

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 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

## CORRESPONDENCE FORM

Appeal No: ABP-314485-22M s McCormackPlease treat correspondence received on 17/10/22 as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with BP 203. 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 Sheelagh Morris &amp; Others appeal

## 4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☒*Carr*EO: *Carr*Date: *18/10/22*Plans Date Stamped ☐Date Stamped Filled in ☐AA: *Pete*Date: *19/10/22*

**Eoin O'Sullivan**

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**From:** Orla O'Callaghan <orlaoc@tpa.ie>  
**Sent:** Monday 17 October 2022 14:21  
**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 \_Sheelagh Morris and Others\_FINAL.pdf

Good Afternoon,

On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Sheelagh Morris and Others 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 have retained Tom Phillips + Associates<sup>1</sup> along with a multi-disciplinary team to prepare this First Party Response to a Third-Party Appeal by Helena Merriman, Mellissa Gannon and Greg Farrell and Sheelagh Morris (hereafter referred to as the 'Appellants'), against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8<sup>th</sup> August 2022.

## **2.0 Executive Summary**

The appeal submitted by the Appellants 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.

It is noted that 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).

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<sup>1</sup> 80 Harcourt Street, Dublin 2, D02 F449.



Notwithstanding the aforementioned, we enclose a response to issues raised by the Appellants in their appeal.

### 3.0 Appeal Context

This First Party Response on behalf of the applicant relates to an appeal against FCC planning permission Reg. Ref. F20A/0668. FCC issued a notification to grant permission for the proposed development on the 8<sup>th</sup> August 2022 with 5 conditions attached.

It is noted that the Third Party Appeal reiterates a number of the issues that has been raised in the Appellants submission to Fingal County Council. We believe that these issues have been considered in the assessment of the proposed development.

The appeal raises the following points which are responded to in Section 4. It is noted that some of the content of the Third Party submission is considered to be outside the scope of this appeal and therefore we focus on issues that are considered relevant to the proposed development only.

- The validity of the planning application is queried as the north runway was not in place at the time of lodgement of the planning application.
- It is asserted that the Relevant Action seeks to breach, and cherry pick the night time restrictions and removes the health safe guards condition 3(d) and condition 5 in favour of economic benefits and is not acceptable to the human health of the affected residents.
- Issues are raised with the Voluntary Buyout Scheme and the Voluntary Noise Insulation. It is stated that condition 9 needs to be revised to take the needs of those adversely affected into account and condition 7 needs to be revised with higher standard insulation, to cover all cost of high quality products which have increased in price, due to the current environment.
- Use of 2018 as the baseline when 2019 had the highest volume of air traffic at Dublin Airport. Use of 2018 when north runway was not open creates a false perception and distorts the facts.
- The Appellants believe that there has been no meaningful engagement with or consideration given to the residents most affected. They also raise issue with difficulties accessing the planning application file.
- It is stated that the actual impact of the north runway will only be measured when the air traffic movements commence.
- Issues with replacement of the night time cap with a Noise Quota Scheme. It is further stated that the NQS is not designed for those under the flightpath or parallel to the runways as it does not consider the number of SEL's and Iamax levels and that the NQS does not equate with actual noise from an aircraft and cannot be considered as like for like. It is stated that aircraft taxiing, waiting to depart and ground noise are not included in the quota count.
- The appeal raises a number of queries in relation to the operation of the quota count system including how points are assigned, how it will be monitored and why the daa proposals are based on UK airports and not European airports.
- It is asserted that the application is more than changing the 2 conditions and permitting 24 hour flights at Dublin Airport – it is stated that this is about transferring the responsibility for noise and airport activity to ANCA, IAA and ATC and that the





wording on the application fails to state that this is the setting up of noise regulations by the daa.

- The Appellants raise issue with the legislation stating that FCC are using it to justify and present a false perception that these conditions can be overturned by the applicant. They also raise issue with the role of ANCA and concern is expressed that ANCA will not give a balanced approach to the noise problem.
- The appeal considers the flight paths and flight routes, and it is stated that as these come under the IAA and ATC once operational, the daa can abdicate responsibility for aircraft noise and sleep disturbance if the night time restrictions are removed. Concern is raised that the necessary resources are not available to model flight paths on the basis of radar data so assumptions made will adversely affect those between the runways and under the flight path.
- It is stated that the annual compliance reports should be presented to every directly affected homeowner in laymans terms to explain the true impacts on their daily lives.
- Impacts on health.
- Air Quality.

