S. 37

File With _____

SECTION 131 FORM

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

TO:SEO

Having considered the contents of the submission received 17/10/22 from

DAA 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 raised

E.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:** _____

S. 37

File With _____

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 St. Margaret's The Ward Residents Group appeal

4. Attach to file

(a) R/S ☐ (d) Screening ☐

(b) GIS Processing ☐ (e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☑

	Plans Date Stamped ☐ Date Stamped Filled in ☐
EO:	**AA:**
Date: 18/10/22.	**Date:** 19/10/22

Eoin O'Sullivan

From: Orla O'Callaghan <orlaoc@tpa.ie>
Sent: Monday 17 October 2022 15:33
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 _SMTWRG_Final.pdf

Good Afternoon,

On behalf of daa plc, please find attached First Party Response to a Third-Party Appeal by St. Margaret's The Ward Residents Group (SMTWRG) 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

CELEBRATING TWENTY YEARS 20

TOM PHILLIPS + ASSOCIATES
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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[1] along with a multi-disciplinary team to prepare this First Party Response to a Third-Party Appeal by St. Margaret's The Ward Residents Group (SMTWRG) against a Notification of a Decision to Grant Permission by Fingal County Council (FCC) dated 8th August 2022.

2.0 Summary of Applicant's Position

The appeal submitted by SMTWRG 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 considered that the FCC's notice of decision to grant the proposed relevant action should be upheld as the proposed relevant action will:

[1] 80 Harcourt Street, Dublin 2, D02 F449.

- Deliver a balance that facilitates Dublin Airport's mandate to efficiently return to its permitted capacity and maximise international connectivity, whilst respecting local communities through proposed appropriate mitigations and safeguards;
- Support Dublin Airport's ability to remain competitive in line with National Policy direction, will facilitate the demand for global flight connectivity and will allow Ireland's globalised economy to continue to prosper;
- Ensure that Dublin Airport's future growth is safeguarded in a manner that complies with the Balanced Approach as prescribed by the National Aviation Policy;
- Safeguard the operational needs of Dublin Airport's short haul based airline services, which make up the majority of services at the airport;
- Limit overall noise effects to no greater than those in 2019;
- Mitigate noise impacts on those potentially significantly impacted by the proposed Relevant Action;
- Have negligible air quality impacts;
- Result in a significant economic stimulus to the Irish economy in the post Covid recovery which would otherwise be foregone by the permitted operating restrictions, thus recognising the importance of Dublin Airport in the National economic post COVID 19 recovery;
- Have a negligible impact on the local road network;
- Have no significant effects on water, cultural heritage, visual impact and soils;
- Not result in negative impacts on any European sites; and
- Be fully consistent with the *Fingal Development Plan 2017-2023* and the Dublin Airport Local Area Plan 2020.

3.0 Summary of the Proposed Development / Relevant Action

An application seeking permission for the proposed relevant action was submitted to FCC on 18th December 2020. A Request for Further Information (RFI) was issued by FCC on 19th February 2021 and subsequently responded to by the applicant on 13th September 2021.

The proposed development constitutes a 'Relevant Action' only within the meaning of Section 34C of the Planning and Development Act 2000. The proposed Relevant Action seeks to amend/replace two operating restrictions currently imposed as conditions through the relevant planning permission[2] for the North Runway. These operating restrictions currently restrict the operation of the permitted North Runway (10L/28R) between the hours of 23:00 and 07:00 as well as limit the operation of the runway system including the existing Southern Runway (10R/28L) between the hours of 23:00 and 07:00.

[2] (FCC Reg. Ref.: F04A/1755; ABP Ref: PL06F.217429)

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-305298-19), as well as proposing new noise mitigation measures.

The proposed Relevant Action, as issued a Notification of Decision to Grant Permission by FCC will remove the numerical cap on the average number of flights permitted between the hours of 23:00 and 07:00 (as measured over the 92 day modelling period) and replace it with an annual night-time noise quota limit of 16,260 between the hours of 23:00 and 06:59 (inclusive, local time) and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 23:00 hrs to 00:00hrs and 05:59 hrs to 06:59 hrs. Overall, this will allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 23:00 hrs and 07:00 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning Permission, in accordance with the annual night time noise quota.

The Relevant Action as included in FCC's Notice of Decision to Grant Permission pursuant to Section 34C (16) 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-305298-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following:
>
> > *'3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 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.'*
>
> The Notice of Decision issued by FCC amends the above condition so that it reads:
>
> > *'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours (inclusive, local time) 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 or where Runway 10L/28R length is required for a specific aircraft type.'*
>
> The net effect of this change is a change in the normal operating hours of the North Runway from the 07:00hrs to 23:00 hrs to 06:00 hrs to 11:59 hrs.

The Relevant Action also is:

> To revoke and replace 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-305298-19) which provides as follows:

> *5. On completion of construction of the runway hereby 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 the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007.*
>
> ***Reason**: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway."*

With the following (as per the Notice of Decision issued by FCC):

> *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) with noise-related limits on the aircraft permitted to operate at night. The NQS shall be applied as detailed below[3].*

In addition to the proposed night-time noise quota, the Relevant Action as outlined for in the Notice of Decision issued by FCC includes noise mitigation measures by way of a voluntary residential sound insulation grant scheme (RSIGS) for eligible residential dwellings (condition no. 5).

The proposed Relevant Action does not include any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to night-time use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F06A/1248; ABP Ref. No. PL06F.220670) and Condition no. 2 of the Terminal 1 Extension Planning Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined permitted capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum.

It is noted that the proposed Relevant Action seeks to amend and replace two operating restrictions. 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.

The above referenced operating restrictions were imposed through Conditions 3(d) and 5 of the 2007 determination[4] of An Bord Pleanála (ABP). Since then, further evidence and understanding on the impact of the restrictions has become available and it is evident that they will impact significantly on Dublin Airport's ability to meet the foreseeable need for aviation travel at the airport. As such, it is considered that the operating restrictions are particularly limiting and will have the effect of unduly hindering the ability of the Airport to reach it's potential in line with the relevant Strategic Objectives of National, Regional and Local policies.

[3] Refer to Notification of Decision to Grant Permission as issued by FCC, dated 8th August 2022
[4] ABP Ref. No.: PL06F.217429

4.0 Response to Items Raised in Third Party Appeal

SMTWRG 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 SMTWRG in both their observation to FCC, ANCA and their 3rd Party Submission to the Board:

- *Dublin Airport North Runway Relevant Action Application – Revised Environmental Impact Assessment Report (EIAR)*[5], prepared by AECOM, dated September 2021
- *Dublin Airport North Runway Relevant Action Application – Revised EIAR Appendices*
- *Dublin Airport North Runway Relevant Action Application – Appropriate Assessment Screening* prepared by AECOM, dated September 2021
- *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. For ease of reference, the applicant's responses are numbered to correspond with the numbering used in the appellant's appeal documents.

[5] The application relates to a proposed Relevant Action only, comprising a change in operating restrictions, and will involve no construction works or changes to the consented physical infrastructure of the North Runway or any other infrastructure at Dublin Airport. Therefore, the proposed Relevant Action is not a project within the meaning of the EIA Directive. On the basis of the case law of the Court of Justice of the European Union (CJEU), and, in particular, the Judgments in the *Brussels Airport Case* (Case C-275/09) and *Pro-Braine* (Case C-121/11), this application to remove, replace or vary Conditions No. 3(d) and No 5 of the North Runway permission is not an application for development consent for a 'project' within the meaning of the EIA Directive, and is therefore outside the scope of that Directive. Strictly without prejudice to that position, the applicant submitted a revised EIAR with the application and in response to FCC's request for FI out of an abundance of caution.

SMTWRG Cover Letter

We note that the cover letter by the appellant suggests that the assessment of the relevant action application by FCC results in a breach of article 6(3) of the Habitats Directive. The appellant seems to suggest that FCC, in undertaking their AA Screening of the Relevant Action, took into account mitigation of the ANCA Regulatory Decision and NAO when deciding not to carry out a stage 2 AA. The appellants claim that FCC's approach was contrary to law article 6(3) of the Habitats Directive 1992/43/EEC.

In coming to the above conclusion, we consider that the appellant's have misunderstood article 6(3) of the Habitats Directive. The NAO and the measures within the Regulatory Decision are entirely designed to reduce impacts on people and have no purpose whatsoever in relation to other animal species, including the qualifying features of European sites. We note that the AA Screening submitted with the relevant action application makes no reliance on the measures within the NAO and Regulatory Decision.

Preface

It is noted that the Preface of the Appellant's appeal submission raises a number of planning enforcement / compliance-type complaints relating to the current operation of the Dublin Airport. The Board does not have a planning enforcement role in this regard and these complaints are not relevant to the Board's assessment, on the merits, of the application for the proposed Relevant Action. daa does not therefore propose to respond to the complaints in this submission, which focusses on issues raised by the appellants in relation to the Relevant Action.

For completeness, the Board may wish to note that FCC, as planning authority and in its enforcement role under the PDA 2000, appears to have recently received enforcement / compliance-type complaints and has opened a file and is currently looking into the matter. daa has received a warning letter under the PDA 2000 in this respect, and is in the process of preparing a comprehensive and robust response addressing the complaints, which will then be considered by FCC.

0.1 Fingal County Council Planning Decision

Proposal

The appellants raise concern that the proposed relevant action application does not seek approval for the revision of flight paths, divergence or take off, movement of noise contours etc. from those included in the EIA and documents supporting the grant of permission for the North Runway. Additionally, the appellants raise concern that the application did not include an AA of the entire operation of the proposed relevant action application.

It is submitted by the applicant that the application for planning includes robust analysis of the proposed relevant action including a without prejudice EIAR.

Relevant Action

Refer to Section 9.8 below.

Policy Context

The comments on policy context are noted and adequately covered in the documentation submitted by the applicant, including the *Planning Report, prepared by Tom Phillips + Associates, dated September 2021.*

Pre-Application Consultation

The appellant's raise concern with the appropriateness of the pre-planning consultation undertaken prior to the submission of the relevant action application.

It is considered that the pre-planning consultation undertaken prior to the submission of the application for the proposed relevant action is entirely appropriate.

The selection of the NAO is raised as an issue. This is discussed further in the response to section 8.0, Baseline Reference Year for NAO (2019).

Assessment

The appellant's raise concern that the proposal will alter the flight paths from those submitted under the original planning permission F04A/1755 and therefore a different area and population base are now affected by the proposed relevant action application. The appellant's raise concern that the wording of the "Relevant Action" application does not address this point in its description.

It is considered that the Relevant Action Application is suitably described in the relevant public notices. The application material is robust and the predicted environmental effects of the proposal are substantially identified and assessed in the revised EIAR submitted in response to FCC's RFI.

Regional Policy

The appellant's position is noted in relation to regional policies in relation to the ENDs directive and requirement for local authorities to prepared Noise Action Plan's. We note that the under the Environmental Noise Regulations 20018 (the 'Regulations'), Statutory Instrument 140 of 2006, Fingal County Council (FCC) is the designated Action Planning Authority with responsibility for preparing a Noise Action Plan for Dublin Airport during 2018.

These Regulations give effect to the European Union (EU) Directive 2002/49/EC relating to the assessment and management of environmental noise and has the aim of establishing an EU common approach to avoiding, preventing or reducing the harmful effects due to exposure to environmental noise. The Regulations set out the approach to meeting the requirements of the END in Ireland.

This first Noise Action Plan for Dublin Airport was prepared in December 2018 (Noise Action Plan for Dublin Airport 2019 – 2023) and replaces the airport section of the Dublin Agglomeration Noise Action Plan 2013-2018.

It is the applicant's position that the Noise Action Plan for Dublin Airport 2019-2023, has been given due regard in the preparation of the relevant action application.

HSE Submission

The submission refers to the FCC planning review of the HSE observation. In this regard there appears to be is 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 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.

An 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 has been proposed to mitigate the effects of aircraft noise, in particular reduce sleep disturbance and the NQS 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.

This is discussed further in the response to section 15.0, HSE Submission.

Environmental Health Officer

This is discussed further in the response to section 15.0, HSE Submission and throughout the 1st party response to this 3rd party appeal.

1.0 Regulatory Decision

Planning Conditions 3(a)-3(d)

Refer to section 6.0 below.

EIAR

Refer to section 4.0 below

Forecasts

The appellant's claim that there is *"very little difference"* between older and newer aircraft and therefore assertions regarding fleet replacements are flawed. This is incorrect and is discussed in the response to Section 8.13 Noise Monitor Data.

The appellants claim that noise levels have "exponentially increased" between 2003 and 2017, despite greater proportions of aircraft meeting the more stringent ICAO standards. This is incorrect. A relevant comparison is the 2003 situation (15.9m passengers) presented in the 2004 EIS with the 2018 situation (31.5m passengers) presented in the 2020 EIAR. The 2004 EIS assessed the 2003 summer daytime 57 dB $L_{Aeq,16h}$ contour as containing 9,636 people. The 2020

EIAR assessed the same contour in 2018 as containing 9,178 people. This is a reduction, not an "exponential increase", even without accounting for the fact that the population in the area has increased between 2003 and 2018.

Insulation Scheme

Refer to section 12.0 below

Population and Human Health

The Population and Human Health chapter in the EIAR states, in Table 7-25, that 18,789 people will be Highly Sleep Deprived (HSD) as a result of the proposed Relevant Action in 2025. We note that this figure is incorrect as Chapter 13: Air Noise and Vibration states, in Table 13-50, that 37,080 people will be HSD as a result of the proposed Relevant Action in 2025. This has been reviewed by the drafter of the EIAR chapter and it has been confirmed that this error does not affect the conclusion of the Human Health Assessment of Air Quality, Noise and Vibration, and Neighbourhood Amenity presented in the Population and Human Health chapter which concludes that the impact of the proposed Relevant Action on air quality[6], noise and vibration and neighbourhood amenity as a determinant of human health and well-being is negative (-) for all assessment years (2022, 2025 and 2035).

Refer to section 16.3 for further detailed response.

Cost-effectiveness

Refer to section 9.0 below

2025 Proposed

In this section the appellants summarise the material submitted as part of RFI response to FCC and point to the fact that the 2025 Proposed RFI is different than the 2025 Proposed Original . The revised EIAR submitted in response to the RFI by FCC includes updated information and additional assessment years. The revised EIAR also includes an assessment of a revised modelled runway usage by assuming that in 2025 and 2035 both parallel runways are used for departures in the period of 06:00 to 08:00 hrs. This is provided in response to the Irish Aviation Authority (IAA) Air Navigation Service Provider (ANSP) submission to the planning authority as outlined in section 3.4.5 of the revised EIAR. It is also noted that the forecasts were revised to take into account the account the changing nature of the airline industry (Refer to section 1.5.37 of the Revised EIAR). As a result, the environmental effects of the proposal have been revised accordingly.

Consultation

Refer to section 3.0 below

[6] Note section 7.8.21of the revised EIAR notes that Therefore, there is little risk of any exceedance of the relevant environmental air quality thresholds applicable for the protection of human health.

2018/2019 Baseline for NAO

Refer to section 8.0 below

Difference Maps

The appellants claim that difference maps have not been provided and that this is not in accordance with Annex IV of EU Directive 2002/49/EC. Difference maps comparing the proposed scenario in 2022, 2025 and 2035 with 2018 were presented in the supporting document "Dublin Airport Development of Proposed Noise Measures" which was submitted alongside the revised EIAR.

Objective DA07

The submission refers to Objective DA07 of the FCC County Development Plan which states

> *'Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone.* ***To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.'***
>
> *[our emphasis on policy highlighted by appellant]*

We note that the proposed relevant action application as issued a notice of grant by FCC continues to include for time based operational restrictions, this being the limitation on the use of North Runway between *0000 hours and 0559 hours* and the introduction of a Quota Count system during the night-time hours. 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.

Population most affected

Summary of Appeal Grounds

The appellant raises concern that ANCA's Regulatory Decision fails to *"take account of the population who will be subjected to the cumulative effect of aircraft noise 24 hours per day. Large sections of St Margaret's The Ward will be exposed to high levels of daytime noise and high levels of night-time noise. A significant proportion of this population does not qualify for insulation under the daytime >63 L_{Aeq16} scheme or the new night-time scheme. In particular dwellings between the two runways and those to the north of the North Runway"*.

Applicant Response

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 take account of all the aircraft movements in the relevant periods. As such, the daytime contours allow for the combined effect of operations from both runways, and the night-time contours do similarly. The lower noise level 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.

2.0 Validity of the Planning Permission

Summary of Grounds of Appeal

The appellants suggest that the application for the proposed relevant action is invalid. They raise a number of issues to support this claim.
The appellants state that there has not been any avoidance, prevention, or reduction of noise to the surrounding communities, and noise has escalated since ABP's previous decision, as such the use of 2019 by ANCA in the NAO is flawed. Further to this, the appellants suggest that the use of 2018 as a comparison for betterment, as a result of the introduction of the Relevant Action, of the noise situation within the relevant action application is 'absurd', given that noise has escalated since 2007. Furthermore, they suggest that the use of the 2018 or 2019 baseline does not align with ABP's original Order as it was not envisaged by ABP that the noise situation would decrease from 2007.

Applicant's Response

The applicant does not dispute that there has been an increase in night noise since the grant of permission was issued in 2007. However, it is noted that noise has reduced since 2003. In this regard it is noted that the original permission was granted based on the modelling undertaken for 2003 (and forecasted years). Refer to Table 1: Comparison of 2025 Forecast (EIS 2004) and 2025 Permitted (EIAR 2020) for further detail.

The use of 2018/2019 baseline for the NAO is discussed in response to section 8.0 of the 3rd party appeal below.

It is noted that since the parent permission was granted in 2007, a significant passage of time has elapsed and there has been a substantial change in legislation relating to how aircraft related noise is to be assessed, as well, of course, as technological changes. Since then, further evidence on and a greater understanding of the impact of the restrictions included in the parent permission has become available and it is evident that, if applied as per the scenario in the Relevant Action, they will impact significantly on Dublin Airport's ability to meet the foreseeable need for aviation travel. As such, it is considered that the operating restrictions are particularly limiting and will have the effect of unduly hindering the ability of the Airport to reach its potential in line with the relevant Strategic Objectives of National, Regional and Local policies. Technological advances mean that the objective of such restrictions can now be achieved by means which are more compatible with National, Regional and Local policies in relation to the importance of Dublin Airport to the national and local economy, and the present application falls to be assessed within the current legislative, technological, environmental and policy context. It is of course acknowledged that the applicant is seeking to amend a previous permission—a situation which is not at all unusual in planning terms—and, as such, may be inviting ABP to revisit views expressed or decisions made at the time of that process. That fact does not, however, constrain ABP in any sense. Circumstances, laws, policies and technologies change and evolve over time, and the present application falls to be assessed on its own merits in the current context.

Summary of Grounds of Appeal

The appellants raise concern with the development of the Noise Action Plan for Dublin Airport, citing a lack of information being provided to inform the community.

Applicant's Response

We note that the Dublin Airport Noise Action Plan (NAP) 2019-2023 was prepared and adopted by Fingal County Council in discharge of certain statutory functions in December 2018. Section 1.5 of the adopted NAP outlines the consultation undertaken in preparation of the NAP which included public consultation from September 2018 to 9th November 2018. The proposed relevant action application does not include any proposal to alter or amend the NAP, nor can it. The application material for the proposed Relevant Action has been prepared fully in line with the actions contained within the Noise Action Plan and the Regulation 598 Assessment submitted with this application identifies where application actions within the Noise Action Plan have been addressed. An opportunity to raise concerns in relation to the NAP and information available to the public were adequately provided at that time.

Summary of Grounds of Appeal

The appellants raise concern that the proposed relevant action application is misleading as it not only amends conditions on the parent permission but also alters the effects to the environment surrounding the airport.

Applicant's Response

The application is very clear in that it is seeking to change operation of runway in line with what is set out in the EIAR (what's proposed v permitted). The scope of the proposed Relevant Action

is unambiguously set out and the EIAR considers and assesses the likely effects of this change on the surrounding environment.

