

Observation with Respect to: Airport Noise competent authorities decision re 'Relevant Actions'

Introduction

As a Councillor for the Swords Ward having lived in Rivervalley my whole life, I can appreciate the positive and negative impacts of living within close proximity of the country's largest airport, one of the fastest growing airports in Europe and the western world. As public representatives, myself and my colleague Clare Daly MEP have received numerous queries and complaints with respect to noise associated with the current operating hours as they stand and are laid out in the current framework. Residents from St Margaret's, Kilreesk Lane, Newtown, Barberstown, Santry Close, Portmarnock, Rivervalley and Ridgewood among others. These concerns have greatly increased since the application was made to amend the current planning conditions. Residents have said the current situation with one main runway is already immensely disruptive to their quality of life and they cannot imagine what it would be like with two fully active runways. All the more reason why planning conditions which are in some way safeguarding residents and restricting night-time air traffic should be retained. This is the absolute minimum, that is required in the interests of protecting public health. This observation will strongly assert that the amendments proposed to current planning conditions by ANCA and the DAA are not sustainable and that the proposed 'relevant action' should be refused:

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Covid19 and Transparent Communication:

History of Communication Failures and a Foundation of Untruths:

In 2017 members of the St Margaret's Concerned Residents Group, wrote to Minister for Transport and expressed their opposition to the transposition of EU Directive 598/14; i.e. into Irish legislation. One of the issues of concern was the constant reference by the DAA that aircraft are becoming less noisy. That this is technically feasible does not mean it happens in reality.

Drawing on the analogy of motor vehicle emissions; from the 1st July 2008 motor taxation is based on CO2 emissions levels - despite this change, there is still a significant percentage of the vehicle population still in use to this day. Applying the average life of an aircraft of 25 years, it will be a considerable number of years before the benefits of quieter aircraft will come into play. However, in the intervening years, DAA are happy to impose this nuisance without sufficient regard for the health and wellbeing of those residing in the noise paths and adjoining communities.

On 22nd March 2017, the Minister for Transport stated in the Dáil chamber, in his response to Dáil Questions from Deputy Clare Daly, that *"the Longitudinal noise data analysis requested at the St Margaret's Community Liaison Group (CLG) is currently being finalised and will be presented, at the next meeting, at that forum, which is scheduled for 30th March 2017"*. **This meeting was subsequently cancelled by DAA and no information on the Longitudinal data was ever presented. At the following meeting, which took place on 27th April, it was stated DAA could not provide this data.**

To date the group have not received this information, despite our continuous requests, and have hit a wall of silence from both DAA and Department of Transport, despite the fact that they formally requested this information. This Longitudinal data, being the correlation between aircraft distance, height and decibel levels, for the most commonly used aircraft, Boeing 737-800 Airbus A320 and Airbus A330.

At this time, they implored the Minister to review and consider the Longitudinal data in relation to EU598/14 before any sign-off, of the Statutory Instrument or primary legislation. We explained that obviously human health is of significant importance to our community, and

the impact of noise both inside our homes, and in our gardens, workplaces, and children's play areas, are of extreme concern. Despite highlighting the importance of this significant data which shows the true noise predictions, our (reps and residents) requests were ignored. As members of the SMCRG, they categorically objected to the Irish Aviation Authority (IAA)'s being appointed as the competent authority for measurement of aircraft noise, and when this was highlighted in the press as contravening the EU Directive 598/14 the creation of ANCA was engineered as another loophole for the Government to bypass the 'balanced approach'. Both IAA and the newly created ANCA, are complete and utter contradictions to point 13, of EU Directive 598/14, which clearly states,

"The competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport".

Residents have always requested openness and transparency as regards data and computation methodologies, which DAA have neglected to provide for some time.

There were 31 conditions attached to the granting of planning permission handed down by An Bord Pleanála to Dublin Airport Authority in relation to this new major runway. Myself and residents categorically object, to DAA attempting to remove or change the very conditions that the SMCRG tried so very hard to attain through the Oral Hearing in 2006 (Conditions no. 3 and 5). It was only on the basis of these restrictions being in place that the permission was granted. Removing them would nullify the whole procedure, no restrictions, no runway.

