

V801812

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 Emerald Homes I recommend that section 131 of the Planning
and Development Act, 2000 be not 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

[Signature]

Date

19/12/24

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

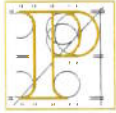
Date

EO

Signed

Date

AA



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference
NPA-OBS-004101

James
BP4 D

Online Observation Details

Contact Name
Keith Butler

Lodgement Date
17/12/2024 10:14:21

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Ciaran Smith

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— 076818

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_3QWxnFB1CW0EN5FC0sFJe2yz

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

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

18 December 2024

Re: Observation in relation to An Bord Pleanála Appeal Reference Number: ABP-314485-22

Submitted via Online Portal

Dear Sir/Madam,

Emerald Airlines welcomes the opportunity to provide observations to An Bord Pleanála's Draft Decision dated 17th September 2024, in relation to appeals against the decision by Fingal County Council Planning Registration Reference Number F20A/0668.

Emerald Airlines are Ireland's largest regional airline and the third largest airline serving Dublin Airport. In 2025 the airline represents 12% of total movements at Dublin Airport, flying to eighteen destinations. On seven routes Emerald Airlines will be the sole operator.

We're committed to minimising the impact of noise from our aircraft on local communities by investing in newer ATR72-600 aircraft that have less than half the noise footprint of other aircraft using Dublin Airport. We also engage with regulators, airports, communities and other stakeholders to explore opportunities to reduce the noise of our operations. In addition, we support the International Civil Aviation Organisation's (ICAO) recommendation on *Balanced Approach to Airport Noise Management*.

With specific reference to the above draft decision from 17 September, Emerald Airlines wish to make the below observations.

Draft Condition 3(e): restriction of the North Runway (10L-28R) to departures only between the hours of 06:00 to 08:00.

While Emerald Airlines respect the rationale used by An Bord Pleanála to introduce clarity and to preserve the interest of the protection of the amenities of the surrounding areas, Condition 3(e) when taken together with the existing Condition 3(c) means that in easterly wind conditions, aircraft could neither arrive or depart from the North Runway and all operations would be forced to the South Runway.

It is imperative for the smooth operation of an airport and airline schedules that runway operations are flexible to take account of weather conditions on the day of operation. According to Met Éireann, easterly wind conditions occur most often between February and May and are commonly accompanied by dry conditions. While these are not the prevailing wind conditions at Dublin Airport,

operations would be significantly disrupted if all operations were forced to the South Runway due to increased taxi-times and knock-on congestions.

Easterly conditions between February and May would lead to congestions, delays and possible flight cancellation coinciding with key travel period including St. Patricks day, Easter and May holiday periods.

Draft Condition 4 Noise Quota Scheme (NQS)

Many different effects of noise can be identified and people experience each of them differently. For the practical assessment of any particular effect, it is necessary to define an appropriate indicator of reaction to correlate with a noise exposure measure.

Emerald Airlines agree with An Bord Pleanála in adopting the Quota Count (QC) system as proposed by the Aircraft Noise Competent Authority (ANCA) and Fingal County Council. We, however, disagree with the determination of the '*Night Time*' as the hours at night between 23:00 to 07:00 local time.

This definition of nighttime is inconsistent with the '*Night Time*' definition adopted by comparator airports, particularly those countries using Greenwich Mean Time (GMT). With Ireland operating on a different time zone to our biggest trading partner, the European Union, it is critical that airlines are able to operate unimpeded in the 06:00 hour to negate against the impacts GMT being -1 hour behind Central European Time (CET).

60% of passengers who use our scheduled flights for business purposes complete at least on flight leg which departs Dublin Airport between 06:00-07:00 local time (07:00-08:00 CET). Moving the 06:00-07:00 hour into the nighttime period would disrupt this key passenger demographic.

Draft Condition 5 Movement Limit

We are surprised by the proposed new Operation Restriction tabled by An Bord Pleanála in the draft decision. The methodology used in the determination to create a movement limit has not followed the Balanced Approach (EU Reg 598) and ICAO Annex 16 requirements that must be followed when considering operating restrictions at an EU Airport. It is our strong belief that the calculation on which the ABP movement limit was set uses different metrics to the recommendation for a movement limit in the inspector's report.

This key oversight, essentially limiting movements per night to an annual average of 35 per night would have a detrimental impact on all operators at Dublin Airport, equating to a draconian 60% reduction in movements. Aircraft are easily movable assets which airlines will move away from Dublin if this draft decision was to be enforced. In the case of Emerald Airlines, these assets would be moved outside of the Republic of Ireland.

This draft condition casts a serious doubt on planned investments by Emerald Airlines in new aircraft, new routes and new jobs for our operations at Dublin Airport. Our operations and network of flights are highly complex, feeding into an intertwined web of restrictions at other airports throughout the United Kingdom and Europe. A movement limit which would result in a 60% reduction in movements would be a hammer blow to Irish tourism, jobs and the wider economy and goes completely against to the National Aviation Policy.



The Draft Condition provides no context on how a movement limit would be enforced considering carriers including Emerald Airlines hold historic slot rights to operate in the nighttime hours at Dublin. There is no legal basis for a reduction in historic slot rights or removing historic slot rights from airlines and Emerald Airlines reserve our rights on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K Butler", written over a horizontal line.

Keith Butler

Chief Executive Officer