

SECTION 131 FORM

File With _____ S. 37

Appeal NO: ABP 314085

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 23/12/24
from IATA

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 new info

E.O.: [Signature] Date: 15/1/25

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: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 314485Please treat correspondence received on 23/12/25 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**Resp to Draft**4. Attach to file**(a) R/S ☐(b) GIS Processing ☒(c) Processing ☒(d) Screening ☐(e) Inspectorate ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: [Signature]AA: [Signature]Date: 15/1/28Date: 8/5

Validation Checklist

Lodgement Number : **LDG-076969-24**

Case Number: **ABP-314485-22**

Customer: **International Air Transport Association (IATA)**

Lodgement Date: **23/12/2024 11:39:00**

Validation Officer: **James Sweeney**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Yes
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

BP23

Ref and already done

Run at: 07/03/2025 12:17

Run by: James Sweeney

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23 December 2024

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By Hand and by email

An Bord Pleanála Draft Decision ABP-314485-22

Our client: International Air Transport Association (IATA)

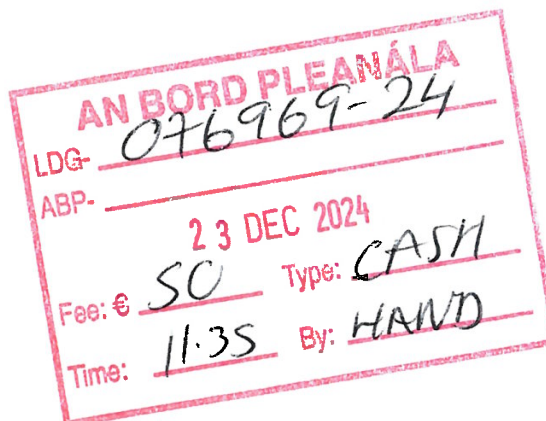
Dear Secretary

We refer to the above Draft Decision and enclose herewith a submission on behalf of our client together with the requisite €50 submission fee (cash).

Yours faithfully

Eversheds Sutherland LLP

Eversheds Sutherland LLP



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IATA SUBMISSION ON AN BORD PLEANALA DRAFT DECISION ABP-314485-22

Executive Summary

1. There is a specific statutory scheme for introduction of operating restrictions at airports.
2. Aircraft Noise Competent Authority (ANCA) has exclusive competence in that regard (not An Bord Pleanála (ABP) acting unilaterally).
3. ANCA, having applied the Balanced Approach¹, determined that the noise quota was the appropriate means of addressing the noise problem².
4. Article 5(6) of EU Regulation 598/2014³ and Section 9(7) of the Aircraft Noise (Dublin Airport) Regulation Act 2019⁴ provide that "[M]easures or a combination of measures taken in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000 for the airport shall not be more restrictive than is necessary in order to achieve the noise abatement objective". Clearly in circumstances where ANCA has determined that the noise quota count system (or NQCS) is sufficient, the introduction of a nighttime movement cap in addition to the NQCS is more restrictive than necessary.
5. ABP has therefore acted *ultra vires* by seeking to implement an operating restriction (something which is within the sole competence of ANCA); in implementing the said operating restriction, ABP has failed to apply the Balanced Approach and has sought to implement a series of measures which are more restrictive than necessary to achieve the noise abatement objective.
6. No other EU/EEA airport is currently regulated by both a movement cap and a NQCS.
7. ABP cannot reduce nighttime flying at Dublin Airport to address noise concerns unless it engages in a comprehensive Balanced Approach procedure as required under both EU and international law.

Introduction/General Remarks

8. The International Air Transport Association (IATA)⁵ is the trade association for the world's airlines, representing over 300 airlines which reflect 83% of global air traffic. IATA member airlines include many that operate flights to and from Dublin, including Irish registered airline Aer Lingus and additional international airlines operating both cargo and passenger air transportation services⁶.

¹ See paragraph 10 of this Submission below.

² ANCA "Regulatory Decision of The Aircraft Noise Competent authority Pursuant to Section 34C(14) Planning and Development Act 2000, EU Regulation No. 598/2014, Aircraft Noise (Dublin Airport) Regulation Act 2019, Planning Register Reference Number: F20A/0668" (20 June 2022) available here: <https://www.fingal.ie/sites/default/files/2022-06/Regulatory%20Decision.pdf> [accessed on 23 December 2024].

³ Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC (EU Regulation 598/2014)

⁴ Aircraft Noise (Dublin Airport) Regulation Act 2019 of the Republic of Ireland referred to in this Submission as the "2019 Act".

⁵ IATA's official website is available here: <https://www.iata.org/> [accessed on 23 December 2024].

⁶ A list of IATA member airlines is available here: <https://www.iata.org/en/about/members/airline-list/> [accessed on 23 December 2024].

9. IATA supports areas of aviation activity and helps formulate industry policy on critical aviation issues, driving a safe, secure, and sustainable environment for aviation's growth.
10. IATA is deeply concerned about the content of the recent Draft Decision issued by ABP for Dublin Airport which includes details of operational restrictions which, if not contested, will be implemented in the absence of the Balanced Approach procedure and any proper consultation with industry stakeholders.
11. The Balanced Approach, enshrined in ICAO Annex 16, Volume 1⁷ to the Chicago Convention⁸ and in EU Regulation 598/2014 and in the Aircraft Noise (Dublin Airport) Regulation Act 2019, is designed to ensure that noise-related decisions in relation to airports are guided by robust analysis and transparent stakeholder consultation, with the aim to ensure that measures, if any, are fit for purpose and not disproportionately harmful to the interests of the industry. In this regard, the Balanced Approach has not been undertaken prior to introducing the concept of a 13,000 night movement cap included in the Draft Decision, and this new restriction is proposed without adequately considering alternative solutions or the broader impacts on airport operations, the regional economy, and connectivity. Specifically, this measure will decrease current night movements from 100 movements/per night during the summer season to a maximum average of 41 movements/per night during the summer season. Such a measure will severely limit the capacity for growth at Dublin Airport and significantly impact air connectivity to and from Ireland, particularly regional connectivity. Furthermore, the loss of revenue for airlines will hinder their ability to invest in decarbonizing the aviation sector as a whole.