As set out in Chapter 1.0 of the revised EIAR, the EIAR compares the 'permitted scenario' and the 'proposed scenario' through each of the assessment years (2022, 2025 and 2035). This approach ensures that the environmental effects arising from the proposed relevant action application between the permitted scenario and the proposed scenario are suitably outlined and assessed.

Summary of Grounds of Appeal

The appellants point to the figure 58 of the EIS (December 2004) submitted with the original application for North Runway. They suggest that the revised EIAR submitted does not provide an accurate representation of the 'Permitted Scenario in 2025'.

Applicant's Response

The appellants suggest that the population assessed within the contours as part of the original application are lower than those now presented as within the "2025 Consented" scenario in the 2020 EIAR. The appellants argue that the original North Runway decision was based on the number of people presented originally.

Even if ABP were to accept the argument that the granting of the permission related to the number of people assessed as being affected notwithstanding the fact that the conditions in question limit aircraft activity, not the number of people affected, the numbers of people within various contours in Figure 58 the EIS (December 2004) are often higher than those presented in the 2020 EIAR for the "2025 Consented" scenario.

We note that EIS figure 58 contains two sets of population figures, one for 2002 and one for 2025. It is clear that substantial population growth was anticipated, as would be expected over a 23-year period. We consider that the earlier 2025 total is more comparable with the 2019 dwelling dataset used in the 2020 EIAR. It should also be noted that EIS figure 58 presents totals by individual contour band, whereas they are presented cumulatively in the 2020 EIAR. We have presented cumulative totals for comparison below.

Further to the above, we understand that that EIS Figure 58 is the forecast for 95 flights per night, which was not consented.

Table 1: Comparison of 2025 Forecast (EIS 2004) and 2025 Permitted (EIAR 2020)

Contour Band Lower Value (dB $L_{Aeq,8h}$)	*2025 Forecast (2004 EIS Figure 58)*	*2025 Permitted (2020 EIAR)*
≥48	5154	8419
≥51	2983	3006
≥54	1038	781
≥57	563	118

≥60	362	65
≥63	136	10
≥66	70	2
≥69	40	0

As can be seen from the above comparison, 2019 dwelling dataset used in the 2020 EIAR shows more dwellings in the 48 and 51 dB contour bands but fewer in the contours for higher noise levels.

Summary of Grounds of Appeal

The appellants suggest that the proposal contravenes condition no. 28 of the parent permission as they allege that insufficient consultation has occurred prior to the submission of the proposed relevant action application.

Applicant's Response

In the first instance, a suggestion that any existing, currently applicable planning condition has/is not being complied with relates to compliance and enforcement-type matters, which are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority.

Notwithstanding this, however, and given the 'public consultation' element of this complaint, we note that condition 28 of the parent permission provides as follows:

> "A Community Liaison Group shall be established, involving representation of the Saint Margaret's Community, Fingal County Council and the Dublin Airport Authority. The composition of the committee and any variation thereof shall be subject to the prior agreement of the planning authority. The committee shall facilitate consultation with the existing community in accordance with the policies and objectives of the Fingal County Development Plan, 2005-2011 in relation to Saint Margaret's.
>
> **Reason:** To provide for ongoing communication, dissemination of information and consultation with the local community affected by the proposed runway."

A Community Liaison Group (CLG) has been established in compliance with condition 28 and includes representation of the Saint Margaret's Community, Fingal County Council and the Dublin Airport Authority. The composition of the CLG has been agreed by FCC.

As outlined in Chapter 5 (Consultation) of the revised EIAR, consultation with the CLG has occurred in the review of the operating restrictions currently imposed by conditions 3d) and 5.

Summary of Grounds of Appeal

Additionally, the appellants suggest that as a result of Covid-19 travel restrictions, members of the community were unable to attend the offices of FCC to view the planning application and the display of online material was not provided in a timely manner.

Applicant's Response

The application (FCC Reg. Ref F20A/0668) was registered with Fingal County Council on 18th December 2020 and published in the *Irish Daily Star* dated 17th December 2020. 1 no. copy of the site notice was erected on the 16th December 2020 pursuant to article 17(1)(b) of the *Regulations*. The site notice was displayed at all times on site for the full duration of the observations period.

Fingal County Council issued a notification of decision to Request Further Information (RFI) and upon submission of further information deemed that the submission is 'Significant Further Information' on the 15th of September 2021 and directed the applicant, in accordance with Article 35(1)(a) of the *Planning and Development Regulations 2001 [as amended]* to publish a further notice in an approved newspaper and to erect or fix a site notice on the land or structure to which the further information relates.

We hereby confirm that a further notice was published in the *Daily Star*, dated Tuesday 21st September 2021. We further confirm that Site Notices were erected in each of the same locations as the initial Site Notices associated with the application and maintained for the full duration of the observations period.

During this time Ireland was in the midst of the COVID-19 pandemic and whilst certain travel restrictions were in place, the government issued a circular notifying the public of the emergency planning legislation (Statutory Instrument (SI) No. 448 of 2020)[1] which came into operation on the 22nd of October 2020. The circular stated as follows:

> *"The SI 448 Regulations further identify, within the list of reasons for a person to leave their place of residence, purposes that include travelling to: -*
>
> *"attend the offices of a planning authority or An Bord Pleanála to engage in a statutory planning process (including making or inspecting a planning application or appeal, making an observation or submission or participating in a Development Plan process) or inspect a site notice(within the meaning of the Planning and Development Act 2000 (No. 30 of 2000))."*
>
> *There is no specified restriction on the distance that persons engaging in a statutory planning process, may travel."*

Therefore, the application was available for inspection in accordance with the legislation pursuant to (Section 5 (2) (y) under Part 2 of (SI) No. 448 of 2020).

In relation to inspection of the planning file we note that the Minister for Housing, Local Government and Heritage issued Circular Letter PL/07 in 2020. This circular refers to new planning regulations which require local authorities to publish all planning applications and accompanying documents on their websites within five working days, subject to exceptional circumstances. We note that the amount of detail provided with the relevant action application related in a number of batches of information being uploaded by the planning authority, with some of this being uploaded more than 5 days following submission of the application. In this regard we note Circular Letter PL/07 identifies that the size and number of documents concerns may be an exceptional circumstance which would result in delay of uploading information for online access.

Further, this a de novo appeal before ABP, and the appellants (and their agents) have had access to all of the relevant documentation for the purposes of preparing their appeal and appeal submission. There is no evidence that they have been materially prejudiced in any way. Furthermore, any complaint about the procedure before the planning authority does not affect the validity of the Board's procedures in the determination of the appellants' appeals.

3.0 Public Consultation

Summary of Appeal Grounds

The appellant has mainly raised concerns in relation to the daa's responsibility to engage with the public, particularly the local community, during the "Relevant Action" planning application process and their perceived failure to do so.

Concerns were also raised in relation to the information conveyed to the public, such as the overly technical nature of information available to the general public, failure to inform the public about the 'night noise insulation scheme' and associated grant of €20,000 in the 2016 consultation, the charging of €20 per person to make a submission, the lack of sufficient time given to the public to review 'substantial additional documents' related to the application, and inaccessibility of application documentation by the public during the Covid-19 lockdown period.

Applicant Response

There is no specific requirement in the Planning Acts, the Fingal County Development Plan or the EIA Directive for consultation to occur prior to the submission of an application. The EIA Directive requires consultation to occur prior to decision making and that the minimum period for consultation to be 30 days. The 3rd Party Observation period as required under the Planning and Development Act 2001 (as amended) suitably provides for public participation in the process.

In compliance with Articles 6, 7 and 8 of the Aarhus Convention, there is a high degree of public participation in environmental decision making in the State provided through the Irish planning system. In this respect, public participation has been a part of the North Runway project through three planning processes – the original grant of planning permission, the application to amend the physical layout of the North Runway and through the current proposed Relevant Action to change the runway operating conditions. Consultation continued to form part of the proposed Relevant Action as it is mandated by the ANCA's Regulation 598 process when issuing the draft determination.

The consultation approach was drawn up to ensure that the public participation activities devised for the proposed Relevant Action were accessible, meaningful and accountable and aligned with the Aarhus Convention: An Implementation Guide as published by UNECE in 2014. To achieve this the Applicant adopted a wide variety of communications methods and tools and further details on these are outlined in Section 5.4 and 5.5 of the EIAR.

4.0 Environmental Impact Assessment Report

The appellants' submission states that the parent permission and decision by ABP to grant permission is based on reductions in environmental noise through the introduction of the 2002/49/EC directive (relating to the assessment and management of environmental noise) and this application seeks to materially alter the 'relevant permission' and is not in itself 'a relevant action' to solely alter or replace operating restrictions. The appellant suggests that this which, it should be added, is not fully understood is the reason why a 'without prejudice' EIAR has been submitted by the applicant. This is wholly incorrect, as set out in the application (Refer to Chapter 1 of Revised EIAR).

The application has been prepared fully in accordance with the requirements of Section 34C of the Planning and Development Act 2000 (as amended) (Act of 2000) and is supported by detailed material to enable both the planning authority and the noise competent authority, and ABP on appeal, to carry out the required assessments under both the Act of 2000 and the Aircraft Noise (Dublin Airport) Regulation Act 2019 (Act of 2019).

The application relates to a proposed Relevant Action only, comprising a change in operating restrictions, and will involve no construction works or changes to the consented physical infrastructure of the North Runway or any other infrastructure at Dublin Airport. It is the applicant's position that the proposed Relevant Action is not, therefore, a project within the meaning of the EIA Directive. On the basis of the case law of the Court of Justice of the European Union (CJEU), and, in particular, the Judgments in the Brussels Airport Case (Case C-275/09) and Pro-Braine (Case C-121/11), this application to remove, replace or vary Conditions No. 3(d) and No 5 of the North Runway permission is not an application for development consent for a 'project' within the meaning of the EIA Directive, and is therefore outside the scope of that Directive. Strictly without prejudice to that position, the applicant submitted a revised EIAR with the application and in response to FCC's request for FI out of an abundance of caution. We note that there is a significant overlap between aspects of the EIA and the noise Regulation 598 assessment; as such, the applicant believes that a holistic approach is required when it comes to assessment potential noise impacts as part of the EIA, having regard to the fact that the central focus of the Regulation 598 assessment is the assessment and regulation of aircraft noise.

Assessment Years

In the appellants' submission, it is contended that the "EIAR only discusses alleged impacts up to 2025 which does not satisfy [the requirement to assess *inter alia*, short, medium and long-term effects] under the EIA directive". This is incorrect because, as stated in Chapter 1 of the EIAR, the assessment years used throughout are 2022, 2025 and 2035. These assessment years are used in the assessment of every technical topic and the anticipated effects of the proposed Relevant Action.

The Resident's Group contends that long term effects were not assessed. A timeframe of 15-60 years is suggested as appropriate for long-term in the Environmental Protection Agency's EIA guidance and this is quoted by the Resident's Group in their submission. The breadth of this suggested range illustrates that what is appropriate in any case is entirely fact-specific and dependent on the nature of the application and the technological and environmental context. Given the ever-evolving nature of the aviation industry internationally and the organic and iterative development of Dublin Airport, longer term projections the types of period contended for by the Resident's Group are neither appropriate nor realistically possible.

As made clear in Chapter 1 of the EIAR, the 2035 assessment year was specifically included "in response to a request from FCC for Further Information which sought assessment a longer-term scenario (i.e. 10 or 15 years post opening year scenario (2022)". Whilst this is a slightly shorter timeframe than that suggested by the Environmental Protection Agency EIA guidance, it is the appropriate timeframe given the nature and context of the subject matter of this application and does nevertheless give a clear indication of the expected long-term effects. In particular, ongoing technological advances mean that aircraft will become progressively quieter over the longer term.

As explained in Chapter 2 under the heading 'Potential Permanent Impacts', "The environmental impacts of [the operational changes brought about by the proposed Relevant Action] relate primarily to aircraft noise, discussed in Chapter 13: Aircraft Noise and Vibration, and the indirect effects that this would have on people's health, explained in Chapter 7: Population and Health."

More importantly, the worst-case scenario where Air Traffic Movements (ATMs) peak at 236,000 per annum has been assessed. As explained in Chapter 1, this is 2025 "the first year of predicted maximum environmental effects in the Proposed Scenario". Thereafter, although ATMs remain at this peak, improvements in aircraft technology are expected to mean that aircraft will become quieter and noise effects will therefore diminish. This can be seen, for example, in the reduction of the numbers of people estimated to be highly annoyed by aircraft noise between 2025 and 2035 predicted in Chapter 13 of the EIAR.

The appellants submission further contends that "the sole focus is on reaching 32MPPA to 2025" and that "a short-term approach such as this is pointless when it is known that the effects will change in the medium to long term". As explained above, the EIAR does set out the medium- and long-term effects of the proposed Relevant Action.

The EIAR also takes account of the effects of the proposed Relevant Action in the context of an airport operating at 40 million passengers per annum in Chapter 22 in so far as is practically possible at this stage. As explained therein, "in circumstances where there is a long-term policy to expand Dublin Airport as a whole, it is considered appropriate that the competent authority assessing the proposed Relevant Action would have an overview of those longer term plans, so that the proposed Relevant Action can be viewed and assessed in that wider context, with account being taken of planned future development at Dublin Airport as appropriate and as far as practically possible at this stage".

The chapter acknowledges that it is "reasonable to assume that the Applicant would seek to have permission for and have aimed to complete construction of the [Infrastructure Application], providing the infrastructure necessary to allow the airport to operate at 40mppa whilst maintaining service levels, by 2030." Indicative air noise contours at 40 million passengers per annum, and residential receptors within these indicative contours, were shown in Figure 22.1.

Importantly, the chapter explains that the proposed Relevant Action did not seek to lift the cap on passenger throughput and that "a full environmental impact assessment of the likely significant environmental effects of an airport operating at 40mppa, including any interactions with the proposed Relevant Action, and appropriate mitigation, will be presented if and when a planning application for the [Infrastructure Application] is made to FCC". The EIA conducted

in respect of any such future application, will require to include an assessment of cumulative effects and it is clear that no project-splitting has occurred or will occur.

Finally, within section 4.0, the appellants' submission takes issue with the baseline (2018) used to represent the current state of the environment in the EIAR. Two points are warranted in response. First, it is common practice[7] to use the most recent data readily available to characterise the current and actual state of the environment and to compare the predicted impacts of the project against that baseline to predict the likely environmental effects. As the EIAR for the proposed Relevant Action was submitted in 2021, during the covid-19 pandemic, it was considered that any baseline data collected at that time would be unrepresentative. Instead, the most recent baseline data from the time when the airport was operating normally (principally from 2018) was considered by the applicant to be a more informative indicator of the actual state of the environment at the airport and the most representative baseline data available. Secondly, however, and fundamentally, the EIAR assesses the effects of the proposed Relevant Action not only as against the current environment baseline, but, crucially, it also includes a comparative assessment as between a scenario where the Relevant Action application is granted and that – known as the 'Permitted Scenario'—where the Relevant Action is not granted and certain planning conditions relating to the operation of the runway system after the North Runway is operational are assumed to have come into effect with assumed effects. The appellants' argument ignores this comparative assessment.

5.0 Climate Change

Section 5.0 of the appellants raises concerns with how climate change is addressed in the EIAR. These are addressed under the headings used within the appellant's submission below.

5.1 EIAR

Summary of Appeal Grounds

Referencing the Directive 2014/52/EU: *"it is clear that long-term effects of the Relevant Action should be taken into account along with any other past or future projects." (St Margaret's the Ward Resident's Group, pg 44).*

Applicants Response

The EIAR considers the impact of the proposed development over a study period of 13 years. This is considered an appropriate period of time for the type and nature of the assessment.

GHG emissions impact and resulting effects are global rather than affecting a localised area. As such is it not considered appropriate to select any particular past or future local projects for inclusion in a cumulative assessment. GHG emissions are presented in terms of their impact on Ireland's total GHG emissions targets, used a proxy to the global climate. This allows for the magnitude of impact to be identified. This approach is considered inherently cumulative.

[7] For example, as set out in the Environmental Protection Agency's EIA guidance.

Summary of Appeal Grounds

"Section 11.3.6 states that the Permitted Scenario was used as the baseline for the GHG emissions assessment. By using the Permitted Scenario as the baseline, the EIAR is giving the impression that the Permitted Scenario is acceptable."

Applicants Response

In line with EIA guidance, the purpose of the EIA is not to assess whether the Permitted Scenario is acceptable but to assess the impact of the Proposed Relevant Action only. The impact of the Proposed Relevant Action will be the variation between the Permitted Scenario (i.e. a do nothing approach) and the Proposed Scenario (i.e. a do something approach where the Proposed Relevant Action goes ahead).

Summary of Appeal Grounds

Section 11.3.25 refers to the "absence of specific criteria for defining the significance of GHG emissions". However, as shown above the new updated guidance from the IMEA does provide guidance on significance criteria as shown in Box 3 above (appellant response document presents IEMA criteria in box 3). Therefore the 1% threshold discussed in section 11.3.26 is incorrect. It is evident that GHG emissions will rise from the implementation of the Relevant Action and does not meet the trajectory of net zero. Therefore, this equates to a significance level of 'major adverse'.

Applicants Response

IEMA Guidance referred to in the appellant response was published in February 2022, subsequent to the production of the EIAR. It is acknowledged, therefore, that the GHG assessment presented in the EAIR did not align with this guidance.

Since publication of the EIAR, some of the guidance and information used for the GHG assessment presented in Chapter 11 Climate and Carbon has been updated. The updated documents are as follows:

- Ireland's Greenhouse Gas Emissions Projections 2021-2040[8]
- Institute of Environmental Management & Assessment (IEMA) guidance on Assessing Greenhouse Gas Emissions and Evaluating their Significance[9]

It should be noted that, notwithstanding the submission by the appellant, the guidance and information used in the GHG assessment was correct and current at the time of writing and submission of the EIAR. This response has been prepared by the relevant expert who prepared Chapter 11 of the EIAR and outlines the impact this new

[8] Environmental Protection Agency (2022). Ireland's Greenhouse Gas Emissions Projections 2021-2040. Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Ireland's-GHG-Projections-Report-2021-2040v4.pdf

[9] Institute of Environmental Management & Assessment (IEMA) (2022). Assessing Greenhouse Gas Emissions and Evaluating their Significance – 2nd Edition. Available at: https://www.iema.net/resources/blog/2022/02/28/launch-of-the-updated-eia-guidance-on-assessing-ghg-emissions

information would have on the GHG assessment presented in Chapter 11 Climate and Carbon of the EIAR.

Transport emissions inventory

As outlined in the appeal, the projected National Emissions Inventory for each of the assessment years, used to assess significance of GHG emissions in Chapter 11 Climate and Carbon of the EIAR, were from Ireland's Greenhouse Gas Emissions Projections 2018-2040 published in 2019[10]. However, since publication of the EIAR, more recent figures have been published in the EPA's 2022 report on Ireland's Greenhouse Gas Emissions Projections 2021-2040[11].

Table 2 below shows the GHG emissions from the Proposed Relevant Action against the EPA National Emissions Inventory projections from 2019, as presented in the EIAR (Table 11-7 of Chapter 11 Climate and Carbon of the EIAR). Table 3 then presents an update to Table 11-7 from Chapter 11 Climate and Carbon of the EIAR using the updated EPA National Emissions Inventory projection figures.

Table 2: GHG Emissions Against Future National Emissions Inventory Scenarios – as presented in Table 11-7 of the EIAR

Year	Proposed Relevant Action - Additional Annual GHG Emissions (kt CO_2e)	Projected National Emissions Inventory (kt CO_2e)	Proposed Relevant Action Emissions as a % of National Emissions Inventory	Significance
2022	117.4	61,510	0.191%	Minor Adverse
2025	101.8	61,430	0.166%	Minor Adverse
2035	-57.0	55,200	0.103%	Minor Beneficial

Note: While emissions are reported in ktCO_2e, the aviation emissions included within the total only account for CO_2 emissions.

