

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, 2000be/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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Appeal No: ABP-314485-22

M s McCormack

Please treat correspondence received on

17/10/22

as follows: t.

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 Conor Kennedy appeal

4. Attach to file

(a) R/S ☐

(d) Screening ☐

(b) GIS Processing ☐

(e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☒

Card

EO:

Card

Date:

16/10/22

Plans Date Stamped

☐

Date Stamped Filled in

☐

AA:

Pete Burr

Date:

19/10/22

From: Orla O'Callaghan <orlaoc@tpa.ie>
Sent: Monday 17 October 2022 12:51
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 _Conor Kennedy_Final.pdf

Good Afternoon,

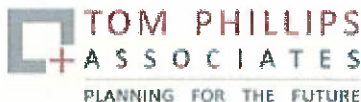
On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by Conor Kennedy against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022 (Fingal County Council Reg. Ref. F20A/0668 /ABP Ref. PL06F.314485).

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



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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 (hereafter referred to as daa or the Applicant) have retained Tom Phillips + Associates¹ along with a multi-disciplinary team to prepare this First Party Response to a Third-Party Appeal by Conor Kennedy against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022.

2.0 Executive Summary

The appeal submitted by Conor Kennedy 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 some 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

¹ 80 Harcourt Street, Dublin 2, D02 F449.



appeal. Notwithstanding the aforementioned, we enclose a response to issues raised by Conor Kennedy in his appeal.

3.0 Appeal Context

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

The main issues raised by the Appellant are as follows:

- Erroneous use of planning application reference is unsafe and flawed by FCC and bodes badly for ANCA's competence.
- It is stated that Heathrow Airport operates with a numerical cap of 15 flights per night as established in the 1960s.
- That the replacement of a clear and simple numerical cap with a 'framework' based on an average over a year is a significant deterioration in the noise controls and that using averages flattens the peaks for the daa quarterly reports. It is stated that there is nothing to prevent a night where there are hundreds of flights due to such averages and that the airport can operate like a 24 7 operation.
- It is submitted that the original period remains a better fit and relates closer to sleep patterns. Sleep patterns have not changed and since 2007, there have been more publications that confirm the detrimental effect of disrupted sleep on human health;
- It is noted that the bigger EU airports are reducing air traffic citing environmental reasons, such as noise and pollutants meanwhile *"Ireland, being led by the daa, are going in the opposite direction"*.
- It is asserted that there is a significant conflict of interest that the noise authority is so closely affiliated with Fingal County Council.
- It is stated that the daa bears no consequence for non-conformance under the proposed noise performance reporting. It is suggested that failure or breach of annual noise limits should generate financial penalties commensurate with daa's business, in the region of €10,000 per 0.1dB above the limit.

4.0 Response to Items Raised in Third Party Appeal

Conor Kennedy has 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 Conor Kennedy in both their observation to FCC and their 3rd Party Submission 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'.
- '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.
- 'Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Cost Effectiveness Analysis Report' (Revision 2 – September 2021) Ricondo and Associates Inc.

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

4.1 Incorrect Planning References

It is noted that there were some typographical errors and incorrect cross references in the documents submitted with the planning application. This issue was raised by Fingal County Council in the further information request. All relevant documents and were updated and errors corrected in responding to the further information request. It is further noted that the correct reference numbers were cited in the readvertisement of the proposed development by the Applicant following the submission of the further information. It is submitted that the errors noted did not impact the assessment of the proposed development nor the review of the planning application by third parties as it was rectified at further information and readvertisement stage.

With regard to typographical errors in the permission, we refer to Section 146(A)(1) of the Planning and Development Act 2000(as amended) which states:

"Subject to subsection (2) –

- a) A planning authority or the Board, as may be appropriate, may amend a planning permission granted by it, or*
- b) The Board may amend any decision made by it in performance of a function under or transferred by this Act or under any other enactment for the purposes of –*
 - (i) Correcting any clerical error therein".*

Having regard to the above, the decision making by FCC is not unsafe or flawed.

4.2 Comparison with Operation of Heathrow Airport and Trends at Other Airports

The Appellant draws a comparison with Heathrow Airport stating that it operates with a numerical cap of 15 flights per night since the 1960s. On this basis, it is stated that it cannot be reasonably argued that Dublin Airport cannot operate efficiently with the numerical cap of 65 night time flights.

Night time (23.30-06.00) operations at Heathrow are restricted. Similar to the proposed development, a night quota limit is also in place at Heathrow which caps the noise the airport can make at night. Heathrow is currently limited to 5,800 night flights a year: 3,250 in the summer season and 2,550 in the winter season.

The Appellant raises an issue that while bigger EU airports are reducing traffic, Ireland is going in the opposite direction. Notwithstanding reference to other airports, the documentation



submitted with the planning application and further information response sets out in detail the rationale for the proposed Relevant Action.