#### 4.0 Response to Items Raised in Third Party Appeal

The Appellants have raised several concerns in their grounds of appeal with regard to the proposed Relevant Action as set out above. This response 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 Raymond and Carmel Fox in both their observation to FCC and their 3<sup>rd</sup> 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.
- Response to ANCA Direction 01 in relation to planning application F20A/0668, Aecom, September 2021 including appendices.
- A Technical Report 'A11267\_19\_RP035\_4.0 NOISE INFORMATION – ANCA REQUEST FEBRUARY 2021', prepared by Bickerdike Allen Partners.
- Revised Regulation 598/2014 Assessment which Includes the following:
  - 'Dublin Airport North Runway Relevant Action Application, Regulation 598/2014 (Aircraft Noise Regulation) Assessment Non-Technical Summary'.
  - 'Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Forecast Without New Measures and Additional Measures Assessment Report' (Revision 2 – September 2021) Ricondo and Associates Inc.
  - 'Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Cost Effectiveness Analysis Report' (Revision 2 – September 2021) Ricondo and Associates Inc.

It is suggested that the Board should read this response in conjunction with the First Party response to the Third Party Appeal made by St. Margaret's The Ward Residents Group.

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



#### **4.1 Validity of the Planning Application**

There is no issue with the validity of the planning application on the basis that the north runway was not in place at the time of lodgement of the planning application. The runway was being constructed at the time and the planning application was appropriately made in accordance with Section 34(C) of the Planning and Development Act (as amended).

#### **4.2 Breaching and Cherry Picking of Night Time Restrictions**

The Relevant Action does not seek to breach, and cherry pick the night time restrictions and remove the health safe guards of condition 3(d) and condition 5 in favour of economic benefits. Rather planning permission is being sought to amend/ replace these conditions.

The need for the proposed development has been set out in detail in the documentation submitted with the planning application. The operating restrictions attached to the grant of planning for North Runway will have a significant impact on the night time operation of the airport, including its ability to rebound post Covid-19, to grow to its permitted capacity in line with government wide strategic direction, to remain connected to mainland Europe during key flight slot times and to enhance expansion of air services to new and existing global markets.

Failure to address the restrictions will mean that night flights into and out of Dublin Airport will be capped at 65/night. This is significantly more constrained than the number of night flights that occurred in 2019, which was on average 113/night in the typical busy night during the summer. With the implementation of the proposed Relevant Action (the Proposed Scenario), it is expected that the airport will recover to levels similar to 2018/2019 and recover to the permitted terminal capacity of 32mppa by 2025.

The existing restrictions imposed through conditions 3d) and 5 have been applied through the grant of planning permission for the North Runway. The conditions imposed have not been applied taking into account EU Regulation 598 having regard to the Balanced Approach. Therefore, in accordance with Objective DA09 of the Fingal County Development it is correct that the conditions 3d) and 5 be reviewed. As such, the proposed relevant action application seeks to review conditions 3d) and 5.

The impacts on health of those affected has been considered and the proposed Relevant Action also proposes the following noise mitigation measures:

- A noise insulation grant scheme for eligible dwellings within specific night noise contours.
- A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019.

Having regard to the above, it is submitted that the proposed Relevant Action does not seek to breach conditions nor does the applicant seek to cherry pick conditions. While other sound insulation schemes have been included in the parent permission for the North Runway, this is the first time that a sound insulation scheme is proposed specifically for reduction of the effects of night-time noise, eligibility for inclusion in the scheme would be reviewed every two



years commencing from 2027. This application has been made in accordance with the relevant legislations – Section 34(C) of the Planning and Development Act (as amended).

#### 4.3 Voluntary Buyout Scheme and Noise Insulation Scheme

The comments on the Voluntary Buyout Scheme and Noise Insulation scheme are noted.