Table 3: GHG Emissions Against Future National Emissions Inventory Scenarios - updated using 2022 EPA inventory projections

Year	Proposed Relevant Action Additional Annual GHG Emissions (kt CO_2e)	Projected National Emissions Inventory (kt CO_2e)	Proposed Relevant Action Emissions as a % of National Emissions Inventory	Significance
2022	117.4	61,950	0.190%	Minor Adverse
2025	101.8	55,320	0.184%	Minor Adverse
2035	-57.0	38,400	0.148%	Minor Beneficial

[10] Environmental Protection Agency (2020). Ireland's Greenhouse Gas Emissions Projections 2019-2040. Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/2020-EPA-Greenhouse-Gas-Emissions-Projections_final.pdf
[11] Ibid.

Note: While emissions are reported in $ktCO_2e$, the aviation emissions included within the total only account for CO_2 emissions.

While there are minor changes to the contribution of emissions from the Proposed Relevant Action as a percentage of the projected National Emissions Inventory, the emissions still fall below the >1% threshold used to assess significance in the EIAR. Therefore, the updated emissions inventory projections do not have a material impact on the outcome of the GHG assessment presented in the EIAR.

IEMA guidance

As outlined in the appeal, IEMA guidance on Assessing GHG Emissions and Evaluating their Significance (2017)[12] has been updated since the publication of the EIAR.

The updated guidance, published in 2022[13], moves away from assessing significance based on magnitude of emissions (as was recommended in the 2017 guidance, and therefore applied within the EIAR). Instead, revised IEMA guidance identifies two major considerations when assessing the significance of a project's GHG emissions: the level of mitigation of GHG emissions, and the alignment to a trajectory towards net zero by 2050. The updated IEMA guidance further states it is down to the professional judgment of the practitioner to determine how best to contextualise and assess the significance of a project's GHG impact.

This section will look at the impact of applying these criteria from the updated IEMA guidance to the assessment of GHG emissions associated with the Proposed Relevant Action.

GHG mitigation

The IEMA guidance now emphasises the importance of implementing GHG mitigation measures to help minimise GHG emissions, regardless of the magnitude of emissions, and states that the level of mitigation should be considered as part of the assessment of the significance. GHG mitigation has therefore been considered in the context of the Proposed Relevant Action.

Alignment to 2050 net zero trajectory

The guidance now states that the crux of assessing significance is *"not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050"*. The trajectory of GHG emissions associated with the Proposed Relevant Action has therefore been considered in the context of Ireland's trajectory to net zero by 2050 (in line with the Climate Action and Low Carbon Development (Amendment) Act 2021[14]).

[12] Institute of Environmental Management & Assessment (IEMA) (2022). Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance. Available at: https://www.iema.net/preview-document/assessing-greenhouse-gas-emissions-and-evaluating-their-significance

[13] Ibid.

[14] Department of Environment, Climate and Communications (2021). Climate Action and Low carbon Development (Amendment) Act 2021. Available at: https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/

Revised assessment

GHG Mitigation

The Scope 3[15] (indirect) emissions that are included in the scope of the GHG assessment (i.e. GHG emissions from Air Traffic Movements (ATMs) and from passenger surface access journeys) are not within the direct scope of control of the Applicant. It is therefore difficult for the Applicant to directly apply mitigation to reduce these emissions.

However, as outlined in Section 11.6 of Chapter 11 Climate and Carbon of the EIAR, the Applicant is working to reduce these emissions where possible, for example by providing efficient airside infrastructure design, delivery and services such as Fixed Electrical Ground Power, and by collaborating with key stakeholders to improve the efficiency of the airside operations at the airport.

There are also market-based measures such as the European Union Emissions Trading Scheme (EU ETS) and Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), which aim to incentivise carbon reductions across the aviation sector. Section 11.6 of Chapter 11 Climate and Carbon of the EIAR provides more information about these schemes.

Additionally, in July 2021, the European Commission adopted a package of proposals[16] to make the EU's climate, energy, land use, transport and taxation policies fit for reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. Within this package is the Alternative Fuels Infrastructure Regulation, which requires that aircraft have access to clean electricity supply in major airports, thereby reducing emissions from Auxiliary Power Unit (APU) usage. Also, the ReFuel EU Aviation Initiative will oblige fuel suppliers to blend increasing levels of sustainable aviation fuels in jet fuel taken on-board at EU airports, including synthetic low carbon fuels, known as e-fuels.

It should be noted that these mitigation measures have not been factored into the GHG calculations, but these airport-wide measures are expected to result in a reduction in additional ATM emissions modelled as a result of the Proposed Relevant Action.

Net zero trajectory

Ireland's transport emissions inventory projections produced by the EPA[17] provide a trajectory to 2040 under a 'With Existing Measures' scenario[18] and 'With Additional Measures' scenario[19]. While the EPA inventory projections do not include international aviation emissions, they do include domestic aviation emissions. The more ambitious

[15] Scope 3 emissions are defined within the Greenhouse Gas Protocol corporate accounting and reporting standard as indirect GHG emissions that occur as *"a consequence of the activities of the company, but occur from sources not owned or controlled by the company"*.

[16] European Commission (2021). European Green Deal: Commission proposes transformation of EU economy and society to meet climate ambitions. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3541

[17] Ibid.

[18] The With Existing Measures scenario forecasts Ireland's emissions including all national policies and measures implemented by the end of 2020.

[19] The With Additional Measures scenario has a higher level of ambition than the With Existing Measures scenario and includes government policies and measures to reduce emissions such as those in Ireland's Climate Action Plan 2021.

of the two scenarios (With Additional Measures) has been used here as a proxy for the trajectory that the aviation sector should be aiming for to help Ireland meet its new zero ambitions.

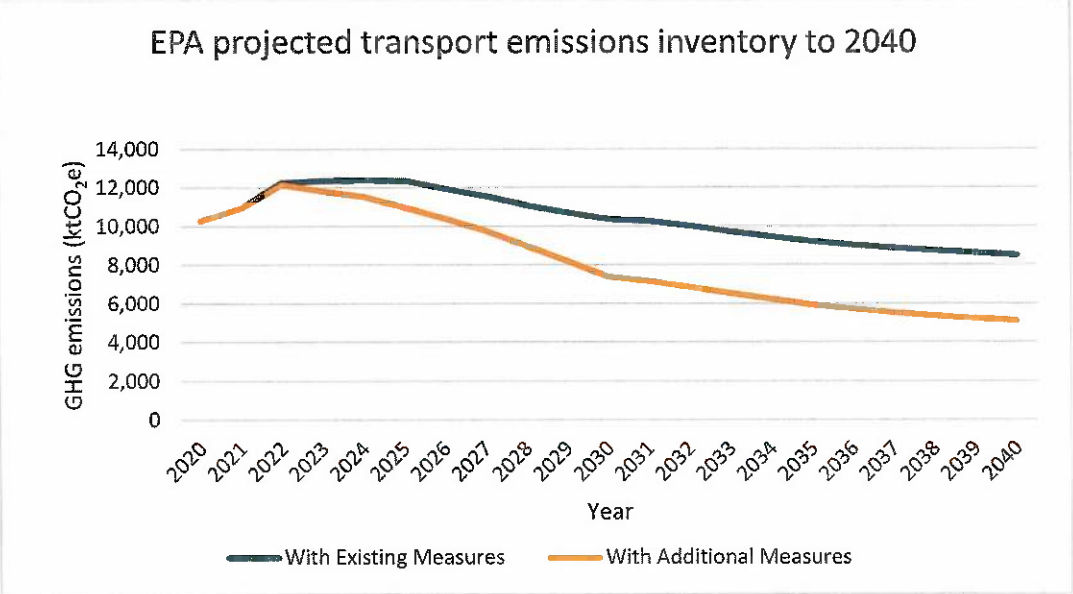


Figure 1: GHG emissions projections from the transport sector under the With Existing Measures and With Additional Measures scenarios out to 2040

The emissions as a result of the Proposed Relevant Action, as reported in the EIAR, are outlined in Table 4 below.

Table 4: Total Annual GHG Emissions– Permitted vs Proposed Scenarios

Year	Total Annual GHG Emissions (tCO_2e [20])			
	Permitted	Proposed	Variation	% Variation (permitted to proposed)
2022	2,132,154	2,249,576	**117,421**	5.51%
2025	3,101,502	3,203,276	**101,774**	3.28%
2035	3,185,352	3,128,361	**-56,991**	-1.79%

The above revised assessment concludes that the significance of the GHG impact of the Proposed Relevant Action on the climate compared to the baseline Permitted Scenario is considered Minor Adverse. GHG emission between 2022 and 2035 are reported to decrease over this time period. IEMA guidance states that i.e. ***A project with minor***

[20] Note: While this is reported in tCO_2e, the aviation emissions included within this total only account for CO_2 emissions.

adverse effects is fully in line with measures necessary to achieve the [country's] trajectory towards net zero.

It should be noted that the GHG impact assessment in the EIAR considers the impact of the Proposed Relevant Action against the Permitted Scenario, not the overall impact of GHG emissions from aviation activities at the airport.

It should also be noted that Ireland's carbon budgets and projected transport emissions inventory do not include international aviation emissions, but are used in the EIAR to contextualise the magnitude of emissions.

Summary of Appeal Grounds

Ireland's aviation emissions up to 2019 were rising at an alarming rate, and the Proposed Relevant Action will increase these further, and should therefore be 'major adverse'.

Applicants Response

It should be noted that the GHG impact assessment in the EIAR considers the impact of the Proposed Relevant Action against the Permitted Scenario, not the overall impact of GHG emissions from aviation activities at the airport.

The GHG assessment for the Proposed Relevant Action has reported a decrease in emissions from aviation between 2022 and 2035, compared to the Permitted Scenario. This decrease in emissions has occurred as a result of a changes in flight destinations.

As outlined in Chapter 11 Climate & Carbon, the same number of flights are modelled under the Permitted and Proposed Scenario for 2035, but there are more short-haul flights modelled under the Proposed Scenario (as per the Mott McDonald Impact of the Operating Restrictions Report which concludes that Permitted Scenario has a disproportionate impact on the base carriers with mostly short haul flights being affected). This increase in short-haul flights and decrease in long-haul flights under the Proposed Scenario for 2035 (relative to the Permitted Scenario) results in fewer CCD emissions associated with these flights.

Summary of Appeal Grounds

12 million passengers travelled through the airport in the first 6 months of 2022. Assuming the same numbers for the rest of the year, this would equate to 24million passengers, which is different to the 19.6million modelled for the 2022 permitted scenario.

Applicants Response

The above is a crude calculation that assumes the number of passengers that travelled through the airport in he first half of this year will be matched in the second half of the year. The 12 million figure included the busy summer period and as yet as 2022 is not complete it is not possible to derive actual pax for the full year until year end. At the time of drafting the revised EIAR, the forecasts used were those available at that time

and used industry best practice to forecast the return to growth and predicted pax for 2022. Notwithstanding this, by nature of the uncertain Covid recovery trajectory, variability in 2022 actual pax versus forecasts from over a year ago are to be expected. However, this variability does not affect the longer term trajectory of the forecast (ie, for 2023 and beyond).

Summary of Appeal Grounds

"Another flaw with the GHG emission calculations is that the 2035 scenario is assessed based on the passenger cap of 32m". However, "from the daa's forecasts submitted to ANCA in their reporting template, 39.5m passengers (273180 movements) are forecast in 2035 with the cap removed for the Permitted scenario and 43.4m passengers (298614 movements) are forecast in 20235 with the cap removed for the Proposed scenario. Based on these movements with the 32m passenger cap removed, 25,434 additional movements are expected in 2035 with the Relevant Action." - pgs 54, 55 ad 56 of the response model GHG impacts for 2035 and 2040 with 'no cap'.

Applicants Response

As identified throughout this response, the relevant action application does not include any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F06A/1248; ABP Ref. No. PL06F.220670) and Condition no. 2 of the Terminal 1 Extension Planning Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined permitted capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum.

Any future application which seeks to increase the combined permitted capacity of Terminal 1 and Terminal 2 will include an EIAR which will need to include an assessment of the projects impact on climate. The forecasts provided to ANCA were provided at ANCA's request to enable them undertake their assessments. We note that there is a significant overlap between the EIA and the Regulation 598 assessment, as such, the applicant believes that a holistic approach is required in relation to EIA having regard to the central focus of the Regulation 598 assessment being aircraft noise.

5.2 Planner's Report

Summary of Appeal Grounds

"In section 6.4.2, page 124, of the Planner's report it states: "that no significant effects on climate change have been identified". It also states: "the assessment in Chapter 11 did indicate that the Proposed Scenario would result in a 5.51% increase in Green House Gas (GHG) in 2022 and a 3.28% increase in 2025. In 2035 the Proposed Scenario results in a 1.79% reduction in GHG. The -1.79% GHG reduction by 2035 is broadly consistent with the overall (national) target of net zero by 2050".

It is very clear from the analysis provided here that the input data has been revised by the EPA in 2022 and the percentage increases are larger than presented by the applicant. When adjusting for passenger numbers without the 32m cap, the increase in

emissions between the Proposed and Permitted scenarios is estimated to be 8.5 – 10% for 2035 and 2040."

Applicants Response

The numbers presented in section 6.4.2, page 124, of the Planner's Report (as quoted above) are consistent with those presented by the Applicant in the EIAR (see Table 11-6 of Chapter 11 Climate & Carbon).

It is unclear what the final part of the above submission is referring to. However, if the final sentence in the quote above is referring to passenger forecasts in 2035 and 2040, and attempting to extrapolate emissions from the Permitted and Proposed scenarios based on passenger numbers alone, this is an invalid assessment methodology. There are many other factors involved, including different aircraft mixes and flight destinations between the Permitted and Proposed scenarios, so it is not as simple as the extrapolation method applied above.

The submission above also refers to 2040 emissions, but 2040 emissions are not within the scope of the EIAR. As made clear in Chapter 1 of the EIAR, the 2035 assessment year was specifically included *"in response to a request from FCC for Further Information which sought assessment a longer-term scenario (i.e. 10 or 15 years post opening year scenario (2022)"* and, whilst a slightly shorter timeframe than suggested by the Environmental Protection Agency, does nevertheless give a clear indication of the expected long-term effects.

Summary of Appeal Grounds

"In section 6.4.6, page 135, of the Planner's report it references Chapter 11 of the EIAR on Climate and Carbon. The Planner's report makes reference to the EIAR and no differences in ATMs for 2035 with the 32m cap in place. The report doesn't question why figures were not provided for 2035 with the 32m cap."

Applicants Response

This section of the response is not clear. If the above excerpt from the submission is supposed to end with *"...without the 32m cap"*, then this wasn't included as any impacts without the 32m cap in 2035 is outside the scope of the EIAR. Any potential lifting of the 32m cap in the future would require a separate planning application.

Summary of Appeal Grounds

"On page 136 it states that the most recent emissions inventory for Ireland was 2019 which is incorrect. The EPA have released inventory reports in 2020, 2021 and the latest in June 2022. Fingal County Council should be using the latest inventory data for analysis."

Applicants Response

See response to section 5.1 above, which outlines the impact on the assessment of using GHG emissions data from the latest inventory report (2022), which was not available at the time the EIAR was produced.

Summary of Appeal Grounds

"There are a number of issues raised in relation to the assessment not including a 2035 scenario whereby the 32m cap is removed".

Applicants Response

The assessment does not include a 2035 scenario whereby the 32m cap is lifted because the lifting of the 32m cap is not being applied for under the Proposed Relevant Action. Any impacts as a result of lifting the 32m cap in 2035 is outside the scope of the EIAR. Any potential lifting of the 32m cap in the future would require a separate planning application.

5.3 Non-CO2 Effects on Climate Change

Summary of Appeal Grounds

The appellants reference a 2020 EASA study and form an opinion that it contradicts the statement in the EIAR which states *"the science is uncertain, and these additional impacts are not included in EU or international policy making at present".* The appellants suggest that the EASA report confirms that the EIAR has grossly underestimated the effects of aviation on Climate Change by not considering the effects of non-CO2 effects.

Applicants Response

The GHG assessment presented in Chapter 11 Climate & Carbon of the EIAR was undertaken in line the latest guidance available at the time on reporting GHG emissions. Further, it also accounted for government policy on GHG emissions reporting. Neither the industry guidance or government policy place a requirement on estimating and reporting non-CO_2 emissions. Furthermore, non-CO_2 emissions from aviation are not accounted for in Ireland's GHG emissions inventory projections, against which the magnitude of the GHG impact is tested.

However, contrary to the appellant comments, the applicant has not disregarded the non-CO_2 effects of the changed flight patterns. Section 11.3 of Chapter 11 Climate & Carbon of the EIAR acknowledges that the non-CO_2 impacts of aviation are considerable and suggests that they could have approximately the same impact as CO_2 emissions.

The EASA study (page 6) comments on the current status of science and remaining uncertainties. The report states

"There are significant scientific uncertainties remining in quantifying aviation's non-CO_2 impacts on climate."

The report goes on to state:

"The net impacts of aviation non-CO_2 emissions is a positive radiative forcing (warming), although there are a number of individual positive (warming) and negative (cooling) forces arising from a number of respective aviation non-CO_2 emissions, for which large uncertainties remain."

The report concludes that scientific understanding on the effects of non-CO_2 emissions from aviation activities have advanced over the last 10 years. However, while uncertainties remain with regard to these impacts, and how to assess them in terms of CO_2 equivalent emissions metrics, there are a range of policy options with associated pros and cons that the European Commission could evaluate. These need to be addressed further by the EC to take them forward.

5.4 Transport and Environment

Summary of Appeal Grounds

This section discusses growth of the aviation sector as a whole and describes Ryanair and Aer Lingus as among the fastest growing airline polluters in 2019.

Applicants Response

The points raised here are not relevant to the EIAR. In line with EIA guidance, the purpose of the EIA is not to assess the aviation sector as a whole, but to assess the impact of the Proposed Relevant Action only. The impact of the Proposed Relevant Action will be the variation between the Permitted Scenario (i.e. a do nothing approach) and the Proposed Scenario (i.e. a do something approach where the Proposed Relevant Action goes ahead). The GHG assessment of the Proposed Relevant Action is presented in Chapter 11 Climate & Carbon of the EIAR and an updated assessment based on latest guideline sis provided above in section 5.1.

5.5 Eurostat – Growth of GHG Emissions

Summary of Appeal Grounds

This section describes an increase in Ireland's GHG emissions between Q1 of 2021 and Q1 of 2022.

Applicants Response

Ireland's increasing GHG emissions between Q1 of 2021 and Q1 of 2022 do not affect the assessment presented in Chapter 11 Climate & Carbon of the EIAR and further assessment in section 5.1. The GHG assessment uses Ireland's emissions inventory projections to determine the significance of the GHG emissions impact of the Proposed Relevant Action.

Since the EIAR was published, updated emissions inventory projections have been published. Please see section 5.1 which outlines the impact on the assessment of Climate and Carbon using the latest inventory projection data (2022).

6.0 Conditions 3(a) – 3(d)

6.1 Conditions 3a) – 3d) - Summary of Appeal Grounds

Concerns are raised that the proposed relevant action application if permitted would contradict Condition 3 a - c) of the parent permission (FCC reg. ref: F04A/1755 & ABP Ref: PL 06F.217429).

Furthermore, concerns are raised that the proposal would conflict with the advice provided by Mr Rupert Thornley-Taylor (Noise Consultant) during the 2007 Oral Hearing.

6.2 Condition 3 - Applicant Response

Conditions 3(a) – (d) of the parent permission state the following:

> *'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 –*
>
> *(a) the parallel runways (10R-28L and 10L-28R) shall be used in preference to the cross runway, 16-34,*
>
> *(b) when winds are westerly, Runway 28L shall be preferred for arriving aircraft. Either Runway 28L or 28R shall be used for departing aircraft as determined by air traffic control,*
>
> *(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft, and*
>
> *(d) Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 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 runways 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 area.'*

When reviewing the above condition, it should any ambiguity arise, it should be reviewed in the context of the 2005 EIS Addendum in the context of the condition referring specifically to that Addendum – ie *'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'.