Communication with residential and community stakeholders:

From reading the pre submission consultation between DAA and that Aircraft Noise Competent Authority, it is unfortunately clear as highlighted in the proposal, that the DAA and the ANCA has neglected to refer to the area of Kilreesk Lane, St. Margaret's. No coincidence that this is where there are 19 households directly affected by the new runway development. These residents, all members of the St Margaret's Concerned Residents Group (SMCRG), took legal action in the form of a judicial review, and secured the night-time flight restrictions to protect their homes, as well as noise mitigation measures, namely the following conditions:

- Conditions 9 & 10, re. Voluntary buy-out scheme for residents
- Conditions 6 & 7, re. Voluntary noise Insulation for schools & existing dwellings

The 31 conditions attached to the granting of planning permission handed down by An Bord Pleanala to Dublin Airport Authority (DAA) are the very conditions that SMCRG successfully attained through the Oral Hearing in 2006 (Conditions no. 3 & 5), that now, DAA are now seeking to have removed or materially altered. This is a total abuse of the planning process and makes a mockery of the public process and cannot and should not be allowed to persist.

Communication is at the core of the 'Balanced Approach' intend to strike a balance between the functioning of the Airport and residents in the immediate surrounding areas. This in my experience has been a unmitigated disaster. A member of the DAA wrote to residents on 29/01/21 noting:

“ provided advance briefings to the CLG and DAEWG about our plans before lodgement and ahead of any public comment.... issued project updates to over 1,000 subscribers explaining our proposals”the DAA never accepted the conditions from the Oral hearing. It certainly was known that the DAA has always opposed the planning conditions and has long stated it would try to change them. But to say we (the public) had anyway of knowing when these amendments would be pursued is factually incorrect. We had no knowledge

of meeting between the DAA and ANCA, both physical and online regards pursuing these 'relevant actions'.

They stated that they-

“ wrote to local councillors and TDs explaining our proposals and encouraged them to engage with us about them if they or their constituents had queries or concerns....”

There was no time provided for councillors to discuss and engage with their community, which level 5 restrictions have hindered significantly. In any case the email to public representatives was sent on the day the applicant was applied for namely 18/12/21. Residents expressed their dissatisfaction on 15/12/21 at CLG meeting about their being told on this date. The communication from the DAA here is a typical of the approach always used - a slight of hand, playing loose with language to mask the truth, that no meaningful engagement took place with either the community or public representatives.

The email further explained:

“launched a virtual portal to explain our proposals in simple terms and to provide key documents and high-resolution maps to assist in understanding our proposals.... updated our website to provide full details of our proposals, including an updated Frequently Asked Questions section... advised the public of our proposals via media releases, including our social media platforms which have over 350,000 followers.”

The likelihood of the public being alerted to this issue through the DAAs social media platforms and press releases the week before Christmas is nonsense. in any case as noted earlier the virtual portal had many documents withheld or delayed due to Covid19. However, well known and communicated the pre planning and the desired 'relevant actions' were as alleged, this is very far from providing ample time or appropriate communication for those directly involved in the community. The only people consulted directly and significantly in

terms of engagement where the adjudicating 'independent' competent authority as a key stakeholder. Unfortunately, not in keeping with the 'Balanced Approach' the community actors and public reps were not informed in the same regard. We knew it was coming but had no inclination when nor did we have documentation until the portal was online, much of which was delayed.

On several occasions the SMCRG has asked for clarity from the DAA, and Fingal County Council on the overall Master Plan for this major strategic development. Continuously this information has not been provided. These residents have continually been ignored. To add insult to injury - the Aircraft Noise Competent Authority (ANCA), i.e. Fingal County Council, was established as the so-called 'competent authority on noise', as a direct result of Minister Ross's interpretation and transposition of EU Directive 598/2014 refer. The SMCRG residents feel that the Minister for Transport at the time, contravened the EU Regulation by appointing a new arm to Fingal County Council and creating ANCA

The members of SMCRG, and residents of Kilreesk Lane have gone through every part of the process following due diligence, however it appears to be one rule for government and BIG Business and another for the ordinary people who have been walked all over. Particularly now during Covid where the Spirit of the planning law is breached in every manner regards timeframes, communication, information sharing and ability to consult.

Residents went through due process and achieved protection for their homes via an appeal process, which granted them, a voluntary buyout scheme which was to be agreed with all parties and adjudicated by an inspector who made specific recommendations - these were totally ignored. From documents it is noted that a total of €4 million is set aside to buy 38 of which 22 are in Kilreesk at 30% above asking price. That is valuing these homes at less than €100,000 most of which have acres of land. This is completely against the effective implementation of the condition. The appointment of Fingal County Council as the competent authority in dealing with noise in a balanced approach, when that planning authority had already signed off on and agreed and unfit insulation and house purchase scheme exposes the conflict of interest.

These residents need to be treated fairly and this has not been forthcoming. With any changes to mitigation measures the residents of SMCRG and in particular, those who are most materially affected, i.e. those whose houses are deemed 'uninhabitable' once the runway is up and running, should be made a priority so that they can move forward with their lives, and not be left in a 'limbo' situation, which they've had since the granting of the permission in 2007. Particularly now where it seems Covid19 is being used as a communication battering ram to get these 'relevant actions' added.

