

SECTION 131 FORM

File With \_\_\_\_\_

S. 37

Appeal NO: ABP 314485

TO: SEO

Defer Re O/H ☐

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

bec 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 issues

E.O.: [Signature]

Date: 21/1/25

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: \_\_\_\_\_

S. 37

File With \_\_\_\_\_

**CORRESPONDENCE FORM**Appeal No: ABP 314485Please treat correspondence received on 23/12/24 as follows:

. Update database with new agent for Applicant/Appellant \_\_\_\_\_

. Acknowledge with BP 23. 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 Recd

## 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: T. WhetiganDate: 21/1/25Date: 21/1/25

## Dillon Corcoran

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**From:** Aidan Sweeney <aidan.sweeney@ibec.ie>  
**Sent:** Monday 23 December 2024 12:15  
**To:** Appeals2  
**Cc:** Keenan Stack  
**Subject:** Case Number: ABP-314485-22 & Planning Register Reference Number: F20A/0668  
**Attachments:** Ibec ABP\_314485\_22\_Ref\_F20A\_0688.pdf

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

To whom it may concern,

Please find attached a letter by Keenan Stack c/o Ibec in relation to ABP-314485-22 regarding 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.

Regards,

Aidan

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EU Transparency register 479468313744-50

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EU Transparency register 479468313744-50

Mr Peter Mullan  
An Bord Pleanála  
64 Marlborough St,  
Rotunda,  
Dublin 1,  
D01 V902

23<sup>rd</sup> December 2024

**Ref: F20A/0668: Night-time use of the runway system at Dublin Airport**

Dear Mr Mullan,

Ibec, Ireland's leading business representative organisation, welcomes the opportunity to respond to the An Bord Pleanála's Draft Decision Case Number: ABP-314485-22.

**Economic Context**

The economic contribution of Dublin Airport and the pivotal role it plays in empowering Irish business, both here at home and abroad, cannot be overstated. Our continued prosperity is dependent upon the access to global markets it provides – both in the inflow of foreign-born talent to Ireland's high-skilled labour market and the outflow of high-value exports, for example from our pharmaceutical and medical technology industries. As competitiveness returns to front of businesses' minds, our economic competitiveness as a nation is underpinned by a dynamic and resilient airport ecosystem, which includes growing Dublin as a global hub while allowing it to compete with other European airports.

The daa's Economic Impact Study 2023 highlights that Dublin Airport contributes a total of €9.6 billion in gross value added (GVA) to the Irish economy and supports / indirectly facilitates 116,100 jobs - with 19,000 directly employed by the airport and airport related businesses. Looking forward, the total economic impact of Dublin Airport is projected to reach 151,000 jobs and €12.5 billion in GVA by 2030.

**Planning Context**

When planning permission was granted for a new runway at Dublin Airport in 2007, several conditions were placed on the operations. Specifically, Condition 5 states:

*"On completion of construction of the runway hereby permitted the average number of night time aircraft movements at the airport shall not exceed 65/night (Between 2300 and 0700) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5<sup>th</sup> Day of March, 2007."*

We have long been concerned that the conditions attached to the original planning permission would impact adversely on overall passenger and cargo capacity once the new runway was operational. Given that these conditions were imposed more than 15 years ago, there was a clear case for reviewing them, bringing them into line with ICAO's Balanced Approach to Aircraft Noise Management and taking due account of the substantial improvement in aircraft noise performance over the intervening period.

We were already of the belief that planning conditions 3(d) and 5 were incompatible with the Eastern and Midlands Regional Authority's Regional Planning Objective 8.17, in that they impose unnecessary constraints on Dublin Airport's ability to compete effectively against other EU and British hub airports, several of which have already implemented noise-management regimes based on ICAO guidance.

The additional restrictions in the draft decision have not been supported by appropriate cost benefit analysis of the full range of noise mitigation options as is required by the ICAO Balanced Approach. It is unclear that the significant economic implications of the draft decision are fully understood or have been fully considered.

The early morning shoulder period (6.00am to 7.00am) is of particular importance to the two main airlines operating out of Dublin Airport given our differing time zone with Continental Europe and now relies on dual runway availability. The original restrictions remaining would therefore adversely impact the cost-effectiveness of routes operating out of Dublin. The proposed restriction on night-time aircraft movement limits will fundamentally impact the economic viability of aircraft investment by airlines operating at Dublin Airport. As result, the night-time movement restriction would result in significant capacity reduction throughout the full operating day arising from a reduction in fleet operating at Dublin.