Section 16 of the addendum EIS deals with Noise. Section 16.1 sets out, amongst other things, the mode of operation. In relation to condition 3a) it is clear that the parallel runways (10R-28L and 10L-28R) shall be used in preference to the cross runway, 16-34. This is stated in Section 16.1, page 37 and reflected in 3(a). This does not change as a result if the relevant action.

The EIA goes on to state at page 38 that *'when winds are westerly, Runway 28L will be preferred for arriving aircraft. Either Runway 28L or 28R will be used for departing aircraft as determined by ATC. This is illustrated in EIS Addendum Figure 16.3'.*

Figure 16.3 from the EIS (extracted below) is clear that there is a preference for arrivals on the existing runway over the north runway. It is also clear that there is no preference for departures, as stated in the top left of the image.

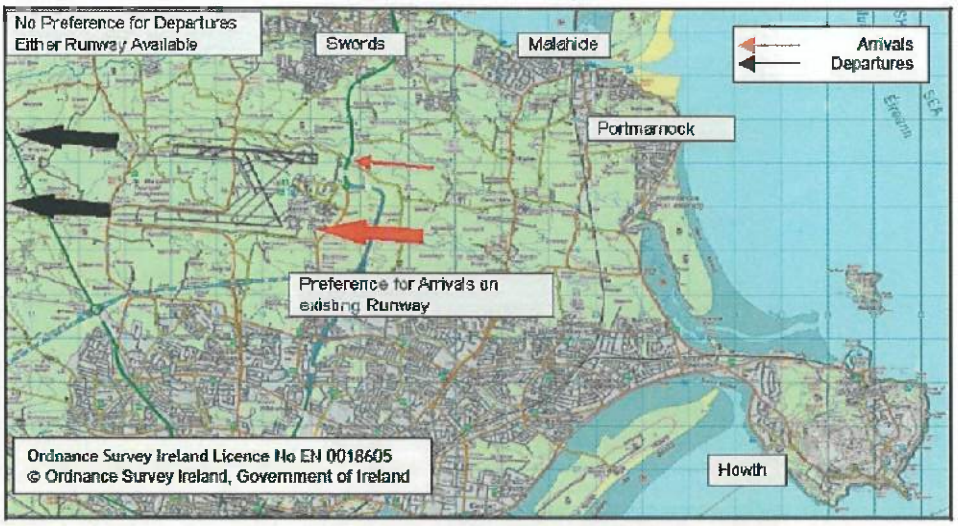


Figure 2: Extract of EIS Addendum Figure 16.3 (Westerly Operations)

Additionally, at page 39 of the EIS, point number 4 states *'In 2010, departures to the west are distributed between **28L (existing) and 28R (new)** in the approximate ratio 1 to 3 to reflect the need for segregated mode for capacity reasons. Arrivals from the west are also distributed between 10R (existing) and 10L (new) in the approximate ratio 1 to 3 to reflect the need for segregated mode.' **[our emphasis]***

Point number 5 on the same page also clearly emphasises that departures to the west are on both runways, albeit with the approximate ratio revised.

From review of the condition as drafted and informed by all of the above material it is clear that the parent permission permits the use of both runways for departures (dual or semi-mixed mode) in westerly operations. It is considered that the appellant has misinterpreted condition 3 b) of the parent permission, without due regard to the referenced section 16 of the EIS, which clearly indicates that the both the parallel runways (28L and 28R) are to be used for departures in westerly operations (no preferential system). This does not change as a result of the relevant action. There is no conflict as suggested by the observation.

A similar point arises in condition 3 (c save that it relates to easterly operations. Condition 3c) of the parent permission states:

> *'(c) when winds are easterly, either Runway 10L or 10R as determined by air traffic control shall be preferred for arriving aircraft. Runway 10R shall be preferred for departing aircraft....'*

The EIS Addendum Figure 16.4 (below), identifies that there shall be a preference for departures on the existing (10R) runway. Whilst runway 10R will be preferred to departures, the EIS Addendum does not preclude the use of runway 10L for departures, in this regard, its forecast use is captured in Tables 1 and 2 in Section 16.1.

There is no doubt therefore that semi-mixed mode usage is permitted by the existing Conditions 3 (a to (c.

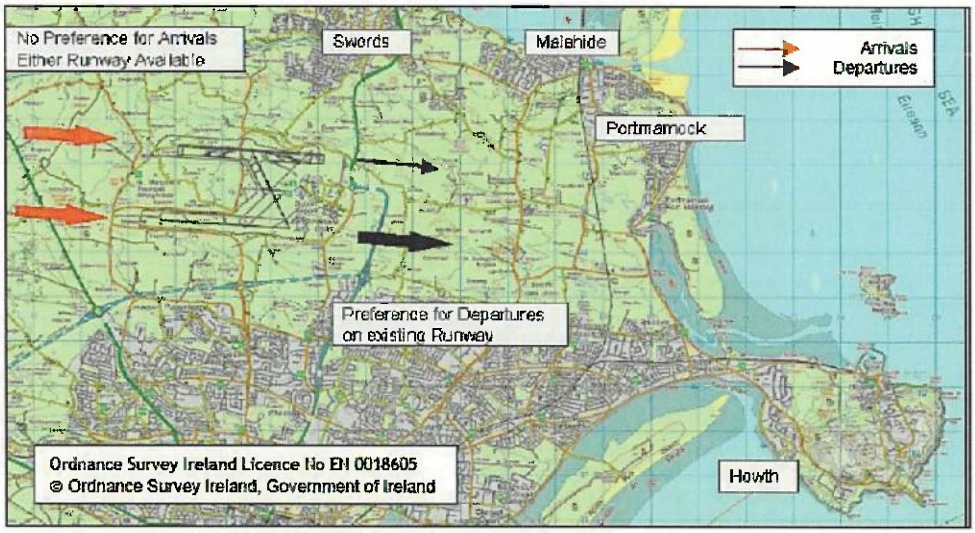


Figure 3: Extract of EIS Addendum Figure 16.3 (Easterly Operations)

The revised EIAR submitted in response to the RFI by FCC includes updated information and additional assessment years. The revised EIAR also includes an assessment of a revised modelled runway usage by assuming that in 2025 and 2035 both parallel runways are used for departures in the period of 06:00 to 08:00 hrs as permitted under condition 3. This is provided in response to the Irish Aviation Authority (IAA) Air Navigation Service Provider (ANSP) submission to the planning authority (see below).

Chapter 2 of the revised EIAR sets out the characteristics of the project and confirms at section 2.3.6 that the proposed scenario is 'Option 7b' and that *'When winds are easterly (approximately 30% of the time), Runway 10R (South Runway) shall be preferred for departing aircraft. Runway 10L (North Runway) shall be used for arriving aircraft.'* This is further demonstrated in Plate 2-2 of the Revised EIAR. The proposed scenario remains consistent with condition 3c).

At section 4.5.6 a summary of the alternatives considered is provided in the revised EIAR. Section 4.5.9 relates to 'scenario 02' which is identified as the equivalent to the proposed scenario. Scenario 02 clearly identifies a preference for the use of Runway

10R (south Runway) for departures when winds are easterly. Again, in alignment with condition 3c).

Section 4.5.18 of the revised EIAR notes that all scenarios (with the exception of scenario 01) use both runways for departures during the period 06:00 to 8:00. The revised EIAR clarifies that this approach is taken in response to the submission by the Irish Aviation Authority (IAA) Air Navigation Service Provider (ANSP) in their submission to the planning authority which states:

'It is considered essential to use both runways for departure between the hours of 06:00 to 08:00 (local time), due to the demand for the first wave of departures to take off from Dublin during this period. The simultaneous use of runways for departures within this period serves a number of reasons, including, to the extent possible, the objective of disconnecting this high departure demand from the first peak of arrivals into Dublin which typically begins around 07:30 (local). As Dublin Airport became ever busier in the years prior to 2020, failure to achieve this objective frequently resulted in holding/delays both on the ground and in the air, as the capacity of a single runway was not sufficient to accommodate continuous consecutive departure or arrival demand. The availability of both runways for departure would alleviate this problem into the foreseeable future."

The revised EIAR includes semi-mixed mode usage of both parallel runways for departures during the hours 06:00 to 08:00. This aligns with the advice from IAA and will be to facilitate capacity constraints in the busiest period. When capacity constraints are not an immediate concern (and winds are easterly), there will be clear preference for use of runway 10R for departures. As such, the proposal continues to align with the condition 3c) of the parent permission.

While the Applicant is of the view that this matter is clear, regardless of the above interpretation of conditions 3a) – c), we note that the relevant action application is clear in what is sought and should ABP determine an alternative interpretation of conditions 3a) – c) in relation to the relevant action, then they have remit to revise the conditions accordingly. The proposed relevant action application includes assessment of the relevant scenarios to inform ABP accordingly.

6.3 Option 7B - Applicant Response

In addition to the above, we note the appellants comments that the proposal conflicts with the recommendation of Mr Rupert Thornely-Taylor, the Board's Noise Consultant during the Oral Hearing in 2007, that *"the runway (10L/28R) shall not be used for takeoff or landing between the hours of 2300 and 0700 and no departures on runway 10L shall take place at any time"*

The second element of this recommended condition was not deemed appropriate by ABP at the time and was not included on the Final Grant. It is immaterial whether the proposal contradicts this recommendation or not. The views of experts in a previous process are relevant only so far as they are reflected in the final decision of ABP, which the Applicant is now seeking to amend. The applicant is seeking to amend a previous decision, and as such may conflict with views put forward in that process which took place some fifteen years ago. That fact does not constrain ABP in any sense.

The appellants raise an issue that the August 2005 EIS Addendum includes flight paths that are straight out, however the current relevant action application includes flight paths that are divergent.

The 2005 EIS Addendum included best available information at the time of the assessment of the North Runway. The 2005 EIS made clear at section 16.1.3.4 that flight paths (tracks) were not to be taken as definitive, and were indicative only. There are safety regulatory considerations which must be taken account of in respect of flight paths.

In addition, a significant passage of time has occurred since. The Relevant Action application includes the latest information for expected flight paths aligned with the safety regulatory process. The IAA is the authority charged with regulating the safe use of Irish airspace.

Notwithstanding the above, the relevant action application includes an assessment of the likely environmental effects of divergence as outlined within the submitted EIAR, including a comparison to the permitted scheme and proposed scheme. This does not conflict with Condition 3 a)-c) as suggested in the applicant's submission.

Should ABP form a view that the preamble to condition 3 requires modification to reflect the proposed scheme as approved by FCC and ANCA then this is within the remit of ABP. Alternative wording may be as follows:

> *'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 Scenario 02 – as detailed in the Environmental Impact Assessment Report, Section 4.5 as received by the planning authority on the 13th day of September, 2021*** *and shall provide that.....'*
>
> ***[our emphasis]***

7.0 Environmental Noise Directive (END) Rounds 1,2 & 3

The appellants submission presents statistics from Rounds 1-3 that are a matter of fact and public record. The applicant noted increases in population exposed to noise levels and population significantly affected. That is why the applicant proposed a set of measures that have been shown to limit the effects of a return to pre-COVID operation; and provides a framework within which future effects can be further limited and managed. ANCA has drawn conclusions based on the same set of public data and, following consultation, has amended the applicants proposals accordingly.

A point raised by the appellants is that the 2019 population statistics for L_{den} and L_{night} presented in the December 2020 EIAR differ from those previously submitted in March 2020 as part of the (subsequently withdrawn) application to increase the permitted passengers from 32 mppa to 35 mppa. daa can confirm that the results presented in the December 2020 EIAR are correct, and the latest modelling has been reviewed by

ANCA and their consultants. It is noted that no change arises with the contour areas, or the summer period results ($L_{Aeq,16h}$ and $L_{Aeq,8h}$ metrics).

8.0 Baseline Reference Year for NAO (2019)

Section 8.1 – 8.7

The appellants take issue with the applicants use of 2018 as baseline for the cNAO.

The submission suggests that *"2018 has been selected by the applicant as the Baseline year in which to compare the future scenarios against. The appellants states that 2018 had a high usage of the Crosswind runways compared with 2019. When comparing a future year to 2018, the difference in the number of people affected by the crosswind runways in the future will be significantly lower due to the limited use of the crosswind runways in the future once the North runway is operational. Therefore, comparing against 2018 is not a good comparison. The number of people affected by the crosswind runway overuse should be subtracted from the 2018 and 2019 figures and then compared to future scenarios. The Relevant Action planning application should not be seen to artificially benefit from the overuse of runways 16/34 in 2018 compared to future years. The restrictive use of runways 16/34 is not as a result of the Relevant Action. It's as a result of the North Runway planning conditions" – pg 120.*

The 2018 and 2019 conditions were not used in the EIAR and CEA analysis as a baseline to assess impacts and effectiveness. The baseline for the CEA assessment was the Forecast Without New Measures, which included Condition 4 (restricted use of the crosswind runway). The EIAR environmental baseline for purposes of assessing impacts was the Permitted Condition, which also included Condition 4. Therefore, higher than normal use of the crosswind runway in 2018 was not relevant in determining cost-effectiveness or assessing environmental impacts.

The appellants submit (p103) *that "evidence provided by ANCA shows that even using 2019 as the baseline reference year, the number of people exposed to >55dB L_{night} in 2030 with population growth due to the daa's proposal (scenario P02) will exceed the 2019 levels".*

For the Relevant Action this is not correct, as Scenario P02 in 2030 has 953 people (including population growth) exposed to this level, compared to 1,533 in 2019.

Further to this, the appellants raise as an issue that not all dwellings within Zone B of Variation number 1 of Fingal Development Plan 2017-2023 (adopted December 2019) are proposed to be insulated. This zone includes a criteria of exceeding 55 dB L_{night}, taking into account potential future growth at the airport beyond that sought by the current application. It aims to ensure that development which has not yet been permitted and may be exposed to these noise levels in the future is suitably insulated by the developer.

As part of the application and conditions of the Regulatory Decision it is proposed to insulate all existing dwellings exposed to at least 55 dB L_{night} (i.e. the same criteria). While other sound insulation schemes have been included in the parent

permission for the North Runway, this is the first time that a sound insulation scheme is proposed specifically for reduction of the effects of night-time noise, eligibility for inclusion in the scheme would be reviewed every two years commencing from 2027.

8.11 Phenomena Project

The appellants make reference to the 'Phenomena Project' in this section and later in 8.17.

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.

Three specific aspects of the proposals accounted for the improvements and forecast reductions in population exposed - the operation of a quieter fleet (which the forecasts have as conservative for EIA purposes); airspace design and use; and the proposed airport operation. It is a mix of these that has resulted in CEA conducted by both the applicant and ANCA indicating that the NQS was not required in order to meet the NAO. However, the NQS was included by the applicant as mechanism to incentivise airlines to operate less noisy aircraft during the night period and so control total noise output from aircraft. The appellant is correct in that the NQS doesn't limit the number of flights directly – it was never designed to do so, but does so indirectly in the form of a limit on total noise from aircraft and incentivises airlines to operate less noisy aircraft.

In respect of quieter aircraft, the 'Phenomena Project' is quite clear in that the benefits to each airport from any measure are different depending on the population distribution, fleet mix, existing measures and degree of existing adoption of ICAO balanced approach. Phenomena aggregated the benefits across all the EU airports that it considered and clearly supports the notion and taking an approach that new technology will significantly reduce the population exposed to aircraft noise across Europe – the report indicates a reduction of more than 200k population exposed to greater than 50dB L_{night} (table 5.33). Noise reduction technology is a significant investment by manufacturers and fleet renewal is a significant investment for airlines – potential for growth provides an incentive for airlines to make these investment decisions. The proposed NQS encourages airlines to operate aircraft with a lower QC with the incentive of possible growth whilst capping the total noise output from aircraft which serves to support the NAO. The applicant considers that ANCAs amendments to its original proposals strike a reasonable balance in meeting the NAO consistent with the Act and EU598.

It is important to consider that the overall goal is to reduce the effects whilst enabling sustainable growth and it is not one measure or another that is going to achieve the objective, but a combination. The NAO sets out clear timetables and a framework for monitoring and review of effectiveness - the Act enables ANCA intervention in the event that the measures are not effective.

In section 8.17 of the appellants submission reference to a set of *"Policy suggestions for aviation"* from the Phenomena project. Of those policy suggestions that are relevant to this application, only one policy measure is not being implemented directly – Bullet 4 *"avoiding noise operations at night (based on L_{Max}, not on margin to certification limits)"*. The NQS proposals do not relate to L_{Max} but to a QC value. The QC value is not based on margin to certification limits but on the certification noise levels themselves. This approach was taken as the categorisations are already made and are periodically validated by the UK CAA and the applicant recognised that taking a "margin" approach wouldn't necessarily result in quieter aircraft and the intention was to incentivise quieter aircraft. It is also important to note that restrictions on aircraft must be based on certified noise performance of aircraft in line with EU and Irish regulations.

8.12 Fleet Renewal

Summary of Appeal Grounds

The appellants submission (pg 135) raises concerns that ANCA's appointed consultants (Altitude Aviation) did not develop their own forecasts, but instead used the forecasts provided in the Mott MacDonald report *Dublin Airport Operating Restrictions, May 2021 – version 1.2*. The appellants state that: *"This is a serious flaw as no independent scrutiny has taken place of Mott MacDonalds forecast"*

Applicants Response

While Mott MacDonald (MM) cannot comment on whether Altitude Aviation (AA) should have had a broader remit, we observe that AA has undertaken a thorough review of MM's analysis and reached the conclusion:

> *The Mott MacDonald forecast ATM mix does not appear to be significantly out of line with our own view... There may be greater upside potential than downside risk in the forecast ATM growth rate in the mid-long term.* (AA report, pg 36)

The mid-long term ATM growth rates in the MM report are based on daa's Centreline forecast scenario.

Summary of Appeal Grounds

The SMTWRG submission states (pg 135):

The [Altitude Aviation] report provides a forecast of the various aircraft generation types. Circa 25% of aircraft in 2025 will be Generation 2, the year used for the regulatory decision. The projections are for 90% replacement by 2037 which is less than the whole fleet replacement modelled by the Phenomena project. Therefore, the estimated reduction in health burden of 22-23% will be reduced at Dublin Airport.

Applicants Response:

It should be noted that the Phenomena project referred to the replacement of Chapter 4 noisier aircraft types by Chapter 14 noise standard compliant types, whereas the MM and AA analysis refers to the mix of Generation 1 and Generation 2 aircraft types. Some Generation 1 aircraft types, including many variants of the A320ceo and A330ceo, are Chapter 14 compliant. Therefore, the Dublin projected fleet renewal cannot be directly compared with Phenomena project analysis.

8.13 Noise Monitor Data

The appellants assert that the Boeing 737 MAX 8 (B38M) aircraft produces similar noise levels to the Boeing 737-800 (B738). This is cited elsewhere in the SMTWRG document to imply that the noise assessment results cannot be relied upon.

As described in Appendix 13-B of the revised EIAR (and referenced by appellant), BAP compared the measured noise monitor results with those predicted by the noise modelling software for each key aircraft type, including both the B738 and B38M. Therefore, measured results are accounted for in the noise assessment.

The comparison made by SMTWRG is not like for like and so underestimates the improvement of the B38M compared to the B738, as explained below.

SMTWRG reference noise monitor data from 2019 to support their assertion, showing that at NMT 1 in 2019, the B38M was 0.79 dB quieter on arrival and 1.55 dB quieter on departure, compared to the B738. This is based on the L_{Amax} parameter. BAP used noise monitor data from 2018 to inform the assessment, based on the SEL parameter as this is what directly relates to the key assessment metrics L_{den} and L_{night}. The SEL parameter also equates to the total noise from each movement. However, differences between aircraft are generally reasonably consistent between the two metrics. Reviewing the 2018 measured data for NMT 1, the difference in SEL between the B738 and B738M was 0.8 dB on arrival and 2.0 dB on departure, which is broadly consistent with the results presented by SMTWRG.