Another group, many of whom were subject to the insulation scheme are the St Margaret's Community Liaison Group. They like others are distraught at how they as a community have been treated by Dublin Airport Authority. St. Margaret's The Ward Residents Group and community are very annoyed that Dublin Airport Authority submitted their application to overturn the two conditions without proper or meaningful consultation with the residents.

They are very much aware that with COVID 19 pandemic the format for the Community Liaison Group meetings had to change. However, I feel it totally unacceptable to get notification on the 9th December informing a community representative committee that a special briefing for the Community Liaison Group regarding the Noise Application to the planning Department would be held on the 15th December 2020. This was the first time the community of St. Margaret's was notified of the new proposal of a "Relevant Development" Submission at this briefing on Tuesday December 15th, 2020. Given that physical meetings were being conducted with the ANCA in February of 2020 in this regard, it is belittling and plainly underhanded to not mention any intentions of this prior to this meeting. Dublin Airport Authority submitted their Planning Submission three days later on Friday December 18th, (just in time for the Christmas break) therefore there was no consultation on this submission. The DAA in their submitted documentation state that "The Applicant has and continues to engage with a variety of stakeholders and will continue to manage effective relationships with a wide array of stakeholders." They list the local community as one of these stakeholders.

It should be noted that the Dublin Airport Authority did participate in Public Consultation back in 2016 over 5 years ago when they indicated that they were preparing to submit a planning application to revise conditions 3d and 5.

However these consultations did not explain the proposal of a Noise Quota System. They did not indicate that there was a “night noise insulation” scheme being proposed. They did not produce the noise information now submitted which indicates that large sections of the community shall be either “Highly Sleep Disturbed (HSD) or Highly Annoyed (HA) due to the projected future noise from the Airport. They did not inform the local communities exactly what area of the community are affected by HSD and HA and they did not indicate that they would be providing a grant of €20k for a night insulation programme and where in the community this would be offered. This should be called the Unbalanced Approach as the tactics by the DAA and other stakeholders is nothing short of disgraceful.

As for residents in other areas currently effected like Portmarnock, of which there are approximately 1800 houses in Portmarnock built in the 1970 – 80s which have little or no noise insulation -they were not included in the insulation scheme but are severely impacted with new runway spreading wider across the community. A significant proportion of the residents in these houses are retired on low incomes and would not be able to afford insulation upgrades on their own accord. All of the houses will require grants to insulate their houses against both day and night time aircraft noise.

Night Time Use of Runway:

What is being proposed:

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, at Dublin Airport, Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmarnock, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. **(It neglects to mention 19 homes in voluntary buy out living at Kilreesk Lane, St.**

Margaret's).

- The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures ([Planning application F20A/0668](#)).
- The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) Emergency situations etc... ([Planning application F20A/0668](#)).

The current conditions:

Reference number: F04A/1755 and ABP ref number: PL 06F.217429 Appeal, agreed with conditions.

3. On completion of construction of the runway hereby permitted, the runways at the airport shall be operated in accordance with the mode of operation- Option 7b- as detailed in the Environmental Impact Statement Addendum, Section 16, as received by the planning authority on the 9th day of August, 2005 and shall provide that –

(d) Runway 10L-28R shall not be used for take-off or landing between the hours of 2300 to 0700 hours.

Except *in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.*

REASON: *In the interest of clarity and to ensure the operation of the runway in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of the amenities of the surrounding areas ([Operating Conditions an bord Pleanala 29/08/2007](#)).*

5. *On completion of construction of the runway herby permitted, the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over 92 day modelling period as set out in the reply to further information request received by An Bord Pleanala on the 5th day of March 2207 ([Operating Conditions an bord Pleanala 29/08/2007](#)).*

Rationale for objection based on legislation:

Traditionally, a determined appeal cannot be altered or changed with respect to the conditions laid down, unless a new separate application is sought, under the Planning and Development Act, 2000. However, this case is an exception within the parameters of the Planning and Development Act, 2000, as it was amended to deal with Aircraft Noise (Dublin Airport) Act 2019. This is an outrageous situation essentially this part of the Act was created with the sole purposes of giving a legal framework to the DAA for amendments to be made to conditions written into law by ABP on the 29th of August 2007 in relation to the granting of permission for the major runway. A decision on the back of an oral hearing and court ruling. The clause in this is that the framework or reason given for the judgement in 2007 was:

In the interest of clarity and to ensure the operation of the runway in accordance with the mitigation measures set out in the Environmental Impact Statement in the interest of the protection of the amenities of the surrounding areas ([Operating Conditions an bord Pleanala 29/08/2007](#)).

