

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: _____

Appeal No: ABP-314485-22

M s McCormack

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 Niamh Maher appeal

4. Attach to file

(a) R/S ☐

(d) Screening ☐

(b) GIS Processing ☐

(e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☒

Copy

EO:

[Signature]

Date:

18/10/22

Plans Date Stamped ☐

Date Stamped Filled in ☐

AA:

[Signature]

Date:

19/10/22

From: Orla O'Callaghan <orlaoc@tpa.ie>
Sent: Monday 17 October 2022 12:36
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 _Niamh Maher_Final.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

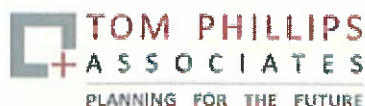
On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Niamh Maher against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022 (Fingal County Council Reg. Ref. F20A/0668 /ABP Ref. PL06F.314485).

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



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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 (hereafter referred to as daa or the Applicant) have retained Tom Phillips + Associates¹ along with a multi-disciplinary team to prepare this First Party Response to a Third-Party Appeal by Niamh Maher 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 Niamh Maher 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.

¹ 80 Harcourt Street, Dublin 2, D02 F449.



3.0 Appeal Context

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

The Appellant raises issue with the new runway outlining compliance type issues. We note that these items relate to compliance and enforcement type matters and are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority.

The second ground of appeal is the health implications associated with disrupted sleep patterns. The Appellant requests that the original plan be adhered to, in the interest of the health and well being of her family and other inhabitants in the immediate vicinity of the new north runway.

4.0 Response to Items Raised in Third Party Appeal

This submission does not seek to re-iterate the detailed assessments that have been carried out as part of the application and we refer the Board particularly to the following assessments which have been prepared with the application and suitably respond to the issues raised by Niamh Maher in her 3rd Party Appeal to the Board:

- Dublin Airport North Runway Relevant Action Application – Revised Environmental Impact Assessment Report (EIAR), prepared by AECOM, dated September 2021.
- Dublin Airport North Runway Relevant Action Application – Revised EIAR Appendices.
- Planning Report, prepared by Tom Phillips + Associates, dated September 2021.

What follows is an overview of the responses to the key grounds of appeal raised by the Appellant.

4.1 Issues regarding Flight Paths

The first part of the Appellant's submission outlines compliance type issues that the Appellants are raising. We note that these items relate to compliance and enforcement type matters and are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority.

4.2 Health impacts of Aircraft Noise from the Proposed Development have been adequately considered and assessed

The other concern raised in this Third Party Appeal relates to the potential health implications of the proposed development caused in particular by disrupted sleep. We refer the Board to the revised EIAR dated September 2021 that was submitted to FCC which considered in detail the health impacts of aircraft noise.

Specifically, Chapter 7 of the EIAR Population and Human Health details the findings of an assessment of the likely effects on population and human health as a result of the proposed Relevant Action. Chapter 7 presents a literature review of existing scientific literature to confirm the potential health impacts of the proposed Relevant Action, in accordance with the



Institute of Public Health in Ireland's Health Impact Assessment Guidance². Based on the scientific literature reviewed in this section, the strength of evidence is strong for a direct causal relationship between noise disturbance and health outcomes and quality of life effects, although this is dependent on the level of disturbance. Emerging from the evidence base are a number of key health outcomes, including noise annoyance, sleep disturbance, cardiovascular health, mental health, and children's learning.

Chapter 7 finds that sleep disturbance, potentially induced by aircraft noise, can, in the short-term, impair mood and cognitive performance. The long-term effects of sleep disturbance can influence glucose metabolism, appetite regulation, memory immune response and endothelial dysfunction, which can act as precursors for high blood pressure, cardiovascular disease, diabetes and obesity.

Section 7.8 of Chapter 7 considers the residual significant effects of air noise, ground noise, and vibration after allowing for the benefit of the existing and proposed sound insulation schemes offered by the Applicant. It is noted that there are a number of people assessed as experiencing residual significant adverse effects within Chapter 13: Aircraft Noise and Vibration. The chapter has also identified the number of people who would be highly annoyed or highly sleep disturbed by the implementation of the proposed Relevant Action.

