addressed
The CAP2024 is a whole-of-Government plan with all relevant Departments and Agencies feeding into its development. Therefore, the relevant Departments and Agencies have legal obligations in relation to protection of the environment. These Departments and Agencies' plans, programmes and projects must be consistently screened for Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and Appropriate Assessment (AA) processes as appropriate to ensure that protection of the environment and sustainable development are driving principles of CAP2024 implementation.	The Environmental Impact Assessment Report (EIAR) undertakes a consistent screening in line with best practice to ensure the proposed NRRA is consistent with the principles of protecting the environment and sustainable development at the heart of CAP2024.	In Chapter 11: Climate and Carbon (EIAR Supplement)
Where the above processes have been or are being undertaken, the measures identified to mitigate, remedy and offset negative effects must be given effect along with any associated planning conditions, at the appropriate scale and level of detail.	The measures identified to mitigate both emissions and climate risks are assessed throughout the EIAR.	The mitigation actions taken are presented in Section 11.6 of Chapter 11: Climate and Carbon (EIAR Supplement).
Notwithstanding there is existing guidance related to linear infrastructure, the principle of robust constraints, site and route selection, and environmental assessment, reporting and monitoring, shall be applied to all infrastructure projects as best practice, to avoid significant negative environmental effects and to ensure the legal protection of European sites and the avoidance of adverse effects on site integrity.	Impacts from both additional emissions from the proposed NRRA, and the proposed NRRA's climate change risk, have been assessed in the climate chapter of the EIAR in line with best practice and no significant negative environmental effects were identified.	In Chapter 11: Climate and Carbon (EIAR Supplement).
Sectoral emissions ceilings (page 46) (CAP2024 Section 5)	Emissions from two key categories of GHG emissions from the proposed development (aviation and surface access transport) have been assessed against sectoral emissions ceilings.	Section 11.7 of Chapter 11: Climate and Carbon (EIAR Supplement) presents emissions and their alignment with transport sector ceilings, with detailed assessment of emissions against sector budgets in Tables 11-7 and 11-8 of Chapter 11: Climate and Carbon (EIAR Supplement).
Unallocated emissions savings (page 46) (CAP2024 Section 5)	There are currently no applicable requirements for the Applicant in line with 'unallocated emissions savings' as they are yet to be specified or selected at this stage.	N/A
Land Use, Land-use Change and Forestry (LULUCF) (page 47 and 298) (CAP2024 Sections 5 and 17)	There are no expected land use change emissions for the proposed NRRA as there are no construction activities planned or other changes to the airport requiring a change in land use that would impact carbon sequestration.	N/A
Choosing Pathways (page 61) (CAP2024 Section 5): Measures/actions focus on: PW/24/2 Heat and Built Environment Taskforce, and Accelerating Renewable Energy Taskforce	The proposed NRRA has been assessed for alignment with sectoral budgets where relevant in the EIAR. The actions presented in Annex of Actions are not applicable to the proposed NRRA.	Section 11.7 of Chapter 11: Climate and Carbon (EIAR Supplement) presents emissions and their alignment with transport sector ceilings, with detailed assessment of emissions against sector budgets in Tables 11-7 and 11-8 of Chapter 11: Climate and Carbon (EIAR Supplement).

CAP2024 Requirement	Consistency with CAP2024	Where Addressed
PW/24/3 Establish structure(s) for evaluating further Modal Shift (Freight) and Sustainable Biofuels in Transport PW/24 /4 Establish a Carbon Capture, Removals and Hydrogen Working Group		
Public Sector leading by example (page 123) (CAP2024 Section 10); Measures/actions focus on: By 2025 'Review the Public Sector Climate Action Mandate annually and update Climate Action Roadmaps in line with the updated mandate' Procure only zero-emissions vehicles unless the vehicle is exempt under the European Communities (Clean and Energy-Efficient Road Transport Vehicles) (Amendment) Regulations (S.I. 381 of 2021) Act towards achieving our buildings and retrofitting target By 2030 'Reduce GHG emissions from the sector by 51%' 'Improve energy efficiency in the public sector by 50%'	There are no relevant requirements for the proposed NRRA identified here. Overall mitigation actions across the wider airport are addressed in the Dublin Airport Carbon Reduction Strategy (CRS) [7].	Dublin Airport CRS section 6
Electricity (Grid) (page 153) (CAP2024 Section 12): Measures/actions focus on: Increase renewable energy generation capacity on the grid Developing micro and small scall generation Transforming grid flexibility Incentivising demand side flexibility	The Applicant is undertaking actions to develop micro and small-scale electricity, though these are not within the scope of the proposed NRRA and associated EIAR. Since 2018, the Applicant has actively supported renewable energy production, beginning with the installation of a small-scale solar photovoltaic (PV) farm with a generating capacity of 110kWp. In addition, the Applicant is advancing the development of a large-scale solar PV project (Phase 1) with a generating capacity of 9.1MWp, contributing to a reduction in GHG emissions from energy use. The Applicant has also initiated the development of an additional large-scale PV project (Phase 2), initially targeting a capacity of 4MWp and expected to expand to an aggregate capacity of 12MWp. Plans for this phase include battery storage and a control system to further enhance GHG emissions reduction.	Dublin Airport CRS sections 2.2, 6.2 and 6.4
Industry (page 178) (CAP2024 Section 13): Measures/actions focus on: Carbon-neutral heating in industry Decreasing embodied carbon in construction materials Reducing fossil fuel demand through energy efficiency measures in industry.	There are no relevant requirements for the proposed NRRA identified here. Overall mitigation actions across the wider airport are addressed in the daa Carbon Reduction Strategy (CRS).	Dublin Airport CRS section 6

