

## SECTION 131 FORM

Appeal NO: ABP-314485-22Defer Re O/H ☐

TO:SEO

Having considered the contents of the submission received 17/10/22 fromDAA 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 raisedE.O.: Date: 19/10/22

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: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# CORRESPONDENCE FORM

Appeal No: ABP-314485-22

M s McCormack

Please treat correspondence received on 17/10/22 as follows:

1. Update database with new agent for Applicant/Appellant

2. Acknowledge with BP 20

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP

2. Keep Envelope: ☐

3. Keep Copy of Board's letter ☐

## Amendments/Comments

DAA response to Adrienne McDonnell & Others appeal

## 4. Attach to file

(a) R/S ☐

(d) Screening ☐

(b) GIS Processing ☐

(e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☒

*Carry*

EO:

*Carry*

Date:

*18/10/22*

Plans Date Stamped ☐

Date Stamped Filled in ☐

AA:

*Peter Lee*

Date:

*19/10/22*

## Eoin O'Sullivan

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**From:** Orla O'Callaghan <orlaoc@tpa.ie>  
**Sent:** Monday 17 October 2022 12:41  
**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 \_Adrienne McDonnell and Others\_Final.pdf

Good Afternoon,

On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Adrienne McDonnell 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

**Tom Phillips + Associates**  
Town Planning Consultants



### Contact

80 Harcourt Street,  
Dublin 2,  
D02 F449  
+  
Suite 437 + 455,  
No. 1 Horgan's  
Quay, Waterfront Sq,  
Cork City,  
T23 PPT8  
T +353 1 478 6055  
M 087 6532428

w [www.tpa.ie](http://www.tpa.ie)  
e [info@tpa.ie](mailto:info@tpa.ie)



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The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

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 this First Party Response to a Third-Party Appeal by Adrienne McDonnell and Others 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 by Adrienne McDonnell and Others 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

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



Group (SMTWR). As such, we do not intend to respond to overlapping issues raised within this 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 Adrienne McDonnell 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.

At the outset the Appeal states that the Appellants understand that the building of a new runway is the right thing to do for Irelands economy and state that they are not against progress.

The Appellants state that they are against progressing without due consideration and fairness to the people who will be forced out of their homes via the voluntary buyout scheme. The Appeal sets out the background context. However, this response focuses specifically on the matters that have been raised in relation to the proposed development.

In this respect, the key issues raised in the appeal are as follows:

- Reference is made to the WHO Guidelines relating to aircraft noise and concern is expressed about adherence to these guidelines. The Appellants question how the daa are going to achieve in bedroom noise levels in accordance with WHO guidelines for night time.
- With regard to the contour maps, the Appellant believes that they do not take account of cumulative effects of use of the parallel runways and the noise effect on houses situated in the flightpath between both runways – where the Appellants houses are located.
- The Appellants state that conditions 3(d) and 5 are inextricably linked to conditions 7 and 9 and that residents should be afforded the opportunity to amend the two conditions that materially affect them – Conditions 7 and 9.
- It is asserted that Condition 7 is not fit for purpose and should be revised to include proper ventilation adhering to WHO night time noise guidelines.
- It is stated that the Appellants are exposed to levels over and above 69 dB as per independent Acoustic Engineers monitoring results and therefore condition 9 should be amended, providing clarity and removing ambiguity such as ‘voluntary buyouts’ when this would lead to a forced/ constructed situation and will render homes uninhabitable from a human health perspective.
- The Appellants request that the buyout scheme is revised in its entirety with full input from all parties and final agreement from residents.
- Details of Noise Monitoring Exercises carried out on behalf of the Appellant. Correspondence from Searson Associates has been appended to the Appeal.
- Impact on sleep quality.
- The Appellant considers that the balanced approach has been wholly weighted in favour of the Applicant and that local residents have been ignored.





## 4.0 Response to Items Raised in Third Party Appeal

Adrienne McDonnell and Others 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 by the Adrienne McDonnell and Others in their 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:
  - o '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.

As noted, we suggest that the Board review this response in conjunction with the First Party response to the Third Party Appeal 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 WHO Guidelines

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.

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. The NAO uses criteria such as the number of people Highly Annoyed (HA) and Highly Sleep Disturbed (HSD). These criteria use the methodology described in the Environmental Noise Directive, based on the WHO Environmental Noise Guidelines 2018.



Alongside this, a noise insulation scheme 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 requires regular reporting on all of the measures and provides ANCA with powers to review the effectiveness of these measures

#### 4.2 Contour Maps

The ANCA decision introduces insulation for those exposed to the highest noise levels at night. This is in addition to the existing schemes which introduce eligibility to those exposed to the highest noise levels during the day. Properties exposed to the highest noise levels in both periods are therefore eligible for insulation, in addition to those particularly exposed during just one of the periods. The contours allow for all of the aircraft movements in the relevant periods. So, the daytime contours allow for the combined effect of operations from both runways, and the night-time contours do similarly. The reduction in the contours for locations located between the extended centreline of the runways is due to those locations being relatively distant from the flights compared to locations directly overflown, as noise reduces over distance.

