

**From:** Orla O'Callaghan <orlaoc@tpa.ie>  
**Sent:** Monday 17 October 2022 12:49  
**To:** Appeals2; Bord  
**Subject:** First Party Response to Third Party Appeal - ABP Ref. PL06F.314485.  
**Attachments:** First Party Response to Third Party Appeal ABP Ref. PL06F.314485 \_Sheila Hand & Others\_Final.pdf

Good Afternoon,

On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Sheila Hand and Others against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022 (Fingal County Council Reg. Ref. F20A/0668 /ABP Ref. PL06F.314485).

Can you please confirm receipt of this First Party Response to the Appeal?

Regards,

Orla O'Callaghan  
Senior Planner

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The Secretary  
An Bord Pleanála  
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17, October 2022  
[By email - appeals@pleanala.ie]

Dear Sir/Madam,

**Re: Proposed relevant action (S.34C of P&D Acts) to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, Co. Dublin**

**First Party Response to Third Party Appeal  
ABP Ref. PL06F.314485; Fingal County Council Reg. Ref. F20A/0668.**

**1.0 Introduction**

daa plc have retained Tom Phillips + Associates<sup>1</sup> along with a multi-disciplinary team to prepare to prepare this First Party Response to a Third-Party Appeal by Sheila Hand on behalf of Sheila and Paddy Hand, Noel and Breda Deegan, Fergus Rice and Val and Valeria Salagean, against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8<sup>th</sup> August 2022.

**2.0 Executive Summary**

The appeal submitted relates to a notice of decision by FCC to grant an application made on behalf of daa plc for 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. The proposed relevant action is to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, Co. Dublin.

It is noted that majority of the issues raised in this appeal are addressed in our client's First Party Response to a Third-Party appeal submitted by Saint Margaret's The Ward Residents Group (SMTWR). As such, we do not intend to respond to overlapping issues raised within this

<sup>1</sup> 80 Harcourt Street, Dublin 2, D02 F449.



appeal. Notwithstanding the aforementioned, we enclose a response to independent issues raised by Adrienne McDonnell and Others in their appeal.

### 3.0 Appeal Context

This First Party Response on behalf of the applicant relates to an appeal by Sheila Hand and others on a planning application FCC Reg. Ref. F20A/0668. FCC issued a notification to grant permission for the proposed application on the 8<sup>th</sup> August 2022 with 5 conditions attached.

The key issues raised in the Third Party Appeal are as follows:

- It is noted that much research has proven that sleep deprivation has major cascading health consequences for those under the flight path.
- The Voluntary Insulation Scheme on offer will not be adequate or attainable to achieve under 40dB at night and 45dB Lden.
- The Voluntary Dwelling Purchase Scheme has been rejected by those included in the scheme to date. This demonstrates this scheme does not go far enough in considering the lives, community identity, loss of quality of life, and any incentive to real choice.
- Issues with the contours.
- The Appellants consider themselves excluded from consultation in the insulation and home buy out scheme and feel left out of the decision to remove night time restrictions as an economic entitlement to the detriment of the health of those adversely affected.
- The Appeal states that the Appellants health and wellbeing must be a priority in this planning permission, as per its original status. The Appellants state that there should be no night time flights from 11pm – 7am on the new runway and that reduced take offs and landings to 65 on the current runway must remain in place, for the health and wellbeing of the Appellants.
- The Appellants note concerns about racing pigeons and a stud farm.
- The Appellants note the health circumstances of the Deegan family and the potential impact on their conditions.

### 4.0 Response to Items Raised in Third Party Appeal

The Appellants have raised several concerns in their grounds of appeal with regard to the proposed relevant action. This submission does not seek to re-iterate the detailed assessments that have been carried out as part of the application and we refer the Board particularly to the following assessments which have been prepared with the application and suitably respond to the issues raised in this 3<sup>rd</sup> Party Appeal to the Board:

- Dublin Airport North Runway Relevant Action Application – Revised Environmental Impact Assessment Report (EIAR), prepared by AECOM, dated September 2021.
- Dublin Airport North Runway Relevant Action Application – Revised EIAR Appendices.
- Planning Report, prepared by Tom Phillips + Associates, dated September 2021.
- Response to ANCA Direction 01 in relation to planning application F20A/0668, Aecom, September 2021 including appendices.
- A Technical Report 'A11267\_19\_RP035\_4.0 NOISE INFORMATION – ANCA REQUEST FEBRUARY 2021', prepared by Bickerdike Allen Partners.
- Revised Regulation 598/2014 Assessment which includes the following:
  - 'Dublin Airport North Runway Relevant Action Application, Regulation 598/2014 (Aircraft Noise Regulation) Assessment Non-Technical Summary'.