[7] Dublin Airport, Carbon Reduction Strategy https://www.dublinairport.com/docs/default-source/sustainability-reports/dublin-airport-carbon-reduction-strategy.pdf?sfvrsn=96ad40d1_6

CAP2024 Requirement	Consistency with CAP2024	Where Addressed
Built environment (page 200) (CAP2024 Section 14): Measures/actions focus on: New dwellings to be designed and constructed to Near Zero Energy Building (NZEB) Standard by 2025 and Zero Emission Building Standard (ZEB) by 2030 Retrofitting of residential dwellings District heating capacity across residential and commercial building stock Installation of heat pumps Biomethane heating capacity	There are no relevant requirements for the proposed NRRA identified here. Overall mitigation actions across the wider airport are addressed in the daa Carbon Reduction Strategy (CRS).	Dublin Airport CRS section 6
Transport (page 232) (CAP2024 Section 15): Measures/actions focus on: Reduction in total vehicle kilometres travelled Reduction in fuel usage Increasing sustainable transport trips and modal share	The proposed NRRA has been assessed in line with sectoral budgets for transport. The Applicant has committed to influence and support the use of active transport and public transport where possible.	The mitigation actions taken are presented in Section 11.6 of Chapter 11: Climate and Carbon (EIAR Supplement) and the Dublin Airport CRS section 6.
Circular Economy (page 356) (CAP2024 Section 20): Measures/actions focus on: Prioritise prevention planning in plastics, packaging, food, textiles and construction waste Encourage reuse and recycling through deposit and return schemes for bottles and cans Reduce emission from F-gases from petroleum refinement	There are no relevant requirements for the proposed NRRA identified here. Overall mitigation actions across the wider airport are addressed in the daa Carbon Reduction Strategy (CRS).	Dublin Airport CRS section 6.0 and 6.2
Adaptation (page 386) (CAP2024 Section 23): The primary adaptation policy response to climate adaptation challenges is set out in the NAF.	No risks were identified for Climate change adaptation as the proposed NRRA does not include any physical changes or new potential for climate risks to be created. Therefore, no adaptations are proposed.	Paragraph 11.3.2 of Chapter 11: Climate and Carbon (EIAR Supplement). Section 4 of this appendix.
Research and Innovation, Governance, Just transition to a Climate Neutral Ireland, Delivering a just transition in the Midlands Regions, Citizen Engagement, Carbon Pricing and cost cutting polices, Agriculture, Marine Environment, Local Government, International Climate Action, Sustainable Development Goals	The following sections were not viewed as applying to the EIAR or the proposed NRRA as they either target sectors in which the proposed NRRA has no associated activities or focus on policies and interventions that are managed by other bodies and at a policy level.	N/A

2.7 Based on the information provided in this Section 15 Report and in the application as a whole, the foregoing analysis demonstrates that the planning authority can be satisfied that, by granting permission for the proposed NRRA, it would, in so far as practicable, be performing its functions in a manner consistent with (a) The most recent approved climate action plan [CAP]

3. The Most Recent Approved Long-term Climate Action Strategy

3.1 The Long-term Climate Action Strategy (2024)[8] sets out pathways beyond 2030 towards achieving net zero by 2050. The strategy is the first to be prepared under the Climate Act. It sets out reduction strategies for key sectors in Ireland to transition to a low-carbon economy, aiming for net-zero GHG emissions by 2050. It serves as a bridge between short-term climate action plans and long-term goals, ensuring a cohesive approach to tackling climate change.

