

S.37

File With

## SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated/received 20/12/24  
from ACI Europe I recommend that section 131 of the Planning  
and Development Act, 2000 ~~be~~ not be invoked at this stage for the following reason(s):

no issue


Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed



Date

21/12/24

EO

Signed

Date

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004128

BPHO to issue  
✓ FR, 24/12

### Online Observation Details

Contact Name  
Ed Barrett

Lodgement Date  
20/12/2024 15:55:18

Case Number / Description  
314485

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Edmond Barrett

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO *Gaithy Carleton*

Date

23/12/24

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—07695B-24

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

### Finance Section

Payment Reference

ch\_3QY8XqB1CW0EN5FC0LLpo39r

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

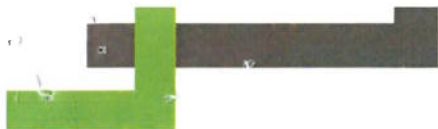
SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date



20 December 2024

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Dear Sir/Madam,

**Re: ABP-314485-22 Draft Decision**

On behalf of our client, ACI Europe<sup>1</sup>, we hereby enclose an observation to An Bord Pleanála ('ABP') in response to the public consultation on the Draft Regulatory Decision for daa plc's 'Relevant Action' application for Dublin Airport.

The required fee of €50 has been paid.

We trust that the enclosed material is clear, however please do not hesitate to contact the undersigned directly in the event of any queries.

Yours faithfully,

**Ed Barrett**  
**Gravis Planning**  
[ebarrett@gravisplanning.com](mailto:ebarrett@gravisplanning.com)

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<sup>1</sup> 37-40 boulevard de Régent (5<sup>th</sup> Floor), 1000 Brussels, Belgium



Olivier Jankovec  
Director General

6 December 2024

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

**ACI EUROPE Submission to An Bord Pleanála on Dublin Airport Draft Regulatory Decision.**

**Non-Compliance with EU Regulation (EU) 598/2014: Deficiencies in the Application of the Balanced Approach and Lack of Cost Effectiveness Assessment**

ABP Ref: Draft Decision: ABP-314485-22; Fingal County Council Planning Register Reference Number: F20A/0668

Dear Sir/Madam,

ACI EUROPE, representing over 500 airports in 55 European countries and accounting for over 90% of commercial air traffic, submits this response to the public consultation on the Draft Regulatory Decision for Dublin Airport's Relevant Action Application. We welcome the opportunity to provide feedback on ABP's draft decision of 11th September 2024 and wish to highlight serious concerns regarding the lack of adherence to the EU Balanced Approach mandated by Regulation (EU) 598/2014, as well as the absence of a comprehensive Cost Effectiveness Assessment (CEA).

**Failure to Implement the Balanced Approach**

Regulation (EU) 598/2014 establishes a robust framework for managing noise at Union airports, centred on the principles of the Balanced Approach as set forth by the International Civil Aviation Organisation (ICAO). The Balanced Approach requires a sequential examination of a range of available measures:

1. **Noise Reduction at Source:** Utilising quieter aircraft technologies.
2. **Land-Use Planning and Management:** Introducing planning and management to limit noise exposure.
3. **Noise Abatement Operational Procedures:** Implementing optimised flight paths and operational changes to reduce noise.
4. **Operating Restrictions:** Imposing limitations on operations only as a last resort after evaluating other measures.

In the case of the North Runway, the draft regulatory decision proposes significant operating restrictions, including a ban on take-offs and landings during specific night hours (Condition 3) and a strict cap on aircraft movements (Condition 5). These restrictions appear to have been introduced without a rigorous evaluation of alternative noise mitigation measures, as required by the Balanced Approach. Instead, the restrictions have been applied prematurely, bypassing the necessary consideration of less disruptive solutions.

The absence of a performance assessment evaluating the proposed restrictive measures in relation to the airport's noise abatement objectives and targets also raises significant concerns.

.../...

This approach is inconsistent with the intent of Regulation (EU) 598/2014, which clearly mandates that operating restrictions must be a measure of last resort and only after consideration of the other measures of the Balanced Approach. Failure to adhere to this process sets a concerning precedent and undermines the regulatory framework designed to ensure balanced, equitable, and effective noise management across Europe.