As a transatlantic hub, efficient flight connections are required to facilitate transfer passengers from North Atlantic flights to mainland Europe and vice versa. The Dublin Airport hub connecting model is based on these early morning long haul arrivals and early short haul departures being able to return to connect with long haul departures later in the day. Without this connecting traffic, Dublin Airport's ability to support transatlantic services would be severely compromised. In this regard, it is considered that the coming into operation of the operating restrictions contained within Conditions 3(d) & 5 of the North Runway Planning Permission will impact severely on the airport's ability to maintain interconnected connectivity between long and short haul flights.

It is considered that the operating restrictions set out in conditions 3(d) and 5 of ABP Ref. No.: PL06F.217429 were imposed through the 2007 determination of An Bord Pleanála without due regard to the impact on Dublin Airport's ability to meet the foreseeable need for aviation travel at the Airport or to provide for the safe expansion of air traffic at the airport in line with the relevant Strategic Objectives of National, Regional and Local Policies.

The operating restriction imposed by Condition no. 5 would be particularly restrictive as it will have the effect of drastically reducing the existing night time operating capacity of the airport. The operating restrictions are considered to be contradictory of the clear strategic direction of numerous National, Regional and Local Objectives and Policies by constraining the airport's ability to rebound to its permitted capacity and its ability to maintain global connectivity.

We further note that the application and appeal before the Board is required to be assessed having consideration to a wide array of policy objectives including Objective DA09 which states:

'Ensure that aircraft-related development and operation procedures proposed and existing at the Airport consider all measures necessary to mitigate against the potential negative impact of noise from aircraft operations (such as engine testing, taxiing, taking off and landing), on existing established residential communities, while not placing unreasonable, but allowing reasonable restrictions on airport development to prevent detrimental effects on local communities, taking into account EU Regulation 598/2014 (or any future superseding EU regulation applicable) having regard to the 'Balanced Approach' and the involvement of communities in ensuring a collaborative approach to mitigating against noise pollution'.

[our emphasis]

The existing restrictions imposed through conditions 3d) and 5 have been applied through the grant of planning permission for the North Runway. The conditions imposed have not been applied taking into account EU Regulation 598 having regard to the Balanced Approach. Therefore, in accordance with Objective DA09 of the Fingal County Development it is correct that the conditions 3d) and 5 be reviewed. As such, the proposed relevant action application seeks to review conditions 3d) and 5.



4.3 Noise Quota Scheme

In response to the concern raised with the Noise Quota Scheme, it is fully recognised that a night-flight curfew that removes all flights from the night-period would, by definition, remove disturbance at night and the associated health effects. Both the applicant's and ANCA's assessments also indicated fewer affects with the permitted operation than all the other scenarios. However, the permitted operation (SC1) has also been shown to be the least cost-effective means to meet the NAO. daa proposed an NQS (which has been modified by ANCA to cover the full night-period), an alternative runway operation scheme and a noise insulation scheme that is a more cost effective means for meeting the NAO. Further, through ANCA monitoring and reporting framework the effectiveness of these additional measures (on top of the existing measures) will be reported on annually and, if found not to achieve the NAO, ANCA can review the implementation and effectiveness of these measures.

Condition no. 3 of the decision issued by FCC states that *"the airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise related limits on the aircraft permitted to operate at night"*.

In the early 1990s the Quota Count (QC) system was first introduced by the UK, as part of a new night restrictions scheme for London Heathrow, Gatwick and Stansted airports, and has been gradually followed by an increasing number European airports. The QC system relies on a count of aircraft movements (arrivals and departures) against a noise quota (in effect a noise budget), for each airport according to the QC rating. As such, the system allows a greater number of quieter aircraft movements within a given quota thereby encouraging the use of quieter aircraft at the airport.

The Regulatory Decision (RD) applies noise restriction from 23:00 hrs to 06:59hrs – the standard night time period. The RD also restricts night time flying of noisier aircraft types. The RD applies a noise quota to the full 8 hour night time period and further restricts the use of noisier aircraft at the airport. One effect of this is that a greater number of less noisy flights would be possible and this in turn may encourage fleet modernisation with quieter aircraft.

An annual noise quota scheme effective over a period of six-and-a-half-hours from 23:30-05:59 (local time) has been proposed in the Relevant Action application. Following ANCA's review of the measures available, an alternative scheme, where an annual noise quota is proposed for an eight-hour period from 23:00-06:59 (local time) with restrictions on certain aircraft types based on their quota count, was also considered. Both noise quota schemes would allow Dublin Airport to meet its forecasts whilst ensuring noise exposure and health outcomes in 2025 and beyond would be better than those which occurred in 2019 and meet the Noise Abatement Objective (NAO). It should be noted that ANCA scheme presented in the RD would require some change to the forecasted fleet mix from 2030 onwards.