The key reason why the SMTWRG comparison is not a like for like is that the B738 aircraft operating in 2018 and 2019 were primarily operated by Ryanair and serving short-haul destinations, whereas the B738M aircraft were primarily operated by Norwegian and serving long-haul destinations. For arrivals, this would not be expected to make a significant difference. However, for departures, long-haul operations result in the aircraft being heavier due to a higher fuel load, which in turn mean it will typically be noisier on initial departure, as it will either use more thrust or climb more slowly. Therefore, it would be expected that the long-haul Norwegian departures would be noisier than the short haul Ryanair departures.

The software allows for the differences in weight using a parameter called stage length, which assumes different aircraft weights based on the distance to the destination. In order to validate the noise model, BAP compare the measured levels with the modelled level of the default aircraft within the software for the appropriate stage length of the operations. The noise assessment is therefore based on measured results from both

aircraft and the differences between them are accounted for in all of the future assessments.

In the future it is forecast that the majority of the B738M aircraft will be operated by Ryanair, and they have begun operating them in 2022. BAP have reviewed the Ryanair results for the first 9 months of 2022 and compared the NMT 1 measurements for the B738 with those for the B738M.

Table 5: Comparison of NMT 1 measurements for the B738 with those for the B38M using Ryanair results for the first 9 months of 2022

Period and Metric	*Arrivals*			*Departures*		
	B738	B738M	Diff	B738	B738M	Diff
2022 LAmax (Ryanair)	79.6	78.2	1.4	76.0	73.0	3.0
2022 SEL (Ryanair)	87.7	86.7	1.0	85.8	82.3	3.5

These results show for both parameters that B738M is quieter than the B738, particularly on departure. Similar findings were recently reported by London Stansted airport[21]. They refer to the B738M being "over three decibels" quieter than the B738.

8.14 Forecasts

Summary of Appeal Grounds

The appellants submission states (pg 144) *"Another rather strange anomaly in the daa's application is the fact that their forecasts for 2025 Proposed in Table 13B-5 of the revised EIAR show 0 flights of the 737 Max (B38M) during the night period. There will be 14,316 movements of this newest of Ryanair's fleet during the day and evening but 0 during the night. How is this possible?"*

The submission also queries why there are more B737MAX flights in the 2025 Permitted scenario than the 2025 Proposed scenario (15617 vs 14316 respectively).

Applicants Response:

The B737MAX aircraft type was grounded since March 2019 following two fatal crashes, and did not re-enter service until early 2021. Ryanair only took delivery of its first B737MAX aircraft on 16 June 2021.

The Mott MacDonald analysis upon which Table 13B-5 was based[22] was completed in May/June 2021, before the B737MAX had entered service with Ryanair and at a time when its delivery schedule and deployment across the Ryanair fleet was not known.

[21] https://simpleflying.com/ryanair-quiet-boeing-737-max-stanted/
[22] *Dublin Airport Operating Restrictions (June 2021 - version 1.3.1)*, prepared by Mott MacDonald

Flights operating during the 23:00 – 07:00 night period are mainly Dublin Airport based aircraft that overnight in Dublin, where with the first departure of the day may occur before 07:00 and the last arrival after 23:00.

The Mott MacDonald fleet modernisation analysis of June 2021 assumed that Ryanair would switch its Dublin Airport base to B737MAX aircraft midway through its overall fleet transition, and that this would occur after 2025 but before 2030. Therefore, by 2025, there were not yet any schedule B737MAX operations at night in this scenario.

The 14,316 annual B737MAX movements forecast in the 2025 Proposed scenario is equivalent to 22 aircraft rotations on the busy day, while the 15,617 movements in the 2025 Permitted scenario equates to 24 rotations on the busy day. This small difference arises because in the Permitted case (where the 65/night planning limit is applied) has fewer DUB-based aircraft but two additional daytime aircraft rotations operated by a foreign airline with B737MAX in its fleet.

Summary of Appeal Grounds

On page 144-145, the submission provides a table of differences in numbers of annual movements by aircraft type between 2025 Relevant Action (initial EIAR) and 2025 Proposed (revised EIAR). It queries why there were 2601 more B737-800 and 651 less B737MAX aircraft types in the 2025 Proposed (revised EIAR). The submission asks *"What has caused that shift in Ryanair's fleet usage between the initial and revised EIARs?"*

Applicants Response:

Firstly, the difference of 651 less B737MAX annual movements equates to one fewer busy day aircraft rotation, while the additional 2,601 B737-800 annual movements equates to four more busy day aircraft rotations. The initial EIAR and revised EIAR analyses were undertaken in September 2020 and June 2021 respectively, during a period when there was significant change in the airline industry due to COVID-19.

The fleet mix differences quoted by the appellant are very small differences. They are also total differences across all airlines, not only in the Ryanair fleet.

Furthermore, while the submission focusses on differences in the B737 fleet mix, where the revised EIAR has slightly fewer of the quieter B737MAX movements, the table also shows that the revised EIAR has 1302 fewer movements operated by the older A320 and 1300 more movements operated by the quieter A320neo/A321neo types. There is no significant change in the fleet mix between the initial and revised EIAR forecast inputs towards either noisier or quieter aircraft types.

Summary of Appeal Grounds

On page 146, the submission states that airlines should be forced to fly the latest technology aircraft only at night and heavily penalised otherwise.

Applicants Response:

It should be observed that the original planning condition no.5 capping night flights at an average of 65/night during the 92day modelling period did not consider how noisy the aircraft types operating at night were, but the latest noise points-based night restrictions do incentivise quieter aircraft.

8.15 Update for 2022 Data

Summary of Appeal Grounds :

On page 146, the submission raises a number of queries about movements by specific aircraft types in the 2022 Permitted (Table 13B-2) and 2022 Proposed (Table 13B-3). A ***response*** to these queries is provided below:

- *That both tables show 0 B737MAX forecast operations at night, whereas actual Summer 2022 operations data show that the B737MAX has operated at night*

  As discussed above in response to a similar point in section 8.14 of the appellants submission, the forecasts were developed in May/June 2021 before the B737MAX had entered service with Ryanair and at a time when its delivery schedule and deployment across the Ryanair fleet was not known. The Mott MacDonald fleet modernisation analysis of June 2021 assumed that Ryanair would switch its Dublin Airport base to B737MAX aircraft midway through its overall fleet transition, and that this would occur after 2025 but before 2030. The forecast assumptions incorporated the best information available at the time, and sought to avoid overstating how quickly aircraft may become quieter.

- *That no A319 aircraft are shown at night in the tables, whereas actual Summer 2022 operations data show that the A319 has operated at night*

  Examining the Summer 2022 actual night operations data shows that the A319s operating at night were delayed daytime flights or flights that previously were operated by the larger A320 aircraft type but airlines has substituted the smaller A319 aircraft.

- *That no Airbus A330-300 (A333) aircraft types are shown in the tables*

  The A333 operations, along with A330-200 (A332) operations, are included together under the "A330" code in the tables. The forecasts busy day schedules used for the analysis include both A332 and A333 aircraft types.

- *That the schedules for 2022 Proposed show 180 flights during the day and 180 at night for all 777 aircraft. Up until July 29th (half of the 92-day Summer period), there have been 419 flights of the 777 family.*

  Aer Lingus has temporarily leased a B777-200ER during Summer 2022 to operate routes to Spain (Barcelona and Lanzarote). In addition, American Airlines and Air Canada appear to changed one flight per day each from A330 to B777 aircraft types

during Summer 2022. Such aircraft substitutions between similar types within an airline's fleet are common.

8.16 Permitted vs Proposed

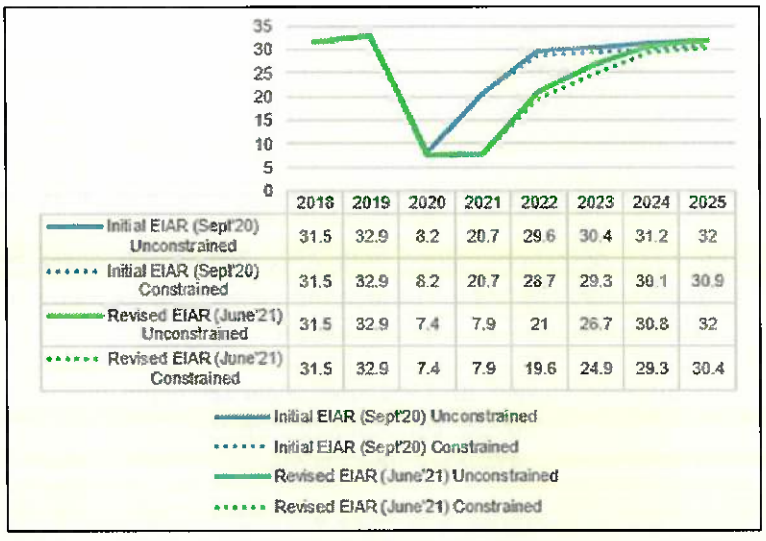
The appellants submission questions the difference between the original EIAR and revised EIAR constrained forecasts. At page 163 they state,

"Another strange anomaly with the revised EIAR figures compared with the original EIAR is that the original EIAR showed a constrained value of 30.9 million passengers in 2025 whereas the revised EIAR shows a lower constrained value of 30.4 million. Why would the revised EIAR have a lower constrained value compared to the original EIAR?"

The original EIAR and revised EIAR analyses were undertaken in September 2020 and June 2021 respectively, as the COVID-19 pandemic unfolded in unpredictable ways. Early in the pandemic (in September 2020, for the original EIAR analysis), there was an assumption that traffic would start to recover in 2021. However, the pandemic worsened during the winter 2020/21 period with the emergence of the Alpha variant of the virus in December 2020 and the Delta variant around March 2021. As a result, the lifting of travel restrictions did not happen in 2021 and substantive recovery was delayed to 2022. The recovery profile forecast used for the revised EIAR in June 2021 was delayed by about one year from the earlier assumptions (see chart below).

Although the 65/night condition constrained case is lower in the revised EIAR, at 30.4m passengers compared with 30.9m passengers, this is a timing issue related to delayed recovery. Mott MacDonald's June 2021 study (revised EIAR analysis) shows continued growth in the constrained case, reaching 31.2m in 2026 and 32m in 2027.

Therefore, the analyses are consistent between the original EIAR and revised EIAR, with the difference arising from the more prolonged COVID-19 recovery profile.



	2018	2019	2020	2021	2022	2023	2024	2025
Initial EIAR (Sept'20) Unconstrained	31.5	32.9	8.2	20.7	29.6	30.4	31.2	32
Initial EIAR (Sept'20) Constrained	31.5	32.9	8.2	20.7	28.7	29.3	30.1	30.9
Revised EIAR (June'21) Unconstrained	31.5	32.9	7.4	7.9	21	26.7	30.8	32
Revised EIAR (June'21) Constrained	31.5	32.9	7.4	7.9	19.6	24.9	29.3	30.4

Figure 4: Comparison of initial and revised EIAR Forecast Analysis

8.17 Investor Prospectus

In this section appellants reference the suite of measures proposed by the Phenomena Project (p166) – see response in section 8.11.

The appellant states that the CEA should not include for losses prior to Q1 2024. This is responded to in section 9.2 below.

9.0 Cost Effectiveness Analysis

9.1 Summary

Summary of Appeal Grounds

The submission considers that costs associated with adverse health effects should be included in the cost-effectiveness analysis. They expected the costs to be provided by daa. The submission suggests that costs associated with carbon emissions should be included. The appellant also indicates that all operating restrictions should be included in the definition of the Forecast Without New Measure condition.

The **responses** for each section below address the appellants summary comments.

9.2 Cost Effectiveness Analysis

Summary of Appeal Grounds

'Forecast without new measures' as defined in EU598/2014 Annex I (2) include developments 'already approved and in the pipeline'.

Applicants Response:

We understand this to relate to the new North Runway and associated planning conditions. It's also clear that future growth beyond 32m passenger should be considered.

The cost-effectiveness analysis (CEA) conducted by Ricondo & Associates, Inc., (Ricondo) meets the requirements set forth in Annex I, Assessment of the Noise Situation at an Airport, of the European Union (EU) Regulation 598/2014, as incorporated into the Aircraft Noise (Dublin Airport) Regulation Act 2019 (Act). Section 2 of Annex I defines the baseline condition from which all noise reduction or mitigation measures are compared to assess effectiveness. The condition is called the Forecast Without New Measures. The regulation states that the Forecast Without New Measure condition includes *"descriptions of airport developments, if any, already approved and in the pipeline, for example, increased capacity, runway and/or terminal expansion, approach and take-off forecasts, projected future traffic mix and estimated growth and a detailed study of the noise impact on the surrounding area caused by expanding the capacity, runways and terminals and by modifying flight paths and approach and take-off routes."* The intent of this condition is to define an operations scenario that includes

efforts that account for expanding capacity to assess the potential noise exposure effects caused by the planned efforts and determine if a noise problem will exist. This condition is not considered a future "do-nothing" condition as defined under the EPA EIAR Guidelines that may serve as a baseline for environmental impact analysis. It serves as a baseline to define a forecast noise problem if a relevant action is implemented. In the case of the North Runway Application, the airport development in the pipeline to increase capacity is replacing an operating restriction. This relevant action is not considered a "noise mitigation measure" for purposes of the EU598/2014 Annex I assessment; it is considered a capacity improvement action. Including this relevant action in the Forecast Without New Measure Condition by removing the operating restriction is the appropriate approach to quantify forecast noise exposure problems.

Included in the Forecast Without New Measures condition are existing and planned noise abatement and mitigation measures to address noise concerns with the exception of the operating restrictions, which are proposed to be revoked or replaced to address capacity.

As cited in the appellants submission, the definition of the Forecast Without New Measures condition is consistent with ANCA's recommendation to exclude restrictions that the applicant is proposing to replace in order to compare the Permitted Condition to other conditions that remove the operating restrictions.

Summary of Appeal Grounds

It is therefore very clear that the EIAR and CEA documents have conflicting definitions of the 'Do Nothing' and 'forecast without new measures' scenarios.

Applicants Response:

The "do nothing" term can cause some confusion when comparing the CEA and EIAR. In the CEA report, the term was intended to indicate a condition that does not include new noise abatement or mitigation measures to reduce noise exposure levels, but does include the proposed action. This is called the Forecast Without New Measure condition. The EPA EIAR Guidelines consider a "do-nothing" as a condition that does not include a proposed action, but includes existing conditions and projects which already have consent. For purposes of being consistent with EU Regulation 598/2014 Annex I, a reference to "do nothing" in the CEA is the same as the Forecast Without New Measure condition.

Summary of Appeal Grounds

As a result of not having a decision by ABP until Q1 2024, losses should only be considered post Q1 2024. The restrictions are currently in place as conditions of the North Runway planning and therefore losses should only be considered when the planning process concludes in Q1 2024. Any losses before Q1 2024 are fictitious in nature and should be removed from the cost-effective analysis.

Applicants Response:

The primary purpose of conducting a cost-effectiveness analysis as described in EU Regulation 598/2014 Annex I is to assess the effectiveness of achieving a noise abatement objective after implementing a proposed improvement to an airport, which includes actions that can expand operational capacity. The economic impact losses associated with maintaining the Permitted Condition have no influence on the cost-effective analysis related to reducing noise levels to achieve a noise abatement objective after proposed relevant actions are implemented. Perhaps the commenter is referencing the economic impacts associated with the Permitted Condition and related cost-effectiveness ratio compared to the Relevant Action condition ratio. The inclusion of economic impacts and related losses as a result of implementing an operating restriction should be considered for the entire term of an assessment and is consistent with EU 598/2014 Annex II guidelines.

Summary of Appeal Grounds

In a pre-planning document 'Ricondo CEA ANCA Workshop DRAFT 20200320.pdf', presented to the daa on March 31th 2020, Ricondo present their cost effective analysis strategy. On slide 6 they incorrectly specify the 'Do Nothing' scenario, conflicting with the EIAR and the EPA Guidelines. They include the North Runway but exclude the operating restrictions which are attached to the North Runway planning consent. They also assume mixed-mode runway use for 24-hour period which is contrary to the planning of the North Runway. This is a major error on behalf of Ricondo.

Applicants Response:

Please refer to the response related to the "Do Nothing" condition and exclusion of the permitted operating restriction conditions for the Forecast Without New Measures condition. Regarding the planned runway use, the commenter references a draft presentation prepared when the CEA methodology was under development. The planned runway use for the Forecast Without New Measure condition is correctly defined in Section 2.1.4 of the Dublin Airport North Runway, Regulation 598/2014 (Aircraft Noise Regulation) Forecast Without New Measures and Additional Measures Assessment Report (Revision 2 – September 2021) report.

9.3 ICAO

Summary of Appeal Grounds

The ICAO 'Guidance on the Balanced Approach to Aircraft Noise Management' publication(https://global.ihs.com/doc_detail.cfm?&input_search_filter=ICAO&item_s_key=00507943&item_key_date=890221&input_doc_number=9829&input_doc_title=&org_code=ICAO) sets out the Baseline case. The "base-case noise situation is that which currently exists and that which is expected to exist at given points in the future taking into account all noise mitigation actions that are already planned'. This clearly identifies the approved planning restrictions as being part of the base-case... In section 3.7 of the ICAO document, it states that when establishing the baseline, measures such as noise abatement operational procedures and existing operating restrictions should be taken into account.

Applicants Response:

The International Civil Aviation Organization (ICAO) guidance cited by the commenter defines the approach to establishing a baseline case when conducting an aircraft noise impact and compatibility assessment. Inclusion of all existing and approved measures is appropriate when assessing the current noise exposure and potential incompatibility to land use in order to address existing noise impacts. The approach is different under EU Regulation 598/2014 Annex I and the Aircraft Noise Regulation Act of 2019, which defines a process focused on addressing a noise problem that would arise from carrying out the development as proposed by a planning application. The proposed development is considering a relevant action that revokes, replaces or amends a permitted condition designed to restrict operations for noise purposes that results in increased capacity at an airport. The proposed development presents a noise problem as determined by ANCA; therefore, additional new measures are evaluated to address the problem in a cost-effective manner consistent with the ICAO Balanced Approach. In order to determine if the noise problem can be addressed, the baseline assessment starts with calculating the noise exposure caused by the relevant action. The next step is to then identify cost-effective measures to reduce noise exposure in order to address the problem and achieve the noise abatement objective.

9.4 Regulatory Decision

We note the content of this submission is generally relating to ANCA's Regulatory Decision rather the relevant action application itself. Notwithstanding this, the majority of items raised have been addressed throughout this first party response.

The appellants appear to be challenging the basis of ANCAs Draft Regulatory decision not to adopt the applicant's noise insulation proposals in full, indicating that this results in fewer properties receiving noise insulation. In this regard we note that the applicant proposed a noise insulation scheme that was consistent with precedent (criteria 1 based on the 55dB L_{night} contour at worst case year, 2025) and innovatively and uniquely extended to an area that was considered likely to be very highly affected as a result of the change from the permitted operation to the relevant action (in the year of opening, considered at the point of application to be 2022) – this was considered to be a proportionate and reasonable noise insulation offer. Other options were considered in terms of noise and degree of change, but these were ruled out due prohibitive cost. It is noted that ANCA final Regulatory Decision includes the Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area - June 2022 which is based on the assessment year 2022 (and not 2025 as per the draft ANCA Determination).