Specifically relating to mitigation measures as set out by the Environmental impact statement, and the impact on surrounding area. Essentially the creation of the Aircraft Noise Competent Authority, was the exact rational required to reopen or amend such conditions. This is the new

governing body established to monitor, assess, and adjudicate on Aircraft noise and the Environmental impact. In essence the body that would now have the adjudicating powers with regards setting the conditions for the runway if any new plans were applied. Therefore, in this instance this 'Competent Authority' would be reasonable to deal with the amendment proposed in present day. The new act specific to Dublin Airport would supersede conditions:

[\(34\) \(2\) \(b\) \(c\) Planning and Development Act P.55](#)

(b) In considering its decision in accordance with *paragraph (a)*, a planning authority shall consult with any other planning authority where it considers that a particular decision by it may have a significant effect on the area of that authority, and the authority shall have regard to the views of that other authority and, without prejudice to the foregoing, it shall have regard to the effect a particular decision by it may have on any area outside its area (including areas outside the State).

(c) conditions for requiring the taking of measures to reduce or prevent—

(i) the emission of any noise or vibration from any structure or site comprised in the development authorised by the permission which might give reasonable cause for annoyance either to persons in any premises in the neighbourhood of the development or to persons lawfully using any public place in that neighbourhood, or

(ii) the intrusion of any noise or vibration which might give reasonable cause for annoyance to any person lawfully occupying any such structure or site;

The Aircraft Noise Competent Authority only governs Dublin Airport, as does the Aircraft Noise (Dublin Airport) Regulation amendment to the planning act applies to Dublin airport and the noise regulator was only created to govern Dublin Airport. This is the only mechanism legally available to amend planning conditions at Dublin Airport. Let there be no ambiguity this was created with this sole purpose. This legislation because of this act, is leading, loaded, and contravening the spirit and intention of the Planning and Development Act 2000. This breaches ethics, the spirit and the intention of the planning and development act in a profound way that cannot be diminished.

ANCA should be independent of this process. The 'Competent Authority' goes out of its way to reiterate its objectivity in relation to this consultation during a pre planning consultation held on 5th of February 2020, one of the many documents that was delayed in being uploaded ([ANCA PRE- PLANNING CONSULTATION 05/02/20](#)).

File Note:

Following a request to Planning & Strategic Infrastructure from the North Runway project team, daa to recommence pre planning on the proposal to amend the operating restrictions on the North Runway (PPC 106276 refers), and from the Planning division daa to commence pre planning consultations for increasing the passenger cap to 40 mppa (PPC 106336).

The PA facilitated ANCA to engage in the consultation. As these are interrelated issues and all operating restrictions were being discussed, a joint meeting was held.

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Notes on behalf of the Aircraft Noise Competent Authority:

The Competent Authority would like it to be noted that as these consultations are taking place under Section 247 of the Planning & Development Act as amended, the CA considers that its participation shall not prejudice the performance by the Competent Authority of its functions under the Act or Regulations and cannot be relied on in the planning process or in legal proceedings

Daa gave two presentations (docs submitted) on the holistic approach and proposed timeframe for two proposed planning applications (application for relevant action re conditions/ operational restrictions on the north runway & An Increase to 40+ mppa).

The issue of noise assessment, timing and the regulatory process were discussed.

Two questions were posed:

1. ANCA suggested a check of previous permissions to be fully aware of all conditions which would fall within the scope of Section 30 of the Act (Transitional provisions).
2. ANCA highlighted the typo error in Section 34C(11) – states “*the planning authority’s reasons for such decision*” should state “*the competent authority’s reasons for such decision*”

It was highlighted that each application will require a noise assessment and the timescale of possible regulatory processes needs to be carefully thought through as it is the position of ANCA that there are 3 Operating Restrictions:

1. Condition No. 3 of F04A/1755 (PL 06F.217429) North Runway Permission.
2. Condition No. 5 of F04A/1755 (PL 06F.217429) North Runway Permission.
3. 32 MPPA Passenger Cap on Terminal, 2 Condition No. 3 of F06/1248 (06F.220670) & Terminal 1 Extension, Condition No. 2 of F06A/ 1843 (06F.223469)

ANCA advised that it must consider all Operating Restrictions *as part of the EU 598 Balanced Approach process.*

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The rationale for justifying the independence and trust of the 'Competent Authority' is solely down to the pre-legislative scrutiny. The decision to appoint Fingal County Council a rate receiver of Dublin Airport as the competent authority, leaving scope to argue the validity and rationale for this decision based on:

Income, Revenue benefited from via Dublin Airport, not having expertise employed to act as competent authority and being the local authority it should not have any real insider knowledge or decision making capacity in a legal capacity particularly to its largest rate payer.

