

File With _____

SECTION 131 FORM

Appeal NO: ABP 3/4485-22Defer Re O/H ☐Having considered the contents of the submission (dated) received 04/03/2024
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): in the interest of justiceE.O.: Pat BDate: 12/03/2024

For further consideration by SEO/SAO

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 70 - Section 131 notice enclosing a copy of the attached
submissionto: all parties/observersTask No: 375567-24Allow 2/3 4 weeks – BP 70EO: Pat BDate: 11/03/2024AA: Anthony McNallyDate: 12/03/2024

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314485-22

M _____

Please treat correspondence received on 04/03/2024 as follows:

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

2. Acknowledge with BP 233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐Amendments/Comments Applicant's Response to S-13213/02/24: 04/03/23

4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐EO: Pat BDate: 06/03/2024Plans Date Stamped ☐Date Stamped Filled in ☐AA: Dillon CorcoranDate: 07/03/2024

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

AN BORD PLEANÁLA

LDG- _____
ABP- _____

04 MAR 2024

Fee: € _____ Type: _____

Time: 15:13 By: Courtier

4th March 2024
[By Hand]

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, County Dublin

1.0 INTRODUCTION

1.1 Response to a Request for Further Information

daa plc (the **Applicant**), has retained Tom Phillips + Associates (**TPA**) to submit this Response to a Request for Further Information 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 (**Decision**). As outlined in our response 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 should be upheld.

This correspondence sets out the Applicant's response to An Bord Pleanála's (**ABP**) *Request for Further Information*, in respect of Reg. Ref. PL06F.314485, dated 13th February 2024 (**RFI**) (Appendix A).

1.2 Background Context to Response to this Request

On the 14th of September 2023, the Applicant submitted information to ABP consisting of a range of updates due to the passage of time since the Decision issued. The updated information provided included a revised Noise Modelling Report prepared by Bickerdike Allen Partners (**BAP**) dated September 2023 and an EIAR Supplement (September 2023). The revised noise report and EIAR Supplement (September 2023) recognised the availability of updated information due to the passage of time since the application was first lodged.

The RFI identifies that an underpinning reason for the request is that the additional information provided by the applicant on the 14th September 2023 includes noise contour maps which amended the terms of the Third Condition of the Regulatory Decision in relation to Figure 3.1 – Residential Sound Insulation Grant Scheme (**RSIGS**) and the “Initial Eligibility Contour Areas”.

The Third Condition within ANCA’s Regulatory Decision relates to the RSIGS for residential dwellings. It is noted that the condition identifies that *‘eligibility to the scheme shall be reviewed every 2 years commencing in 2027’*. We note that it has been almost 2 years since ANCA’s Regulatory Decision (June 2022) was issued, meaning it is an opportune time to consider how changes over time might influence the eligibility contour and the appropriate mitigations required, in reaching a decision.

ANCA’s Regulatory Decision acknowledges the variability of the Eligibility Contour Area. As set out in Part 1 (Definitions) of the Third Condition, the ‘Eligibility Contour Area’ is defined as *‘the 55 dB L_{night} contour area as varied from time to time....’*. The initial eligibility was established by ANCA around the predicted contour area for the priority value of the 55 dB L_{night} which was then extended to reflect the ‘very significant’ effect determined from the 2022 forecast as set out within the initial application documents in December 2021, almost two and half years ago. As such, the variation to the Eligibility Contour Area within the submission dated 14th September 2023, and further demonstrated within this submission, is not surprising.

Since then, as described in the Applicant’s submission on 14th September 2023, the North runway has become operational which has allowed actual noise and track information from aircraft using it to be gathered and utilised when determining departure tracks, departure profiles and validating noise predictions. As such, given the previously predicted noise information has been revised, so too should the eligibility contour.

Addressing the variation in the Eligibility Contour Area now set out in the *Residential Sound Insulation Grant Scheme (RSIGS)_Initial_Eligibility-Sep_23* contour compared to the *Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area – June 2022*, it is noted that there has been:

- an increase in the contour area off the north runway to the north-west,
- a slight increase off the south runway to the east; and
- a slight increase off the north runway to the south-west.