In response to the issue raised about the buyout scheme it is noted that this was conditioned under ABP Ref. No.: PL06F.217429. We refer the Board to condition 9 of that permission which states:

*"Prior to commencement of development, a scheme for the voluntary purchase of dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 69 dB LAeq 16 hours within twelve months of the planned opening of the runway for use. Prior to the commencement of operation of the runway, an offer of purchase in accordance with the agreed scheme shall have been made to all dwellings coming within the scope of the scheme and such offer shall remain open for a period of 12 months from the commencement of use of the runway".*

This condition is being implemented by daa and biennial reviews are included within the scheme to allow for eligibility to be reassessed on an ongoing basis every 2 years after opening of the North Runway. The applicant did not propose any changes to the buy-out scheme as part of the application and feels that the scheme approved under Condition 9 is appropriate. It should also be noted that ANCA did not introduce any changes to the buy-out scheme in the Regulatory Decision.

The Noise Insulation Scheme is available to all properties within the relevant contour and, as agreed with Fingal County Council, the scheme seeks to improve the sound insulation of habitable rooms within eligible dwellings through the following improvement works:

- Replacement of existing windows with acoustic windows;
- Installation of acoustic vents to allow adequate background ventilation;
- Acoustic insulation laid in roof/attic space; and
- Chimney dampers, where necessary.

The above works are specified with a view to achieving a minimum overall improvement in airborne sound insulation of 5 dB with windows closed and ventilators open. The scheme also sought, where possible, to target internal ambient noise levels in accordance with BS 8233 (2014) and World Health Organisation (WHO) Guidelines for Community Noise (1999), whilst there is no requirement under the scheme to meet these levels. The daytime noise insulation scheme under Condition 7 includes a review every two years after opening of North Runway. The first review will take place in 2024.

As set out in condition no.5 of the Regulatory Decision, eligibility to the new noise grant scheme shall be reviewed every 2 years commencing in 2027. Condition 5 notes that the purpose of the scheme is to provide financial assistance by the applicant to property owners in the form of a grant in the sum of €20,000 (index linked) towards the cost of noise insulation measures to eligible dwellings.



#### 4.4 2018 Baseline

Please refer to the section 8.0 of the 1<sup>st</sup> party response to the SMTWR appeal.

#### 4.5 Consultation and Access to the Planning File

The Appellants assert that there has been no meaningful engagement. We disagree with this position. The revised EIAR outlines in Chapter 5 – Consultation which outlines the timings of the various consultations, the issues raised, as well as how the issues raised have informed the assessments in the EIAR. In this regard it should be noted that consultation was undertaken by daa in 2016 which made clear that daa would seek changes on condition 3(d) and 5 of the North Runway Planning Permission. A key outcome of this consultation informed the current application for the proposed Relevant Action, in that it does not seek unrestricted use of the runway system as was envisaged 2016 but proposes to amend and replace the current operating restrictions. Furthermore, the revised EIAR has considered each of the submissions and observations received to the application during the 5 week statutory planning period. A summary of this consideration is set out in the revised EIAR. Refer to Chapter 5 – Consultation of the revised EIAR.

In relation to inspection of the planning file we note that the Minister for Housing, Local Government and Heritage issued Circular Letter PL/07 in 2020. This circular refers to new planning regulations which require local authorities to publish all planning applications and accompanying documents on their websites within five working days, subject to exceptional circumstances. We note that the amount of detail provided with the Relevant Action application related in a number of batches of information being uploaded by the planning authority, with some of this being uploaded more than 5 days following submission of the application. In this regard we note Circular Letter PL/07 identifies that the size and number of documents concerns may be an exceptional circumstance which would result in delay of uploading information for online access.

Further to this the information was available at FCC's offices for inspection during opening hours. This meets the relevant statutory requirements. It is also noted that the emergency planning legislation was in place at the time which enabled persons to travel to an authority's offices to view a planning application.

#### 4.6 Noise Quota Scheme (NQS)

The Appellants raise a number of concerns and queries about the NQS.

The assessment completed show that the permitted operation has been shown to be the least cost-effective means to meet the Noise Abatement Objective (NAO). DAA proposed a Noise Quota Scheme (which has been modified by ANCA to cover the full night-period), an alternative runway operation scheme and a noise insulation scheme that is a more cost effective means for meeting the NAO. Further, through ANCA monitoring and reporting framework the effectiveness of these additional measures (on top of the existing measures) will be regularly reviewed, and action taken under *section 21(4) of the Aircraft Noise (Dublin Airport) Regulation Act 2019* if it is deemed by the competent authority that the NAO is not being achieved.