Observation 1: Flawed process

Detail

12. The Balanced Approach has been applied by ANCA in 2022⁹ and it determined the following as the most cost-effective measures to replace the movement cap of 65 movements/per night:
 - a. Remove the numerical cap on the number of flights at night permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Permission and replacing it with an annual night-time NQCS between the hours of 2330 hrs and 0600 hrs (amended by the Fingal County Council decision to apply from 2300 to 0700 hrs).
 - b. Allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours between 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs.
13. The ABP engaged an independent external noise consultant (Consultant¹⁰).
14. The Consultant assumed that the "reliance on the NQCS alone to manage noise effects at night is regarded as inadequate as it would permit substantial increases in Air Traffic Movements (ATMs) for only marginal reductions in how noisy each individual aircraft is. Although this might not lead to any change in the percentage of persons Highly Sleep Disturbed assessed using the Lnight metric averaging the noise from each ATM over the whole 8-hour night period; it could lead to increases in the number of persons

⁷ Annex 16, Environmental Protection, Volume I (Eighth Edition) Aircraft Noise, Part V – Balanced Approach to Aircraft Noise Management.

⁸ Convention on International Civil Aviation signed at Chicago on 7 December 1944 to which the State of Ireland deposited its document of ratification on 31 October 1946.

⁹ ANCA "Regulatory Decision of The Aircraft Noise Competent authority Pursuant to Section 34C(14) Planning and Development Act 2000, EU Regulation No. 598/2014, Aircraft Noise (Dublin Airport) Regulation Act 2019, Planning Register Reference Number: F20A/0668" (20 June 2022) available here: <https://www.fingal.ie/sites/default/files/2022-06/Regulatory%20Decision.pdf> [accessed on 23 December 2024].

¹⁰ Vanguardia Limited produced the report entitled "Dublin Airport North Runway Review of EIARs & Additional Information – Noise" Reference: 0000-BHE-EN-NS-DF-0-EIAR, 059490-0000-0, 18 April 2024, Revision P02P03 (Vanguardia Report).

experiencing Additional Awakenings and individuals experiencing more Additional Awakenings evaluated with the Lmax metric of each ATM i.e. how loud each ATM is"¹¹. Consequently, they recommended that a cap on ATMs at night is retained.

15. The Consultant stated that such caps are in place at Heathrow, Stansted and Gatwick airports where the QC (quota count) system was developed in the early 1990s and has been updated regularly and recently with the caps on the numbers of ATMs at night maintained.
16. The Consultant undertook an awakening assessment in addition to a noise assessment to prove the necessity of a night movement cap.
17. ABP has decided to introduce an additional movement cap at first resort without undertaking the Balanced Approach as set out above.
18. A cap of 13,000 movements at night per year is introduced, split into two different caps for winter and summer seasons.
19. There is no clarification on whether the nighttime period runs until 06:59 or 07:00 and whether it is based on Take-off/Landing or Block-On/Block-Off.

IATA Response

20. The Consultant and ABP have built their assessments on a flawed basis and the additional night movement cap combined with the NQCS offers a more restrictive than necessary solution to achieve the environmental noise abatement objectives set for Dublin Airport. As such, IATA does not consider that the newly proposed measures can be selected to meet Dublin's approved noise abatement objective without a new noise assessment as per EU Directive 2002/49¹² and a new noise abatement objective, and additionally without a new Balanced Approach process and its cost-effectiveness analysis as per EU Regulation 598/2014.
21. Article 5 of EU Regulation 598/2014 and Section 9.7 of the 2019 Act forbid measures, or a combination of measures taken in accordance with the above-cited regulations for a given airport, that are more restrictive than necessary to achieve the environmental noise abatement objectives set for that airport. It also forbids arbitrary operating restrictions¹³.
22. Particularly in the context of potentially increasing ATM operations, it's important to note that a well-designed and effectively implemented NQCS provides the best path forward to manage concerns regarding increased noise disturbances.
23. In fact, a robust NQCS can significantly contribute to noise reduction by:
 - a. Setting and enforcing strict noise limits for aircraft operations to ensure that aircraft adhere to specific noise standards;

¹¹ Vanguardia report, section 2, page 10.

¹² Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (EU Directive 2002/49).

¹³ EU Regulation 598/2014 Article 5(6).

- b. Incentivizing the use of quieter aircraft models to encourage airlines to adopt more environmentally friendly technologies;
 - c. Optimizing flight paths to minimize noise exposure to residential areas; and
 - d. Continuously monitoring and analyzing noise data to identify trends and potential issues, allowing for timely interventions.
24. Therefore, while it's important to consider an NQCS's potential limitations, it's equally important to recognize its potential benefits in mitigating noise disturbances. A comprehensive approach that combines a robust NQCS with other noise reduction measures, as per the Noise Action Plan for Dublin Airport¹⁴, can effectively address aircraft noise without introducing an additional movement cap.
25. Additionally, the Consultant's assertion that noise caps are essential and have proven effective at Heathrow, Stansted, and Gatwick airports is questionable for several reasons:
- a. Each airport's unique characteristics must be considered. A noise mitigation strategy that works well at one airport may not be suitable for another, particularly given differences in geographic location, local regulations, and operational constraints.
 - b. The proximity of Heathrow, Stansted, and Gatwick airports within the London area presents a distinct set of challenges and opportunities for noise management compared to a more isolated or stand-alone airport like Dublin Airport. The concentrated nature of air traffic in the London area may necessitate specific noise mitigation measures that are not directly applicable to Dublin Airport.
 - c. Finally, comparing Dublin Airport to London airports may not be the most appropriate benchmark. Airports like Hong Kong International Airport, Madrid-Barajas Airport, and Warsaw (Chopin) Airport, which operate without movement caps associated with their NQCS, could provide more relevant examples of successful noise management strategies. These airports may have implemented alternative measures, such as stricter noise limits, advanced noise monitoring systems, and optimized flight paths, to mitigate noise impacts.
26. Also, the proposed movement cap relies on an awakening assessment, which is not a mandatory requirement under the EU Regulation 598/2014 or EU Directive 2002/49. Instead of using the awakening assessment to impose movement caps, a more effective approach would be to use the awakening assessment in prioritizing a robust insulation program to reduce noise-induced awakenings.
27. Moreover, the 13,000 cap for movements at night restriction is introduced as a first resort without considering the first three pillars of the Balanced Approach, namely pillar 1- reduction at source, pillar 2- land-use management and planning, and pillar 3- noise abatement operational procedures, and without a cost-effectiveness analysis of the different scenarios for restricted-hour operations. This is non-compliant with the EU Regulation and 2019 Act.
28. In the Draft decision and associated reports, ABP has failed to:
- a. Identify the noise problem by assessing the current noise situation; and

¹⁴ "Noise Action Plan for Dublin Airport 2024-2028" (December 2024) available here: <https://www.fingal.ie/noise-action-plan> [accessed on 23 December 2024].