3.2 Consistent with the Programme for Government position and the 2021 Climate Act, the sectoral emissions ceilings agreed by Government in July 2022 assume 5.25 $MtCO_2eq$. in annual unallocated savings for the second carbon budgetary period 2026 to 2030, and 26 $MtCO_2eq$ overall. As already indicated, CAP2024 sets out a number of potential themes to address unallocated savings:

- Focus on economy-wide energy efficiency and demand management
- Implement novel technologies in agriculture and advance bioeconomy
- Accelerate the future energy system
- Deploy carbon capture and storage technologies

3.3 These themes, set out in the CAP2024, impact the Long-term Climate Action Strategy in two ways. First, it is likely that action across all these themes will be needed to meet Ireland's carbon neutrality goal. Second, the degree to which these different themes are used to address the carbon budgetary period 2026 to 2030 will impact the precise pathway to 2050 for each sector.

3.4 All relevant emissions (surface access and aviation) have been assessed against the requirements of the Long-term Climate Action Strategy (2024) in Section 11.7 of Chapter 11: Climate and Carbon (EIAR Supplement). The methodology for assessing these emissions is in line with best practice as set out throughout section 11.3 of Chapter 11: Climate and Carbon (EIAR Supplement).

3.5 The proposed NRRA is in line with the latest Long-Term Strategy on Greenhouse Gas Emissions Reduction as summarised in Table 3.

[8] Government of Ireland, Long-term Strategy on Greenhouse Gas Emissions Reductions, 2024, https://www.gov.ie/en/publication/e4e81-long-term-strategy-on-greenhouse-gas-emissions-reductions/

Table 3: Consistency with Long_Term Strategy on Greenhouse Gas Emissions Reduction

Long-term Climate Strategy Requirement	Consistency with Long-term Strategy	Where Addressed
The core measures necessary to deliver a net zero emissions electricity sector are to deliver significantly higher renewable power capacity mostly through onshore wind, offshore wind, and solar PV. (page 42)	The Applicant is undertaking actions to develop micro and small-scale electricity, though these are not within the scope of the proposed NRRA and associated EIAR. Since 2018, the Applicant has actively supported renewable energy production, beginning with the installation of a small-scale solar photovoltaic (PV) farm with a generating capacity of 110kWp. In addition, the Applicant is advancing the development of a large-scale solar PV project (Phase 1) with a generating capacity of 9.1MWp, contributing to a reduction in GHG emissions from energy use. The Applicant has also initiated the development of an additional large-scale PV project (Phase 2), initially targeting a capacity of 4MWp and expected to expand to an aggregate capacity of 12MWp. Plans for this phase include battery storage and a control system to further enhance GHG emissions reduction.	Dublin Airport CRS sections 2.2, 6.2 and 6.4
Delivering the CAP2024 requires upgrade and expansion of the electricity grid infrastructure to accommodate increased renewable generation as well as increased electrification of energy use (particularly in transport and built environment sectors) (page 43).	The Applicant is undertaking actions to support electric vehicles and fleets throughout the airport, though these are not within the scope of the proposed NRRA and associated EIAR.	Dublin Airport CRS sections 5.2 and 6.2
Built Environment Reducing our emissions in this sector means both reducing the energy demand through energy efficiency and decarbonising energy that we do use. A high level of building standards will help ensure that the energy needs of new buildings are very low. For existing buildings, energy efficiency means improving the fabric of our buildings. (pg 49) Decarbonising the built environment will include the retrofit of existing housing stock and electrification of heat across residential, commercial, and public buildings. All buildings will need to switch to technologies such as heat pumps or district heating by 2050 (page 50).	There are no expected built environment emissions for the proposed NRRA as there are no construction activities planned	N/A
Transport (Aviation) Section 8.4 states that emissions from international aviation and from shipping remain outside national emissions targets for EU Member States and are not covered by the Paris Agreement. Measures are being taken in line with actions both at EU level and globally to decarbonise aviation (page 55).	Chapter 11: Climate and Carbon (EIAR Supplement) sets out the EU and global plans to decarbonise aviation in line with net zero 2050 targets. This includes how the EU Emissions Trading System (ETS) and CORSIA, will continue to provide controlling mechanisms to prevent aviation emissions from exceeding carbon budgets or, where appropriate, 'in sector' targets.	Section 11.6 of Chapter 11: Climate and Carbon (EIAR Supplement).