### **Lack of Proper Stakeholder Consultation**

Regulation (EU) 598/2014 requires that any noise-related operating restrictions be developed through a transparent and inclusive consultation process involving all relevant stakeholders, including airport operators, airlines, and local communities. The current draft decision for the North Runway lacks evidence of such engagement. Failure to conduct a meaningful consultation process may result in flawed decisions with potentially severe economic and operational consequences.

Given the significant impact of the proposed restrictions, it is crucial that the ABP engages in a thorough and transparent dialogue with all affected parties. This is necessary to ensure that the final decision takes into account the full spectrum of technical expertise, operational considerations, and the needs of the local community.

### **Absence of a Cost Effectiveness Assessment**

A key component of the Balanced Approach is the requirement for a detailed Cost Effectiveness Assessment. This assessment is critical to determine whether the proposed noise mitigation measures are economically viable and proportionate to the desired noise abatement objectives.

The draft Regulatory Decision includes restrictive measures such as an annual cap of 13,000 aircraft movements during night hours which is a radical reduction in the number of nighttime flights to an average of 35 per night. However, there is no evidence that a Cost Effectiveness Assessment was conducted to justify this cap. This omission raises serious concerns about the proportionality of the proposed restrictions, especially given that:

- The methodology used to determine the movement limit is flawed, as it does not consider existing operational data or potential economic impacts. The suggested movement limit does not appear to take account of existing activity. The draft condition also runs contrary to the finding of the ANCA and FCC Decision – neither of which sought to include a movement limit. In light of the above, we believe that a removal of the movement should be considered or at the very least a reassessment of the quantum of the movement limit.
- The imposition of a noise quota system, combined with a radically low movement limits, contradicts best practices and fails to provide a balanced and economically efficient solution.

ACI EUROPE has consistently emphasised that decisions made without a thorough Cost Effectiveness Assessment lead to disproportionate restrictions that stifle economic growth, harm regional connectivity, and fail to deliver meaningful noise reductions.

### **Economic and Competitive Impact**

The proposed restrictions threaten to undermine the economic viability of Dublin Airport, particularly within the context of the European aviation sector's ongoing recovery from the COVID-19 pandemic. Airports are critical enablers of economic growth and connectivity, directly contributing to regional development. Imposing severe operating limits without a proper assessment could have significant negative consequences, including:

.../...

- **Reduced Connectivity:** The restrictions will limit the ability of the airport to support the growing demand for air travel and cargo operations, which Ireland heavily depends upon for both the business and tourism sectors.
- **Competitive Disadvantage:** Dublin Airport is in direct competition with other European hubs for indirect connections. Overly restrictive measures will drive airlines to shift operations to less constrained airports, resulting in a loss of traffic, jobs, and investment.

In light of these significant concerns, ACI EUROPE strongly urges the ABP to:

- **Reassess the Draft Decision in Line with the Balanced Approach:** Ensure full compliance with Regulation (EU) 598/2014 by rigorously evaluating all available noise mitigation options before resorting to operating restrictions.
- **Conduct a Comprehensive Cost Effectiveness Assessment:** Perform a detailed Cost Effectiveness Assessment to assess the economic viability and proportionality of the proposed restrictions, and make the results publicly accessible as part of the consultation process.
- **Facilitate an Inclusive Consultation Process:** Engage meaningfully with all stakeholders, including airport operators, airlines, local communities, and industry experts, to ensure that the final decision reflects a balanced and informed perspective.

ACI EUROPE is committed to supporting sustainable noise management solutions that align with the needs of local communities while safeguarding the economic and operational viability of European airports.

We respectfully request that the ABP revisit the draft Regulatory Decision for Dublin Airport, ensuring full compliance with the requirements of Regulation (EU) 598/2014 and avoiding the imposition of disproportionate and economically damaging restrictions.

We remain available for any further discussions or to provide additional information as needed.

Thank you for your time and consideration.

Yours sincerely,