The condition fails to adequately give due consideration to the global nature of aviation, the geographic positioning of Dublin on west coast of Europe, and the unique operating requirements in terms of early morning arrivals to support Dublin Airport's Transatlantic network and Hub Operations Transatlantic network.

Moreover, companies across our membership consider night-time arrivals into Dublin Airport to be of particular importance to the efficient movement of 'just in time' freight such as pharmaceuticals and medical technology. The overall employment impact of reduced night and shoulder period flights would have been compounded by indirect adverse effects on Irish supply chains across a range of high value industry sectors if the planning conditions had not been amended.

The replacement of Condition 5 with a Noise Quota System (NQS) saw broad support from industry stakeholders. The current cap of 65-night movements (23,725 annually) was to be adjusted upwards. The noise regulator (ANCA) and Fingal County Council (FCC) agreed but this was appealed by third parties. The An Bord Pleanála (the Board) Draft Decision in September 2024 agreed with the NQS but mistakenly placed a cap of 13,000 annual night movements. This is even more restrictive than the existing cap. Ibec is of the belief that there were several flaws in the Draft Decision, which are outlined below.



## **Fundamental concerns with the Draft Decision**

We have fundamental concerns with the Board's Draft Decision and supporting Inspectors Report issued in respect of Reg. Ref. PL06F.314485 as to the process followed and the resulting decision. The required process as set out in the Aircraft Noise (Dublin Airport) Regulation Act, 2019 has not been adhered to. Alongside critical errors relating to process, there are errors in understanding, calculation and interpretation of submitted application documents leading to the intended outcome but rather the opposite being achieved.

The Inspector took a figure of 13,000 annual night movement limit, representing the difference between permitted and proposed total ATMs in the year 2025 and misinterpreted this figure as proposed total night-time ATMs. The effect of this decision would be to cut the current permissible night-time ATMs by 60%, which would have significant implications for passengers and airlines (particularly transatlantic), as well as freight operations.

Condition 5 requires urgent rectification by the Board, as it appears a serious error has been made. It is clear from the Inspector's reasoning, that the intention was to support additional flights, believing this would allow up to 100 aircraft movements per night during the 92-day period. This draft condition runs contrary to the findings of the ANCA, the appointed competent authority on aircraft noise issues, and prior FCC decisions – neither of which sought to include a movement limit. Then currently proposed limit equalling out to 35 flights a day is unacceptable.

## **Noise Abatement Objective (NAO)**

We urge the Board to reexamine their process and decision to ensure that the correct process is followed regarding the stated Noise Abatement Objective (NAO). Section 9.7 of the 2019 Act states "measures 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". The practical impact of this section is that if the Board is of the view that the NAO will be achieved by the existing noise mitigation measures or operating restrictions, which elements of the supporting documents appear to suggest, no additional noise mitigation measures or operating restrictions are permitted.

The Draft Decision and Inspector's Report do not properly engage with the NAO, and the Draft Decision makes no clear determination on whether ANCA's Relevant Decision meets the NAO. If the Board determined that additional or modified noise mitigation measures or operating restrictions were required, the Balanced Approach must be applied by the Board to identify and select possible mitigation measures, and this has not occurred. The Balanced Approach aims to ensure that airports and airlines can strike a balance between stricter environmental measures and the need to meet the current and future demand for air transport by avoiding operational restrictions.

## **EU & US Law**

We do not believe the correct processes has been adhered to in relation to Regulation (EU) 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures regarding the introduction of noise-related operating restrictions at Union airports within a Balanced Approach as well as the Aircraft Noise (Dublin Airport) Regulation Act, 2019. In addition to the obligation undertaken by Ireland as an EU Member State to apply the Balanced Approach prior to implementing operational restrictions, the U.S.-EU Air Transport Agreement (ATA) highlights the importance of evaluating the effects of proposed environmental measures on the traffic rights of US carriers and consideration of mitigating measures to limit harm and explicitly requires the Parties to adhere to the Standards adopted by ICAO (such as those in Annex 16 to the Chicago Convention). There is no demonstration at any point in this process that the Irish Authorities have met their obligations to U.S. carriers under Article 15 of the ATA.

In addition, there is a requirement to provide a “fair and equal opportunity to compete” under the U.S.-EU air service agreement. The drastic competitive effects that they will impose on carriers that operate only during the night, such as express cargo operators, will have a significant impact on the wider Irish economy. The 13,000 limit will have a disproportionate impact on express cargo operators who fly at night out of necessity, rather than choice, and will have wider implications for Ireland’s economic growth and international competitiveness. In conclusion, in addition to flaws in calculations and interpretation, the new draft conditions introduced by the Board are non-compliant with EU Regulation 598 and the 2019 Act as well as the US-EU Air Transport Agreement (ATA).

