

Joe Mahon
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February 28, 2022
[Via Consultation Portal]

Dear Mr. Mahon,

RE: ANCA Draft Regulatory Decision (November 11th, 2021) pursuant to Section 34C (10) Planning and Development Act 2000, EU Regulation No 598/2014, Aircraft Noise (Dublin Airport) Regulation Act 2019.

Planning Application F20A/0668

Tom Phillips + Associates (TPA) continues to act on behalf of daa plc (the Applicant) in relation to the above referenced Relevant Action planning application as part of a multi-disciplinary project team including AECOM, Bickerdike Allen Partners (BAP), Ricondo, Mott MacDonald, InterVISTAS and Anderson Acoustics.

We refer to the above referenced matter and receipt of the Aircraft Noise Competent Authority's (ANCA) 'Draft Regulatory Decision', dated 11th November 2021 and note that ANCA is currently inviting submissions or observations by any person, including daa, on:

- The Draft Regulatory Decision and related report,
- The Draft Noise Abatement Objective (NAO) for Dublin Airport,
- Strategic Environmental Assessment (SEA) Draft Environmental Report,
- Appropriate Assessment Draft Natural Impact Statement (NIS).

We refer to the applicant's previous submission (dated 12th October 2021) in relation to ANCA's, at the time, Proposed Draft Regulatory Decision, the content of which we would reiterate where appropriate. Notwithstanding this, the applicant and the project team have reviewed ANCA's draft Regulatory Decision and related report, as well as the detailed documentation associated with the draft NAO and ANCA's environmental assessments which have been made available as part of the public consultation. We wish to make the following submission in relation to the draft Regulatory Decision and draft NAO.

TOWN PLANNING CONSULTANTS



1.0 Draft Regulatory Decision Report

The applicant does not propose to make any detailed observations on the draft Regulatory Decision Report and reiterates the content contained within our submission of 12th October 2021 (Refer Appendix L of ANCA's Draft Regulatory Decision Report)

2.0 Draft Noise Abatement Objective (NAO) for Dublin Airport

The applicant has reviewed the Draft NAO and accompanying report *Noise Abatement Objective Report for Dublin Airport* dated September 17th, 2021. We wish to make the following observations:

2.1 Draft NAO Text

The draft NAO is to:

"Limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport."

As detailed in Section 7.4, Required Outcomes, of the NAO Report, ANCA has determined the expected outcomes to be achieved through the NAO. These comprise reductions in the number of people assessed as highly annoyed (HA), and in the number assessed as highly sleep disturbed (HSD), compared to 2019 of:

- 30% by 2030,
- 40% by 2035,
- 50% by 2040.

There is also an expectation that the number of people exposed to aircraft noise above 55 dB L_{night} and 65 dB L_{den} shall be reduced compared to 2019.

As detailed in Section 7.3, Measurable Criteria, of the NAO Report, ANCA advises that:

"The calculation of the number of people exposed to aircraft noise shall have regard for the most recent population data available and assessed against the population exposed to aircraft noise in 2019."

In the supporting text it also states that:

"The measures shall be calculated using population estimates representative of the current year or year of interest as well as against a baseline population representative of the year 2019. This shall be undertaken having regard for guidance published by the Environmental Protection Agency (EPA).

For example, when measuring the NAO in 2030, a population dataset should be used which is representative of the population in 2030. If the current year is 2030 then the population dataset for the current year shall be adopted.

If a forecast is being prepared for the year 2030, then a forecast population dataset for 2030 shall be adopted when measuring the NAO.



The inclusion of population growth data in the measurement of the NAO will ensure that land-use planning is considered. Whilst Dublin Airport will need to make efforts to reduce its noise impacts, by accounting for population growth, this will also ensure that land-use planning is effective."