In the early 1990s the Quota Count (QC) system was first introduced by the UK, as part of a new night restrictions scheme for London Heathrow, Gatwick, and Stansted airports, and has been gradually followed by an increasing number European airports. The QC system relies on a count of aircraft movements (arrivals and departures) against a noise quota (in effect a noise budget), for each airport according to the QC rating. As such, the system allows a greater number of quieter aircraft movements within a given quota thereby encouraging the use of quieter aircraft at the airport. The Regulatory Decision (RD) applies noise restriction from 23:00 hrs to 06:59hrs – the standard night time period. The RD also restricts night time flying of noisier aircraft types. The RD applies a noise quota to the full 8 hour night time period and further restricts the use of noisier aircraft at the airport. One effect of this is that a greater number of less noisy flights would be possible and this in turn may encourage fleet modernisation with quieter aircraft.

An annual noise quota scheme effective over a period of six-and-a-half-hours from 23:30-05:59 (local time) has been proposed in the Relevant Action application. Following ANCA's review of the measures available, an alternative scheme, where an annual noise quota is proposed for an eight-hour period from 23:00-06:59 (local time) with restrictions on certain aircraft types based on their quota count, was also considered. Both noise quota schemes would allow Dublin Airport to meet its forecasts whilst ensuring noise exposure and health outcomes in 2025 and beyond would be better than those which occurred in 2019 and meet the Noise Abatement Objective (NAO). It should be noted that ANCA scheme presented in the RD would require some change to the forecasted fleet mix from 2030 onwards.

Whilst the Forecast Without New Measures is also capable of meeting the NAO, this does not provide any limits on night-time noise beyond the NAO itself. ANCA determined that a restriction is necessary in the form of a limit to ensure that the Applicant's forecasts will be met. This is particularly important over the period to 2030 in anticipation of the 30% noise reduction target being required under the NAO. For this reason, ANCA considered that revoking Condition 5 would not be in line with the broader policy of setting limits as defined by the NAO.

The analysis presented throughout the ANCA Regulatory Decision Report shows that if Condition 5 is to be replaced to facilitate aircraft movements above the 65/night restriction set by Condition 5, then noise outcomes in terms of population Highly Annoyed and Highly Sleep Disturbed would be better than 2019 and would continue to improve over time. The aircraft type restrictions that shall accompany the NQS as it becomes effective are aircraft with a Quota Count (QC) of 4.0 on take-off and 2.0 on landing.

The Noise Quota Scheme will limit the impact of aircraft noise at Dublin Airport on communities surrounding the airport in accordance with the NAO. ANCA's Cost Effectiveness Assessment (CEA) identified that while it reduced the population highly sleep disturbed and population exposed above the NAO night-time priority of 55 dB Lnight, condition 5 was not the most cost-effective means of achieving the NAO. Replacing Condition 5 with a Night-Time Noise Quota and associated aircraft type restrictions is a much more cost effective means of managing and limiting aircraft noise impacts in line with the NAO. It allows the airport to meet its movement forecasts whilst guarding against the Applicant's noise forecasts being optimistic with respect to fleet modernisation. For example, should the aircraft fleet mix not improve as forecast, the Night-Time Noise Quota will limit the number of night flights. Overall, the Night-Time Noise Quota will place a limit on night-time aircraft noise.



The European Communities (Environmental Noise) Regulations 2018 (ENR) prescribes a common method for noise mapping to standardise assessments and make it easier to compare data across countries. These standards require the use of the night metric (L<sub>night</sub>) and the day-evening-night metric (L<sub>den</sub>).

These metrics are also prescribed by the Aircraft Noise Regulation EU 598/2014 in Annex 1 which states that *"Air traffic noise impact will be described, at least, in terms of noise indicators L<sub>den</sub> and L<sub>night</sub> which are defined and calculated in accordance with Annex I to Directive 2002/49/EC"*. These are used as part of research and guidance in relation to impact of aircraft noise on health and quality of life. The Aircraft Noise (Dublin Airport) Regulation Act 2019 gave further effect to the Aircraft Noise Regulation in Ireland by making additional provision for the regulation of aircraft noise at Dublin Airport.