Other areas have demonstrated a reduction in the contour area, particularly to the west of both the north and south runways and the east of the north runway. The overall area of the eligibility contour increases from 28.5 km² for the contour based on the December 2021 submission, to 29.9 km² for the contour based on the September 2023 submission (an increase

of approximately 5%). This is primarily due to the change in assumption regarding mixed mode operations, which had the effect of increasing the number of night flights assumed to use the North runway and therefore increasing the area assessed as having 'very significant' effects. The area of the 55 dB L_{night} contour, which includes flights using both runways, remains almost identical, reducing from 20.8 km² in the December 2021 submission to 20.7 km² in the September 2023 submission.

On the South runway both the flight tracks on approach (from at least 11km) and the flight tracks on departure (up to an aircraft altitude of 3,000ft) are straight. This means that the contour shape is generally long and relatively narrow extending along the centreline of the South runway in both directions.

In addition, planning condition 3b of the North runway permission (ABP Ref. No.: PL06F.217429) requires the preferential use of the South runway for arriving aircraft (approaching over the Irish Sea) during westerly wind conditions. During easterly wind conditions, condition 3c of the same permission requires the preferential use of the South runway for departing aircraft taking-off facing east into the wind.

The combination of straight flight paths for both arrivals and departures and the prescribed preferential southern runway use for westerly arrivals and easterly departures, means that the noise contours off the ends are elongated along the extended runway centreline.

The fact that 80% of the time, the wind blows from the west means that the contours to the west of the South runway are shorter than those to the east. To the west, the contours are indications of noise from easterly arrivals on only 20% of days and from westerly departures at night when the North runway is not operational closed (Condition 3d - ABP Ref. No.: PL06F.217429). To the east, the contours are dominated by landings from the east (which occur during westerly wind conditions 80% of days), and departures to the east on 20% of days.

On the North runway the flight tracks on approach (from at least 11km) are straight. The small bulges in the noise contours due west of the North runway are the result of arrival noise. On 80% of daytime hours, the wind blows from the west and departures head westward from the North runway (due to Condition 3b). Due to the wind and the planning conditions, nearly 80% of all daytime departures at Dublin Airport are on the North runway, and head west.

Due to airspace safety requirements set down by the International Civil Aviation Authority (ICAO) and enforced by the Irish Aviation Authority (IAA), departures off the North runway must turn slightly (at least 15 degrees) to the north once airborne and clear of the runway end. This means that some 80% aircraft departures head in a north-westerly (NW) direction and about half of these eventually turn further eastward towards UK and European destinations. The result is the evident bulge in the noise contours to the north-west of the airport.

The large and broad contour bulge is because of the proposed RSIGS eligibility that includes a combination of two criteria;

- simple noise threshold of 55 dB L_{night} ; and
- change in noise level (compared to noise levels without the North runway used at night and the airport limited to 65 nightly movements) of at least 9 dB combined with a lower noise threshold of 50 dB L_{night} .

The lack of an extension of the noise contour to the east of the airport is due to the near total absence of approaching or departing aircraft due to preferential runway use required by Conditions 3b and 3c.

We note that ANCA's Regulatory Decision sets out the purpose of the Third Condition being the RSIGS, is to help to mitigate effects on those who become newly exposed to potentially harmful levels of aircraft noise. It will also benefit those who have already been exposed to noise above this priority value and would continue to be so in the future. Having regard to the purpose of the RSIGS, it is important to highlight that there are a range of active measures employed through the implementation of ICAO¹'s 'Balanced Approach' including through land-use planning and management. The implementation of effective land-use planning and management is a means to ensure that the activities nearby airports are compatible with aviation. Its main goal is to minimise the population affected by aircraft noise by introducing land-use zoning around airports. Compatible land-use planning and management is also a vital instrument in ensuring that the gains achieved by the reduced noise of the latest generation of aircraft are not offset by further residential development around airports.