## **Impact on Cargo Services**

All cargo flights account for approximately less than 15% of the total movements in the night period (based on S25 numbers), yet the value brought to the wider economy is much more significant. Night flights currently make an invaluable contribution to Ireland’s economy, supporting €1.1 billion in GDP and 15,000 jobs. Freight flown at night accounts for 38% of the total freight volumes at Dublin airport, and nearly two thirds of this is transported by express freight operators, primarily those shipping perishable and other time-sensitive goods.

Express cargo is key to the supply chain, enabling Irish businesses, especially in pharmaceutical and healthcare industries to send and receive just-in-time deliveries. It is flown at night out of necessity rather than choice. Flying at night is essential to ensuring time-sensitive goods reach their destinations on time, providing Ireland with connectivity to global networks. Many of those have a limited lifecycle only. Protecting air freight is critical to economic growth and keeping Irish businesses competitive in a 24-hour global economy. With customers requiring late afternoon collections and early morning deliveries, the only time express carriers can move export and import shipments is by air and at night. Schedules are designed to meet the need of customer and/or end-users.

All-cargo flights account for approximately less than 15% of the total movements in the night period in Dublin airport (based on S25 numbers), yet the value we bring to the wider economy is much more significant. Air Freight makes a valuable contribution to the Irish Economy, with

cargo night flying supporting €1.1 billion in GDP and 15,000 jobs. Freight flown at night accounts for 38% of the total freight volumes at Dublin airport and around 63% of night air cargo is transported by express freight operators primarily shipping sensitive goods. 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.

This delay of goods reaching businesses in Dublin and the wider region, reducing international competitiveness and creating inefficiencies within the supply chain. The impact on operational networks will have knock on effects to the entire supply chain, increasing cost to their business and how they serve their customers. If goods cannot get in in time for morning delivery it may come by road transport, if at all, resulting in more trucks on road, more congestion and an impact on the environment.

### **Impact on Transatlantic Services**

Dublin Airport is Ireland's global aviation gateway. It is not competing with Irish regional airports for growth, but other European and UK airports of scale. Growth comes from winning new routes and connections against these locations. In recent years, new routes have opened between Dublin, key hub routes of Dubai and Doha further afield such direct flights to China. Restrictions on ATMs through the currently drafted conditions would hold back future growth in terms of existing and new routes. However, the draft decision if left unchanged will would have a drastic significant impact on transatlantic services.

Transatlantic services will also be particularly affected given their early arrival times. Dublin Airport has evolved into a hub airport and is the 5th best-connected European hub airport to the USA and is a major airport for transatlantic travel. For example, in June 2025 it can be expected that there will be up to 42 transatlantic arrivals from various destinations across the US and Canada into Dublin Airport. Nine of these are scheduled to arrive before 07:00. Proposed conditions set out in the draft decision may cause operational difficulties from a practicality point of view. Whilst Condition 3(d) with respect to Runway 10L-28R states that operations are not permitted between 00:00 and 05:59, save for exceptional circumstances, Condition 3(e) states that the specified runway can only be used for departures between 06:00 and 08:00.

### **Planning Hierarchy**

The National Planning Framework tasks Dublin Airport with providing High Quality International connectivity – a key National Strategic Outcome (NSO) as outlined in Project Ireland 2040. Dublin Airport's role as national strategic asset is reflected in the National Aviation Policy, alongside regional policies such as the GDA Transport strategy, Eastern & Midland Regional Spatial & Economic Strategy (RSES) and the Fingal Development Plan 2023-2029. Planning decisions must be reflective of the planning hierarchy established under Project Ireland 2040 – the National Planning Framework.



## **Conclusion**

Following this lengthy ,drawn-out process and over two-years following both FCC and the Board approval of the proposed changes to night-time use of the runway system at Dublin Airport, we strongly urge the Board to grant permission for the originally agreed upon operating hours and ATMs for the North Runaway. Facilitating growth at Dublin Airport to meet both passenger and freight demands isa key issue for business. Global connectivity is essential to undermining Ireland's economic competitiveness, including securing new inward investment and supporting exports.

We hope you find our comments to be of benefit in assessing this application. Should you wish to discuss the points raised further or require clarification, we would be happy to oblige.

Yours sincerely,

Keenan Stack

Ibec - Transport & Infrastructure Policy Executive