- o 'Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Forecast Without New Measures and Additional Measures Assessment Report' (Revision 2 – September 2021) Ricondo and Associates Inc.
- o 'Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Cost Effectiveness Analysis Report' (Revision 2 – September 2021) Ricondo and Associates Inc.

It is suggested that the Board should read this response in conjunction with the First Party response to the Third Party Appeal made by St. Margaret's The Ward Residents Group.

What follows is an overview of the responses to the key grounds of appeal raised by the appellant.

#### 4.1 Health Consequences of Sleep Deprivation

The Appellants note that research has proven that there are major health consequences associated with sleep deprivation for those under flight paths. It is submitted that the health impacts of sleep deprivation have been adequately considered in the planning application and assessment of same.

We refer the Board to Chapter 7 of the EIAR - Population and Human Health which details the findings of an assessment of the likely effects on population and human health as a result of the proposed Relevant Action. Chapter 7 presents a literature review of existing scientific literature to confirm the potential health impacts of the proposed Relevant Action, in accordance with the Institute of Public Health in Ireland's Health Impact Assessment Guidance<sup>2</sup>. Based on the scientific literature reviewed in this section, the strength of evidence is strong for a direct causal relationship between noise disturbance and health outcomes and quality of life effects, although this is dependent on the level of disturbance. Emerging from the evidence base are a number of key health outcomes, including noise annoyance, sleep disturbance, cardiovascular health, mental health, and children's learning.

Chapter 7 finds that sleep disturbance, potentially induced by aircraft noise, can, in the short-term, impair mood and cognitive performance. The long-term effects of sleep disturbance can influence glucose metabolism, appetite regulation, memory immune response and endothelial dysfunction, which can act as precursors for high blood pressure, cardiovascular disease, diabetes and obesity. However measuring sleep is challenging as there is no one physical, physiological or psychological measure that is considered reliable. As such, there is little evidence evaluating the relationship between aircraft noise and sleep disturbance.

Section 7.8 of Chapter 7 considers the residual significant effects of air noise, ground noise, and vibration after allowing for the benefit of the existing and proposed sound insulation schemes offered by the Applicant. It is noted that there are a number of people assessed as experiencing residual significant adverse effects within Chapter 13: Aircraft Noise and Vibration. The chapter has also identified the number of people who would be highly annoyed or highly sleep disturbed by the implementation of the proposed Relevant Action. The impact of the proposed Relevant Action on air quality, noise and vibration and neighbourhood amenity as a determinant of human health and well-being is assessed as negative (-) for all assessment years of the EIAR (2022, 2025 and 2035). By Order dated 10<sup>th</sup> February 2021, the Aircraft Noise

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<sup>2</sup> Institute of Public Health in Ireland, (2009). Health Impact Assessment Guidance.



Competent Authority (ANCA), identified that a noise problem would arise at Dublin Airport from the taking of the Relevant Action for the following reasons:

- The application proposes an increase in aircraft activity at night, when references against the situation that would otherwise pertain, which may result in higher levels of human exposure to aircraft noise;
- The application proposes a situation where some people will experience elevated level of night time noise exposure for the first time which may be considered to be harmful to human health;
- The EIAR accompanying the planning application indicates that the proposed Relevant Action will give rise to significant adverse night time noise effects. This indicates that the noise effects of the proposed development are a material consideration. Mitigation in the form of a night time noise insulation scheme is proposed by the application. The provision of such mitigation is an indication that the proposed development may give rise to a noise problem.

Having identified that a noise problem may arise, ANCA proceeded to define a Noise Abatement Objective (NAO) and apply the 'Balanced Approach'. The function of the NAO which seeks 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"* is to implement a long term management plan to reduce the noise effects of aircraft operations on communities in the vicinity of Dublin Airport.

It is noted that the NAO includes targeted and measures noise outcomes which aim to reduce the number of people who will be impacted by noise by 2030, 2035 and 2040, when compared to the situation existing in 2019. The NAO also seeks to reduce the number of people exposed to noise levels above set threshold levels within the timelines outlined. It is noted that the Regulatory Decision issued by ANCA followed detailed analysis, modelling, assessment and consultation to quantify negative impacts.