In the case of Dublin Airport, effective land-use zoning measures are employed through the application of Noise Zones A – D within the Fingal County Development Plan, where development with proximity to the airport is resisted in Noise Zone A and managed through noise insulation measures incorporated through design for sensitive development within Noise Zone B and potential noise insulation measures in Noise Zones C & D. In this regard, the Applicant plays an active role in monitoring, reviewing and making observations on development applications which fall within relevant noise zones. As such, new dwellings, and associated population increases, within the relevant noise zone area are suitably mitigated through design under relevant noise conditions on planning permissions in line with the 'Balanced Approach'.

To qualify this, for ABP's information, the Applicant has prepared the following information for dwelling insulation status within the *Residential Sound Insulation Grant Scheme (RSIGS)_Initial_Eligibility-Sep_23*:

- Existing Dwellings: Identified graphically in both aerial and open street map formats at 1:7,500 scale.
- Dwellings already insulated under existing daa insulation schemes: Identified on enclosed maps at 1:7,500 scale as '*Properties mitigated under insulation scheme to date*'.
- Dwellings subject to an insulation condition: Identified on enclosed maps at 1:7,500 scale as '*Developments insulated by planning condition*'.

In summary, it is noted that the RSIGS as set out within ANCA's Regulatory Decision and amended as expected to reflect changes from predicted to actual over time, is just one measure of the balanced approach employed in aircraft noise management which needs to be factored into any assessment.

¹ International Civil Aviation Organization

2.0 RESPONSE TO FURTHER INFORMATION REQUEST

2.1 Request for Comparison Maps for Eligibility Contour Area

The RFI requested additional information on the following three elements:

- A. *“Maps at a relevant scale, which will allow the Board to undertake an assessment of any comparison with Eligibility Contour Area maps in Fig 3.1 and Maps 1-23 of the Regulatory Decision, and the noise contours now proposed.”*
- B. *“Maps shall be provided at a scale of 1:50,000 for Fig 3.1, and 1:10,000 for Maps 1-23, or scale otherwise agreed with the Board.”*
- C. *“The revised maps shall clearly illustrate all authorised habitable dwellings within the 55 dB L_{night} and 63 L_{den} contour for the year 2025.”*

2.2 Methodology for Applicant’s Response Summarised

On 20th June 2022, ANCA issued its Regulatory Decision. Appendix O of the decision includes the Third Condition and comprises Fig 3.1 of ANCA’s Regulatory Decision which identifies the ‘Residential Sound Insulation Grant Scheme (RSIGS) – Initial Eligibility Contour Area – June 2022’. Maps 1-23 are also provided within Appendix O of the Regulatory Decision for clarity and are enlarged elements of Figure 3.1. Figure 3.1 and the associated Maps 1-23 are provided using a basemap from Ordnance Survey Ireland.

The derivation of the eligibility contour area on Figure 3.1 is described in Section 14.3 of the same report. There, ANCA states that they agree with the Applicant’s proposal² to provide a noise insulation scheme for eligible dwellings found to be exposed to aircraft noise at or above 55 dB L_{night}. They also advise that, in light of the submissions received during the consultation period, they have extended the initial eligibility boundary to reflect the ‘very significant’ effect determined from the 2022 forecast.

In order to respond to ABP’s request (**item A** at 2.1 above) and provide a comparison with the Initial Eligibility Contour Area determined by ANCA, a contour area has been determined based on the Applicant’s RFI submission on 14th September 2023. This approach uses the 55 dB L_{night} contour for the 2025 Proposed Scenario, as shown on Figure 13C-10 of the latest submission, as the basis. The additional area forecast to experience a ‘very significant’ effect in 2025 as a result of the Application has then been determined. The areas where this occurs which are not already covered by the 55 dB L_{night} contour are where a dwelling is forecast to experience noise exposure of at least 50 dB L_{night} and an increase in noise exposure of at least 9 dB when compared to the current permitted operation. This replicates the process undertaken by ANCA with the exception they used 2022 when they determined the area of ‘very significant’ effect. That year was included in the December 2021 submission, but is not

² We note daa’s proposal was for 55 L_{night} and also the very significantly affected. ANCA’s draft decision only included the 55 L_{night} but added the ‘very significant’ effects after consultation

longer relevant as the Application had not been determined at that time, so 2025 has been used in line with the request under item C above. We hereby refer to this contour as the *Residential Sound Insulation Grant Scheme (RSIGS)_Initial_Eligibility-Sep_23*.