- b. Define the new noise abatement objective for Dublin Airport; and
 - c. Consider the measures as set out in the Balanced Approach, the three first pillars, namely reduction at source, land-use management and planning, and noise abatement operational procedures; and
 - d. Determine that these measures are not sufficient to attain the noise abatement objective; and
 - e. Study the cost-effectiveness of introducing additional operational restrictions; and
 - f. Select the most cost-effective operating restrictions.
29. The cost-effectiveness analysis shall adhere to the requirements of the Balanced Approach. It involves assessing the most cost-effective way to achieve a specific objective, necessitating a comparison of the costs of the different proposed noise mitigation measures. However, the Draft Decision and the Consultant's report fail to present evidence of proposed noise mitigation measures and the completion of the legally required cost-effectiveness analysis.
30. IATA emphasizes the importance of the established framework of the Balanced Approach and ICAO standards and adhering to the same.
31. Furthermore, it is unclear how the 13,000 cap for night movements was determined, and the rationale behind the winter and summer seasons cap limits is not evident either. No supporting data is evidenced. IATA advocates for eliminating the distinction between winter and summer seasons.
32. Finally, the specific definition of the nighttime period, including its start and end times, and whether it's based on Take-off/Landing or Block-On/Block-Off, requires further clarification.

Observation 2: NQCS implementation

Detail

33. The ABP Draft decision proposes the implementation of a new NQCS.

IATA Response

34. IATA supports the implementation of an NQCS at Dublin Airport. We believe that managing night flights through a QC limit alone would be most effective in incentivizing the deployment of quieter aircraft.
35. In contrast with mechanisms such as curfews, an NQCS would, if properly designed, reward operators with additional slots if they replace their current aircraft with quieter ones, therefore providing an effective incentive.
36. However, for such a system to work, it is important that a few core rules are respected:
- a. The scheme must be stable enough to provide long-term predictability to operators and allow them to take the scheme into account in their fleet planning.
 - b. The total quota count must be based on historic aircraft operations in order to ensure that the scheme does not restrict capacity but allows capacity to grow if quieter aircraft replace aircraft

currently used. In addition, using a historic baseline would avoid penalizing aircraft operators which have recently renewed their fleet.

- c. The scheme should ensure a fair treatment of the different categories of operators. For example, the scheme should not penalize operators which rely on larger or older aircraft (for example some cargo operators) which may require the use of a greater quota per movement.
 - d. It should also avoid penalizing airlines who already operate some of the quietest aircraft available and who thus could not benefit from redistributing their current noise quota to more operations on quieter aircraft. Airlines operating relatively quiet aircraft would have a "low" historic baseline that may not allow for any meaningful increase, thus penalizing them for operating quiet aircraft in the past decade if the system is not set up to take that into consideration. A reasonable noise quota scheme that allows airlines who already have quiet aircraft to expand operations in the night period is essential to maintaining that growth to the benefit of the economy of Dublin as well as the viability of their business.
37. Best practices implemented at airports such as Hong Kong International Airport, Madrid-Barajas Airport, and Warsaw (Chopin) Airport demonstrate the feasibility of an NQCS and offer a proven approach to managing noise levels. Dublin Airport is capable of quickly implementing and effectively operating it.
38. To guarantee its effectiveness, ANCA, as Dublin Airport noise regulator, should oversee and review the operation and the performance of the NQCS.

Observation 3: Movement cap implementation

Detail

39. In 2022, IATA supported the decision proposed by ANCA to implement the NQCS to remove the 65 movement / night cap.
40. The Draft Decision introduces a movement cap in addition to the NQCS.
41. The newly proposed movement cap is more restrictive than the original 65 movement/per night movement cap.

IATA Response

42. IATA does not support the implementation of a movement cap in combination with a NQCS. We strongly believe that a movement limit detracts from the potential benefits of the NQCS. Indeed, in a scenario where all airlines are able to attain the quietest aircraft available, part of the cost-benefit is the ability to operate more flights within the boundaries of the limit imposed by the NQCS. However, if there is a movement limit on top of the QC limit, airlines could improve their noise performance far beyond an acceptable noise performance for all stakeholders, but still face a restriction in the movement limit, stifling economic and social benefits. This ultimately would disincentivize investments in noise reduction technology or newer aircraft as there is no benefit to the airline in doing so once the movement limit is reached.
43. Also, it is unclear how the dual control system would be the best option for noise reduction. In our opinion, it would only create a complex environment. Increased complexity and administrative burdens in planning flight schedules, reduced global connectivity, and flight delays are few examples of potential downsides for airlines, passengers, and businesses.

44. Additionally, we are concerned that, by implementation of the Draft Decision, Dublin Airport would be the only airport in the EEA/EU today which is controlled for noise reduction by both an NQCS and movement cap. This would establish a dangerous precedent without a detailed and evidence-led analysis of the impact.
45. Moreover, Dublin Airport's unique operational context, as a single-airport hub serving a wider region, differs significantly from the multi-airport system in London, particularly regarding night regimes.
46. Furthermore, the proposed movement cap is more restrictive than the original 65-movement / night cap. The Balanced Approach is required prior to introducing operating restrictions.
47. Finally, no cost-effectiveness analysis nor a consultation were undertaken with this option of combining two controls, making it difficult for IATA to assess the potential positive impacts on noise reduction, as required by the EU Regulation and the 2019 Act.

Observation 4: Aviation seasons and schedule planning

Detail

48. Aviation seasons are a fundamental basis for schedule planning and slot management and should have been duly considered in the proposed night movement cap.
49. Existing night movements occur through the whole season and are not profiled to a 92-day peak period in summer.

IATA Response

50. Aviation works to globally established seasons that span a calendar year: Northern Winter and Northern Summer season. The seasons run from the last Sunday of March to last Sunday of October (Summer: 31-32 weeks duration) and last Sunday of October to the last Sunday of March (Winter: 21 weeks duration). They are historically aligned to the clock changeover that takes place in Europe.
51. These seasons inform the airlines' planning and schedule structure as well as the allocation of slots at airports like Dublin Airport, where capacity is scarce and needs fairly distributing to the airlines requesting access to operate. Slots are defined by a rigorous and global standard that ensures all airlines and airports can plan one season to the next with certainty, regardless of where in the world they operate or reside. The process is also legally defined in the EU under EU Slot Regulation 95/93¹⁵.
52. The seasonal basis of the aviation industry is also transposed into noise management schemes, such as NQCS. The NQCS approach apportions a quota of allowable noise to the airline by season, Summer or Winter (not by month or week).
53. Any operating restrictions that seek to limit movements or cap operations should work according to the same approach, i.e. by recognising the seasons and applying any notional limitation by season.