Long-term Climate Strategy Requirement	Consistency with Long-term Strategy	Where Addressed
Transport (surface access) Our vision is that Ireland's transport sector will be carbon neutral by 2050. This will require coordinated action of Government, State transport agencies, Local Authorities, individuals and business, and needs to progress in tandem with technological and regulatory developments within the EU. Effective regulation will be needed to ensure that technological developments maximise decarbonisation within the sector, by facilitating smart traffic management, shared mobility options, freight efficiency, modal shift and demand management, which in turn will reduce congestion and increase occupancy rates in transport fleets, both public and private (page 58).	The Applicant is undertaking actions to support electric vehicles and fleets throughout the airport, as well as modal shift and public transport. These are not within the scope of the proposed NRRA and associated EIAR.	Dublin Airport CRS sections 5.2 and 6.2
Circular Economy Driving demand reduction, through developing the circular economy and bioeconomy, could decrease the cost of achieving climate neutrality and deliver additional economic value (page 71).	There are no relevant requirements for the proposed NRRA identified here. Overall mitigation actions across the wider airport are addressed in the daa Carbon Reduction Strategy (CRS).	Dublin Airport CRS section 6.0 and 6.2

3.6 Based on the information provided in this Section 15 Report and in the application as a whole, the foregoing analysis demonstrates that the planning authority can be satisfied that, by granting permission for the proposed NRRA, it would, in so far as practicable, be performing its functions in a manner consistent with (b) The most recent approved national long term climate action strategy.

4. The Most Recent Approved National Adaptation Framework & Sectoral Adaptation Plan

4.1 As stated in paragraph 11.3.2 of chapter 11: climate and carbon (EIAR supplementary report)

A climate change resilience review looks at the impact of climate change on the proposed Relevant Action and provides an evaluation of the resilience of the proposed Relevant Action to such climate risks. However, a climate change resilience review has not been undertaken as part of this chapter as there are no physical changes to the runway and therefore no potential for new climate risks to be created, that'd require additional adaptation measures. Given that there are no physical changes to the North Runway as a result of the proposed Relevant Action, and no obvious means by which climate change would affect the proposed Relevant Action, such an assessment is not necessary or appropriate.

4.2 The first step in a best practice approach to climate change resilience is to identify if a proposed development has any receptors susceptible to the impacts of climate change. This is aligned with guidance from IEMA[9], and in accordance with the EU Commission Notice (2021/C 373/01) Technical guidance on the climate proofing of infrastructure in the period 2021-2027[10]. It was concluded that as the NRRA would not result in changes to any physical assets, for example new construction activities or the upgrading of buildings or other infrastructure, there were no physical receptors that would be at significant risk from climate change impacts. As such an assessment of climate risk would therefore not be necessary.

4.3 Based on the approach of the application as a whole, the planning authority can be satisfied that, by granting permission for the proposed NRRA, it would, in so far as practicable, be performing its functions in a manner consistent with (c) The Most Recent Approved National Adaptation Framework & Sectoral Adaptation Plan. There are no new or additional risks associated with the Relevant Action that need to be considered by the planning body when giving permission for the NRRA, so there are no obligations under NAF[11] or TSAP[12].

[9] IEMA (2020). Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation. Available at: https://www.iaia.org/pdf/wab/IEMA%20Guidance%20Documents%20EIA%20Climate%20Change%20Resilience%20and%20Adaptation.pdf

[10] EU Commission Notice on 'Technical guidance on the climate proofing of infrastructure in the period 2021-2027'; https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0916(03)&from=EN

[11] Government of Ireland, National Adaptation Framework – Planning for a Climate Resilient Ireland, 2024, www.gov.ie/pdf/?file=https://assets.gov.ie/298230/9af802e5-e601-488d-9ec1-db41279803cf.pdf#page=null

[12] Government of Ireland, Transport – Climate Change Sectoral Adaptation Plan, 2019, https://www.gov.ie/en/publication/a2444e-sectoral-adaptation-plan-for-transport-infrastructure/

5. The Furtherance of the National Climate Objective

5.1 Ireland's overall climate goal is set out in section 5 of the Climate Action and Low Carbon Development Act [13].

> *"The State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy (in this Act referred to as the 'national climate objective')."*

5.2 As set out in Chapter 11: Climate and Carbon (EIAR Supplement) an assessment of GHG impacts was undertaken in line with best practice guidance. The methodology for this is set out in section 11.3 of Chapter 11: Climate and Carbon (EIAR Supplement). For the assessment of airports emissions are divided into four categories: aviation, surface access, airport operations and construction. It was concluded that emissions from airport operations and construction were outside the scope of this assessment as set out in paragraphs 11.3.9 and 11.3.11 of Chapter 11: Climate and Carbon (EIAR Supplement).

5.3 Chapter 11: Climate and Carbon (EIAR Supplement) section 11.7 assesses the significance of the two different emissions categories of the proposed NRRA (aviation and surface access transport) against this overall objective. This GHG assessment found that the proposed NRRA is in line with Ireland's trajectories towards net zero, as set out in Paragraph 11.9.3 of Chapter 11: Climate and Carbon (EIAR Supplement).