The appellants state that *"the final comment in the (ANCA's) Cost Effectiveness Methodology and Results report is very interesting and states that: "Our lower bound estimate of the cost-effectiveness of the Permitted Operations scenario, suggests it is possible that the restrictions could be more cost-effective than some of the alternatives. But that is assuming the most optimistic outcome in terms of costs". So the Permitted scenario with restrictions could be the most cost-effective outcome. And this is based on no inclusion of costs associated with health and carbon emission."*

In reviewing this point and the ANCA CEA, we consider that the assumption made within the ANCA CEA for the lower bound cost estimate for the Permitted Operation condition would lead to zero loss in the economy. As such, if there is no loss or cost in the economy, then there is no cost to implement the restrictions. The ANCA CEA does not account for a loss in scheduled service possibly leading to a loss in the economy. It rather takes an optimistic approach by assuming that there will be zero loss by retaining the current conditions. Furthermore, a rather conservative position on the lower bound related air service connectivity and its effects on the economy was also taken. Therefore, we consider that the conclusion reached by the appellants that Permitted Operation restrictions may be the most cost-effective is very unlikely.

9.5 Health Costs

Summary of Appeal Grounds:

EU598/2014 Annex II states that Competent Authorities may take account of health and safety of local residents and environmental sustainability.

Applicants Response:

The commenter references Annex II of Regulation 598, which is applicable when assessing proposed noise-related operating restrictions. The Relevant Action Application did not propose a noise-related operating restriction; therefore, Annex II was not applicable to the documents prepared by the applicant.

Further to this, it is noted that Annex II does not require consideration of the health of residents in vicinity of the airport associated with an operating restriction. EU Regulation 598/2014 Annex II states *"...competent authorities **may [emphasis added]** take due account of the following factors:"*

Health effects should be considered as part of defining the noise problem and developing a Noise Abatement Objective (NAO). EU Regulation 598/2014 states in paragraph (11) on page 173/66: *"The importance of health aspects needs to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects".*

The process of defining the noise situation must be consistent with Directive 2002/49/EC. The metrics chosen to assess the effectiveness of a measure's ability to meet the NAO are chosen to account for noise levels associated with human responses that can have an impact on health. Therefore, any measure that reduces the number of people exposed to a selected metric provides a benefit that contributes to resolving the noise problem. As indicated in Section 3.3.1 of ICAO's Guidance on the Balanced Approach to Aircraft Noise Management, ICAO Doc 9829 AN/451, the question that cost-effectiveness answers is: which alternative is the least costly means to achieve the level of benefit required by the NAO? Health costs are not a cost associated with implementing a proposed noise measure, but if noise levels are reduced by

implementing the measure, a benefit is realised through reduction of any potential costs associated with noise-related health impacts. Health effects are considered when identifying the noise problem. The NAO includes metrics intended to address the identified noise problem and any reduction in exposure would result in a benefit realised through reduced potential health effects.

Summary of Appeal Grounds

The 'Aircraft Noise Information Reporting Template Guidance' document from ANCA states in section 3.2 Noise Effects Data, that the assessment of costs of noise exposure should include costs of annoyance and health.

Applicants Response:
As described in Section 9(2) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 (Act), and as incorporated into the Act, Section 3 of the EU Regulation 598/2014, the process of addressing a noise problem introduced by a proposed relevant action is to apply the International Civil Aviation Organization (ICAO) Balanced Approach to define a noise abatement objective to address the noise problem described by the Forecast Without New Measure condition and identify additional measures that meet the noise abatement objective in a cost-effective manner.

EU Regulation 598/2014 specifically indicates use of the cost-effectiveness analysis approach when assessing noise abatement alternatives. Paragraph 9 of the EU Regulation 598/2014 states: *"While a cost-benefit analysis provides an indication of the total economic welfare effects by comparing all costs and benefits, a cost-effectiveness assessment focuses on achieving a given objective in the most cost-effective way, requiring a comparison of only the costs."* The ICAO Balanced Approach also recognizes the cost-effectiveness approach to be a valid approach when assessing multiple measures that can achieve the same noise abatement objectives. A cost-effectiveness approach asks the question, given a particular objective, which is the least costly way to achieve it? The costs are those that would be incurred to implement the measures.

9.6 Carbon Emission Costs

Summary of Appeal Grounds

The CEA report makes no attempt to quantify the costs associated with the adverse health effects inflicted on residents as a result of the proposed Relevant Action. Nor does it quantify the costs associated with the environmental harm of increased aviation activity.

Applicants Response:

The EU Regulation 598/2014 cost-effectiveness analysis (CEA), as incorporated into the Aircraft Noise (Dublin Airport) Regulation Act 2019 (Act), is specific to addressing potential effects caused by aircraft noise as a result of revoking or replacing operating restrictions. The CEA conducted by Ricondo & Associates, Inc. (Ricondo), meets the requirements set forth in Annex I, Assessment of the Noise Situation at an Airport, of

the European Union (EU) Regulation 598/2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at EU airports within a Balanced Approach and repealing Directive 2002/30/EC (EU 598/2014 Regulation).

A carbon and climate impact analysis as a result of the proposed Relevant Action to amend Condition No. 3(d) and replace Condition No. 5 of the North Runway Planning Permission[23] was conducted and reported in Chapter 11 of the Dublin Airport North Runway Relevant Action Application Environmental Impact Assessment Report to assess potential environmental impacts. The assessment concluded that the greenhouse gas (GHG) emissions associated with the proposed Relevant Action do not represent >1% of the projected National Emissions Inventory for either of the assessment years, therefore, GHG emissions are considered to be of minor significance. Section 11.5, Environmental Design and Management, of the EIAR identifies ways in which GHG emissions from aircraft movements have been or will be avoided, prevented, reduced and offset by various means. Aircraft are anticipated to become more fuel efficient over time as new technologies become available. Indirect aircraft emissions can be influenced by efficient airside infrastructure design and delivery and services such as Fixed Electrical Ground Power and how aircraft operate at the Airport (influenced by airlines, the Air Navigation Service Provider and daa). One such example is Airport Collaborative Decision Making (A-CDM) which Dublin Airport is implementing. This brings all stakeholders together to improve the efficiency of the airside operations at the airport. Section 11.5 also describes various market-based measures such as EU ETS and CORSIA, which put a cap on emissions within their respective geographical spheres of influence, to drive carbon reductions in the most effective and cost-effective areas through emissions trading and offsetting between airports. No other mitigation measures are required.

9.7 Environmental Damage

Summary of Appeal Grounds

These environmental costs from Irish residents travelling abroad are not factored into ANCA's CEA.

Applicants Response:

The EU Regulation 598/2014 cost-effectiveness analysis (CEA), as incorporated into the Aircraft Noise (Dublin Airport) Regulation Act 2019 (Act), is specific to addressing potential effects caused by aircraft noise as a result of revoking or replacing operating restrictions. The CEA conducted by Ricondo & Associates, Inc. (Ricondo), meets the requirements set forth in Annex I, Assessment of the Noise Situation at an Airport, of the European Union (EU) Regulation 598/2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at EU airports within a Balanced Approach and repealing Directive 2002/30/EC (EU 598/2014 Regulation).

[23] 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

The commenter references a study produced by the PBL Netherlands Environmental Assessment Agency to assess the cost of environmental damages as a result of the emission of harmful substances to soil, water and air. The study relies upon environmental prices from the Environmental Prices Handbook produced by CE Delft, a not-for-profit consultant. Each environmental price gives the estimated monetary value of the damage resulting from the emission.

EU Regulation 598/2014 and the Act do not require studies similar to the PBL Netherlands Environmental Assessment Agency to be conducted to inform a cost-effective analysis when assessing effectiveness and cost to implement an aircraft noise mitigation or abatement measure designed to address the noise problem caused by a proposed action.

Harmful substances that were considered by PBL Netherlands Environmental Assessment Agency were grouped by climate change and air pollution. A carbon and climate impact analysis as a result of the proposed Relevant Action to amend Condition No. 3(d) and replace Condition No. 5 of the North Runway Planning Permission[24] was conducted and reported in Chapter 11 of the Dublin Airport North Runway Relevant Action Application Environmental Impact Assessment Report to assess potential environmental impacts. The assessment concluded that the greenhouse gas (GHG) emissions associated with the proposed Relevant Action do not represent >1% of the projected National Emissions Inventory for either of the assessment years, therefore, GHG emissions are considered to be of minor significance. Section 11.5, Environmental Design and Management, of the EIAR identifies ways in which GHG emissions from aircraft movements have been or will be avoided, prevented, reduced and offset by various means. Aircraft are anticipated to become more fuel efficient over time as new technologies become available. Indirect aircraft emissions can be influenced by efficient airside infrastructure design and delivery and services such as Fixed Electrical Ground Power and how aircraft operate at the Airport (influenced by airlines, the Air Navigation Service Provider and daa). One such example is Airport Collaborative Decision Making (A-CDM) which Dublin Airport is implementing. This brings all stakeholders together to improve the efficiency of the airside operations at the airport. Section 11.5 also describes various market-based measures such as EU ETS and CORSIA, which put a cap on emissions within their respective geographical spheres of influence, to drive carbon reductions in the most effective and cost-effective areas through emissions trading and offsetting between airports. No other mitigation measures are required.

An air pollution or air quality impact analysis as a result of the proposed Relevant Action to amend Condition No. 3(d) and replace Condition No. 5 of the North Runway Planning Permission was conducted and reported in Chapter 10 of the Dublin Airport North Runway Relevant Action Application Environmental Impact Assessment Report to assess potential environmental impacts. As stated in Section 10.6 of the Dublin Airport North Runway Relevant Action Application Environmental Impact Assessment Report, the air quality impact assessment compared changes in Nitrogen Dioxide (NO_2) and Particulate Matter at particle sizes less than 10 micrometers (µm) in diameter (PM_{10}) and 2.5 µm in diameter ($PM_{2.5}$). The assessment found that all of the predicted NO_2

[24] 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

levels for the Permitted and Proposed scenarios fall well below the Limit Values for all future years for both NO_2 and PM_{10} and $PM_{2.5}$. Based on the analysis results, no additional mitigation measures are anticipated to be required during the operation of the proposed Relevant Action, and the proposed Relevant Action is unlikely to generate any significant effects on air quality, even with the conservative (i.e worst case) assumptions modelled for future aircraft forecasts.

9.8 Project Splitting

Summary of Appeal Grounds

The appellants state the following:

"the daa intend to apply for planning permission to increase capacity beyond the existing cap of 32m on the Terminals. The daa had applied for an increase in passenger numbers from 32m to 35m in 2019 (F19A/0449) but withdrew an application in June 2020".

They also also allege that:

"it is also very evident from the pre-planning material that the daa were having discussions with FCC and ANCA on the Relevant Action to revoke/amend Conditions 3(d) and 5 and also on increasing the passenger capacity to 40m+.

In their initial EIAR the daa did no included any reference to capacity beyond 32m. In their revised EIAR the daa make reference to 2035 as a future year but restrict the use of 2035 to 32m. This is a clear case of 'project splitting' and the EPA Guidelines make reference to Case Law from the Court of Justice of the European union (CJEU) pointing to this fact".

The appellants refer to "*Section 9 of the EIAR*" which is titled 'Traffic & Transport'. They state that "*this section only includes passenger numbers up to 32m*". In this regard, the appeallanst allege that "*this is a serious flaw and reflects the 'project splitting' nature of the application*".

Applicants Response

This submission is mis-conceived.

Project splitting refers to:

"the attempt by a developer to deliberately frame a single project as a series of projects, each or some of which fall below the relevant threshold for EIA. It is important to recognise that large developments will often be split into smaller parts with separate consents and this, in itself, is not problematic. The problem only arises where it has the effect of avoiding EIA where it is required under the EIA Directive.

This does not mean that the entire project must be treated as a single development subject to a single planning application. The project can be broken into small segments provided these segments are properly screened and assessed under the EIA Directive."[25]

This is particularly apposite in the case of an airport, which evolves over time in response to the changes in the commercial aviation market and airline and passenger needs and trends.

In the present case, in circumstances where daa submitted an EIAR in this process and the planning authority undertook an EIA, which has now been appealed, there is no basis to allege that daa was attempting to avoid EIA. In fact, daa submitted an EIAR for the Relevant Action without prejudice to the fact that the Relevant Action is not a "project" within the meaning of the EIA Directive such that no EIA is required.
Further, the EIAR has, in accordance with relevant case law[26], considered an increase in the passenger cap insofar as practically possible in Chapter 22 of the EIAR. For instance:

Section 22.2.3 notes that:

"The chapter also provides aviation noise predictions for 2030 when the airport is operating at 40mppa (on the assumption that same is permitted in the future) as Figure 22.1 (EIAR Volume 3: Figures), which address a Request for Information (RFIs) on that year for which aviation forecasts and aircraft noise predictions were requested by the Aircraft Noise Competent Authority (ANCA) in their RFI, dated 24th February 2021"

Section 22.4.18 also details the Infrastructure Application which it is anticipated will be made in the future. This is "*a project to increase the passenger capacity of the airport to 40mppa and the infrastructure required to facilitate that growth, whilst maintaining service levels at the airport. No single item of infrastructure will provide a capacity increase in isolation, rather the combined effect of new infrastructure will provide overall airport capacity*".

Section 22.5.5 confirms that *"[a] full environmental impact assessment of the likely significant environmental effects of an airport operating at 40mppa, including any interactions with the proposed Relevant Action, and appropriate mitigation*" will be prepared if required on any increase to the passenger cap. Therefore, it is clear that a potential increase in passenger numbers has been identified by daa.

This analysis in Chapter 22 is based on the settled law that when conducting an EIA of a proposed development that is the subject of an application for development consent, there is no requirement, as part of that EIA, to conduct another, full EIA of any potential future projects for which consent is not being and has not yet been sought. The Supreme Court in *Fitzpatrick & Daly v An Bord Pleanála & Others* [2019] IESC 23 considered this very issue. The Supreme Court explained that an Bord Pleanála was required to take account of, as far as practically possible, potential later phases of the masterplan.

[25] OPR Practice Note PN02 Environmental Impact Assessment Screening, Page 8.
[26] *Fitzpatrick & Daly v An Bord Pleanála & Others* [2019] IESC 23, discussed further below.

The Supreme Court explained that:

"[w]hen and if an application for planning permission for further phases of the masterplan is made, a full EIA will be required which in turn will both assess cumulative impacts with all existing or approved developments, and look forward by taking account, as far as practically possible, of remaining future phases of the masterplan".

The appellants also allege that daa is engaging in project splitting by not analysing a passenger cap above 32m as detailed in the withdrawn application (F19A/0449). As stated below in this response, this application has been withdrawn, does not form part of the 'Relevant Action', is not before the Board and cannot be considered by the Board in its consideration of the application for the Relevant Action.

Finally, the EIAR makes it clear that a future EIAR will be submitted for the anticipated Infrastructure Application which will cumulatively assess the likely significant environmental effects of the development the subject of the Infrastructure Application with those of the Relevant Action.

On that basis, given that each project will be subject to EIA and each such EIA will assess the other projects in line with the legal requirements, no project splitting arises here.

9.9 F19A/0449

Summary of Appeal Grounds

The appellants allege that:

"*with reference to F19A/0449, ANCA failed to define the NAO for Dublin Airport after starting the process*" of consultation with the Planning Authority.

They further state that:

"*ANCA requested noise information from the daa under section 9(10) of the 2019 Act*" and after the withdrawal of the planning application by the applicants in June 2020, "*ANCA decided to discontinue their role in assessing the noise situation at the airport and defining the Noise Abatement Objective (NAO). ANCA had the powers to discontinue their work and request any noise data from the daa but declined*".

In this regard, its is alleged that

"*ANCA failed to continue the work of defining the Noise Abatement Objective for Dublin Airport even though it had the powers under section 9(10) of the Act to request the daa to provide any data it required. It is very apparent that ANCA did not want to define the NAO unless there was a planning application lodged by the daa. And one can deduce that ANCA did not want to defined the NAO before any planning application was lodged as it might jeopardise the daa's future activities. This action calls into question the true independence of ANCA and raises concerns over a conflict of interest*".

Applicants Response

This is primarily a matter to which ANCA may wish to respond, but it is not entirely clear what the Board is being asked to do in relation to this issue. ANCA has set a Noise Abatement Objective for the airport, which is set out in its Noise Abatement Objective Report for Dublin Airport[27] and also stated within the Regulatory Decision and the appellants make arguments about the appropriateness of that NAO. Moreover, the complaint that the NAO was not set earlier is irrelevant, as ANCA would have the power to 'restate or amend' that in any event if required, including in the context of an application such as this.

By way of factual background, daa applied for (but subsequently withdrew) the application F19A/0449, as it is entitled to do so. ANCA ceased completing the noise assessment, which it is also entitled to do so under Section 9(22) of the 2019 Act.

In *Ecological Data Centres Ltd v An Bord Pleanála and Others* [2013] IESC 61, the Supreme Court held that an appeal of a decision of planning permission could be validly withdrawn prior to the Board submitting their formal written decision. Once this withdrawal took place, the Board was prevented from considering the appeal. Applying this analogous decision to the current planning application, daa submits that it was permitted to withdraw its planning permission application prior to ANCA completing a noise assessment or defining a NAO for Dublin Airport. On the basis of the withdrawal, ANCA is not required to conclude a noise assessment or continue to define a NAO.

By letter dated 19 December 2019, ANCA requested information under Section 9(10) of the 2019 Act for the purposes of carrying out an assessment of the noise situation at Dublin Airport and of defining a NAO for Dublin Airport. ANCA appended a non-extensive list to this letter setting out in detail the information that was required from the daa in considering planning application F19A/0449.[28] By letter dated 27 January 2020, daa responded to this request seeking an extension of time for the preparation and collation of the information requested by ANCA.[29] Daa submitted sample data to ANCA on 31 March 2020. By letter dated 9 April 2020, ANCA replied to the submission of the sample data noting the six-month extension of the information request and setting out in detail what further information was required from daa by 29 July 2020 in order for ANCA to complete the noise assessment.[30] By letter dated 25 June 2020, daa contacted ANCA noting that they had advised the planning authority that the planning application F19A/0449 was withdrawn pursuant to Article 37(1) of the Planning and Development Regulations 2001-2019. daa noted in this letter that another planning application would be submitted once it had time to consider and plan passenger numbers at the airport in the wake of Covid-19.[31] The chief executive of ANCA granted an order for no further consideration to be given to the planning application F19/0449 in view of this withdrawal.[32]

It is clear from the correspondence between daa and ANCA, referred to above, that ANCA had the intention of completing a noise assessment and defining the NAO once

[27] https://www.fingal.ie/sites/default/files/2021-11/noise-abatement-objective-report_-november-2021.pdf
[28] https://www.fingal.ie/sites/default/files/2019-12/anca-rf01.pdf
[29] https://www.fingal.ie/sites/default/files/2020-01/20202701-daa-correspondence-to-anca.pdf
[30] https://www.fingal.ie/sites/default/files/2020-04/20200409-f19a-0449-letter-to-daa-from-anca-rf01.pdf
[31] https://www.fingal.ie/sites/default/files/2020-07/anca-f19a-0449_anca-response-letter_final.pdf
[32] https://www.fingal.ie/sites/default/files/2020-07/anca-ce-order-007_2020-withdrawal-f19a_0449-.pdf

the planning application process commenced. ANCA used its powers under section 9(10) of the 2019 Act to request information for the purposes of carrying out the noise assessment and also granted daa an extension of time to ensure all necessary information was collated for the purposes of carrying out the assessment. daa withdrew the application for the proposed increase in passenger capacity for all passenger buildings from 32mppa to 35mppa as it was *"no longer required in the short term. This is due to the recent impacts of Covid-19 on the number of passengers expected to utilise Dublin Airport over the next 12 – 24 months*".

9.10 Inbound Tourism versus Outbound Tourism

Summary of Appeal Grounds

The appellants highlight the extent of spending overseas trips by Irish tourists. The appellants deduce that this is a net loss to the Irish economy which would increase as a result of the Relevant action. The appellants note that these losses are not factored into the applicants, or ANCA's, CEA.

Applicants Response:

The Inbound tourism sector is recognised by the government as a major and important sector of the Irish economy, estimated to support 325,000 jobs on the island of Ireland[33].
The Irish government is committed to growing tourism in Ireland[34] and enhanced air connectivity to critical to that goal, particularly in attracting tourism from high-spend emerging markets as such as Asia.