2.2 Land use planning impacts on the NAO performance

The above approach has potentially significant implications for achieving the NAO. The contour shape is influenced by many factors including the type of aircraft, the aircraft routes flown, the flight procedures and the frequency of this activity. This is controlled and managed by the airport, the Air Navigation Service Provider, and the airlines. The location and number of dwellings and future populations in the area is influenced by national¹ and local policy, including measures such as Aircraft Noise Zones which are enforced by the competent planning authority.

It is therefore possible that even if the amount of noise being produced by the airport remains the same or decreases, the number of people exposed to a given noise level could increase due to factors outside of the airport's control. For example, if the population in the area around the airport increased overtime, as directed by national and regional policy, it is likely that the targets within the NAO may not be achievable.

This does not appropriately reflect the fact that the responsibility for managing population growth in the vicinity of the airport does not lie with the airport itself but with the local councils. The airport has no function in the zoning of land, the development of land, granting of planning permission for dwellings and therefore the number of dwellings and number of persons living within these dwellings. As such the airport does not have the capability or control of one of the key inputs to achieving the NAO (i.e. the location of future population) and this needs to be explicitly acknowledged and taken account of in the assessment of performance against the NAO for the future. It is critical that this is reflected in the ANCA NAO commentary to avoid any scope for confusion when the performance against the NAO is assessed.

The draft NAO includes metrics which require the airport to take account of dwellings and populations at very low noise levels. This means that land-use planning must be effective at these low noise levels in order to control the population numbers within these lower noise levels. However, within the Fingal Development Plan 2017-2023 Variation No.1, it is noted that the areas exposed to night-time noise between 40 and 48 dB L_{night} would either be in Zone D where "All noise sensitive development within this zone is likely to be acceptable from a noise perspective" or would be outside all the zones unless they are only overflowed during the daytime.

Future residential development within these low noise zones is proposed to be included within the calculations for assessment against the NAO targets even though it is deemed acceptable within Fingal Development Plan 2017 - 2023 Variation No.1 from a noise perspective. This could mean that future developments that are acceptable by the Planning Authority from a noise perspective are counted negatively towards performance against the NAO. There is an evident contradiction here which should be addressed – if the development plan allows for noise sensitive development in areas where low noise levels are anticipated then the airport cannot be held accountable for the growth in the number of people exposed to such levels under the NAO.

The overall numbers of people exposed to these lower noise levels make up the largest portion of the total number of people rated as Highly Annoyed (HA) or Highly Sleep Disturbed (HSD). For example, in the 2025 Proposed Scenario 74% of the people assessed as HSD were exposed to noise levels between 40 and 45 dB L_{night} . It is likely that developments in these areas which are likely to occur in future would need to be included when assessing the

¹ Noting that the National Planning Framework, Regional Strategic Economic Strategy and Metropolitan Area Strategic Plan for Dublin specifically directs a significant proportion of the growth for the city into the zone of influence of the airport



performance against the NAO. The airport has no control over this aspect of the NAO and this must be explicitly stated and taken account of in the documentation.

2.3 Approach to consented developments

With respect to development within higher noise areas (55 dB L_{night} and 65 dB L_{den}), there are a number of consented developments which are not yet built within these areas. These have been accounted for within the Relevant Action noise assessment dwelling and population numbers. These dwellings are likely to be within Zones A or B of the Fingal Development Plan 2017-2023 Variation No.1 and as such:

“Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines.”

We would welcome clarity confirming that for future developments and developments already consented² which are exposed to noise levels above 55 dB L_{night} 65 dB L_{den} , they should not be considered when assessing performance against the NAO targets and outcomes as their design already incorporates appropriate insulation measures.

The same point arises in respect of the consented developments in Zone C (≥ 48 and < 55 dB L_{night}), as for these a noise assessment must be undertaken and *“the noise assessment must demonstrate that relevant internal noise guidelines will be met. This may require noise insulation measures.”*

Land-use planning is one of the critical factors that impacts on population within the noise contours, and population can be influenced by policy and enforcement that is outside the control of the airport. It is therefore not appropriate or equitable to include population growth within the NAO and expect the airport to be assessed against this metric when the airport has no control over one of the key inputs.