5.4 Table 4 below provides a summary of the significance of the two emission categories associated with the proposed NRRA, demonstrating that it is aligned to impact Ireland's climate goals.

Table 4: Consistency with the Furtherance of the National Climate Objective

National Transition Objective Key Requirements	Consistency with Furtherance of the National Climate Objective	Where addressed
Ireland's overall climate goal is to halve its emissions by 2030, and reach net zero by no later than 2050	Emissions from two key categories (aviation and surface access transport) have been assessed against sectoral emissions ceilings. These have been assessed for alignment with CAP in section 2 of this report and found to be in line with Ireland's overall climate goals.	Section 11.3, 11.6, and 11.7 of Chapter 11: Climate and carbon (EIAR Supplement). Table 2 of this report.

5.5 Based on the information provided in this Section 15 Report and in the application as a whole, the foregoing analysis demonstrates that the planning authority can be satisfied that, by granting permission for the proposed NRRA, it would, in so far as practicable, be performing its functions in a manner consistent with (d) The Furtherance of the National Climate Objective. Detailed reasons for this conclusion are presented in section 11.7 of Chapter 11: Climate and carbon.

[13] Climate Action & Low Carbon Development (Amendment) Act 2021 https://www.irishstatutebook.ie/eli/2021/act/32/section/15/enacted/en/html

6. Mitigating Greenhouse Gas Emissions & Adapting to the Effects of Climate Change in the State

6.1 Efforts to mitigate GHG emissions across Dublin Airport beyond the proposed NRRA are captured in the Dublin Airport CRS. The key actions for mitigating emissions associated with the proposed NRRA are set out in section 11.6 of chapter 11: Climate and Carbon (EIAR Supplement). As set out in section 4 there are no climate adaptation risks anticipated for the proposed NRRA.

6.2 With regard to adaption, the first step in a best practice approach to climate change resilience is to identify if a proposed development has any receptors susceptible to the impacts of climate change. This is aligned with guidance from IEMA[14], and in accordance with the EU Commission Notice (2021/C 373/01) Technical guidance on the climate proofing of infrastructure in the period 2021-2027[15]. It was concluded that as the NRRA would not result in changes to any physical assets, for example new construction activities or the upgrading of buildings or other infrastructure, there were no physical receptors that would be at significant risk from climate change impacts. As such an assessment of climate risk would therefore not be necessary.

6.3 Based on the approach of the application as a whole, the planning authority can be satisfied that, by granting permission for the proposed NRRA, it would, in so far as practicable, be performing its functions in a manner consistent with (e) Mitigating Greenhouse Gas Emissions & Adapting to the Effects of Climate Change in the State

[14] IEMA (2020). Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation. Available at: https://www.iaia.org/pdf/wab/IEMA%20Guidance%20Documents%20EIA%20Climate%20Change%20Resilience%20and%20Adaptation.pdf

[15] EU Commission Notice on 'Technical guidance on the climate proofing of infrastructure in the period 2021-2027'; https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0916(03)&from=EN

7. Conclusion

7.1 Based on the above analysis of the different aspects of the statutory obligations under section 15, it is considered that a grant of permission for the proposed NRRA would be in compliance with the planning authority's obligations under the said section as a whole.

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The Secretary
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By Email

20th December 2024

Re: Draft Decision of An Bord Pleanála in the appeal on nighttime use of the Runway System at Dublin Airport

Your Ref: ABP-314485-22 (FCC Ref. F20A/0668)

Dear Sir/Madam

This letter accompanies a formal submission[1] way of response to the Draft Decision (the "Draft Decision") consultation of An Bord Pleanála (the 'Board') of 11th of September last, in respect of daa plc's proposal to amend permitted nighttime runway operations at Dublin Airport. It is intended as a covering note, summarising daa plc's serious concerns around the provisions of the Draft Decision (the "Draft Decision"); specifically, the newly introduced Operating Restrictions and the process by which they were arrived at. To address these concerns, we respectfully request that the Board revisit their noise assessment and resulting Draft Decision, and in doing so, uphold the provisions of the Regulatory Decision as granted by Fingal County Council ('FCC') and the Aircraft Noise Competent Authority ('ANCA') in 2022 (the '2022 RD').