The €5.1 billion+ tourism spend into the Irish economy has significant multiplier impacts (captured in standard models used by the CSO) as businesses that support and supply the tourism sector benefit from increase demand for their goods and services and employees in the tourism sector spend their earnings in the local economy. Therefore, the final benefit to the Irish economy will be a multiple of the initial spend.

While outbound tourism works in a similar way to imports (resulting in money leaving the country), there are still significant benefits to outbound tourism, notably the aviation sector which is captured in the submitted economic impact analysis. There is also spend on local travel agents, taxis and other parts of the local economy that support outbound tourism.

Outbound tourism also includes business travel which can benefit the Irish economy by aiding the development more trade and investment. In any case, constraining air travel would not necessarily result in outbound tourism spending being instead directed into the Irish economy. Some of the spending would likely go on consumer and intermediate products, largely imported, that would also result in money outflows from the Irish economy. So constraining aviation would not guarantee the retention of outbound tourism spending but would result in a significant reduction in inbound

[33] Pre-COVID: https://www.gov.ie/en/policy/3fcc3a-tourism/
[34] https://www.gov.ie/en/publication/7e58d7-people-place-and-policy-growing-tourism-to-2025/

tourism spending (tourists would not be able to get to Ireland, or it would be too expensive or circuitous, and therefore seek other destinations).

As documented in the InterVistas Report *'Dublin Airport, Economic Impact of Operating Restrictions'*, and submitted with the application the estimated catalytic impacts (which includes tourism) drew on previous research conducted for ACI Europe[35]. The analysis captures the aggregate net effect of a range of catalytic impacts, including tourism, trade, investment, business location etc., which manifest themselves in GDP growth. In considering net effects, it is not considered that that the analysis overstates the contribution of tourism.

10.0 Scenario P02 Fails to Meet the NAO

Summary of Appeal Grounds

The appellants submission is that scenario P02 does not meet the NAO when taking population growth into account. The appellants suggest that scenario P11 should not be dismissed on the basis of population growth and its exclusion does not represent the application of the Balanced Approach.

Applicants Response:

The appellants submission is that scenario P02 does not meet the NAO when taking population growth into account. It should be noted that the relevant action application does not seek change in the 32mppa cap. In this regard, only in the growth scenario for P02 beyond 32mppa the NAO might not be achieved. It noted that any future application at the airport to increase the permitted passenger cap beyond 32mppa will require review by ANCA to ensure the NAO can be achieved (Refer Section 8.0 for further detail).

The analysis shows clearly that the permitted operation has the lowest population figures for Highly Annoyed (HA) and Highly Sleep Disturbed (HSD). However, the applicants CEA indicated that the permitted operation (scenario 1, condition 3d and Condition 5) was not cost-effective for meeting the NAO due to the implications for sustainable growth. daa's overall noise management goals for the development of the relevant action were for the number of people affected by aircraft to be less than 2018; and for the proposals to minimise the number of people forecast to have a *"significant adverse effect"* from the proposed change consistent with the requirements for an EIA in the planning process.

The applicant selected Scenario 02 (P02) on this basis as it reduced the population HSD and HA to less than the equivalent values in 2018; and it minimised the number of people significantly adversely affected. It is accepted that it may not have resulted in the fewest people HSD or HA, but to select the scenario that was the best for HSD and HA but may not be the most effective in minimising people significantly affected.

[35] The Economic Impact of European Airports: A Critical Catalyst to Growth", ACI Europe, January 2015

The range of population HA and HSD is relatively small across the options considered and so given the *"better than 2018"* goal was met with all the options, the EIA result was prioritised alongside other operational constraints imposed by some of the other options. Whilst ANCA have used 2019 for the NAO, Scenario 02(P02) will still result in reduced population HSD and HA to less than the equivalent values in 2019.

In relation to future population growth, it is noted that Land-use planning zones have been developed with FCC, consistent with principles of the ICAO Balanced Approach, to try and limit developments in areas of high noise in the vicinity of the airport. Where developments are approved strict planning, requirements are proposed to manage internal noise levels.

11.0 Appropriate Assessment

11.1 Screening Report

The appellant suggests that the Appropriate Assessment Screening Report incorrectly states that the proposed Relevant Action can have no effect on Special Areas of Conservation (SAC).

The Appropriate Assessment Screening Report considered the potential for likely significant effects on SACs (and Special Protection Areas (SPAs)). The proposed Relevant Action involves no physical works and there can clearly be no possible direct effects on SACs designated solely for habitats (there is no possibility of a loss of such habitat). Indirect effects on habitats from fuel dumping and/or airborne pollution were discussed in Paragraphs 3.5 to 3.11 and it was concluded that there was no possible impact from these potential sources on the qualifying or supporting features of any European site, including SACs. For SACs for which animals are Qualifying Interests (QI), it was concluded that there would be no likely significant effects on these species from the proposed Relevant Action. This was based on the information presented in the Appropriate Assessment Screening Report collected through a literature review and on the basis of noise modelling.

The submission also states that Howth Head Coast SPA should be assessed in the Appropriate Assessment Screening Report. This SPA was included within the Appropriate Assessment Screening Report and Table 11 shows that noise modelling predicts no change in L_{AMax} noise values at Howth Head Coast SPA between the Permitted and Proposed Scenarios.

The submission states that the screening process does not take account of night-time operations, nor does it account for a larger number of night-time flights. However, the Appropriate Assessment Screening Report assesses the proposed Relevant Action which includes for a greater number of flights during night time hours and considers whether such flights have the potential to have likely significant effects on European sites, including as a result of disturbance of Special Conservation Interest (SCI) bird species. For example, the literature review found evidence that visual stimuli tend to have a greater disturbance effect on birds than noise stimuli alone. Therefore, as set out in Paragraph 2.7, because the majority of flights associated with the proposed Relevant Action will take place during hours of darkness, when aircraft will not be visible, the likelihood of disturbance arising is reduced.

11.2 Literature Review

The submission states that the difference between the 'Covid-19 quiet period' and future numbers of flights should be assessed. In 252 hours of field survey between 2017 and 2018, at a time when Dublin Airport was at its busiest and the number of air traffic movements was similar to that predicted under the proposed Relevant Action up to 2035, no bird disturbance events were observed to be caused by over-flying aircraft. The Appropriate Assessment Screening was therefore based, in part, on information collected at a time prior to Covid-19 when conditions where comparable to those expected under the proposed Relevant Action.

The appellant notes that in Table 11 there is a predicted increase in the number of noise events exceeding 60 dB(A) at Baldoyle Bay SPA and Ireland's Eye SPA between the Permitted and Proposed Scenarios.

A literature review was carried out to inform the Appropriate Assessment Screening. On the basis of the published research referenced in the Appropriate Assessment Screening Report, it was concluded that noise levels of around 60 dB(A) or lower appear unlikely to result in disturbance responses in birds. Noises greater than 60 dB(A) have been shown to elicit disturbance responses in some studies, although others have shown that birds were not disturbed by noises ranging from 77 – 88 dB(A). Although there are very few studies into the effects of commercial aircraft on birds, with most investigations involving light aircraft, military jets and/or helicopters, the majority of studies have found that over-flights of fixed-wing aircraft do not result in disturbance to birds when these flights are 300 m or higher above the ground.

At Baldoyle Bay SPA, LMax of 73 dB(A) is predicted under the 2025 Permitted Scenario, compared to a slight increase to 75 dB(A) under the 2035 Proposed Scenario. However L_{AMax} of 75 dB(A) is already expected under the 2022 Permitted Scenario. There is therefore expected to be no or very minor change in noise levels at Baldoyle Bay SPA[36]. As highlighted in the Appropriate Assessment Screening Report, in 252 hours of field survey carried out at Baldoyle Bay and Rogerstown Estuary between 2017 and 2018, at a time when Dublin Airport was at its busiest and the number of air traffic movements was similar to that predicted under the proposed Relevant Action up to 2035, no bird disturbance events were observed to be caused by over-flying aircraft. There is consequently no reason to expect that disturbance of birds at Baldoyle Bay SPA will occur under the proposed Relevant Action.

A similar situation arises in the case of Ireland's Eye SPA, where an increase from 69 dB(A) L_{AMax} for the 2025 Permitted Scenario to 70 dB(A) L_{AMax} under the 2025 Proposed Scenario is predicted. Again, however, the 2022 Permitted Scenario predicts a L_{AMax} of 70 dB(A). There is no evidence, for example in the Conservation Objectives Supporting Documents (published by the National Parks and Wildlife Service) for Ireland's Eye SPA, that existing air traffic using Dublin Airport is causing any disturbance of breeding seabirds at Howth Head Coast SPA. Consequently, with no or very small change in L_{AMax} predicted, and noise values below which disturbance is often expected according to

[36] A difference of less than 3 dB is often not perceived by humans. As hearing in birds is less well-developed than in humans, this is likely also to be the case for birds.

published research, there is no evidence to suggest that the proposed Relevant Action will cause disturbance of birds at Howth Head Coast SPA.

11.3 SACs

The appellant makes several comments in relation to consideration of SACs in the Appropriate Assessment Screening Report. A list of sites that the appellant considers should be included within the assessment is also given. However, the potential for likely significant effects on SACs, including all of those suggested by the Third Party, from the proposed Relevant Action is assessed in the Appropriate Assessment Screening Report and it is concluded that there is no potential for significant effects on the Qualifying Interests of any such site.

11.4 AA Natura Impact Statement

The appellant submits that in their Natura Impact Statement, ANCA suggest that aircraft produce sound less than 65 dB(A) L_{AMax} when below 3,000 feet when descending. The relevant text in the NIS states *"as the aircraft descends through 3,000ft... commercial planes would be expected to produce noise levels less than 65 dB LAmax"*. The meaning of this is that they produce noise levels below 65 dB L_{AMax} when at 3,000 ft. The appellant seems to have interpreted this as an assertion that all aircraft below 3,000 fet will be below 65 dB L_{AMax}, which is an incorrect interpretation.

Our understanding is that when ANCA refer to 65 dB L_{AMax}, this has been used to define the potential zone of influence of the proposed Relevant Action as aircraft above 3,000 feet are unlikely to cause noise levels above 65 dB L_{AMax}, and thus (according to published research) very unlikely to cause disturbance of bird species.

The appellant also states that the 'dawn chorus' has not been considered. Songbirds – which are responsible for the so-called dawn chorus – are not the SCI species of any SPA within the potential zone of influence of the proposed Relevant Action and thus this is not relevant to the assessment.

11.5 Submission to ANCA from Sabrina Joyce-Kemper

Summary of Appeal Grounds

The appellants state that

"*there is no AA for the North Runway development. The North Runway granted permission under planning application F04A/1755, appealed to ABP under PL06F.217429 and planning extension under F04A/1755/E1. At no stage was AA carried out for the development*".

They further allege that

"*as no AA has ever been carried out all potential impacts from the development since 2006 and any cumulative impacts with other developments granted since then must be assessed in order for a legal and valid appropriate assessment to be completed both by ANCA and by Fingal County Council. The current ANCA process and planning application*

could be deemed unauthorised development and that Fingal County Council and ANCA are precluded from considering a development consent that amends a previous consent that would have required an AA before it commenced".

Applicants Response

In the first instance, it should be noted that the Board's 2007 grant of permission for the North Runway was the subject of judicial review proceedings that were withdrawn. Furthermore, Fingal County Council's 2017 decision to grant an extension of duration of the planning permission was the subject of judicial review proceedings which were fully and finally determined: see *Merriman & Ors. v. Fingal County Council & Ors.* [2017] IEHC 695 and [2018] IESCDET 102.

In respect of the Relevant Action, the application included a robust AA Screening Report, that concluded:

"on the basis of objective information, likely significant effects on European sites from the proposed Relevant Action, both individually and in-combination with other plans and projects, can be excluded. There is no requirement to proceed to the next step of Appropriate Assessment and, subject to other requirements, the proposed Relevant Action can be authorised".

However, ANCA conducted an Appropriate Assessment of the regulatory decision and NAO. ANCA prepared a report entitled "*ANCA Noise Abatement Objective and Regulatory Decision relating to Aircraft Noise Management at Dublin Airport: Appropriate Assessment – Natura Impact Statement 17th June 2022*". This AA – Natura Impact Statements notes at para 1.18 that:

"The 'plan' addressed through this Natura Impact Statement (NIS) therefore comprises the NAO and the [Regulatory Decision], as two interlinked components, the NAO setting a framework for the [Regulatory Decision], which in turn sets the framework for future applications for planning permission at the airport".

Section 2.4 of the notes that "*The 'Plan' addressed through this NIS therefore has two components: the NAO (focused on noise outcomes) and the [Regulatory Decision] (focused on noise mitigation measures and, if necessary, operating restrictions which seek to secure the noise outcomes set by the NAO)*".

ANCA also prepared an Appropriate Assessment Determination dated 20th June 2022, which concluded that:

"The Competent Authority has determined that the NAO and Regulatory Decision will not result in adverse effects on the integrity of any European site in view of their conservation objectives, either alone or in-combination with other plans."

Thus, ANCA has in fact conducted the type of holistic/overall, cumulative assessment of the potential effects of the operation of the runway network / the airport on European sites that is been contended for. The operations at the airport have been appropriately assessed in line with the Habitats Directive. It is something of a misnomer to suggest that "[a]*t no stage was AA carried out for the development*", as

an AA has been conducted for the development by ANCA when analysing the NAO and Regulatory Decision.

The appellant states that there is no assessment of the potential for an increase in the number of bird strikes as a consequence of the proposed Relevant Action. The appellant also states that no surveys for birds were carried out at night.

The risk of collision impacts on birds (specifically in relation to the effects on these species as Special Conservation Interests of SPAs, and not considering public safety issues) was assessed in Paragraphs 5.13-5.19 of the Appropriate Assessment Screening Report. There are two aspects to collision risk impacts which require to be considered when testing for likely significant effects: the number of bird strikes that are likely to happen; and, whether the changes brought about under the proposed Relevant Action would significantly increase bird strikes.

daa is required to maintain a safe aerodrome and has a detailed Wildlife Management Plan in place to manage the risk to aircraft operations from wildlife. As a result of this management, Special Conservation Interest bird species of the European sites within the zone of influence of the proposed Relevant Action are not permitted to occur in significant numbers in the vicinity of the airport. The implementation of the Wildlife Management Plan will continue following commissioning of North Runway. It will therefore continue to be the case that flocks of birds, including Special Conservation Interest species, will be prevented from forming on or near North Runway and the wider runway system, thereby substantially reducing the risk of bird strike.

The continuing implementation of the Wildlife Management Plan, serving to make it very unlikely that Special Conservation Interest species will be involved in aircraft strike, does not represent a change from the existing receiving environment. There will consequently be no impact to Special Conservation Interest species of European sites from the proposed Relevant Action as conditions will remain as they currently exist under the Wildlife Management Plan.

The appellant also submits that the assessment did not consider individually each SCI bird species, and that disturbance impacts on species which may feed nocturnally were not assessed. However, the conclusions of the Appropriate Assessment Screening Report are considered to be applicable to all Special Conservation Interest species of SPAs within the potential zone of influence. The literature review carried out to inform the Appropriate Assessment Screening found that visual stimuli tend to have greater disturbance effects on birds than noise stimuli alone. Bird hearing is, for most species, less developed than that of humans. Therefore, although noise can act in isolation to cause disturbance of breeding and non-breeding birds, greater responses typically occur when there is also a visual stimulus. Flights taking place in the hours of darkness, which will generate no visual stimulus to birds, are therefore less likely to cause disturbance than in cases where aircraft were also visible to the birds.

The appellant suggests that the Appropriate Assessment should consider the possibility of the cumulative impact of disturbance from: traffic noise, construction, dog walking, gun clubs / hunting, and tunnel boring. An assessment of in-combination effects was carried out and is reported in the Appropriate Assessment Screening Report. However, this only requires consideration of other plans or projects which could act cumulatively

to result in significant effects on the Qualifying Interests or Special Conservation Interests of European sites. The activities listed do not represent a plan or project and therefore do not require appraisal as part of the in-combination assessment.

The appellant suggests the following should be assessed for potential to significantly affect European sites:

- increase in number of planes re-fuelling (use of fossil fuels, fuel spills and carbon emissions);
- increase in chemical use during de-icing and wash off of chemical used in this process; and
- increase in service vehicles and associated carbon emissions to turn around additional planes for take off.

However, the proposed Relevant Action will not lead to an increase in the number of aircraft using Dublin Airport beyond 2025, nor of the requirement to undertake de-icing or other routine maintenance activities. There are consequently no changes associated with emissions or potential run-off of chemicals which require to be assessed by the Appropriate Assessment Screening of the proposed Relevant Action.

12.0 Insulation Scheme

The appellant makes a number of claims regarding the insulation scheme already in place as a result of the relevant conditions on the parent permission. We note some of these claims relates to compliance issues which are not a matter for ABP but for FCC to review if complaint's of non-compliance with planning conditions are made. The appellant's also raise concerns with the adequacy of the proposed insulation scheme.

Condition 3 of the Regulatory Decision (RD) requires a voluntary Residential Sound Insulation Grant Scheme (RSIGS) to be provided for dwellings exposed to noise levels greater than 55 dB L_{night}. This is a smaller scheme than that what was proposed within the documents submitted with the relevant action application.

The applicant proposed a scheme that was consistent with precedent for such schemes (criteria 1 based on the 55dB L_{night} contour at worst case year, 2025) and innovatively and uniquely extended to an area that was considered likely to result in a "very significant" adverse effect as a result of the change from the permitted operation to the relevant action (in the year of opening, considered at the point of application to be 2022) – this was considered to be a proportionate and reasonable grant scheme offer.

The applicant proposed targets to improve internal noise level by at least 5 dB, where feasible, in the sound insulation of each bedroom and, where possible, to achieve the guidelines recommended in BS8233:2014 for internal ambient noise levels. It is important to note that BS8233 presents guidance based on WHO recommendations. BS8233 does not itself present specific criteria for L_{Amax} but suggests guidelines can be set, ANCA have not set internal event L_{Amax} targets for the RSIGS scheme. BS8233 presents guidelines for desired internal ambient noise levels at 30dB $L_{Aeq,8h}$ but also indicates that *"internal target levels may be relaxed by up to 5dB and reasonable internal conditions still achieved"*. It is not the aim to achieve the more relaxed target,

but to note that in some cases the desired target may not be possible and the outcome, if still below 35dB LAeq,8h could still be considered "reasonable". It should also be noted the scope of ProPG is limited to the consideration of new residential development that will be exposed predominantly to airborne noise from transport sources and so whilst could be applied in this situation it is not its intended purpose. ProPG is guidance and not regulatory.

The applicant accepts however that sleep disturbance arises not just from noise level but also from noise event characteristics (eg number, Lmax and SEL). In respect of noise events, WHO Night Noise Guidelines also suggest *"Noise events exceeding 45 dBA should therefore be limited if possible"*. The approach to incentivising quieter aircraft will, over time, reduce the L_{Amax} of events outdoors which will have a consequential benefit for internal levels. Benefits associated with noise insulation as they apply to ambient noise levels will transfer across to reductions in L_{Amax} noise levels. The performance targets included in the regulatory decision do not mean that aircraft noise will be inaudible in bedrooms, nor that there will be no events causing sleep disturbance, but the RSIGS scheme will reduce the effects of night-time aircraft noise and the applicant's approach to incentivising quieter aircraft will also help to reduce individual aircraft noise event levels.

Insulation schemes are effective at reducing internal noise levels over that which is already occurring through existing property glazing. As part of Condition 7 of the existing parent permission, the effectiveness of the daytime noise insulation is being assessed through pre and post works monitoring.

Whilst not completed at this time, this study is indicating that sound insulation is on average being improved by more than 5dB (this was reported as part of the RFI). The insulation scheme includes the requirement for a ventilation strategy consistent with the Building Regulations for each eligible room. This is to ensure that adequate ventilation is provided to enable windows to remain closed so that the full benefits of the insulation can be realised.