¹⁵ Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (EU Slot Regulation 95/93).

54. The 92-day modelling assessment appears flawed in its use. A limit of 9,100 movements in the 92-day modelling period may meet current demand within that period, but it is insufficient for meeting demand across the Summer season (about 217 day period). Contrary to the text of the Draft Decision, a 9,100 limit in Summer does not "allow for extra flights during the 92-day summer busy period" unless the intention is to prevent night movements for the rest of the Summer season.

55. Since ABP has included an annual movement limit and split this across the Summer and Winter seasons, it would appear likely there has been a miscalculation of the limits, perhaps resulting from a typical reliance on the 92-day modelling period.

56. The following sets out the aviation seasons relied on globally.

Aviation Season	Period	Weeks / Days
Northern Winter	Last Sunday in March to last Saturday in October	21-22 weeks 147 – 154 days / nights
Northern Summer	Last Sunday in October to last Saturday in March	31 weeks 217 days / nights
The global aviation system is defined by two seasons which create two slot allocation and scheduling periods.		

Source: IATA

Further Observations

Risks of implementation of the Draft Decision if not amended

Operational

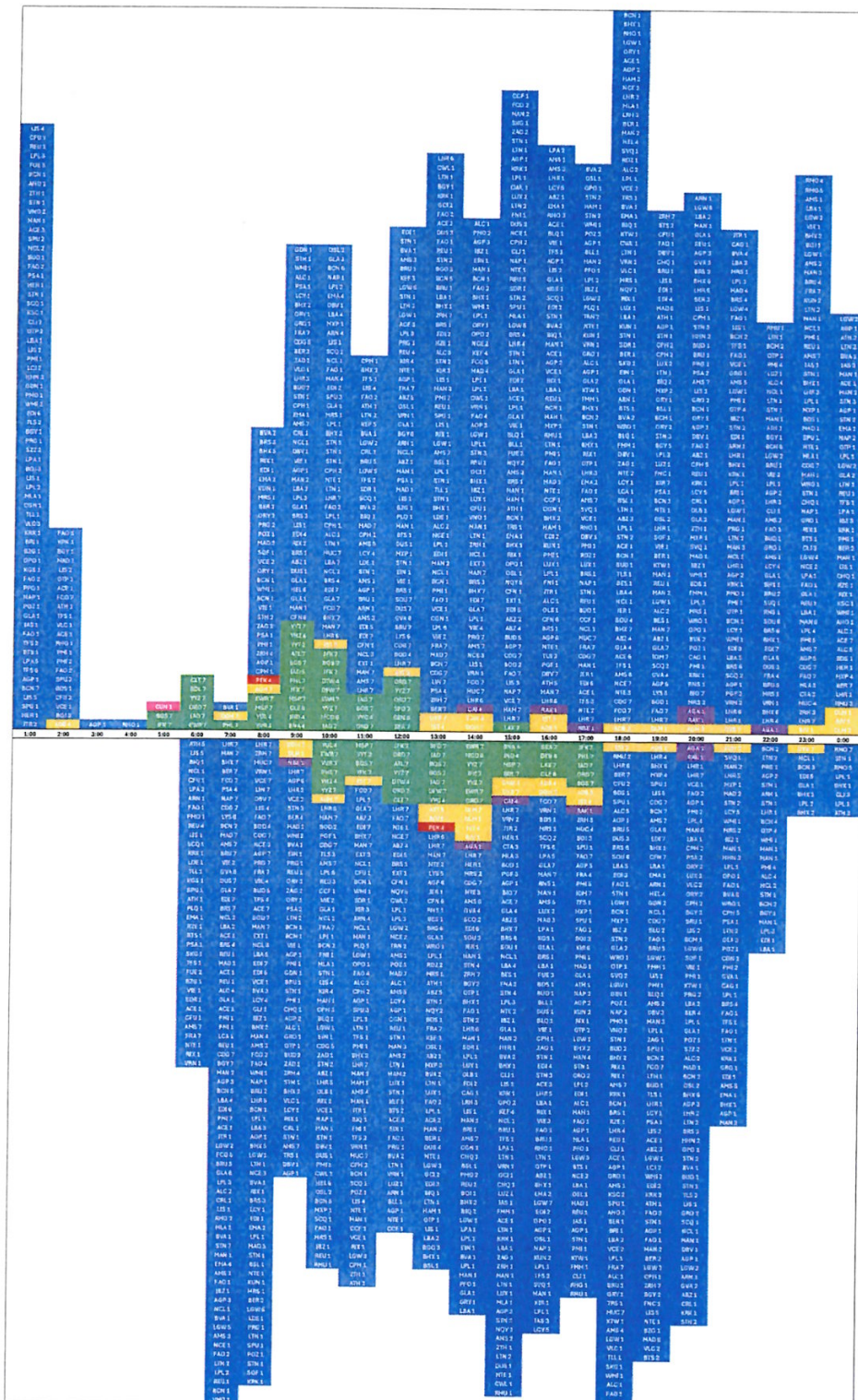
57. Figure 1 below provides an overview of the flights by hour of day, reflecting a typical day in Summer 2025 (publicly available schedules), at Dublin Airport. The arrivals are shown on the top and the departures below the horizontal axis depicting the clock hour (Local time). Each box represents one flight and the origin or destination airport code.

58. The hub airport has a number of 'banks' of flights where arrivals are scheduled to allow onward connections to other departing flights. The overview shows the high proportion of European arrivals in the first part of the night period (2300 hrs to 0200 hrs) and the first wave of European departures at 0600 hrs local time. Many of these first departures are to European countries. Without these operations being able to continue in the night period, there will be a subsequent loss of connectivity to continental Europe.

59. Therefore, restricting night flights to 13,000 annually would harm vital connectivity and further weaken Dublin Airport's competitiveness given its geographical location and time zone.