As the Board will be aware, an expedient decision is urgently required for this strategic project, already four years in the planning process in addition to the many years more before that taken to enact the aircraft noise regulation legislation [2] and establish ANCA within FCC. Notwithstanding this, given the gravity of our concerns with the process leading to the Draft Decision the content of the Draft Decision and the serious impacts arising therefrom, we consider that any final decision can only be made following a new Draft Regulatory Decision and the Board should give serious consideration as to whether it may be necessary or appropriate to hold further consultations on a new draft Regulatory Decision:

This letter is set out in three parts:

i. Overview of the Proposed Relevant Action
ii. Draft Decision of An Bord Pleanála
iii. Conclusion.

[1] Prepared by Tom Philips and Associated ('TPA') on behalf of daa plc. (the 'Applicant')
[2] Aircraft Noise (Dublin Airport) Regulation Act, 2019

Overview of the Proposed Relevant Action

Before considering our concerns respecting the Draft Decision, it is worth restating the two core elements proposed by the proposed Relevant Action, and permitted by ANCA/FCC in 2022:

i. Permission to use the North Runway for an additional two hours each day (the 'shoulder hours') one in the morning (from 6am-7am) and one at night (from 11pm-12am); and,
ii. The adoption of a modern and fit-for-purpose approach to managing nighttime aircraft noise, replacing an existing air traffic movement ('ATM') cap with a 'noise quota system' (NQS) – i.e. setting a maximum noise limit at night in place of a movement limit.

If permitted in a form substantially like that of the 2022 RD, the proposal would bring many benefits. Use of the North Runway during shoulder hours would enable more efficient use of the overall runway system, optimising use of critical national infrastructure and capitalising on the €300m investment in the North Runway to date. It would also enable better performance against the Noise Abatement Objective ('NAO') set specifically for Dublin Airport, and balancing air traffic across the two runways, acknowledging the South Runway adjoins the more populated areas north of Dublin City. As an absolute limit for noise, the NQS would incentivise use of quieter aircraft at night, and reward fleet modernisation, motivating airlines operating at Dublin Airport to invest in quieter technologies if they are to realise additional aircraft movements.

We consider, these actions would complement and expand on existing noise measures already in place at Dublin Airport, including, existing noise insulation[3] and buy-out schemes; Noise Preferential Routes ('NPR') for flightpaths; and a comprehensive programme of noise monitoring and reporting of aircraft noise across Dublin and wider region. Collectively, this provides for a robust noise management regime at Dublin Airport, on which daa continues to build and improve. As airport operator, we are currently developing further incentives and practices, including a possible new financial mechanism (end-2025) to promote stricter adherence by airlines to the NPRs, as well as voluntary expansion of our noise insulation scheme in certain qualifying areas. Early in 2025 we intend to announce an increase to the level of financial grant for insulating qualifying houses to €30,000 and notify eligible parties formally. We confirm we are happy for this to be reflected in any Final Regulatory Decision of ABP.

Aligned with this programme of measures, we wish to highlight the proactive and long-standing land use and development management practices, of FCC and the Board, in place since 2005, requiring (i) all proposed noise sensitive developments in the vicinity of the flight paths over the last 20 years to appropriately insulate against inward noise, and, (ii) refusing planning permission for inappropriate developments in areas where noise exposure is highest[4]. Since the Airport Noise Zone objectives have come into being, additional residential lands have been developed in areas proximate to Dublin Airport to accommodate residential growth, particularly

[3] Covering both schools and residential properties.

[4] Noise Zones (Inner and Outer) and associated policies were an important feature of the Fingal Development Plan 2005, and Dublin Airport Local Area Plan, 2006. Such land use measures are not a new proposition since the 2019 Variation of the Fingal Development Plan 2017. Land Use Planning is a core part of the Balanced Approach under EU Regulation 598.

within the long-established flight path of the Southern Runway[5]. In all cases, the planning authority (and the Board on appeal) will have had regard to the internal and external noise environment of proposed development in these zones in deciding on its appropriateness including whether noise could be adequately attenuated by condition requiring noise insulation. daa have played an active role in this airport safeguarding[6], to limit encroachment of inappropriate development in areas of high noise exposure – a requirement of the Balanced Approach. As such, it is important that the Board in its assessment of the proposal place sufficient weight on the benefit of the insulation being provided, particularly as it relates to achieving the requirements of the NAO as issued by ANCA.