Item B above requires the submitted to be provided at a scale of 1:50,000 for Fig 3.1, and 1:10,000 for Maps 1-23, or scale otherwise agreed with the Board. As per discussion between the applicant and Mr. Patrick Buckley (Case Officer) on 23.02.2024, a scale of 1:60,000 for Fig 3.1, and 1:7,500 for Maps 1-23 has been agreed in order to provide the necessary level of detail and given the Fig 3.1 is now covering a larger area. The number of maps at 1:7,500 scale has also increased from 23 to 28 in this submission as a result of the scale change.

Item C (above) of the request is for an illustration of all authorised habitable dwellings within the 55 dB L_{night} and 63 dB L_{den} contour for the year 2025. These contours have been provided for the 2025 Proposed Scenario.

In the case of the 55 dB L_{night} contour, this is the same as that shown on Figure 13C-10 of the submission dated 14th September 2023. That submission did not however specifically include a 63 dB L_{den} contour. Therefore, one has been computed on the same basis as the L_{den} contours shown at other values on Figure 13C-09.

We note that the basemap used in the ANCA Fig 3.1 and Maps 1-23 is an OSI map. As OSI mapping is not updated frequently, in order to capture new dwellings developed since the OSI map, the maps have now been provided using an Aerial basemap (late 2022) and an Open Street Map basemap for comparison purposes.

Item C above, also requests that ‘all authorised habitable dwellings’ within the contours are illustrated on the maps. We note there is no definition within the ANCA Regulatory Decision for ‘Authorised Habitable Dwelling’, as such we have conservatively understood this to refer to all existing dwellings within the contours, as indicated on the basemaps referenced above, as well as all consented dwellings within the contours at the time of ABPs request.

To calculate ‘consented dwellings’ within the contours, the applicant has inspected Fingal’s online planning register³ and the National Planning Application Database⁴ to obtain a consolidated list of all dwellings consented but not yet constructed within the relevant contour areas. This list has been extrapolated using GIS and imported as polygons onto the relevant maps. Consented dwellings are broken into 2 no. categories, consented with conditions requiring insulation and consented and already covered by existing daa noise insulation schemes. Given the time constraints in preparing this information we note that the information provided is only as reliable as the information publicly available on both Fingal’s online planning register and the National Planning Application Database. Every effort has been made to ensure that this information is as accurate as possible, in the time allowed.

³ <https://planning.agileapplications.ie/fingal>

⁴ <https://www.myplan.ie/national-planning-application-map-viewer/>

2.3 Applicant's Response to Specific Request

In response to the above request, the Applicant in conjunction with BAP and TPA have prepared the following maps:

- *Fig 3.1 Eligibility Contour Area Comparison Map*
 - This map responds directly to item A above and includes the *Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area – June 2022* (purple colour contour) and the *Residential Sound Insulation Grant Scheme (RSIGS)_Initial_Eligibility-Sep_23* (blue colour contour).
 - This map is provided at a scale of 1:60,000 as agreed with Mr. Patrick Buckley.
 - All existing dwellings and all consented dwellings within the 55 dB L_{night} (cyan colour contour) and 63 dB L_{den} contour (orange colour contour) for the year 2025 (as required by item C) are identified on the basemap and included as polygons.
- *Comparison Maps 1-28 Eligibility Contour Areas*
 - These maps respond directly to item A above and include the *Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area – June 2022* and the *Residential Sound Insulation Grant Scheme (RSIGS)_Initial_Eligibility-Sep_23*.
 - These maps are provided at a scale of 1:7,500 as agreed with Mr. Patrick Buckley.
 - All existing dwellings and all consented dwellings within the 55 dB L_{night} and 63 dB L_{den} contour for the year 2025 (as required by item C) are identified on the basemap.