60. Key to Figure 1: Green – North America, Blue – Europe, Yellow – Middle East, Red - China, Purple – Africa

Figure 1: Overview of the flights by hour of day (local time), reflecting a typical day in Summer 2025 at Dublin Airport



Source: Aer Lingus generated report, using OAG data, dated 18 December 2024

IATA Submission on An Bord Pleanála Draft Decision ABP-314485-22 (23 December 2024)

Aeropolitical

61. Imposing restrictions without a Balanced Approach could lead to retaliation from other countries or regions, which could damage the connectivity of both Ireland and the EU. Any reduction in existing, historical flights would likely result in bilateral objections. This almost happened last year when the US Department for Transportation (DOT) issued an order requiring Dutch airlines to file flight schedules for all of their services to and from the United States within seven days, following the Dutch government's announced restrictions and traffic movement cap for Schiphol airport without the Balanced Approach. There is also a high risk that the European Commission will issue an infringement procedure for non-compliance with the EU Regulation 598/2014¹⁶ against the Republic of Ireland.
62. The approach taken by ABP undermines the role of international law under the Chicago Convention¹⁷ as well as the resulting international standards designed to secure a high degree of uniformity and stability in national applicable regulations. Ignoring the Balanced Approach process undermines the progress achieved by ICAO to establish a coherent and effective policy framework to address the impacts of aviation noise in a cost-effective manner. This will place Dublin Airport at a competitive disadvantage compared to other major European and non-European hubs.
63. The reduction from current night movements represents a drastic decrease. The proposed restrictions will likely significantly reduce passenger and cargo throughput, adversely affecting the local and regional economy. They will hinder future growth, affect the broader economy and employment, and leave the Republic of Ireland less connected with the rest of the world. Additionally, these measures could have unintended consequences, such as increased noise pollution in other areas due to rerouted flights.
64. Historic precedence is a feature of the slot process enshrined in EU law¹⁸ and provides operational stability, airline investment certainty, scheduling confidence, and efficient use of the Dublin Airport facility. Airlines entering the market are able to develop services with confidence, providing competition and consumer choice. Meeting the proposed restriction will require the withdrawal of slots that have earned historic precedence, nullifying this established practice and its benefits, and undermining airline confidence which relies on the airport's consistent operational framework. IATA is of the opinion that there is no legal basis for the coordinator (ACL) to withdraw historic rights under the EU Slot Regulation 95/93 or the Worldwide Airport Slot Guidelines (WASG)¹⁹.

Economic

Aviation contributes USD 20.2 billion to Ireland's GDP

65. Air transport is a vital component of Ireland's economy. Due to its geographical location and the limited feasibility of substituting air traffic with other modes of transport, commercial aviation is indispensable for the country.
66. Air transport not only connects people and businesses but also facilitates trade, yielding significant positive economic benefits. It generates employment, contributes to the Gross Domestic Product (GDP), and bolsters tourism in Ireland. In 2023, the total economic impact of aviation was estimated at USD 20.2 billion, representing 3.7% of GDP and supporting approximately 128,000 jobs. These figures include the

¹⁶ See footnote 3 supra.

¹⁷ See footnote 8 supra.

¹⁸ See footnote 15 supra.

¹⁹ IATA Worldwide Airport Slot Guidelines (WASG) are available here: <https://www.iata.org/en/programs/ops-infra/slots/slot-guidelines/> [accessed on 23 December 2024].

direct, indirect and induced benefits of the aviation sector to the country's economy as well as tourism spending generated by tourists arriving by air.²⁰

67. In Ireland, the "direct" aviation sector, including airlines, airport operators and on-site businesses, air navigation service providers (ANSPs), and manufacturers, generated USD 5.6 billion of economic output, equal to 1.0% of total GDP, and employed almost 44,300 people (**Error! Reference source not found.**). These figures do not include the aircraft leasing industry where Dublin is a global centre of significant activity and a sizeable contributor to jobs and economic activity.

Table 1: Direct aviation contribution to the economy of Ireland in 2023

	Airlines	Operators	On-site	ANSP	Manufacturing	Total direct
GVA (USD)	2.1 bn	619.6 mn	2.8 bn	85.4 mn	35.1 mn	5.6 bn
Employment	9,500	3,400	30,400	800	200	44,200

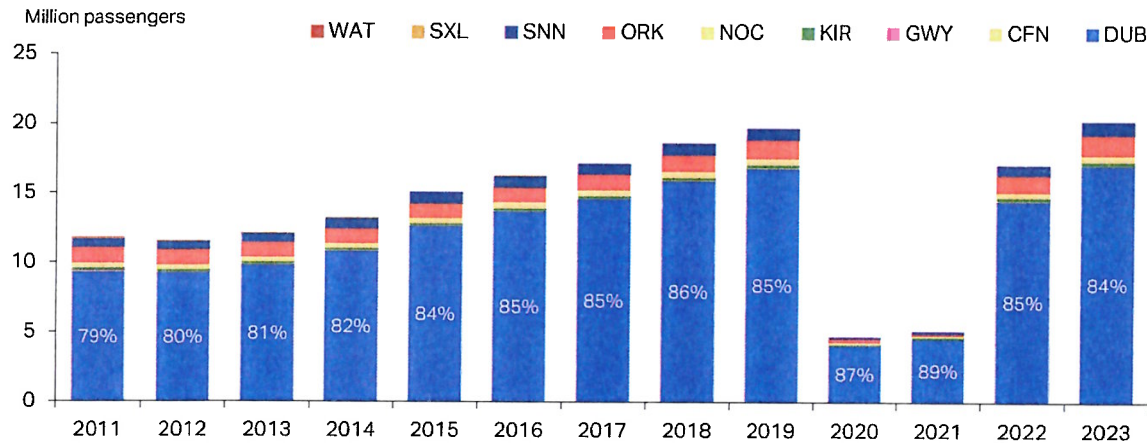
Source: Oxford Economics

Commercial aviation is essential for Ireland and Dublin

68. Due to its island geography, air transport is essential for Ireland. In 2023, Irish airports facilitated the departure of 20.3 million passengers (**Error! Reference source not found.**). This represents a significant 72.3% increase in traffic between 2011 and 2023, highlighting the substantial demand for air travel from Irish airports.

69. Dublin Airport is the largest and most significant airport in Ireland, with an 84.2% share of the country's total passenger traffic, handling 17.1 million passengers in 2023 (**Error! Reference source not found.**).