The Planning Authority assessment of the revised EIAR submitted for the proposed development states that the main significant direct and indirect effects on the environment of the Relevant Action as amended by and as incorporating the Relevant Direction are noise and human health and well-being effects. It is noted that these will be managed over time by appropriate abatement and mitigation measures. The assessment concludes that:

*"The Relevant Action Application, as amended by and incorporating the Regulatory Decision, together with the NAO has over time, the potential to reduce overall noise generation, including night time noise generation, at the airport. This has the potential for longer term reduction of noise, the progressive reduction in residential dis-amenity and the amelioration of noise related human and well-being. This would arise as a result of a number of factors. The First Condition of ANCA's Regulatory Decision sets a night time noise generation based restriction on the operation of aircraft for the first time at the airport. The condition would also effect further restrictions on the night time use of noisier aircraft, which would both restrict their use and would also encourage transition to more modern quieter aircraft fleet. The Third Condition of the Regulatory Decision would provide for a voluntary sound insulation scheme specifically focused on reducing night time noise effects. In addition the NAO would set specific expected outcomes for the reduction of all noise from aircraft operations (i.e. day, evening and night) with monitoring and assessment to ensure achievement of these outcomes. The inclusion of specific short, medium and long term health based outcomes go beyond EC guidance and yet are considered achievable. Specific outcome reductions in noise generation would result in*

*beneficial effects for human health relative to medium and longer-term. ANCA will monitor the effectiveness of these measures with regard to noise through the requirements of the NAO*<sup>3</sup>.

The Planning Authority assessment concludes that the *"Relevant Action application as amended by and incorporating the Regulatory Decision, would not have unacceptable direct or indirect effects on the environment subject to the implementation to the mitigation measures and conditions"*<sup>4</sup>.

The health related concerns raised by the Appellants as a result of disrupted sleep are noted. It is considered that these impacts have been adequately considered in the planning application and further information submitted to FCC by the Applicant and in the assessment of the application by the Planning Authority and ANCA. Having assessed the impacts of the proposed Relevant Action ANCA's Regulatory Decision sets out 3 no. conditions which have been included in the decision issued by FCC.

Condition no. 3 which sets out detail of the Noise Quota Scheme has been imposed *"to limit the impact of the aircraft noise at Dublin Airport on sleep disturbance in the interest of residential amenity and to ensure the effective implementation of the Noise Abatement Objective for the Dublin Airport by means of noise-related limit on aircraft operations"*.

Condition no. 4 which sets out the night time restriction on the use of runway 10L/28R except in exceptional circumstances has been imposed *"to permit the operations of the runways in a manner which reduces the impacts of aircraft night time noise, whilst providing certainty to communities as to how they will be affected by night time operations from the North Runway, while also providing continuity with the day-time operating patterns set down by Condition 3(a)-(c) of the North Runway Planning Permission"*.

Condition no. 5 covers details of the voluntary residential sound insulation grant scheme which has been imposed *"to mitigate the impact of aircraft night time noise as a result of the use of the airport's runways"*.

In summary, the concerns related to health as a result of aircraft noise from the proposed development are considered to have been sufficiently addressed in the planning application and its assessment by FCC and ANCA. Appropriate conditions have been included in the decision to limit and mitigate aircraft night time noise insofar as possible.

#### 4.2 Voluntary Residential Sound Insulation Scheme

It is stated that the Voluntary Insulation Scheme on offer will not be adequate or attainable to achieve under 40dB at night and 45dB Lden. It is noted that the Appellants appear to be referring to WHO Guidelines here. There appears to be a common misconception that no-one should be exposed to the WHO guideline noise values. They are guideline values, not a "must not expose" set of limits for outdoor noise. Through the planning process it is accepted that it is not possible to have zero effects, but assessment should identify where significant effects arise and mitigate accordingly consistent with the principles of sustainable development. For example, residential development within the city area or in proximity to rail and road are unlikely to achieve the WHO guideline noise value.

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<sup>3</sup> Our emphasis

<sup>4</sup> Our emphasis





A Noise Abatement Objective (NAO) has been developed that clearly sets out that "limiting and reducing effects" are central and sets targets for reducing over the coming decade. Alongside this, a noise insulation scheme (that goes beyond standard precedent) has been proposed to mitigate the effects of aircraft noise, in particular reduce sleep disturbance and the Noise Quota Scheme has been set-up to control total aircraft noise output. In addition, monitoring and reporting will show progress against the targets and the regularity framework provides ANCA with powers to implement additional measures if the targets are not being met or if the proposed measures are not being delivered and complied with.