#### 4.3 Conditions 7 and 9

In responses to the concerns raised by the Appellants, we note the following.

The Noise Insulation Scheme includes an alternative means of providing controllable background insulation by way of high performing acoustic through wall ventilators. Condition 7 underwent an extensive review as part of the pre-commencement discharge of the planning condition.

In response to the issue 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".*

Following extensive engagement with and feedback from eligible residents and their advisors, the draft Scheme was presented to Fingal County Council (FCC) and their independent consultants for review prior to commencement of construction of North Runway. The scheme was approved in December 2016.

The scheme provides a 30% uplift on current market value and offers allowances for stamp duty, legal and conveyancing costs, tax advice and moving costs. The Scheme compares favourably with that available at other international airports.





Biennial reviews are included within the scheme to allow for eligibility to be reassessed on an ongoing basis every 2 years after opening of the North Runway. The applicant did not propose any changes to the buy-out scheme as part of the application and feels that the scheme approved under Condition 9 is appropriate. It should also be noted that ANCA did not introduce any changes to the buy-out scheme in the Regulatory Decision.

#### 4.4 Noise Monitoring Exercises

Anderson Acoustics, acting on behalf of daa, have been asked to provide a response to noise reports provided by Searson Associates which are appended to the appeal. All three present noise measurements made inside and outside properties belonging to the McDonnell family. The surveys (and issue of subsequent reports) are dated August 2016, February 2022 and September 2022.

In every survey, internal measurements have been made with windows open, given this is the only means of ventilating the properties.

The reports conclude that prior to and following the operation of the new north runway, noise levels inside the properties, with windows open for ventilation, exceed WHO Guidelines. As part of the permission to construct and operate the new northern runway, daa plc are obliged to comply with the requirement of Condition 7, as described below:

*"Prior to commencement of development, a scheme for the voluntary noise insulation of existing 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 63dB L<sub>Aeq</sub> 16 hours Within twelve months of the planned opening of the runway to use. The scheme shall include for a review every two years of the dwelling eligible for insulation."*

The Noise Insulation Scheme is available to all properties within the relevant contour and, as agreed with Fingal Council, the scheme seeks to improve the sound insulation of habitable rooms within eligible dwellings through the following improvement works:

- Replacement of existing windows with acoustic windows;
- Installation of acoustic vents to allow adequate background ventilation;
- Acoustic insulation laid in roof/attic space; and
- Chimney dampers, where necessary.

The above works are specified with a view to achieving a minimum overall improvement in airborne sound insulation of 5 dB with windows closed and ventilators open. The scheme also sought, where possible, to target internal ambient noise levels in accordance with BS 8233 (2014) and World Health Organisation (WHO) Guidelines for Community Noise (1999), whilst there is no requirement under the scheme to meet these levels.

Worthy of note in the context of the properties in question, the scheme provides an alternative means of providing controllable background ventilation into properties in accordance with Building Regulation Technical Guidance Document F by way of high performing acoustic through-wall ventilators. With the reliance on opening windows for ventilation reduced, alongside the other insulation measures listed above, significantly higher levels of sound reduction can be achieved than those presented in the Searson Associates reports, where windows are open for ventilation.



In the event that the property owners wish to participate in the insulation scheme in future, there is a biennial review included as part of the scheme. Should the property be eligible under this review, the property owner may at that stage opt-in to the scheme. In this event, a property specific assessment would be undertaken to assess the insulation measures available under the scheme for that property.

We also wish to point out that in order to appraise the level of sound reduction achieved by the measures available under the noise insulation scheme, a series of pre and post works noise surveys are being conducted at a representative sample of properties which have received insulation works under the scheme. This element of the work is on-going and a report with findings of the pre and post works insulation will be published when complete.

#### **4.5 Impacts on Sleep Quality**

The Appellant raises concern about impacts on quality of sleep and broken sleep as a result of the proposed development.

It is considered that impacts on sleep have been adequately considered in the preparation of the planning application and its assessment. daa recognises that there will be people who are disturbed by aircraft noise and believes that the combination of the Noise Insulation Scheme which has been proposed to mitigate the effects of aircraft noise, in particular reduce sleep disturbance, the roll out of quieter aircraft and the Noise Quota Scheme as well as the other measures in place will help to minimise sleep disturbance consistent with achieving the NAO. The metrics and targets that support the NAO consider number of people highly annoyed and highly sleep disturbed and ANCA can introduce additional measures if these initial measures are found to be not effective at achieving the NAO.

#### **4.6 Application of the Balanced Approach**

The Appellants raise issues with the application of the balanced approach and assert that the decision has been weighted in favour of the Applicant, with the daa disregarding human health and wellbeing.

It is considered that the proposed Relevant Action will deliver a balanced approach that will both serve the needs of a developing international airport, whilst respecting local communities by proposing appropriate mitigations, safeguards and monitoring as set out above and in the response to the Saint Margaret's The Ward Residents Group appeal response.

### **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**

