

File With _____

SECTION 131 FORM

Appeal NO: ABP-314485-22Defer Re O/H ☐

TO:SEO

Having considered the contents of the submission received 17/10/22 fromDAA I recommend that section 131 of the Planning and Development Act, 2000be not be invoked at this stage for the following reason(s): No new issues raisedE.O.: Date: 19/10/22

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: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

Appeal No: ABP-314485-22

M s McCormack

act:
 comments:

Please treat correspondence received on 17/10/22 as follows:

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

2. Acknowledge with BP 20

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

DAA response to Friends of the Irish Environment appeal

4. Attach to file

(a) R/S ☐

(d) Screening ☐

(b) GIS Processing ☐

(e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☒

Carry Day

Plans Date Stamped ☐

Date Stamped Filled in ☐

EO:

Carry Day

AA:

Stuart

Date:

18/10/22

Date:

19/10

Eoin O'Sullivan

From: Orla O'Callaghan <orlaoc@tpa.ie>
Sent: Monday 17 October 2022 13:03
To: Appeals2; Bord
Subject: First Party Response to Third Party Appeal - ABP Ref. PL06F.314485.
Attachments: First Party Response to Third Party Appeal ABP Ref. PL06F.314485 _Friends of the Irish Environment_Final.pdf

Good Afternoon,

On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Friends of the Irish Environment against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022 (Fingal County Council Reg. Ref. F20A/0668 /ABP Ref. PL06F.314485).

Can you please confirm receipt of this First Party Response to the Appeal?

Regards,

Orla O'Callaghan
Senior Planner

Tom Phillips + Associates
Town Planning Consultants



Contact

80 Harcourt Street,
Dublin 2,
D02 F449
+
Suite 437 + 455,
No. 1 Horgan's
Quay, Waterfront Sq,
Cork City,
T23 PPT8
T +353 1 478 6055
M 087 6532428

w www.tpa.ie
e info@tpa.ie



Tom Phillips and Associates Limited:

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such a case, you should destroy this message and notify us immediately. If you or your employer do not consent to e-mail messages of this kind, please advise us immediately. Opinions, conclusions and other information expressed in this message are not given or endorsed by Tom Phillips and Associates Limited unless otherwise indicated by an authorised representative independent of this message.

Tom Phillips and Associates Limited. Registered in Ireland No. 353333, 80 Harcourt Street, Dublin 2, D02 F449.

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

17, October 2022
[By email - appeals@pleanala.ie]

Dear Sir/Madam,

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, Co. Dublin

First Party Response to Third Party Appeal
ABP Ref. PL06F.314485; Fingal County Council Reg. Ref. F20A/0668.

1.0 Introduction

daa plc have retained Tom Phillips + Associates¹ to prepare this First Party Response to a Third-Party Appeal by Friends of the Irish Environment against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022.

2.0 Executive Summary

The appeal submitted by Friends of the Irish Environment relates to a notice of decision by FCC to grant an application made on behalf of daa plc for 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, at Dublin Airport, Co. Dublin. The proposed relevant action is 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, Co. Dublin.

3.0 Appeal Context

This First Party Response on behalf of the applicant relates to an appeal by Friends of the Irish Environment against planning application FCC Reg. Ref. F20A/0668. FCC issued a notification to grant permission for the proposed application on the 8th August 2022 with 5 conditions

¹ 80 Harcourt Street, Dublin 2, D02 F449.



attached. The grounds of the appeal are that the Appellants climate concerns have not been addressed.

It is noted that some of the issues raised in this appeal are addressed in our client's First Party Response to a Third-Party appeal submitted by Saint Margaret's The Ward Residents Group (SMTWR). As such, we do not intend to respond to overlapping issues raised within this appeal. Notwithstanding the aforementioned, we enclose a response to specific issues raised by Friends of the Irish Environment.

The Appeal states that the issue of differential climate impact of night flights due to non-CO₂ forcing has not been addressed by the Council in its decision.

4.0 Response to Items Raised in Third Party Appeal

4.1 Differential Climate Impact of Night flights due to Non-CO₂ Climate Forcing

The GHG assessment presented in Chapter 11 Climate & Carbon of the EIAR was undertaken in line with the latest guidance available at the time on reporting GHG emissions. Further, it also accounted for government policy on GHG emissions reporting. Neither the industry guidance nor government policy place a requirement on estimating and reporting non-CO₂ emissions. Furthermore, non-CO₂ emissions from aviation are not accounted for in Ireland's GHG emissions inventory projections, against which the magnitude of the GHG impact is tested.

However, contrary to the Appellant comments, the Applicant has not disregarded the non-CO₂ effects of the changed flight patterns. Section 11.3 of Chapter 11 Climate & Carbon of the EIAR acknowledges that the non-CO₂ impacts of aviation are considerable and suggests that they could have approximately the same impact as CO₂ emissions.

The EASA study (page 6) comments on the current status of science and remaining uncertainties. The report states:

"There are significant scientific uncertainties remaining in quantifying aviation's non-CO₂ impacts on climate."

The report goes on to state:

"The net impacts of aviation non-CO₂ emissions is a positive radiative forcing (warming), although there are a number of individual positive (warming) and negative (cooling) forces arising from a number of respective aviation non-CO₂ emissions, for which large uncertainties remain."

The report concludes that scientific understanding on the effects of non-CO₂ emissions from aviation activities have advanced over the last 10 years. However, while uncertainties remain with regard to these impacts, and how to assess them in terms of CO₂ equivalent emissions metrics, there are a range of policy options with associated pros and cons that the European Commission could evaluate. These need to be addressed further to take them forward.

4.2 Other Matters raised in the Appeal

The Appellant makes the following additional point:



The statement on p. 124 repeated in substance on p. 174 of the Chief Executives report that "the -1.79% GHG reduction by 2035 is broadly consistent with the overall (national) target of net zero by 2050 is a bland assertion with no explanation and is clearly not true. A far greater reduction is required by 2035 to be on a pathway to net zero by 2050.

The appellant also suggests that the applicant 'preparing analysis for the environmental assessment has ignore the vast majority of the climate impacts of the proposal'.

In response to these statements, we refer the Board to the 1st party response to section 5.1 of the SMTWR appeal which outlines how the relevant action application aligns to 2050 net zero trajectory and addresses the relevant climate impacts of the proposal.

5.0 Conclusion & Recommendations

As indicated in the above submission and the material submitted with the application, it is considered that the proposal as determined by the planning authority and competent authority (ANCA) is appropriate. The proposed Relevant Action is fully in compliance with multi-governmental strategic objectives and policies that seek to facilitate the growth of Dublin Airport and foster the airport's connectiveness to the UK, Europe and wider global environment. By comparison, the permitted operating restrictions which this application seeks to amend/replace run contrary to these strategic objectives and policies.

The potential for impacts on local communities as a result of the proposed Relevant Action has been assessed in great detail through the course of preparing this application and subsequent response to FCC's request for FI and ANCA's Direction's. In this regard, the proposed Relevant Action seeks to apply a balanced outcome. As a result, in addition to amending/replacing the above referenced operating restrictions the proposed Relevant Action also seeks to propose a preferential use of the runway system, a noise insulation grant scheme, a night noise quota system and a noise monitoring framework.

This package of measures will ensure that the overall noise effects of the proposed Relevant Action will not exceed the noise situation from 2018. In this regard the proposed Relevant Action is fully in accordance with the proper planning and sustainable development of the area and we respectfully request that Board not allow the appeal and direct permission to be issued without delay.

Yours Sincerely

Director
Tom Phillips + Associates