The Competent authority will continue to be scrutinised regards its ability to be the best option regards independence, irrespective of what decision it makes.

Balanced Approach:

The legal obligation regard operating restrictions under EU 598 attributed to the DAA, the noise regulator, Fingal county council (FCC) and An Bord Pleanála (ABP) should take what is considered a “balanced approach”. I think the balanced approach is contravened with respect to the Aircraft Noise Competent Authority (ANCA) and FCC with respect to their relationship with DAA under the ‘user pays principle’.

Users pay principle / conflict of interest.

I do not agree with the user pays principle used in relation to noise pollution given the subsequent health, and environmental impact aircraft noise has on the surroundings areas, which the WHO and EU have all weighed in on. I understand that the ‘Aircraft Noise (Dublin Airport) Regulation Act 2019 gives mandate to the Competent Authority and determines how the role is to be performed. In line with other regulatory codes, the Act provides that the cost of regulation will be funded based on the ‘user pays’ principle’. Essentially in my opinion this is allowing the regulator to have a free for all in terms of what it decides is appropriate action and in turn the professionals employed to regulate the DAA are being paid by the DAA. Working for an independent body who also receives rates from the DAA? Have you ever told your boss that they are completely wrong and need to get their act together? And also receive two sources of income from this boss? I do not think that is best practice nor does it sit well with the balanced approach.

As much as I respect the job the noise regulator, the DAA and the chief executive of FCC must play as stakeholders in what is a required growth for Dublin Airport. I feel there is a conflict of interest albeit it legally satisfied in that specialist technical experts can be used to advise the

Chief Executive. However, decisions of the competent authority will be made by the Chief Executive as per Section 3(2)(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 which provides that the functions of the competent authority “*shall be performed by the Chief Executive*”. This in my opinion is an example of where the law is legally sound but morally fails.

However, I hope with this being the case and the majority of submissions stating the issues of night-time flights that the stakeholders will take on board this feedback. The public's opinion is far from balanced regarding the DAA, most believe the only thing the DAA concerns itself with is profit, so the potential of night-time flight traffic increases is very possible, with this mindset. We want to work with DAA and ANCA and a balanced approach take on board those opinions rather than dismissing them based on what is considered an expert opinion on the matter.

The issue of the balanced approach and its rationale had been questioned by communities surrounding Dublin Airport in that they believe, and I fully echo when they attribute their view that:

‘This is a direct conflict of interest and there is no balanced approach for communities possible, given that DAA fund the operation costs of the new Aircraft Noise Authority within Fingal County Council. How can FCC partitioned at arm’s length, be independent and give fair and balanced judgements, when DAA fund the council with large planning contributions, rates and now payment for decisions on aircraft noise related planning applications, into the future. Communities and individuals adversely affected currently, and into the future, cannot have assurance that this will be operated in a fair and humane process. This has been the case to date, for SMCRG, dealing with DAA and FCC since 1998’

The ‘Balanced Approach’ was developed from a variety of different legislation, in this instance I want to present: section 6 of the balanced approach based on a case by case basis under the directive:

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 - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise.

Article 1

Objectives

1. The aim of this Directive shall be to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. To that end the following actions shall be implemented progressively:

(a) the determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;

(b) ensuring that information on environmental noise and its effects is made available to the public;

(c) adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and to preserving environmental noise quality where it is good.

2. This Directive shall also aim at providing a basis for developing Community measures to reduce noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery. To this end, the Commission shall submit to the European Parliament and the Council, no later than 18 July 2006, appropriate legislative proposals. Those proposals should take into account the results of the report referred to in Article 10(1).

[Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002](#)

The article above from EU directive 2002/49/ EC subsection 6 of the balanced approach. It outlines the aim of the directive in avoiding, prevent or reduce on a prioritised basis. Moreover, this subsection notes the intention of reducing environmental noise where exposure can be harmful to human health. This is further defined in article 2:

Article 2

Scope

1. This Directive shall apply to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, hospitals and other noise-sensitive buildings and areas.

2. This Directive shall not apply to noise that is caused by the exposed person himself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

[Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002](#)

Giving more specifics regarding built up areas, mentioning schools, hospitals, and other noise sensitive buildings. This could include churches and other public amenities. The below

definitions give clarity to the directive particularly in Annex 1 where it delves into definitions and pretence or rational.

