

**Aircraft Noise Competent Authority (ANCA)
Fingal County Council**



An tÚdarás Inniúil um
Thorann Aerárthaí
Aircraft Noise
Competent Authority

RECORD OF CHIEF EXECUTIVE'S ORDER

Section 34C(10) and 34C(11) of the Planning and Development Act

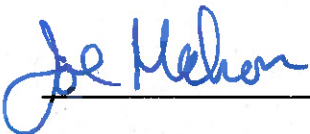
Making of a draft regulatory decision and related report.

1. On 18th December 2020, the airport authority for Dublin Airport (daa) made an application ref. F20A/0668 (the Application) pursuant to Section 34C of the Planning and Development Act 2000, as amended, in particular by the Aircraft Noise (Dublin Airport) Regulation Act 2019 (the Act of 2000, the Act of 2019) for planning permission for the taking of a "Relevant Action" only involving the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of daa's existing planning permission for the North Runway at Dublin Airport (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures.
2. The Planning Authority gave a copy of the Application to ANCA on 23rd December 2020 in accordance with the provisions of Section 34C(2) of the Act of 2000.
3. By Chief Executive Order ref. ANCA/002/2021 dated 10th February 2021, ANCA determined that a noise problem would arise at Dublin Airport from the taking of the Relevant Action as proposed in the Application and commenced the process of aircraft noise regulation as required by Section 34C of the Act of 2000. The process of aircraft noise regulation in this context requires ANCA to define a Noise Abatement Objective (NAO), apply the Balanced Approach, and, subject to Section 34C(5) of the Act of 2000, make a Regulatory Decision. The Regulatory Decision either sets out the noise mitigation measures or operating restrictions (if any) that ANCA proposes to direct the planning authority to include in the planning authority's decision, if any, to grant permission pursuant to F20A/0668 or confirms that no such conditions are required to be included in the planning authority's decision. This process reflects Ireland's obligations in relation to aircraft noise regulation under Article 5(2) of Regulation EU 598/2014 of the European Parliament and of the Council of 16 April 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 as given further effect in Ireland by the Act of 2019.
4. ANCA issued a direction to provide information on 24th February 2021 and daa furnished replies by 13th September 2021. This information was used to further assist ANCA's consideration of the proposal and the application of the Balanced Approach

5. Having applied the Balanced Approach to the noise problem, ANCA determined that one new noise mitigation measure and two new operating restrictions are required to address the noise problem that would arise as a result of the taking of the Relevant Action. As required by Section 34C(7) of the Act of 2000, ANCA assessed the proposed noise mitigation measure and the proposed operating restrictions in accordance with the Balanced Approach.
6. Having undertaken the above analysis, ANCA issued a Notice to the applicant on 17th September 2021 in accordance with the provisions of Section 34C(8) of the Act of 2000. This Notice informed the applicant of the noise mitigation measure and operating restrictions proposed to be required in a decision (if any) to grant the relevant application and the reasons for so proposing. The Notice also advised that the applicant would have an opportunity to make submissions or observations on the proposed noise mitigation measure and operating restrictions within the period from 17th September 2021 to 19th October 2021, in accordance with Section 34C(8)(b) of the Act of 2000. daa responded to the 38C(8) notice by letter dated 12th October 2021. The letter did not make counter proposals but included a number of submissions and observations. ANCA had regard to those submissions and observations in the draft regulatory decision and related report attached as Appendix A. The report records ANCA's consideration of these submissions and observations and the changes that ANCA deemed appropriate.

RECOMMENDATION

ANCA has undertaken an assessment of the noise situation at the airport as required by Section 34C of the Act of 2000. Through this process, ANCA identified a noise problem, defined a noise abatement objective and applied the provisions of the Balanced Approach (including to the proposed new noise mitigation measure and operating restrictions). Having had regard to the submissions and observations made by the applicant under Section 34C(8) of the Act of 2000, I recommend the making and publishing of a draft regulatory decision and related report on the noise mitigation measure and operating restrictions (as attached in Appendix A) that ANCA proposes to direct the planning authority to include as conditions of the planning authority's decision (if any) to grant the relevant application in accordance with the provisions of Section 34C(10) and 34C(11) of the Act of 2000.

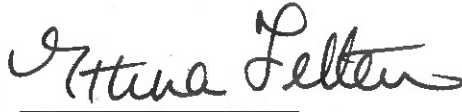


Joe Mahon
Senior Engineer

ORDER:

For the reasons set out in the above recommendation of the Senior Engineer, I hereby order the making and publishing of a draft regulatory decision and related report (as attached in Appendix A) on the noise mitigation measure and operating restrictions that ANCA proposes to direct the planning authority to include as conditions of the planning authority's decision (if any) to grant the relevant application in accordance with the provisions of Section 34C(10) and 34C(11) of the Act of 2000.

Signed



Ethna Felten
Director of Service

Date

09.11.2021

**thereunto empowered by order of the Chief Executive,
Fingal County Council C.E. No 7926 delegating to me
all her powers, functions and duties in relation to the
Council of the County of Fingal in respect of this
matter.**

APPENDIX A