Chart 1: Passenger departures from Irish airports (2011-2023)



Source: IATA Sustainability & Economics based on data from DDS

70. Dublin Airport plays a pivotal role in Ireland's global connectivity and economic integration. It serves as an international hub, linking Ireland to 195 international airports across 39 countries, through direct

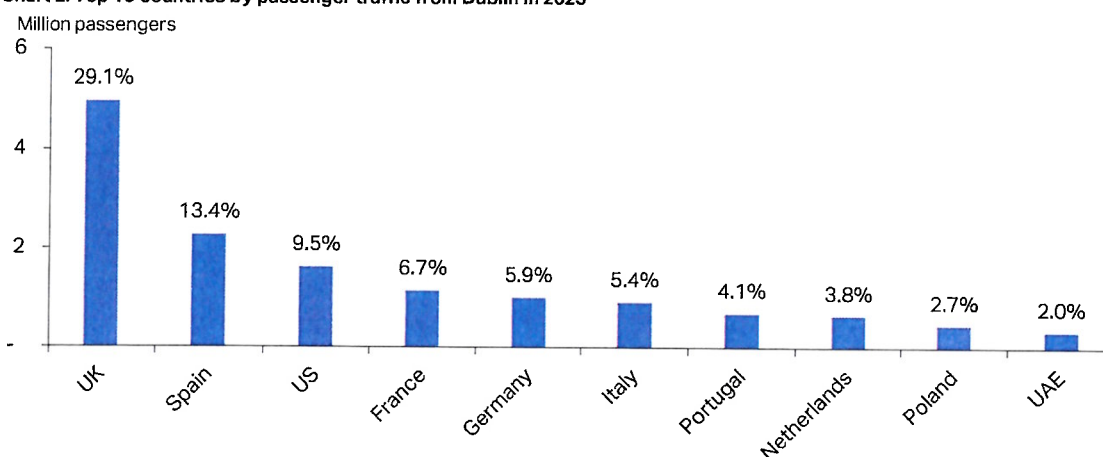
²⁰ ATAG "Aviation Benefits Beyond Borders" Report (December 2024) (p.95) for further explanation of the methodology. Report available here: https://aviationbenefits.org/media/11jovbyi/abbb2024_full_report.pdf [accessed on 19 December 2024].

scheduled regular passenger flights. Further information can be found in IATA's new Value of Air Transport country report – Ireland²¹.

71. On average, Dublin Airport facilitates 309 international flight departures per day (out of an average total of 360 international departures a day for all of Ireland (i.e. 86%)). Dublin Airport is the principal gateway to Ireland, supporting international travel and business and economic opportunities, including for Ireland's sizeable tourism sector. Direct air connections at the other Irish airports total just 67 international airports in 16 countries. Additionally, the airport handled around 1 million connecting passengers²² in 2023, highlighting its role in global transit networks.

72. The United Kingdom (UK) is the most popular destination, with nearly 5 million passenger departures from Ireland in 2023, representing 29.1% of total traffic from Dublin Airport. Spain and the United States (US) follow, with 2.3 million and 1.6 million passenger departures, accounting for 13.4% and 9.5% of the total, respectively (**Error! Reference source not found.**). The top 10 countries collectively accounted for approximately 82% of total passenger traffic from Ireland in 2023.

Chart 2: Top 10 countries by passenger traffic from Dublin in 2023



Source: IATA Sustainability & Economics based on data from DDS

73. Dublin Airport's significance extends beyond passengers to also include air cargo, commanding over 90.1% of Ireland's air cargo volume and handling more than 152,000 tonnes in 2023 (**Error! Reference source not found.**).

74. Operational restrictions at Dublin Airport would therefore have far-reaching consequences, severely impacting the Irish aviation sector and the broader economy. The airport's pivotal role in facilitating trade and commerce underscores its critical importance to Ireland's economic infrastructure and its people.

75. Nighttime flights are an essential feature of the express freight sector that is pivotal to ensuring time-critical shipments can reach their destination in time, supporting high value trade and the Irish economy. In 2020, York Aviation estimated the value of air freight carried on night flights at Dublin Airport was EUR 19 billion. The industries in Ireland reliant on end of day shipments and/or early morning arrivals ahead

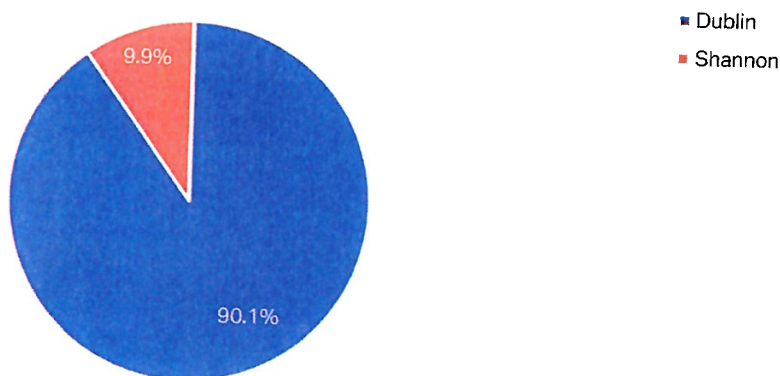
²¹ IATA "Value of Air Transport to Ireland" Report (December 2024). Available here: <https://www.iata.org/en/iata-repository/publications/economic-reports/the-value-of-air-transport-to-ireland/> [accessed on 19 December 2024].

²² Dublin Airport news report "Almost 32 million through Dublin Airport's Terminal in 2023" (24 January 2024). Available here: <https://www.dublinairport.com/latest-news/2024/01/24/almost-32-million-through-dublin-airport-s-terminals-in-2023> [accessed on 19 December 2024].

of the business day are typically moving valuable freight that is transported by air for the pharmaceuticals, healthcare, high value machinery and equipment sectors²³.

76. Cargo operators operate almost exclusively at night and access is critical for their continued and successful operations. For example, currently operators are in the midst of the peak winter shipping season and the proposed reductions to nighttime operations will have a huge impact on IATA's cargo members' ability to deliver packages in time for the end of year holidays. Ireland is an island nation dependent on efficient cargo deliveries.
77. Additionally, operating during the night hours is essential, as it enables deliveries to occur at the start of the working day, therefore maximising productivity for thousands of organisations across Ireland.
78. If the sector is significantly restricted from flying at night this will severely impact the express cargo industry with wider implications across the supply chain and Irish economy. This includes major disruption to supply chains and reduced competitiveness because Irish businesses will be less competitive if they are not able to receive or send goods as quickly and efficiently as their EU counterparts.

Chart 3: Air freight handled by main airports in Ireland in 2023 (in tonnes)



Source: Central Statistics Office of Ireland, 2024;

Note: Cork, Kerry, and Knock airports together account for less than 0.05% of air cargo volume

Night flights improve operational efficiencies of airports and airlines

79. Night flights, defined as services that take off or land between 2300 hrs and 0700 hrs, play a crucial role in the aviation industry. These flights are integral to airline route planning and offer multiple benefits in terms of travel costs and convenience for passengers.