Article 3

Definitions

For the purposes of this Directive:

- (a) "environmental noise" shall mean unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity such as those defined in Annex I to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control⁽¹²⁾;
- (b) "harmful effects" shall mean negative effects on human health;
- (c) "annoyance" shall mean the degree of community noise annoyance as determined by means of field surveys;
- (d) "noise indicator" shall mean a physical scale for the description of environmental noise, which has a relationship with a harmful effect;
- (e) "assessment" shall mean any method used to calculate, predict, estimate or measure the value of a noise indicator or the related harmful effects;
- (f) "Lden" (day-evening-night noise indicator) shall mean the noise indicator for overall annoyance, as further defined in Annex I;
- (g) "Lday" (day-noise indicator) shall mean the noise indicator for annoyance during the day period, as further defined in Annex I;
- (h) "Levening" (evening-noise indicator) shall mean the noise indicator for annoyance during the evening period, as further defined in Annex I;
- (i) "Lnight" (night-time noise indicator) shall mean the noise indicator for sleep disturbance, as further defined in Annex I;
- (j) "dose-effect relation" shall mean the relationship between the value of a noise indicator and a harmful effect;
- (k) "agglomeration" shall mean part of a territory, delimited by the Member State, having a population in excess of 100000 persons and a population density such that the Member State considers it to be an urbanised area;

[Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002](#)

Annex 1

NOISE INDICATORS

referred to in Article 5

1. Definition of the day-evening-night level Lden

The day-evening-night level Lden in decibels (dB) is defined by the following formula:

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in which:

- Lday is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the day periods of a year,
 - Levening is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the evening periods of a year,
 - Lnight is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the night periods of a year;
- in which:
- the day is 12 hours, the evening four hours and the night eight hours. The Member States may shorten the evening period by one or two hours and lengthen the day and/or the night period accordingly, provided that this choice is the same for all the sources and that they provide the Commission with information on any systematic difference from the default option,
 - the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time,
 - a year is a relevant year as regards the emission of sound and an average year as regards the meteorological circumstances;

[Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002](#)

Sleep is disrupted by noise events, that is an undeniable fact. This is especially the case with both young children and the elderly. Reducing the noise levels of individual flights will not in itself significantly reduce the chances of disrupting sleep unless there is a significant insulation programme put in place, in areas where it is possible to live, and manage the disruption, in some areas this is simply unattainable. The current strategy and current conditions regard Lnight (or night time noise indicator for sleep disturbance) are mentioned in this directive as default hours from 2300 to 0700. Changing these would have a considerable impact on the noise in the areas under zone A and B. What this table and the quota system fails to consider is that it is irrelevant how many aircraft fly below the threshold as an increasing number of aircraft meet the 0.25 standard, due to new quota of 7.990 set out. But for example, Ryanair 737 800 and 737 800 max, even though these already meet this standard, they can still exert more than this standard particularly when descending e.g. [Boeing B737-800 at 2,800ft and climbing reaching 70.9 dBA](#) to [3800 feet at 70.2dba](#). The issue is and always pertains to be the Single Noise events (SNE). It only takes one aircraft to wake someone up or disturb sleep. The averages and measurements are disingenuous to the fact that the likelihood of falling asleep if Dba are within the Lnight thresholds is very different to being woken up by a SNE.

Notwithstanding the movements and quota are above the average of other EU counterparts in all respects, residents groups under the FORUM, group have ascertained that this is much higher than the 22,500 permitted at Paris Charles De Gaulle, in a 5.5.hr Night Period. The Noise Quota was introduced in 2003/04 and was required to fall, as quieter aircraft are introduced. It is also higher than will be permitted in Amsterdam, where the quota is to fall to 29,000 p.a. in an 8hr Night Period. It equates to an average of 87.6 ATMs per night in a 6.5 hr Night Period or 108 ATM's per night in the 8hr time period provided by ABP and adopted by the World Health Organisation. To put this into context residents are currently enduring high flight numbers at night. The current number is much higher than the 65 flights per night which is allowed for under the current planning grant of permission. We need less flights not more. This is reiterated by the World Health Organisation has made a strong recommendation in its WHO Environmental Noise Guidelines for Europe published in 2018 that the noise levels around airports should be greatly reduced.