Both the *Fig 3.1 Eligibility Contour Area Comparison Map* and the *Comparison Maps 1-28 Eligibility Contour Areas* have been prepared with Open Street Map (OSM) and Aerial Photo [late 2022] etc to assist the Board in its assessment.

3.0 CHECKLIST OF DOCUMENTATION ENCLOSED

1 No. hard copies⁵ & 1 No. electronic copy (USB Flash Drive) of the following documentation is provided with the 'Further Information' response:

- *Map Set 1: Comparison between Regulatory Decision 3rd Condition and F.I. Response. Including 55dB (L_{night}) and 63 dB (L_{den}) contours (1:60,000 Scale - Open Street Map Base)*
- *Map Set 1: Comparison Maps 1-28 Eligibility Contour Areas (1:7,500 Scale - Open Street Map Base)*
- *Map Set 2: Comparison between Regulatory Decision 3rd Condition and F.I. Response. Including 55dB (L_{night}) and 63 dB (L_{den}) contours (1:60,000 Scale - Aerial Base)*
- *Map Set 2: Comparison Maps 1-28 Eligibility Contour Areas (1:7,500 Scale - Aerial Base)*
- *Map Set 3: Comparison Maps 1-28 Eligibility Contour Areas with consented properties insulated by planning condition or insulation scheme (1:7,500 Scale – Open Street Map Base)*

⁵ As agreed with Mr. Patrick Buckley (ABP)

- *Map Set 4: Comparison Maps 1-28 Eligibility Contour Areas with consented properties insulated by planning condition or insulation scheme (1:7,500 Scale - Aerial Base)*

4.0 CONCLUSION

We trust that the above referenced information now submitted fully responds to ABP's RFI.

As per our previous submission on 14th September 2023 we note that that the application, to which this appeal relates is of significant National and Regional importance, it is therefore of the utmost importance that a decision on the 'Relevant Action' is made in a timely manner. We would therefore welcome a decision on the appeal as expediently as possible following the receipt of this requested further information.

Yours faithfully



Gavin Lawlor
Director
Tom Phillips + Associates

Encl.



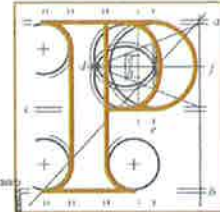
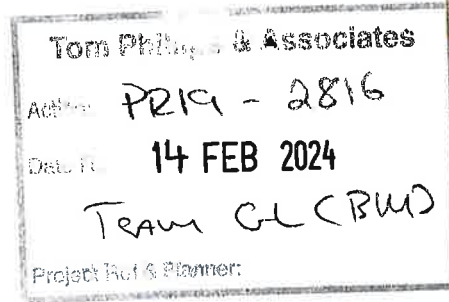
APPENDIX A: REQUEST FOR FURTHER INFORMATION, DATED 13th February 2024 (ABP REF. PL06F.314485)

Our Case Number: ABP-314485-22

Planning Authority Reference Number:

Your Reference: DAA plc

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449



An
Bord
Pleanála

Date: 13 February 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 examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

The Board received additional information from the Dublin Airport Authority (Daa) on the 14th of September 2023. This additional information includes noise contour maps which amend the terms of the Third Condition of the Regulatory Decision in relation to Figure 3.1 - Residential Sound Insulation Grant Scheme (RSIGS) and the "Initial Eligibility Contour Areas".

In accordance with section 132 of the Planning and Development Act, 2000, (as amended), you are required to submit, on or before **4th March 2024**, the following information:

Maps at a relevant scale, which will allow the Board to undertake an assessment of any comparison with Eligibility Contour Area maps in Fig 3.1 and Maps 1-23 of the Regulatory Decision, and the noise contours now proposed.

Maps shall be provided at a scale of 1: 50,000 for Fig 3.1, and 1: 10,000 for Maps 1-23, or a scale otherwise agreed with the Board. The revised maps shall clearly illustrate all authorised habitable dwellings within the 55 dB Lnight and 63 Lden contour for the year 2025.

If the information required is not received before the end of the specified period, the Board will dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act, (as amended). Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above.**

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

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

Yours faithfully,



Patrick Buckley
Executive Officer
Direct Line: 018737167

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