

Vf 131 or

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 314485

Defer Re O/H

Having considered the contents of the submission dated/received 17/12/24 from Caro Airline Associates I recommend that section 131 of the Planning and Development Act, 2000 ~~is~~ not be invoked at this stage for the following reason(s):

no w issued

Section 131 not to be invoked at this stage.

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

Signed

[Signature]  
EO

Date

17/12/24

Signed

SEO/SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004106

James  
BP40

### Online Observation Details

Contact Name  
Jennifer Thibodeau ✓

Lodgement Date  
17/12/2024 16:40:28

Case Number / Description  
314485 ✓

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Jennifer Thibodeau

Payment Amount  
€50.00 ✓

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

  
EO

Date

19/12/24

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—076854 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\_3QX3otB1CW0EN5FC15ISIYRX

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



**Cargo Airline Association**  
THE VOICE OF THE AIR CARGO INDUSTRY

December 17, 2024

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

**Planning Reference: F20A / 0668**

**Case reference: PL06F.314485**

Dear Sir or Madam,

On behalf of the members of the Cargo Airline Association (CAA),<sup>1</sup> we appreciate the opportunity to provide comments on the An Bord Pleanála's Draft Decision (case No. ABP-3114485-22). As the nationwide voice for the U.S. air cargo industry, CAA represents the major U.S. all-cargo air carriers and others with significant interest in the worldwide air cargo marketplace, employing over 1,000,000 individuals worldwide and operations accounting for more than 5% of global GDP.

We believe that the Draft Decision should be reversed, the evidence be reexamined, and be made consistent with the Balanced Approach. The drastic reduction of nighttime flights would have severe operational and economic impacts on our members, their customers, and the broader economy in Ireland, the United States, and elsewhere. We also believe that the Draft Decision failed to account for legal requirements as an EU Member State and Ireland's international obligations.

#### **Concerns Regarding Air Traffic Movement (ATM) Limit**

As we are in the midst of the busy holiday shipping season, our members and their customers are keenly aware of the need for airport access to support their businesses. The effect of the Draft Decision's proposed reduction to 13,000 air traffic movements (ATMs) at night would be particularly detrimental during the winter 'peak season' for cargo carriers, which differs from that of the passenger carriers.

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<sup>1</sup> CAA Airline members include: ABX Air, Inc., Atlas Air, Inc., FedEx, and UPS. Associate members include: Amazon, DHL Express, and Kalitta Air.

In the most generous reading of the Draft Decision, flights would be limited during the nighttime hours (2330-0700) to an annual average of 35 per night versus the current 85+ average movements, a 60% decrease in operations. Another reasonable reading of the Draft Decision would afford passenger carriers significantly increased opportunity to operate during a 92-day 'peak period' (oddly, representing only 44% of the IATA Summer Traffic season), while starving cargo carriers of nighttime access during the IATA Winter Traffic season - when our members need the greatest flexibility. Under the latter reading, which could see operations restricted to as few as 14 operations each night, our members would see a drastic reduction in flights and opportunities to operate at Dublin International Airport (DUB) that does not even meet their current operational needs, much less provide the opportunity for growth and flexibility to meet market demands envisioned by the Noise Quota System (NQS) as initially proposed. The resulting diminishment of the import and export of goods would be detrimental to the Irish supply chain and Irish businesses who rely on our air carriers to transport their goods throughout the world. International cargo moves at night to maximize time and efficiency, and businesses relying on carriers using DUB should not be left behind.

Our members are supportive of proper noise management and responsible growth and support the proposed adoption of a NQS as a future focused way to manage noise. The findings of the Aircraft Noise Competent Authority (ANCA) and Fingal County Council supported the NQS and removal of the movement limit imposed by the initial planning conditions as one of several measures to manage noise.

We believe that there has been an error in calculation by An Bord Pleanála in its Draft Decision. We question how the amount of 13,000 ATMs was determined for the nighttime hours, particularly given the growth focus of the initial part of the Inspector's report. We hope that a more rational number – approaching closer to 100 per night – is reached upon reexamination of the Draft Decision; however, we feel that the NQS on its own is sufficient to reduce noise.

### **Concerns Regarding the Balanced Approach**

Considering the Balanced Approach, the Draft Decision has failed to meet Ireland's legal obligations in three areas.

*First*, in making decisions related to noise at airports, as a Member State of the International Civil Aviation Organization (ICAO) and signatory to the Convention on Civil Aviation of 1944 (the "Chicago Convention"), the Irish Government is required to follow the ICAO Balanced Approach to Aircraft Noise Management (the "Balanced Approach"). The Balanced Approach was negotiated in 2001 as a global scheme to address airport-related noise concerns (ICAO Resolution A41-20) and codified in Annex 16 of the Chicago Convention. Annex 16 establishes, among other things, four pillars in analyzing measures to reduce noise:

1. Reduction at source
2. Land-use planning and management

3. Noise abatement operational procedures
4. Operating restrictions

Any measures proposed are to be weighed against these pillars, assessing the cost effectiveness of measures under pillars 1-3 before consideration of restrictions under pillar 4. Additionally, any measures should be adopted and implemented on a gradual basis to provide time for carriers to adapt to the new conditions and incorporate new technologies as they become available.

*Second*, it has failed to properly apply Regulation (EU) 598/2014 on noise management at airports. This regulation requires the Member State and its local government organizations to apply the Balanced Approach when imposing airport operating restrictions (curfews, numerical restrictions on movements, etc.). In particular, the regulation states that operating restrictions at an airport should "not be applied as a first resort, but only after consideration of the other measures of the Balanced Approach."

*Third*, Ireland is a Party to the United States-European Union Air Transport Agreement of 2007, as amended (the "ATA"), and the Draft Decision has failed to account for Irish obligations under Articles 2 and 15 of the ATA. Article 15 of the ATA was groundbreaking as the first Air Transport Agreement to incorporate an article on the Environment as obligations on both sides. The article explicitly requires Parties, including Ireland, to use the Balanced Approach to consider noise management at airports. Like Regulation 598/2014, the ATA obliges the Party to ensure that operating restrictions adopted are "not more restrictive than necessary in order to achieve the environmental objective established for a specific airport" (paragraph 5(c)(ii)). Additionally, the ATA provides a "fair and equal opportunity to compete" under Article 2. The drastic reduction in flights would unfairly affect all-cargo carriers that operate during the night, and perhaps favor the passenger carriers' business model, depending on implementation as discussed above.

### **Closing Considerations**

Express carriers in particular operate at night to meet just-in-time needs of Irish companies importing and exporting goods globally. Around 63% of night air cargo, primarily sensitive goods such as healthcare products, is transported by express operators at DUB. Night operations are essential to maintaining Ireland as a player in the global economy.

We understand and support noise management to benefit the surrounding communities. The recommendations made by the ANCA to replace the existing cap with the NQS would achieve those ends, subject to the completion of a Balanced Approach assessment to ensure compliance with Irish international obligations.

\* \* \*

On behalf of the members of CAA, we strongly urge the reexamination and reversal of the Draft Decision and the implementation of a Balanced Approach-approved system to address noise at Dublin International Airport.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Thibodeau', with a long, sweeping horizontal line extending to the right.

Jennifer Thibodeau  
Managing Director  
Safety & Regulatory Policy