We refer to condition no. 5 of the planning permission issued by FCC which states a voluntary residential sounds insulation grant scheme (RSIGS) for residential dwellings shall be provided to mitigate the impact of aircraft night time noise as a result of the use of the Airport's runways. Initial eligibility to the scheme shall apply to all residential dwellings situated within the Initial Eligibility Contour Area as shown in Figure 3.1 – regulatory decision, Third Condition. Residential Sound Insulation Grant Scheme (RSIGS) – Initial Eligibility Contour Area – June 2022. Eligibility to the scheme shall be reviewed every 2 years commencing in 2027 with residential dwellings situated in the 55Db Lnight contour being eligible under the scheme as detailed within the consent.

#### 4.3 Voluntary Dwelling Purchase Scheme

In response to the issues raised about the buyout scheme it is noted that this was conditioned under ABP Ref. No.: PL06F.217429. We refer the Board to condition 9 of that permission which states:

*"Prior to commencement of development, a scheme for the voluntary purchase of dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 69 dB LAeq 16 hours within twelve months of the planned opening of the runway for use. Prior to the commencement of operation of the runway, an offer of purchase in accordance with the agreed scheme shall have been made to all dwellings coming within the scope of the scheme and such offer shall remain open for a period of 12 months from the commencement of use of the runway".*

This condition is being implemented by daa.

#### 4.4 Issues with Noise Contours

The Appellants state that the contours do not reflect real time aircraft noise and that that these have been changed over the course of the planning application. It is stated that there is one contour missing and that this hides the true noise impact on those adversely affected.

We understand that the point being made in the Appeal is that the noise contours do not show the instantaneous noise levels during events (e.g. maximum noise levels). An analysis of this type was presented in 2018 as included at Appendix 2 of the Appeal. This showed the maximum noise levels that would be expected for various aircraft types on arrival and departure at varying distances from the end of the north runway (and in line with it). Since this document was produced, the methodology has been updated (software update, more recent measured results used).



In response to the concern about “hiding the true noise impact”, the impact is due to the combination of the number of events and their noise level. These are combined in the  $L_{den}$  and  $L_{night}$  metrics which are used to produce the key contours presented.

$L_{Amax}$  contours were presented as part of the revised EIAR (Figures 13C-81 to 13C-88) which shows the expected maximum noise levels in 5 dB bands, although not at the same specific locations as the longitudinal analysis referred to.

We trust this addresses the concern raised.

#### **4.5 Others Matters raised in the Appeal**

The Appellants state that health and wellbeing must be a priority in the planning application as set out the health circumstances of Appellants. These comments are noted. As per Section 4.1 of this response, it is considered that the concerns related to health as a result of aircraft noise from the proposed development are considered to have been sufficiently addressed in the planning application and its assessment by FCC and ANCA. We refer to our first party response to section 16.0 of the SMTWRG appeal.

#### **5.0 Conclusion & Recommendations**

As indicated in the above submission and the material submitted with the application, it is considered that the proposal as determined by the planning authority and competent authority (ANCA) is appropriate. The proposed Relevant Action is fully in compliance with multi-governmental strategic objectives and policies that seek to facilitate the growth of Dublin Airport and foster the airport’s connectiveness to the UK, Europe and wider global environment. By comparison, the permitted operating restrictions which this application seeks to amend/replace run contrary to these strategic objectives and policies.

The potential for impacts on local communities as a result of the proposed Relevant Action has been assessed in great detail through the course of preparing this application and subsequent response to FCC’s request for FI and ANCA’s Direction’s. In this regard, the proposed Relevant Action seeks to apply a balanced outcome. As a result, in addition to amending/replacing the above referenced operating restrictions the proposed Relevant Action also seeks to propose a preferential use of the runway system, a noise insulation grant scheme, a night noise quota system and a noise monitoring framework.

This package of measures will ensure that the overall noise effects of the proposed Relevant Action will not exceed the noise situation from 2018 and 2019. In this regard the proposed Relevant Action is fully in accordance with the proper planning and sustainable development of the area and we respectfully request that Board not allow the appeal and direct permission to be issued without delay.

Yours Sincerely



**Gavin Lawlor**  
**Director**  
**Tom Phillips + Associates**