It is considered that the planning decision conditions provide adequate detail on the NQS and how it will be monitored in terms of noise quota reporting requirements and noise performance reporting. Extensive, regular reporting on the NQS is required under the Regulatory Decision and the NQS is enforceable as a planning condition within the FCC grant of permission.

#### **4.7 Purpose of the Relevant Action Application**

The Appellants states that the application is also about transferring the responsibility for noise and airport activity to ANCA, IAA and ATC and that the wording on the application fails to state that this is the setting up of noise regulations by the daa.

This is not correct. Aircraft Noise Regulations are already in place. The Aircraft Noise Regulation (EU) 598/2014 lays down rules on the process to be followed for the introduction of noise-related operating restrictions. As noted the Aircraft Noise (Dublin Airport) Regulation Act 2019 gave further effect to the Aircraft Noise Regulation in Ireland to fully comply with the requirements of the European Union Regulation 598/2014. This legislation also amended the Planning and Development Act 2000 to cater for the situation where development at Dublin Airport may give rise to an aircraft noise problem and to provide for the implementation and monitoring of noise mitigating measures.

The application comprises a Relevant Action and was accurately described in the statutory notices and documentation submitted with the planning application.

#### **4.8 Concerns Raised about Legislation and Role of Anca**

The Appellants raise issue with the legislation stating that FCC are using it to justify and present a false perception that these conditions can be overturned by the applicant. They also raise issue with the role of ANCA and concern is expressed that ANCA will not give a balanced approach to the noise problem.

It is submitted that these concerns are outside the scope of this appeal. Notwithstanding that, they are incorrect. This planning application has been appropriately made under Section 34(C) of the Planning and Development Act (as amended). Pursuant to Section 34C(1)(a) of the Planning and Development Act 2000 (as amended), *"The person in whose favour a relevant permission operates, may by virtue of this subsection and notwithstanding any other provision*

*of this Act (including section 34), make an application under section 34 to the planning authority where application is only for a Relevant Action to be taken."*

Section 34C(23) defines a 'Relevant Action' as: " 'Relevant Action', in relation to a relevant operating restriction the subject of a relevant application, means –

- a) To revoke the operating restriction,*
  - b) To amend the terms of the operating restriction in the manner specified in the application,*
  - c) To replace the operating restriction with the alternative operating restriction specified in the application,*
  - d) To take an action referred to in paragraph (a), (b) or (c) together with introducing new noise mitigation measures or revoking, revoking and replacing, or amending the terms of, existing noise mitigation measures, or a combination thereof,*
  - e) If the relevant application relates to 2 or more relevant operating restrictions, to take any combination of any of the actions referred to in paragraphs (a) to (d),*
- or*
- f) To take an action referred to in paragraph (a), (b), (c), (d) or (e) together with revoking, revoking and replacing, or amending the terms of, a condition of the relevant permission.*

'relevant application' means an application referred to in subsection (1)(a); 'relevant operating restriction', in relation to a relevant permission, means an operating restriction included in that permission; 'relevant permission' means a permission granted under section 34 –

- a) For development at the airport, and*
- b) That includes an operating restriction."*

The relevant permission (FCC Reg. Ref.: F04A/1755; ABP Ref: PL06F.217429) allows for development at the airport and includes operating restrictions (including Conditions 3(d) & 5). These 'relevant operating restrictions' control the night time operation of the runways at Dublin Airport. Furthermore, it is noted that the relevant permission benefits the applicant in the operation of Dublin Airport, therefore this application may be made to the Planning Authority to undertake a Relevant Action and it is appropriate that FCC can revisit these conditions. The Planning Officers assessment states that *"it is considered that the application relates to proposed amendments to operating restrictions in respect to a permission granted for development at the airport and the provisions under Section 34C are applicable"* confirming that the making of the planning application is appropriate in accordance with the legislative provisions.