- a. **Maximizing aircraft utilization** – airlines employ night flights to maximize aircraft utilization, enhance connectivity and maintain low prices. By operating during the last hours of the day and the first hours of the night, they also have the opportunity to recover unforeseen delays and position aircraft for the next day's operations.

²³ York Aviation LLP report "The Economic Impact of Cargo Night Flying at Dublin Airport" available here: <https://ftai.ie/wp-content/uploads/2023/05/Air-Cargo-Night-Flying-FINAL.pdf> [accessed on 23 December 2024].

- b. **Convenient connections for passengers** – For airlines operating under the hub-and-spoke model, night flights are critical. They ensure that flights are timed to provide convenient connections to other destinations within the airline's network. This is particularly beneficial for international travel, where seamless connections are highly valued by customers.
- c. **Cargo operations** – Cargo airlines typically operate intercontinental flights during the day and short to medium-haul flights at night. Night operations are critical for express cargo airlines to provide overnight services across the globe, as their flight banks are carefully timed to meet network demands, and in general, nighttime operations, expedite cargo handling, as these processes are more efficient during off-peak hours. Night flights also ensure the most efficient use of limited airspace and airport facilities.
- d. **Sustainability of fares** – Budget, low cost airlines and non-scheduled airlines, also rely on night flights to fully utilize their aircraft, thereby keeping operational costs down and providing flexibility and convenience to their customers.

80. Despite their importance, night flights face numerous regulatory restrictions worldwide, particularly within the European Union. A report by the European Environment Agency highlighted that around 2.3 million people in EU-27 countries were exposed to a noise threshold level of Lden (Day-evening-night level²⁴) ≥ 55 dB by flight operations in 2022.

81. However, putting this into context, the same report found that around 87.0 million and 16.9 million people in EU-27 countries were exposed to Lden ≥ 55 dB due to road and rail transportation, respectively (i.e. 38x and 7x the number of people impacted by noise from air transport).

82. Night flights are a vital component of the aviation industry, offering significant benefits for long-haul travel, cargo operations, and cost management for both full-service and low-cost airlines. However, balancing these benefits with regulatory compliance remains an ongoing challenge for the industry. The ICAO Balanced Approach to Aircraft Noise Management, as highlighted above, is a set of global principles designed to address these considerations in a consistent and transparent manner.

Proposed nighttime restrictions would significantly hinder Dublin Airport operations

83. The proposed night flight restrictions, limiting night movements at Dublin Airport to 13,000 a year, split into 3,900 movements per winter season and 9,100 movements per summer season, would significantly impact the airport's operations, airlines, and many departing and arriving flights.

84. To assess the impact, the traffic schedules of the last two completed scheduling seasons were considered, namely, the winter season 2023 (29 October 2023 – 30 March 2024) and summer season 2024 (31 March 2024 – 26 Oct 2024). This includes scheduled regular passenger flights, scheduled charter flights and scheduled cargo flights.

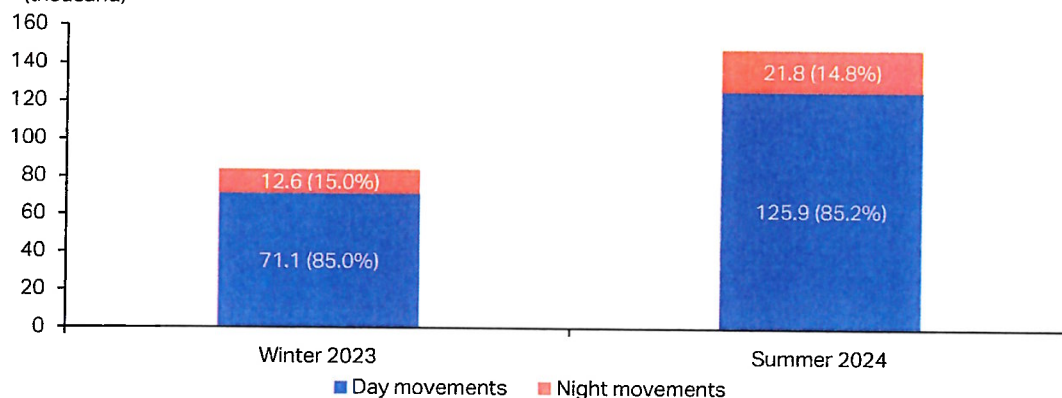
85. However, note that air transport volumes at Dublin Airport have not yet fully recovered to their 2019 (pre-pandemic) level and are anticipated to grow further in the future, leading to a larger impact than shown below.

²⁴ Lden stands for day-evening-night level. It is a European standard used to measure and express noise levels over an entire day, with a penalty of 10 dB for nighttime noise (2300-0700) and an additional penalty of 5 dB for evening noise (i.e. 1900-2300). Available here: <https://www.eea.europa.eu/help/glossary/eea-glossary/ldn> [accessed on 23 December 2024].

86. In the winter season of 2023, there were around 83,600 scheduled movements (departures and arrivals) at Dublin Airport (**Error! Reference source not found.**). Around 12,500 (15.0%) of those were flights arriving between 2300 hrs and 0700 hrs. This is more than three times higher (322%) than the proposed limitation for the Winter season. If the restriction had been in effect, night flight movements would have had to be decreased by almost 70% for that season.
87. In the summer season of 2024, there were around 147,800 movements at Dublin Airport. Around 21,800 (14.8%) of those were flights arriving between 23:00 and 07:00. This is more than double (240%) the proposed limitation for the summer season. If the restriction had been in effect night flight movements would have had to be decreased by almost 60% for that season.
88. Both of these impacts represent a very significant disruption to both air transport and economic activity.
89. Furthermore, over the two seasons, restrictions would have impacted almost half of all airlines operating scheduled flights out of Dublin Airport (26 out of 54).