Draft Decision of An Bord Pleanála

We unequivocally welcome the Board's acceptance of the core principles of the proposed Relevant Action, as reflected in the Draft Decision[7] and associated reports. If approved, we consider they would contribute substantially towards achievement of the national policy objectives to develop 'High Quality International Connectivity' under the *National Planning Framework,* as well as towards sectoral ambitions for Dublin Airport as expressed by the *National Aviation Policy for Ireland.*

New Operating Restrictions

What is less clear, and indeed, incongruous to these principles, are the new and onerous Operating Restrictions ('ORs') also introduced by the Draft Decision. The accompanying formal submission prepared by TPA and technical aviation specialists, provides a full and detailed assessment of the Draft Decision in this respect. However, it is worth noting the most concerning of these to daa, as airport operator and Applicant, are:

- **Draft Condition 3(e):** When read in context with existing original condition 3(c) of the North Runway permission[8] (which creates a preference for use of the South Runway for Departures during easterly operations) this draft OR would have the practical effect of essentially precluding flights from using the North Runway for 2 hours a day when the winds are easterly. From a review of the Inspector's Report, the rationale for this operating restriction as a mitigation is unclear and unsubstantiated, and we ask that it is unequivocally removed.

- **Draft Condition 5:** This draft OR reintroduces a nighttime movement limit at Dublin Airport (having first revoked an existing movement limit in draft Condition 4). The proposed new movement limit severely curtails existing nighttime flights to 13,000 per annum, effectively restricting nighttime flights to a level that is a decrease of 61% below operations (2023[9]). This represents a 45% reduction of nighttime flights permitted under a conservative interpretation of the existing restrictive Condition 5 (i.e. of which

[5] Refer to Portmarnock South Local Area Plan and SEA for reference.
[6] Aerodrome safeguarding is a legal requirement under ICAO (International Civil Aviation Organisation)
[7] Draft conditions 3(d) (amending the hours that the North Runway can be used) and 4 (revoking the existing movement limit and replacing it with an NQS) in the Draft RD
[8] Condition 3(c) is still in force and is restated under draft Condition 2ABP Ref: PL06F.217429 (FCC Reg. Ref.: F04A/1755) and as extended under FCC Ref: F04A/1755/E1 and further amended under ABP Ref: ABP-305298-19 (FCC Ref: 19A/0023)
[9] In 2023 33,574 movements were facilitated at Dublin Airport over the equivalent period (i.e. 2300 and 06.59)

an amendment is sought by the Relevant Action). Given that there is reference in the Inspector's report to additional nighttime movement of aircraft being acceptable[10], it appears that the full and far-reaching practical consequences of this draft condition may not have been fully appreciated or intended by the Board. This condition has not been assessed through the mandated process set out below, and there are several ways this condition fails in its requirement to be[11] clear, reasonable, or necessary to the development, the draconian reduction to an average of 35 flights/night across the year is considerable and runs directly contrary to national policy in relation to the importance of Ireland's connectivity through the growth of Dublin Airport. It would unequivocally result in very significant economic and societal impacts locally, nationally and on the wider trans-European Aviation Network, which have not been assessed as required. It is likely that this condition is in direct conflict with European and national law, and we ask that it be removed.

Our assumption, as also concluded by daa's technical experts who prepared the enclosed submission, is that there have been serious errors in arriving at the Draft Decision. This arises in no small part, due to the highly technical and complex nature of both the aviation industry and the case before the Board. This assumption is supported by the spirit and intent of the Inspector's Report, which is in favour of the use of the North Runway during the shoulder hours, as well as introduction of the NQS. To illustrate the inherent conflict in the Draft Decision – from our analysis there would be no requirement for either an NQS or a residential sound insulation scheme, in the face of the draconian restrictions proposed by draft Condition 5. Aviation activity at night would all but cease (taking one interpretation of Draft Condition 5, Dublin Airport could have as few as 14 flights per night for the 272 days outside the 92-day period) and therefore would be little requirement to insulate homes against adverse effects.

Application of the Balanced Approach

As well as the substance of the ORs themselves, we also have serious concerns regarding the way in which they have been reached and included within the Draft Decision.

As the Board will be aware, Regulation (EU) No 598/2014 sets binding rules on the introduction of noise-related operating restrictions at large airports within the European Union. The main purpose of the Regulation is to balance sustainable development of air transport with the introduction of measures aimed at reducing the noise impact from aircraft, guided by an evidence-based approach known as the Balanced Approach. The approach was developed by the International Civil Aviation Organisation ('ICAO') and comprises four key elements: noise reduction at source, land-use planning and management, noise abatement operational procedures, and operating restrictions. ICAO's Balanced Approach mandates prioritisation of less restrictive measures (i.e. the first three key elements), before introduction of Operating Restrictions. Only following a thorough assessment identifying the scale of the noise problem and, importantly, an analysis of the cost-effectiveness of the proposed measures, can an OR be introduced. The Balanced Approach thus establishes a clear and transparent legal

10 [1] See Paragraph 15.1.9 of the Inspector's report.