When we look at the Environmental assessments at present before the new runway is operational and take the example of Rivervalley which is not on a direct flight path at present,

North (Locations #2 & #11)

River Valley is a residential area located just under 2 km north of the airport. The R132 and M1 are located approximately 1km and 2.5km from measurement positions D and M. Daytime ambient and background noise levels ranged between 56 dB – 61 dB $L_{Aeq,T}$ and 45 dB – 47 dB L_{A90} respectively. Night-time ambient noise levels ranged between 45 – 57 dB and background noise levels were around 39 dB at both locations. Local road traffic dominated noise sources, however, at location #2 between 06:30 and 07:00 frequent plane activity was the dominant noise source

(Dublin Airport North Runway Relevant actions- EA, 13.4.1.5)

This is important in that the aircraft noise was considered a dominant noise source at this location before the runway is operational during Night Hours. The new runway is 1.5km closer to Swords than present one so the impact will be felt by residents of Rivervalley in a way it has not before, regardless of this 'relevant action'. No homes in this noise zone C and effectively B, if you include Night SNE's, have been granted insulation schemes but they will likely need excess insulation in the future.

Essentially the predictions carried out regarding the new runways projections gives no certainty to the new communities who will be affected as the site lines and descending and egressing from the North runway creates very different noise sensitive areas, and further compounds the areas that are not sustainable at present.

Covid19 and Runway Projections and Operations:

The impact on Aviation during this pandemic has in many instances been catastrophic, in relation to airline staff and crews, many of which live in close proximity to the Airport, the effects of bogus self-employment and unsecure and poor employee contracts have been clear for all to see. The workers are the ones to pay for this pandemic. At every turn aviation has been hit and staff feel the brunt of the cuts made by multi-national airlines. The way the Irish state has treated airlines and the Aviation sector is disgraceful and it has shown them that they are not as secure as they once thought, as the state has refused to bail them out.

The way business and work are carried out has changed tenfold, remote, online working has become the norm. The question must be asked if business class air travel will be replaced for a more family friendly remote model of meeting, trading and communicating? One thing is for

sure; COVID has resulted in number of face to face meetings in business dropping sharply. Zoom and Microsoft Teams is now used regularly and with good success. As a result the number of business travellers crossing the Atlantic has dropped dramatically. The same is true no doubt with European and UK flights. It is estimated that this type of business travel will drop by how much is anyone's guess.

According to WHO "Night Noise Guidelines For Europe"

From the scientific point of view the best criterion for choosing a noise indicator is its ability to predict an effect. Therefore, for different health end points, different indicators could be chosen. Long-term effects such as cardiovascular disorders are more correlated with indicators summarizing the acoustic situation over a long time period, such as yearly average of night noise level outside at the facade ($L_{night,outside}$)¹, while instantaneous effects such as sleep disturbance are better with the maximum level per event (L_{Amax}), such as passage of a lorry, aeroplane or train

Therefore, the need for early flights into and out of Dublin is very likely to drop. That said companies and the airport are still trying to facilitate airside offices for multinationals to make access from the airport to business centres easier to incentivise travel. However, it seems unavoidable as business travellers flight costs underpin the economics of many of the above flights the result is likely to be a drop off in traffic flights for the foreseeable future. As a result of the reduction in business travellers it is very likely that flight costs for tourism and leisure will need to rise sharply to compensate for the loss in income. This is likely to trigger a drop in demand. In fact, it is likely that the reduction in flight numbers may result in little requirement for the new runway for the next 5 years. All major corporations, international agencies and governments are committed to reducing their carbon footprint. They realise that reputational damage done to them by not taking substantial steps to reduce the amount of air travel by their staff will hit their profits hard in the immediate future.

Noise Quota System:

The Night Noise Quota Scheme professes to be a regime that will encourage the uptake of quieter aircraft but its numerous shortcomings in fact allow far more planes to fly at night, while maintaining the same supposed ‘noise climate’.

While these planes may indeed be marginally quieter, it is the number of noise events, rather than a token reduction of a few decibels, that causes the misery of sleep deprivation to residents living under flight paths. It is essential, therefore, that the cap on numbers of movements at night is retained.

Although the Bill [Civil Aviation Bill] as currently worded merely enables the Secretary of State to set a limit based on noise rather than movements, given the strong business lobby for a quota-only system AEF suspects it will only be a matter of time before the movements limit is abolished altogether.

Explanation

The Scheme rates all aircraft types according to their respective noisiness of landing and take-off using a measure called EPNdBA ‘effective perceived noise’ in decibels. Band of EPNdBA are assigned a Quota Count (QC) rating, this being done on an exponential scale.

For each reduction of 3 in EPNdBA the QC is halved:					
EPNdBA	over	101.9	is	QC/16	
EPNdBA	99	–	101.9	is	QC/8
EPNdBA	96	–	98.9	is	QC/4
EPNdBA	93	–	95.9	is	QC/2
EPNdBA	90	–	92.9	is	QC/1
EPNdBA	less than	90	is	QC/0.5	
EPNdBA less than 87 is exempt (ie QC of zero).					