Chart 4: Departures and arrivals at Dublin Airport (passenger & some other) per season

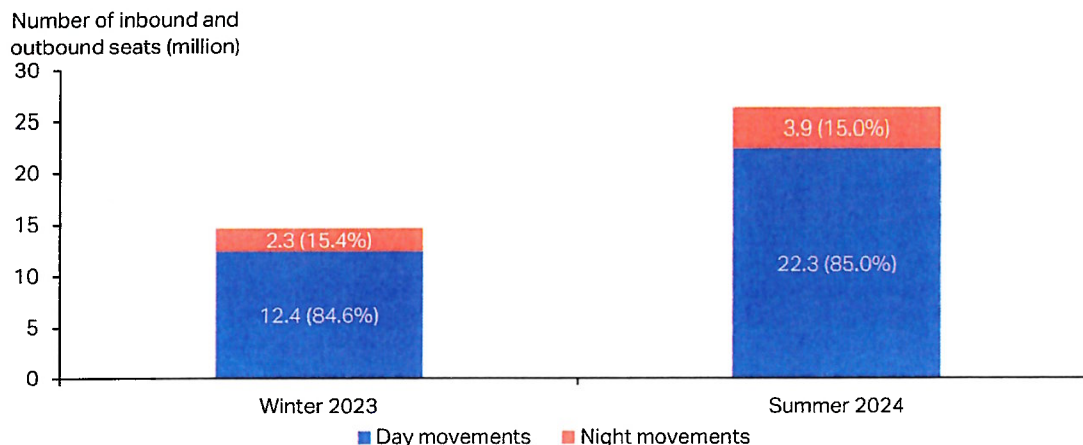
Number of movements
(thousand)



Source: IATA Sustainability & Economics based on data from OAG

90. Analysing the seat capacity of arriving and departing passenger flights at Dublin Airport shows that a slightly higher percentage of seats are operated at nighttime, compared with the number of flights. In the winter season 2023, 2.3 million seats (15.4%) out of 14.6 million seats were operated at nighttime at Dublin Airport (Chart 5). In the summer season 2024, 3.9 million seats (15.0%) out of 26.3 million seats were operated at nighttime at Dublin Airport. This reflects the impact of international, long-haul traffic, with typically larger aircraft size. On this basis, the impacts would be slightly larger than those presented above.

Chart 5: Seat capacity of departures and arrivals at Dublin Airport (passenger & some other) per season

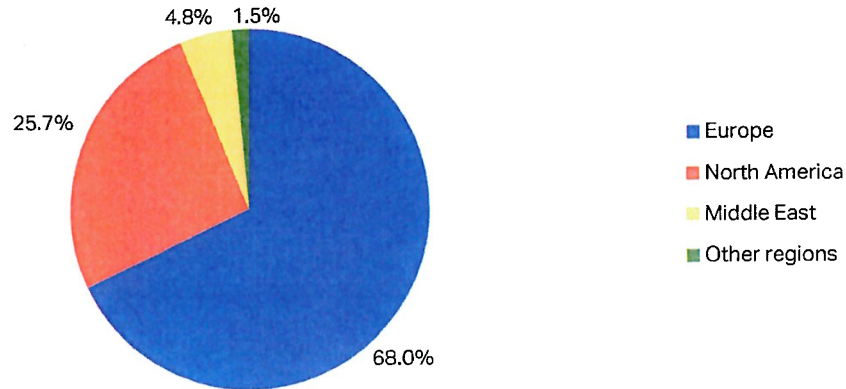


Source: IATA Sustainability & Economics based on data from OAG

Nighttime arrivals are particularly important for interregional passengers

91. During the winter 2023 and summer 2024 season, Dublin Airport recorded approximately 113,000 international aircraft arrivals of regular scheduled passenger services. Of these, around 15,600 (13.7%) were nighttime arrivals. This translates to around 20.2 million available total inbound seat capacity with 3.1 million (15.5%) seats arriving at night. Assessing seat capacity rather than flights gives a better view on the volume of potentially affected passengers.
92. A detailed analysis of the seat capacity distribution by origin region for these nighttime arrivals reveals that 68.0% of the seat capacity originated from other European countries. The remaining 32.0% is attributed to inter-regional traffic, with North America contributing the most significant share of 25.7%. Additionally, 4.8% of nighttime seat capacity came from the Middle East and 1.5% come from other regions combined (Asia, Africa, and Latin America) (Chart 6).
93. There are connectivity benefits from early morning night flights at Dublin Airport, given Ireland is one hour behind the European continent. If flights were reduced drastically, as proposed, many of the European flights would be departing after 0700 hrs local time (Dublin Airport) which is already 0800 hrs on the continent. Damaging the ability to serve a business day. Ireland's geographical location means longer flight times to Europe than other EU member states need to manage, further impacting competitiveness for consumers.

Chart 6: Nighttime inbound seat capacity at Dublin Airport, by origin region



Source: IATA Sustainability & Economics based on data from OAG

94. For arrivals to Dublin Airport from regions outside of Europe, nighttime arrivals represent a significant percentage of their total arriving seat capacity. Specifically, for North America, which has the highest seat capacity to Dublin Airport among all non-Europe regions, nighttime arrivals accounted for 32% of its total seat capacity.

Movement reduction methodology

95. The Irish Aviation Authority has not confirmed the methodology to be used when reducing night movements. Neither has ABP shared any assessment of how or who's capable of managing down the slot capacity to meet the new limit.
96. Airlines are invited to respond to this consultation, but they cannot know how the new restriction will impact their individual organizations in the absence of a movement reduction methodology. The consequence of this omission is that this consultation cannot accurately assess the impact of the Draft Decision.
97. The proposed reduction in night movements has not been complemented by an analysis of how to impose it in a fair, transparent, and non-discriminatory manner, in keeping with EU Slot Regulation 95/93 and the EU air services agreements (ASAs).

Concluding Remarks

98. IATA fully supports the implementation of NQCS for managing aircraft noise whilst encouraging the use of quieter aircraft and allowing growth for the aviation industry. IATA rejects the claim that the NQCS is "insufficient to adequately mitigate significant adverse noise effects on sleep at night" if implemented alone as suggested in the Vanguardia Report.
99. IATA does not support the introduction of any operating restrictions without the Balanced Approach and a cost-effectiveness analysis associated with the proposed measures. As stated above ABP cannot reduce nighttime flying at Dublin Airport to address noise concerns unless it engages in a comprehensive Balanced Approach procedure as required under both EU and international law.
100. Therefore, IATA strongly urges that:
- a. ABP abandon the introduction of an annual movement cap along with the NQCS, and reinstate ANCA's first decision of a stand-alone NQCS with no additional movement cap, since ANCA is the competent noise authority for the Republic of Ireland and the NQCS is the outcome of the Balanced Approach; and
 - b. the Irish Aviation Authority (IAA) is consulted as it is aware of the implications of the EU Slot Regulation 95/93 as well as managing capacity and related slot allocation issues.
 - c. ABP reexamine its process and Draft Decision to ensure that the Balanced Approach is followed completely. Should ABP wish to consider a movement cap; the noise problem shall be demonstrated, a new Balanced Approach shall be considered in accordance with Regulation 598/2014, and a revised Draft Decision produced with the fundamental suggested revisions.

Submission date: 23 December 2024

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