2.4 Timeline for the application of the NAO

The draft NAO also states *“the number of people exposed to aircraft noise above 55 dB L_{night} and 65 dB L_{den} shall be reduced compared to 2019.”* Within the draft NAO this reduction in the numbers exposed to these noise levels does not have a specific timescale. For the purposes of such a long-term policy as the NAO we would expect this targeted reduction would not apply until 2025 onwards to allow sufficient time for the benefits of reduced noise from more modern aircraft to start to take effect.

2.5 Review of the NAO targets

While the Required Outcomes seek an increasing reduction over time, from 30% in 2030 to 50% by 2050, we would expect that these metrics will be reviewed at appropriate intervals. As is clear from the above, there are several key inputs into the NAO which can change over time.

For example, the applicant appreciates that the 30% target by 2030 is justified by ANCA by reference to the European Commission’s *“Pathway to a Healthy Planet for All”*, which includes a target that by 2030 the EU should reduce by 30% the share of people chronically disturbed by transport noise. The majority of transport noise exposure across the EU is due to road traffic, with aviation noise making up a much smaller percentage. The use of this EU-wide reduction to facilitate the achievement of a specific noise abatement objective, at the level of an individual airport is something that warrants being kept under review to ensure it remains appropriate.

² Since the introduction of the noise zones within the Fingal County Development Plan



2.6 Summary and Potential Alternative for inclusion of population growth within the NAO

The draft NAO provides the framework to *“Limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport.”*

The draft ANCA NAO Report states that *“It will be necessary for Dublin Airport to demonstrate its compliance with the NAO. This will need to be informed and presented in a manner that allows ANCA and any other interested stakeholder to understand whether Dublin Airport is complying with the NAO.”*

The proposed approach to population growth will present a significant challenge to Dublin Airport in assessing performance with the NAO. If population growth and effective land-use planning is to be considered within the overall NAO, this should not be the responsibility of Dublin Airport in terms of compliance. We also note that the NAO is a policy framework which requires multiple stakeholders’ input and sustained efforts to achieve. The applicant is of the view that it is not appropriate for just one of these parties to be responsible for meeting the objectives of such a policy.

In considering the above referenced potential implications, the applicant suggests that a potential way forward would be to define what is expected to be assessed as follows:

- Assess performance against the NAO targets with reference to the 2019 population dataset. This would allow the performance of the airport to be assessed directly against the NAO and deals only with issues that the airport has an element of control over,
- A further comparison using the future population dataset which would allow the effectiveness of land-use planning to be assessed and performance of the relevant agencies that control that element to be separately assessed.

Furthermore, as set out above, it should be clarified that if developments should have been suitably insulated because of the planning process, they can be discounted from the assessment of performance against the NAO, in particular when considering those above 65 dB L_{den} or 55 dB L_{night} .

This will allow Dublin Airport to present performance against the NAO targets *“in a manner that allows ANCA and any other interested stakeholder to understand whether Dublin Airport is complying with the NAO.”*



3.0 Conclusion

The applicant welcomes the issue of ANCA's draft Regulatory Decision and draft NAO. As stated in the Applicants previous submission, whilst we consider that the Relevant Action planning application (F20A/0668) as submitted to the planning authority provides for an outcome that equally achieves the 'Balanced Approach' pursuant to Section 9(2) of the Aircraft Noise (Dublin Airport) Regulation Act 2019, the applicant does not wish to make any further observations or submissions other than those outlined above. We request that our comments on the draft NAO be considered by ANCA when deciding the content of the final NAO.

Please feel free to contact the undersigned if you have any queries on the above.

Yours faithfully

Gavin Lawlor

Director

Tom Phillips + Associates

cc. Planning Department, Fingal County Council, County Hall, Main Street, Swords, Co. Dublin and via email planning@fingalcoco.ie