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framework for the introduction of new operating restrictions that must be followed. This ensures arbitrary and punitive measures with potential to impact on the wider trans-European network are avoided. These steps have not been undertaken in respect of the Draft Decision. The Draft Decision does not appear to consider the severe economic effect of the proposed measures, a core element of the Balanced Approach.

In contrast, the 2022 RD restated the adopted Noise Abatement Objective ('NAO'), confirming just three conditions were required *'to successfully achieve the NAO*[12]*'*:

- A Noise Quota Count in place of the existing limit on nighttime flights.
- Use of the North Runway during the shoulder hours.
- A Residential Sound Insulation Grant Scheme ('RSIGS').

While the 2022 RD deviated somewhat from the Relevant Action as originally proposed[13], daa accepted and supported the findings, and made no objection at appeal stage. Nearly two and a half years on, we remain of the view that the 2022 RD is the right one – as its provisions continue to ensure operations would meet the NAO, meaning no further noise related actions are required. Arrival at this conclusion was assured by ANCA's adherence to the ICAO Balanced Approach throughout the application process. Importantly, the process ensured planning conditions (comprising operating restrictions and noise mitigation measures) *"...not be more restrictive than is necessary in order to achieve the noise abatement objective*[14]*"*, i.e. meeting the strict legislative requirement of both EU Regulation 598/2014 and the Aircraft Noise (Dublin Airport) Regulation Act 2019.

Recognising that the mitigation measures under the 2022 RD meet the requirements of the NAO as also recognised by the Board's consultant Vanguardia, we respectfully ask that the Board reverses its decision to attach two further operating restrictions, each with potentially very significant consequences for Irish Aviation, and revert to the 2022 RD. Those two further operating restrictions are, in short, more restrictive than is necessary in order to achieve the NAO and are therefore contrary to EU Regulation 598/2014 and the 2019 Act.

Conclusion

As we have outlined in several submissions since the Relevant Action application was made in 2020, this proposal is in our national best interests. It responds positively to the time differential between Ireland and mainland Europe; and it provides better noise impact control being tied directly to the noise produced and incentivising use of the quietest aircraft. This flexibility will allow daa to operate the runway system at Dublin Airport effectively, enabling Ireland's national gateway to deliver the global connectivity so intrinsically linked to our nation's societal, economic, and cultural well-being. This position was clearly supported by ANCA and FCC in their 2022 RD.

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[12] Page 11, Section 1.3, Regulatory Decision Report, 20 June 2022, ANCA

[13] In essence, the ANCA RD extended the nighttime hours in which the Noise Quota would be in operation and increased the quota allowance accordingly to 16260 (daa had proposed a quota of 7990, but during a shorter window)

[14] S.9(7)(a) Aircraft Noise (Dublin Airport) Regulation Act 2019

Our conclusion is that the Draft Decision is flawed in two core ways that urgently require correction. The new Operating Restrictions have been incorrectly arrived at and appear unintended, as indicated by commentary in the Inspector's Report on allowing 'additional' flights[15]. The Draft Decision also fails to assess or apply the principles of the Balanced Approach as required under the 2019 Act. As it stands, the Draft Decision is unsound and requires reassessment.

The more detailed report of TPA and technical consultants is enclosed, which we hope will clarify and expand on these points, including the errors of process and enumeration. There are also several technical issues in the detail of the draft conditions that, if left unaddressed, would make implementation and management of the NQS and the Residential Sound Insulation Grant Scheme ('RSIGS') challenging from an operational perspective. The attached submission provides suggested amendments to address these while materially retaining their purposive intent.

We respectfully encourage the Board to address all issues comprehensively prior to any final Regulatory Decision, including considering whether any further public consultation is required in respect of its proposed decision in the light of any changes it intends to make from the draft Decision the subject matter of this submission. This will ensure:

- All interested parties are given an opportunity to comment on a well-reasoned, reasonable and important Draft Regulatory Decision, which will have been reached following proper application of the Balanced Approach.
- Any further technical or procedural errors can be addressed, by allowing the aviation industry experts to input into the process.

We believe the Board has unwittingly included new Operating Restrictions with the potential to severely impact the Irish Aviation Industry and wider economy if left unaddressed. These conditions appear to run counter to the spirit, intent and reasoning of the Inspector's Report, where support for aviation and the principle of the Relevant Action application as proposed is a recurring theme. Furthermore, the process leading to their imposition is not supported by the 2019 Act.

We respectfully ask the Board to reassess the appeal and uphold the 2022 ANCA decision.

We look forward to further opportunities to engage in the process and the decision of the Board in due course.

Kind regards,

J Roche

Head of Planning
daa plc.

[15] Paragraph 15.1.9 of the Inspector's Report