A limit is placed on the total number of QC points per 6 month season (how these are assigned per night is at the discretion of the airport operator). Thus under a pure quota count system,

if planes rated at 96 EPNdB were replaced with planes rated at 95 EPNdBA, twice as many could be flown during the restricted period.

The environmental objective is to keep within a given 'average noise' limit for the whole night, measured in Leq. Leq stands for Level equivalent and is calculated by adding together the noise energy of all the noise events across a given time period and then taking the continuous level (ie. it irons out the peaks and troughs).

An extreme case will illustrate the way Leq works. One concorde on departure had equivalent noise energy to 120 Boeing 757s – so one [Boeing 757] plane every 2 minutes for 4 hours, produced the same Leq as 2 mins of concorde followed by 3 hrs 58 mins of silence.

There is no official noise index for showing night noise in the UK (although Leq is officially recognised during the day period between 0700 and 2300). Leq - Equivalent continuous sound pressure level. However, the Government believes that producing 'noise maps' for airports at night using Leq contours is an adequate way of expressing aircraft noise, and has produced maps for the London airports in its recent consultation on the night noise regime.

This method is an inadequate as a way of assessing the impact of a small number of noisy events distributed over a long and otherwise tranquil period. This is explicitly stated by the World Health Organisation in their guidelines for noise levels:

"Where there are no clear reasons for using other measures, it is recommended that LAeq,T be used to evaluate more-or-less continuous environmental noises. However, when there are distinct events to the noise, as with aircraft or railway noise, measures of individual events such as the maximum noise level (LA Max) or the weighted sound exposure level (SEL) should also be obtained in addition to LAeq,T." [NB: 'LAeq,T' is simply a fuller description of 'Leq' – the 'A' indicating the weighting scale used and T specifying the time period] (WHO Guidelines for Community Noise, Executive Summary, p2.)

As planes get marginally quieter many more will be allowed to fly at night under a pure quota count scheme. But it is the frequency of noise events that can ruin a night's sleep. If I am woken up by all noise events over LAmx, Inside of 42 dB, I will not be pleased to hear twice

as many, even if they are 45 dB rather than 48 dB L_{Amax}, inside **Hence it is essential that a numbers limit on night movements is retained.**

Other problems with the QC system:

It is misleading to equate a 3dB reduction with a halving of 'annoyance', even for the individual event. EPNdB is a measure of 'noise energy' and it is by no means certain that a halving of noise energy results in a halving of noise heard by the human ear, despite the name.

Research over many years has shown that halving the noise energy, i.e. reducing the noise level 3dB, by no means halves the perceived noise. The ear detects it only as a slight reduction. For noise to sound half as loud, the noise level must be reduced by about 10dB.

It is because the perceived loudness is not proportional to noise energy that the 'logarithmic' scale of decibels was introduced into the science of acoustics.

QCs are assigned according to certified rather than actual measured noise. There is evidence that actual practices are often noisier – sometimes one whole QC band noisier. DfT applies a reduction on arrival noise by 9 EPNdB. This has some justification given the way noise is certified, but it fails to account for the different quality of noise and the different set of people affected by departures. It has the effect of artificially lowering the QC of arrivals – and most of the movements at night are arrivals.

A fuller explanation, with reference to the most recent change in quotas at Heathrow, Gatwick and Stansted is given on the [DfT web site](#). While this is informative and factually correct, it does not (of course) explain the flaws inherent in the system.

CONCLUSION

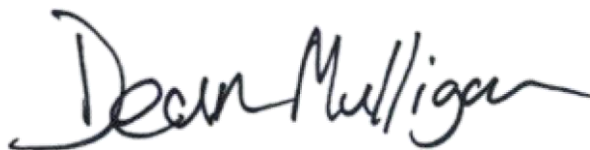
For all of the reasons outlined above; the timing of the application, the lack of meaningful engagement with the community, the longstanding statements of the DAA to have the original planning conditions overturned and the legislation establishing Fingal County Council as the Competent Noise Authority in a manner to facilitate that objective, this application needs to be refused. Against the backdrop of a global pandemic, when aviation levels are not expected to recover until at least 2024, it is unacceptable to push through with this measure which would have a devastating impact on the health of surrounding residents. New standards require more safeguards, not less, not only in terms of human health but also environmental sustainability.

Signed

Clare Daly MEP

A handwritten signature in purple ink, appearing to read 'Clare Daly', with a long horizontal flourish extending to the left.

Cllr Dean Mulligan

A handwritten signature in black ink, reading 'Dean Mulligan', with a long horizontal flourish extending to the right.