Whilst the Forecast Without New Measures is also capable of meeting the NAO, this does not provide any limits on night-time noise beyond the NAO itself. ANCA determined that a restriction is necessary in the form of a limit to ensure that the Applicant's forecasts will be met. This is particularly important over the period to 2030 in anticipation of the 30% noise reduction target being required under the NAO. For this reason, ANCA considered that



revoking Condition 5 would not be in line with the broader policy of setting limits as defined by the NAO.

The analysis presented throughout the ANCA Regulatory Decision Report shows that if Condition 5 is to be replaced to facilitate aircraft movements above the 65/night restriction set by Condition 5, then noise outcomes in terms of population Highly Annoyed and Highly Sleep Disturbed would be better than 2019 and would continue to improve over time. The aircraft type restrictions that shall accompany the NQS as it becomes effective are aircraft with a Quota Count (QC) of 4.0 on take-off and 2.0 on landing.

The Noise Quota Scheme will limit the impact of aircraft noise at Dublin Airport on communities surrounding the airport in accordance with the NAO. ANCA's Cost Effectiveness Assessment (CEA) identified that while it reduced the population highly sleep disturbed and population exposed above the NAO night-time priority of 55 dB Lnight, condition 5 was not the most cost-effective means of achieving the NAO. Replacing Condition 5 with a Night-Time Noise Quota and associated aircraft type restrictions is a much more cost effective means of managing and limiting aircraft noise impacts in line with the NAO. It allows the airport to meet its movement forecasts whilst guarding against the Applicant's noise forecasts being optimistic with respect to fleet modernisation. For example, should the aircraft fleet mix not improve as forecast, the Night-Time Noise Quota will limit the number of night flights. Overall, the Night-Time Noise Quota will place a limit on night-time aircraft noise.

4.4 Effect of Disrupted Sleep on Human Health has been assessed

The Appellant states that sleep patterns have not changed and that since 2007, there have been more publications that confirm the detrimental effect of disrupted sleep on human health.

Chapter 7 of the EIAR Population and Human Health 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 Guidance². 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.

² Institute of Public Health in Ireland, (2009). Health Impact Assessment Guidance.



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 10th February 2021, the Aircraft Noise 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 NAO³.

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”⁴.*

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 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 enmity 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. The Applicant welcomes the imposition of these conditions and will ensure they are complied with.

³ Our emphasis

⁴ Our emphasis

4.5 Conflict of Interest

The comments in relation to a conflict of interest arising due to a close affiliation between ANCA and FCC are unsubstantiated. These claims are addressed in detail within our first party response to the St Margaret the Ward Residents Group (Section 18.0).

4.6 No Consequence for Non-Conformance

The Appellant notes that under the proposed Noise Performance Reporting, the daa bears no consequence for non-conformance. Condition 3 of the decision issued by FCC states that *“the airport shall be subject to a Noise Quota Scheme (NQS) with an annual limit of 16,260 between 23:00 and 06:59 (inclusive, local time) with noise-related limited on the aircraft permitted to operate at night. The NSQ shall be applied as detailed below”*.

This condition 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 a noise related limit on aircraft operations.

Part 3 of the Condition 3 sets out details on the Noise Quota Scheme reporting requirements and Part 4 sets out details of the Noise Performance Reporting. The competent authority monitors compliance with noise mitigation measures and operating restrictions; and the introduction of operating restrictions.

As the reporting requirements set out in the subject decision are to ensure the effective implementation of the Noise Abatement Objective, we refer the Board to Section 21(4) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 which states *“Where the competent authority is of the opinion, following a review referred to in subsection (2) or (3), that the noise abatement objective is not being achieved, it shall take such action, whether under the Aircraft Noise Regulation or this Act, or both, as it is of the opinion will be effective towards achieving that objective”*.

Section 23 of the Aircraft Noise Regulation Act addresses ‘Issue of enforcement notices’.

Subsection (2) of Section 23 states that:

The competent authority may give the relevant person a notice in writing—

- a) stating the relevant opinion,*
- b) specifying the relevant provision as to which the competent authority is of that opinion and the reasons why it is of that opinion,*
- c) directing the relevant person to take such steps as are specified in the notice to remedy the failure concerned or, as the case may be, the matters occasioning it, and*
- d) specifying a period (ending not earlier than the period specified in section 24 within which an application under that section against any directions specified in the notice may be made) within which those steps must be taken.*

Subsection 6 proceeds to state that where a relevant person fails to take the steps specified in an enforcement notice given to it, the competent authority may, on notice to the relevant person, apply in a summary manner to the High Court for an order requiring the relevant person to take those steps (or to take such varied or other steps for the like purpose as may be specified in the order).



daa are subject to the monitoring and enforcement role of ANCA as the competent authority and therefore it is incorrect to state that there are no consequences for non-conformance in relation to the proposed Noise Performance Reporting.

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