The impact of the proposed Relevant Action on air quality, noise and vibration and neighbourhood amenity as a determinant of human health and well-being is assessed as negative (-) for all assessment years of the EIAR (2022, 2025 and 2035). By Order dated 10th February 2021, the Aircraft Noise Competent Authority (ANCA), identified that a noise problem would arise at Dublin Airport from the taking of the Relevant Action for the following reasons:

- *The application proposes an increase in aircraft activity at night, when references against the situation that would otherwise pertain, which may result in higher levels of human exposure to aircraft noise;*
- *The application proposes a situation where some people will experience elevated level of night time noise exposure for the first time which may be considered to be harmful to human health;*
- *The EIAR accompanying the planning application indicates that the proposed Relevant Action will give rise to significant adverse night time noise effects. This indicates that the noise effects of the proposed development are a material consideration. Mitigation in the form of a night time noise insulation scheme is proposed by the application. The provision of such mitigation is an indication that the proposed development may give rise to a noise problem.*

Having identified that a noise problem may arise, ANCA proceeded to define a Noise Abatement Objective (NAO) and apply the 'Balanced Approach'.

The function of the NAO which seeks 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 to implement a long term management plan to reduce the noise effects of aircraft operations on communities in the vicinity of Dublin Airport.

² Institute of Public Health in Ireland, (2009). Health Impact Assessment Guidance.



It is noted that the NAO includes targeted and measured noise outcomes which aim to reduce the number of people who will be impacted by noise by 2030, 2035 and 2040, when compared to the situation existing in 2019. The NAO also seeks to reduce the number of people exposed to noise levels above set threshold levels within the timelines outlined. It is noted that the Regulatory Decision issued by ANCA followed detailed analysis, modelling, assessment, and consultation to quantify negative impacts.

The Planning Authority assessment of the revised EIAR submitted for the proposed development states that the main significant direct and indirect effects on the environment of the Relevant Action as amended by and as incorporating the Relevant Direction are noise and human health and well-being effects. It is noted that these will be managed over time by appropriate abatement and mitigation measures.

The assessment concludes that:

“The Relevant Action Application, as amended by and incorporating the Regulatory Decision, together with the NAO has over time, the potential to reduce overall noise generation, including night time noise generation, at the airport. This has the potential for longer term reduction of noise, the progressive reduction in residential dis-amenity and the amelioration of noise related human and well-being. This would arise as a result of a number of factors. The First Condition of ANCA’s Regulatory Decision sets a night time noise generation based restriction on the operation of aircraft for the first time at the airport. The condition would also effect further restrictions on the night time use of noisier aircraft, which would both restrict their use and would also encourage transition to more modern quieter aircraft fleet. The Third Condition of the Regulatory Decision would provide for a voluntary sound insulation scheme specifically focused on reducing night time noise effects. In addition, the NAO would set specific expected outcomes for the reduction of all noise from aircraft operations (i.e. day, evening and night) with monitoring and assessment to ensure achievement of these outcomes. The inclusion of specific short, medium and long term health based outcomes go beyond EC guidance and yet are considered achievable. Specific outcome reductions in noise generation would result in beneficial effects for human health relative to medium and longer-term. ANCA will monitor the effectiveness of these measures with regard to noise through the requirements of the NAO”³.

The Planning Authority assessment concludes that the ***“Relevant Action application as amended by and incorporating the Regulatory Decision, would not have unacceptable direct or indirect effects on the environment subject to the implementation to the mitigation measures and conditions”⁴.***

The health related concerns raised by the Appellants are noted. It is considered that these impacts have been adequately considered in the planning application and further information submitted to FCC by the Applicant and in the assessment of the application by the Planning Authority and ANCA.

Having assessed the impacts of the proposed Relevant Action ANCA’s Regulatory Decision sets out 3 no. conditions which have been included the decision issued by FCC for the reasons set out below.

³ Our emphasis

⁴ Our emphasis



Condition no. 3 which sets out detail of the Noise Quota Scheme has been imposed *“to limit the impact of the aircraft noise at Dublin Airport on sleep disturbance in the interest of residential amenity and to ensure the effective implementation of the Noise Abatement Objective for the Dublin Airport by means of noise-related limit on aircraft operations”*.

Condition no. 4 which sets out the night time restriction on the use of runway 10L/28R except in exceptional circumstances has been imposed *“to permit the operations of the runways in a manner which reduces the impacts of aircraft night time noise, whilst providing certainty to communities as to how they will be affected by night time operations from the North Runway, while also providing continuity with the day-time operating patterns set down by Condition 3(a)-(c) of the North Runway Planning Permission”*.

Condition no. 5 covers details of the voluntary residential sound insulation grant scheme which has been imposed *“to mitigate the impact of aircraft night time noise as a result of the use of the airport’s runways”*.

In summary, the concerns related to health as a result of aircraft noise from the proposed development are considered to have been sufficiently addressed in the planning application and its assessment by FCC and ANCA. Appropriate conditions have been included in the decision to limit and mitigate aircraft night time noise insofar as possible.



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 2019. 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

Gavin Lawlor
Director
Tom Phillips + Associates