In relation to the concerns raised about ANCA, the Appellants appear to be impugning the legislative framework under which ANCA operates, but ANCA are obliged to apply and operate



within that framework. To ensure that aircraft noise assessments are undertaken in an internationally consistent manner, the International Civil Aviation Organization (ICAO) sets out a standardised approach to aircraft noise management. This is known as the Balanced Approach, and it seeks to ensure that development at an airport is achieved in a sustainable manner. These principles are integrated into all ANCA assessments.

#### **4.9 Flight Paths and Flight Routes**

A large part of the appeal considers the flight paths and flight routes, and it is stated that as these come under the IAA and ATC once operational, the daa can abdicate responsibility for aircraft noise and sleep disturbance if the night time restrictions are removed. Concern is raised that the necessary resources are not available to model flight paths on the basis of radar data so assumptions made will adversely affect those between the runways and under the flight path.

The application is very clear in that it is seeking to change operation of runway in line with what is set out in the EIAR (what's proposed v permitted). The scope of the proposed Relevant Action is unambiguously set out and the EIAR considers and assesses the likely effects of this change on the surrounding environment.

There is no change proposed in terms of responsibility for aircraft noise and sleep disturbance between the current scenario and Relevant Action application proposed. However, it is noted that there will be regular reporting against the Noise Abatement Objective. Part of ANCA's role is the provision for ongoing monitoring and enforcement of the implementation of noise mitigation measures and operating restrictions at Dublin Airport. ANCA is responsible for ensuring that noise generated by airport activity at Dublin Airport is assessed in accordance with EU and Irish legislation.

In response to the concerns about radar data, it is noted that radar data will be used in the monitoring.

#### **4.10 Annual Compliance Reports**

The Appellants state that the annual compliance reports should be presented to every directly affected homeowner in layman's terms to explain the true impacts on their daily lives. This point is noted, however it is considered requirements in terms of noise performance monitoring have been adequately addressed in the planning permission conditions.

#### **4.11 Impacts on Health**

The Appellants have included extracts from a report by the CAA – Aircraft Noise, Sleep Disturbance and Health Effects. 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 Guidance<sup>2</sup>. 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. However measuring sleep is challenging as there is no one physical, physiological or psychological measure that is considered reliable. As such, there is little evidence evaluating the relationship between aircraft noise and sleep disturbance.

Section 7.8 of Chapter 7 consider 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 10<sup>th</sup> 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.

<sup>2</sup> Institute of Public Health in Ireland, (2009). Health Impact Assessment Guidance.



It is noted that the NAO includes targeted and measures 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"*<sup>3</sup>.

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"*<sup>4</sup>.

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.

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*

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<sup>3</sup> Our emphasis

<sup>4</sup> Our emphasis



*residential enmity 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.

#### 4.12 Impacts on Air Quality

The Appellants raise a number of concerns in relation to air quality in the submission to FCC and the current appeal. These concerns have been reviewed by AECOM on behalf of daa, who have responded as follows:

- First of all, it is important to draw a distinction between the air quality and climate change chapter of the EIAR. The air quality chapter of the EIAR is concerned with the impact of pollutants that have the potential to harm human health and amenity – nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and odour. The air quality chapter is not concerned with emissions that have the potential to affect climate change. Emissions of carbon dioxide (CO<sub>2</sub>) and other greenhouse gases are dealt with in the Climate Change chapter of the EIAR. This response deals only with comments within the submission that relate to the air quality chapter.
- The air quality assessment focuses on the primary pollutants of concern associated with emissions from combustion sources – NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. The Environmental Protection Agency (EPA) confirmed that these are the pollutants of concern for the country in their Air Quality in Ireland 2019 report, published in 2020. Combustion source emissions do include other pollutants, but at a lesser quantity. Of those other pollutants with relevant air quality standards, EPA monitoring data across the country has not identified areas in exceedance of those standards, or areas at risk of exceeding those standards.
- The submission refers to the pollutant benzene. The Air Quality in Ireland 2019 report provides monitored benzene concentrations as an annual mean value at three locations, which ranged from 0.12 µg/m<sup>3</sup> to 0.26 µg/m<sup>3</sup>, or 2.4 % to 5.2 % of the annual mean air quality standard for benzene (5 µg/m<sup>3</sup>). Dublin Airport Authority also undertakes the monitoring of benzene at 12 locations within the vicinity of Dublin Airport (Table 10-5 of the EIAR). In 2019, annual mean concentrations near to the airport ranged from 0.3 µg/m<sup>3</sup> to 0.5 µg/m<sup>3</sup>, or 6 % to 10 % of the air quality standard. With monitored concentrations of no more than 10 % of the air quality standard,



benzene was not considered to be a primary pollutant of concern for the purposes of the air quality assessment reported in the EIAR.

- The assessment reported in Chapter 10 of the EIAR and associated appendix followed industry-standard guidance to quantify the impact of the proposed Relevant Action on local air quality from the primary pollutants of concern. Dispersion modelling was undertaken to predict the contribution of airport and local road traffic emissions both with and without the proposed Relevant Action in place at representative air quality sensitive receptors. Airport and local road traffic emissions contributions were added to background pollutant concentration data reported by the Environmental Protection Agency to quantify total pollutant concentrations at these locations. The impacts and total pollutant concentrations with the proposed Relevant Action were compared against the relevant air quality standards. This demonstrated that the proposed Relevant Action would not cause an exceedance of an air quality standard, would not put an air quality standard at risk of an exceedance and would have a negligible impact on local air quality.
- Baseline air quality reported in Chapter 10 of the EIAR was informed by multiple sources of information, which included monitoring data gathered and reported by the Environmental Protection Agency and Dublin Airport Authority, and dispersion modelling, based on known aircraft types and movements at the Airport in 2018, and published aircraft emissions data. This information is set out in Section 2 of Technical Appendix 10A of the EIAR and follows the approach described in the industry-standard guidance followed. Section 2 of Technical Appendix 10A also describes how the assessment of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> accounts for emissions associated with different aircraft operations during all phases of the Landing and Take-off Cycle (LTO), including when aircraft are idling, at take-off, climb-out and on approach. Paragraph 1.4 of Technical Appendix 10A explains that the odour assessment is based on emissions associated with aircraft when idling only. This was informed by published research referenced within the Appendix, which demonstrated that 97 % of odorous aircraft emissions occur when aircraft are idling.
- Paragraph 2.6 of Technical Appendix 10A of the EIAR confirms which Airport-related sources were taken into account in the assessment. Sources included aircraft main engines operating within the LTO Cycle and the use of aircraft Auxiliary Power Units (APUs), Ground Support Equipment (GSE) including airside vehicles and Mobile Ground Power Units, Airport energy plant, and road traffic on the local road network.
- Our initial understanding of the question in the submission being asked is why the odour concentration reported at Harristown (receptor 34) is higher in all scenarios than at the other receptors listed (receptors 11, 13, 29 and 36). Presumably the question is asked because Harristown (receptor 34) does not experience the highest concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> in all scenarios. The approach to the odour assessment is described in paragraphs 1.3 and 1.4 of Technical Appendix 10A of the EIAR. In line with EPA guidance, odour concentrations are reported as the 98<sup>th</sup> percentile of hourly mean concentrations over the course of a calendar year. This means that the values reported in Table A3.11 of Technical Appendix 10A are the odour concentration experienced on the 175<sup>th</sup> worst odour affected hour of the year. NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are reported as an annual mean concentration over the course of a calendar year, meaning that the values reported in Table 3.1 to Table 3.10 are the average concentration values across all 8,760 hours in a calendar year.
- This allows for comparison against the annual mean air quality standards. The dispersion of emissions based on the 175<sup>th</sup> worst affect hour of the year will be very



different to the dispersion of emissions over a full calendar year, with the former being influenced by short-term meteorological conditions and the latter influenced by long-term meteorological conditions. This means that annual mean concentrations at a receptor are driven by proximity to the source of emissions and orientation of the receptor to the source with respect to the predominant wind direction. Concentrations based on a high percentile of hourly means is driven more by proximity to the source, with short-term meteorological conditions reducing the influence of the predominant wind direction. The variation of impacts across receptors over the 98th percentile of hourly mean concentrations and annual average of hourly mean concentrations are not intended to be directly compared and the fact that the variation in impacts differs over the two averaging periods is not unexpected.

## 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

**Director**  
**Tom Phillips + Associates**