Where there is valid noise data collected simultaneously inside and outside at the measurement locations presented in the MLM report (Appendix L of the appellants submission, Locations 1 and 3) a reduction of around 30dB is evident in aircraft L_{AMax}, $L_{Aeq,8h}$, $L_{A10,8h}$ and $L_{A90,8h}$. The MLM report identifies a measurement issue at location 2 and so internal and external comparisons are not valid. These properties are understood to have been insulated through the existing insulation scheme and this sound level difference is consistent with expectations presented in WHO guidance, ProPG and BS8233 for sound reduction across double-glazed windows. Given these sound level differences, it would be expected that the desired internal noise levels consistent with BS8233 could be achieved in areas experiencing outdoor sound levels of up to around 60dB $L_{Aeq,8h}$ and in areas up to around 65db L_{night} indoor sound levels should still be reasonable.

The Noise Zones within the Fingal Development Plan, Variation No. 1 applies to new development, in these cases it is possible for noise reduction measures to be built into the overall design (the basis of the guidance in ProPG). With insulation schemes it is not possible to consider the acoustic design of the whole property and so as with any remediation work there are limits to what is achievable.

As stated above, the applicant recognises that there will be people who are disturbed by aircraft noise and proposes that the combination of the RSIGS, quieter aircraft and the NQS as well as the other measures in place will help to minimise sleep disturbance consistent with achieving the NAO.

Aircraft Environmental Noise Survey, by MLM Group (Appendix L)

Anderson Acoustics, on behalf of the applicant have reviewed the Environmental Noise Survey prepared by MLM Group and appended to the appellants submission at Appendix L.

The MLM Group document presents the results of environmental noise surveys conducted at three properties in the vicinity of Dublin Airport, all of which have had works carried out under the current insulation Scheme. The report concludes that noise levels inside two of the three properties surveyed exceed 10 events over 45 dB LAfmax, a criteria derived from WHO Guidelines for Community Noise 2000.

Response to MLM Group document by Anderson Acoustics

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 LAeq 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."*

As agreed with Fingal Council, the insulation 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 sound insulation of 5 dB.

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), however, there is no requirement under the scheme to meet these levels.

To appraise the success of the scheme against the target outcome, a series of pre and post works noise surveys are being conducted at a representative sample of properties. This work is on-going and a report with findings will be published when complete. We note that this item relates to compliance with existing planning conditions.

13.0 Noise Monitoring Reports

The appellant identifies that the noise zones adopted by FCC in Variation No. 1 to the Fingal Development Plan stipulate that applications for new development in Noise Zones A, B and C must carry out a noise assessment. In this regard we note Objective NP07 states *"Developments for noise sensitive uses shall have regard to the noise exposure maps contained within the Fingal Noise Action Plan 2018 – 2023 or any supplementary mapping prepared by Fingal County Council, and **developers shall be required to produce a noise impact assessment and mitigation plans, where necessary, for any new noise sensitive development within these areas**".*

The noise impact assessment is required to demonstrate that the general principles of good acoustic design have been followed and identifies that *ProPG: Planning & Noise for New Residential Development Supplementary Document 2 Good Acoustic Design* in section 3 outlines general principles of Good Acoustic Design which should be followed in this regard[37].

It is noted that the above requirement applies to new development within the specified areas. With new developments acoustic design can be considered with every aspect of the design to maximise sound insulation of the building. The guidance of ProPG cannot become a requirement of insulation schemes being applied to existing dwellings since it is not possible to consider the acoustic design of the whole property and so, as with any remediation work, there are limits to what is achievable. The proposed RSIGS aims to achieve the guidance for internal ambient noise levels in bedrooms presented in BS8233 where possible and to improve the sound insulation performance of the property by at least 5dB where possible to do so (noting the limitations of the buildings existing construction).

The specific Lmax event criteria have not formed part of the targets for the scheme but improvements in sound insulation of 5dB will reduce the Lmax of any individual aircraft noise event. As the fleet overall modernises, external aircraft noise event noise levels should also reduce.

14.0 Quota Count System

The appellants raise concern with the Night Quota System (NQS) proposed within the relevant action application and ANCA's extension of the NQS.

The applicant accepts ANCA's Regulatory Decision to extend the proposed NQS from 23:30 to 06:00 to 23:00 to 07:00 as part of a package of measures to meet the NAO.

In order to address some of the concerns raised by the appellants, we provide some background to the development of daa's initial NQS proposals. As the proposals for daa's noise management framework were being developed, the CEA indicated that the existing measures together with scenario 2, fleet modernisation and the noise

[37] https://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Supplementary%202.pdf

insulation scheme were a more cost-effective approach to a) meet daa's noise goals; and b) the candidate NAO (as no NAO was in place at the time) than the permitted operation. As such, in the context of the Act to enable sustainable growth no restrictions on night-time operations were required.

However, daa determined it necessary to introduce a management tool to control the total noise input i.e. aircraft source noise; and, given the importance of fleet renewal, would incentivise the use of quieter aircraft during the night period.

The development of the system needed to balance the extent to which there would be restriction on growth with controlling and limiting noise from aircraft. As such, the aim of the system was to directly limit and control total noise output from aircraft; whilst providing indirect control on numbers of movements and incentivising the use of quieter aircraft. The London Airports NQS QC classification provided an existing basis from which to develop a system applicable to the situation in Dublin. The QC classification system has been adopted at a number of airports in different forms and is validated by the UK CAA.

The development of the Dublin NQS used the forecasts underpinning the EIA (ie representing a reasonable likely-foreseeable worst case) to calculate an estimated total QC in 2025 based on a target QC/ATM calculated as the midpoint of QC/ATM between 2018 and 2025. The QC/ATM and total QC approach incentivises airlines fleet renewal process by permitting a small increase in movements with quieter aircraft whilst keeping the total noise output limited and would enable the forecasts to be achieved. It also provides certainty for the planning authority that the forecast on which other parts of the EIA are based is a "reasonable likely foreseeable worst case".

The NQS enables confidence in achievement of the NAO as total QC can be calculated directly as the schedule is developed in advance, this also provides timely and early warning of potential for non-achievement. The Quota enables management of the noise consequences of growth and enables modifications to be implemented ahead of time, it provides a tool for management of future forecasts so that aircraft noise output can be managed into the future. It should be noted that the ANCA extension of the NQS to the full night period will likely require some changes to the fleet mix for the daa forecasts for 2030 to be delivered within the NQS.

The CEA prepared as part of the relevant action application indicated that controls on night flights were not required – directly limiting movement limit would not be consistent with the application of EU598 and would be counter to the objectives of the Act and the NAO. However, the applicant understands concern to there being no direct limit on the numbers of movements. The NQS effectively limits the total noise output from aircraft during the night-time period and indirectly limits the number of movements. Should the aircraft fleet mix not improve as forecast, the Quota will limit the number of night flights; and, the Quota will limit night-time aircraft noise. There are no restrictions through the NQS on movements of QC0 aircraft, however these would be included in noise exposure modelling and so will count towards achievement of the NAO. Further, by definition, the disturbance caused by these aircraft will be much lower than aircraft that do count against the Night Quota. In reality, there are other factors that will constrain the number of movements such the passenger cap, runway capacity and the NAO targets themselves. By not directly limiting aircraft

movements, the NQS proposal is therefore consistent with EU598 and the NAO to *"Limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport".*

The metrics and targets that support the NAO consider number of people highly annoyed and highly sleep disturbed.

15.0 HSE Submissions

The response to the application from the Health Service Executive dated 28/01/21 reference the WHO Guidelines 2018[38]. These guidelines were developed *"based on the growing understanding of the health impacts of exposure to environmental noise. They provide robust public health advice, which is essential to drive policy action that will protect communities from the adverse effects of noise".*

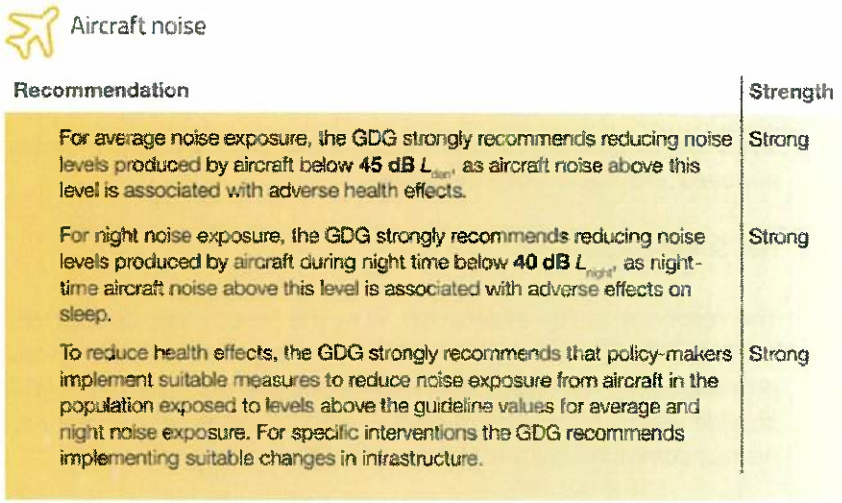
The process of developing the WHO guidelines included the following steps:

- formulation of the scope and key questions of the guidelines;
- review of the pertinent literature;
- selection of priority health outcome measures;
- a systematic review of the evidence;
- assessment of certainty of the bodies of evidence resulting from systematic reviews;
- identification of guideline exposure levels; and
- setting of the strength of recommendations.

The guidelines are intended to be suitable for policy-making in the WHO European Region. They focused on the noise indicators Lden and Lnight. These equate to annual noise exposure. The process can be summarised as, for a range of health outcomes, reviewing the evidence regarding these noise indicators, determining the evidence quality, and then making recommendations which were given a strength based on the supporting information.

Specific recommendations were formulated for several noise sources. Those for aircraft noise are repeated below (Figure 5). This details a noise level for each of the indicators above which they find an association with adverse effects. It is recommended that noise levels produced by aircraft are reduced to below these levels, but importantly they are not proposed as limits. In an acknowledgement that this is not the current situation, the recommendation is that policy makers implement suitable measures to reduce noise exposure from aircraft in the population exposed to levels above the guideline values.

[38] https://apps.who.int/iris/handle/10665/279952



Aircraft noise

Recommendation	Strength
For average noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft below **45 dB** L_{den}, as aircraft noise above this level is associated with adverse health effects.	Strong
For night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below **40 dB** L_{night}, as night-time aircraft noise above this level is associated with adverse effects on sleep.	Strong
To reduce health effects, the GDG strongly recommends that policy-makers implement suitable measures to reduce noise exposure from aircraft in the population exposed to levels above the guideline values for average and night noise exposure. For specific interventions the GDG recommends implementing suitable changes in infrastructure.	Strong

Figure 5: Extract from page xvii of the WHO Environmental Noise Guidelines for the European Region

When doing so policy makers will need to consider the implications of any changes, which can be informed by the WHO recommendations, as noted in Section 5.4 of the Guidelines 2018 which states:

> *"For technical experts and decision-makers, the guidelines can be used to provide exposure–response relationships that give insight into the consequences of certain regulations or standards on the associated health effects. They also can be useful at the national and international level when developing noise limits or standards, as they provide the scientific basis to identify the levels at which environmental noise causes a significant health impact. Based on these recommendations, national governments and international organizations can be better informed when introducing noise limits, to ensure protection of people's health".*

This challenge is most clearly illustrated by looking at road traffic, which as noted by the European Environment Agency (EEA)[39] is the most widespread source of environmental noise, with more than 100 million people affected by harmful levels in the EEA-33 member countries. This statement is based on the results of the noise reporting for 2017. Those results show that over 81 million people in urban areas are exposed to average day-evening- night noise levels (Lden) of at least 55 dB. They are all above the WHO Guidelines 2018 recommended level of 53 dB Lden for road traffic noise.

Therefore, if policy makers took the approach that mitigation was required for the population exposed to more than the WHO Guideline level, this could mean treating around a quarter of all the homes in the EU.

[39] Exposure of Europe's population to environmental noise, European Environment Agency https://www.eea.europa.eu/data-and-maps/indicators/exposure-to-and-annoyance-by-2/assessment-4

16.0 Health and Health Costs

16.2 Latest Research

The appellant's at section 16.2 of their submission include a range of research which they rely on in making their appeal.

Chapter 7: Population and Human Health of the submitted EIAR 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[40]. The literature review confirms there is strong evidence of a causal relationship between noise disturbance and health outcomes[41].

Furthermore, the literature review notes that, *"a number of studies have found evidence to suggest aircraft noise can be linked to a number of mental health and well-being outcomes including anxiety and depressive disorders,"* and that, *"there is a reasonable body of scientific evidence indicating that both actual and perceived neighbourhood amenity plays an important role in physical and mental health."*

Whilst the level of detail in the literature review provided by the appellants is substantial and more voluminous to that included within the submitted EIAR, the overall conclusion that there is strong evidence of a relationship between air pollution and noise disturbance, and human health outcomes is consistent.

This conclusion has informed the assessment of the likely effects on population and human health as a result of the proposed Relevant Action in Chapter 7: Population and Human Health in the EIAR.

16.3 Health

The appellant raises numerous concerns relating to the potential health implications of the proposed development caused in particular by disrupted sleep. We refer the Board to the revised EIAR dated September 2021 that was submitted to FCC which considered in detail the health impacts of aircraft noise.

Specifically, 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 Guidance. 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.

[40] Institute of Public Health in Ireland, (2009). Health Impact Assessment Guidance.
[41] This is dependent on the level of disturbance.

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 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 measured 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" [Our emphasis].***

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" [Our emphasis].***

The health-related concerns raised by the Appellants 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 for the reasons set out below.

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 nigh time restriction on the use of runway 10L/28R except in exceptional circumstances has bene 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.

17.0 LA_{MAX} Single Noise Events

As set out in section 16.0 above, the applicant accepts and acknowledges that there are negative effects of aircraft noise on health.

Further to this, it is important to note that the metrics chosen to assess the effectiveness of a measure's ability to meet the NAO are chosen to account for noise levels associated with human responses that can have an impact on health. Therefore, any measure that reduces the number of people exposed to a selected metric provides a benefit that contributes to resolving the noise problem. If noise levels are reduced by implementing the identified measure, a benefit is realised through reduction of any potential costs associated with noise-related health impacts. Health effects are considered when identifying the noise problem. The NAO includes metrics intended to address the identified noise problem and any reduction in exposure would result in a benefit realised through reduced potential health effects.

18.0 Conflict of Interest

18.1 Noise Consultants & 18.2 Fingal County Council

Summary of Appeal Grounds

The appellants allege a conflict of interest between ANCA and FCC by stating that *"members of the consortium of noise consultants acting on behalf of ANCA have also worked on projects for Fingal County Council....*

....Fingal County Council is the designated authority for noise mapping under the Environmental Noise Directive 2002/49/EC. Fingal County Council has also developed Noise Zones for planning purposes".

It is alleged that

"Mr Simon Shilton has worked extensively for Fingal County Council with the development of the Noise Zones. Mr Shilton has also been engaged by ANCA as part of the Noise Consultants consortium. It is also worth noting that Mr Shilton is also working for the EPA in Ireland. Mr James Trow the lead noise consultant for ANCA has also worked on assignments for Fingal County Council when he was employed by Amec Foster Wheeler".

It is further alleged that

"Fingal County Council was not the first choice as Competent Authority and controversy arose when it was initially earmarked for the role.....The Director of Services at the time, Ms AnnMarie Farrelly (now CEO of Fingal County Council) wrote to the Department of Transport outlining the concerns of Fingal County Council as the Council is responsible for the County Development Plan, Dublin Airport Local Area Plan and Noise Action Plan which are reserved functions of the Council".

The appellants also allege that

"the concerns about the conflict of interest with Fingal County Council was also raised in the Oireachtas.....where it was stated that Fingal County Council received up to 29 million euro in rates annually from the airport campus. This is on top of the 21 million euro received in development levies for granting permission for the North Runway. There should be a clear separation of duties between the Competent Authority and Fingal County Council Planning development. It is evident that this is not the case".

Applicants Response

While this allegation is a matter for FCC and ANCA, daa submits that there is no conflict of interest between ANCA and FCC and that the allegations submitted by the appellant in this regard are unfounded.

As per Section 3(1) of the 2019 Act, FCC is designated as the competent authority for the purposes of the Aircraft Noise Regulation. Per Section 3(2)(a) of the 2019 Act, the functions of FCC, as the competent authority, under the Aircraft Noise Regulation, the 2019 Act and the 2000 Act (as amended), shall be performed by the chief executive. Per Section 3(4) of the 2019 Act, the chief executive shall be ***independent*** in the performance of the functions of the competent authority.

ANCA's website has also described the independence afforded to it, namely that it is a "*separate and independent Directorate*" within FCC and it is committed to delivering a quality service with "*transparency, fairness and minimum delay*". The functions of the competent authority, which is assigned to the Chief Executive per the 2019 Act, is assisted by a core team of designated staff (the "**Competent Authority Team**"). The Competent Authority Team is then supplemented and supported by specialist experts

when necessary to ensure that its functions are discharged in accordance with the rules and procedures of the legislation.[42]

The appellants in fact appear to be impugning the legislative framework under which ANCA operates, but both ANCA and the Board are, of course, obliged to apply and operate within that framework.

18.3 Delayed Assessment & 18.4 Aircraft Noise Bill – General Scheme

Summary of Appeal Grounds

The appellants state that

"*on June 25th 2020, the DAA wrote to ANCA informing them of their withdrawal of F19A/0449*".

It is alleged that

"*ANCA could still have requested the information irrespective of the DAA withdrawing F19A/0449 to carry out the noise assessment but declined to do so. ANCA also neglected to inform the Environmental section of FCC about the increase in noise. The 32m passenger cap is an operating restriction that ANCA is responsible for under the Aircraft Noise Bill. ANCA were made aware of the 32m limit being breached in 2019 yet failed to act. No repercussions for the daa from ANCA or Fingal County Council for breaching this cap in 2019. The daa acquired passenger charges from 0.9m passengers unlawfully and the Commission for Aviation Regulation also failed to intervene*".

The appellants also state that

"*Fingal County Council updated their Development Plan with new Noise Zones to take account of night-time noise > 55 dBLnight*" and allege that this "*should have triggered the Environmental section of Fingal County Council to act to enforce mitigation measures at Dublin Airport under their NAP. Unfortunately, that did not happen. Nor did ANCA intervene with the noise problem identified by Fingal County Council Planning Department. ANCA turned a blind eye*".

Further to the above, the appellants refer to the Aircraft Noise Bill and allege that the intention of the Department of Transport, Tourisim and Sport was "*define the Noise Abatement Objective shortly after ANCA were incorporated*".

The appellants state that the "*requirement to have the Noise Abatement Objective defined within 8 weeks of incorporation of ANCA did not make it to the Aircraft Noise Bill 'as initiated' in November 2018*" and allege that "*it was the intent of the Department to have the Noise Abatement Objective defined as soon as possible but ANCA refused to carry out such an assessment under section 9 of the Act*".

Applicants Response

[42] (https://www.fingal.ie/aircraftnoiseca; https://www.fingal.ie/aircraftnoisceca/directorsmessage)

These complaints are primarily matters for ANCA. However, these are historical complaints with no impact on the Board's assessment of the appeals now before it. The complaints are in effect moot, as an NAO has been set by ANCA, having regard to the objectives of relevant policies, legislation, as required under the 2019 Act, as part of the process of assessing the application for the Relevant Action.

Moreover, in any event, daa notes that there is no deadline provided in the 2019 Act regarding the creation of the NAO. Indeed, there is no reference in section 9 of the 2019 Act to the actions of ANCA being carried out "as soon as possible".

18.5 Section 21(3) Review/Dispute Resolution

Summary of Appeal Grounds

The appellants submit that "*ANCA used the omission of a noise abatement objective to refuse a section 21(3)(a) review*".

The appellants state that "*section 9(2) states that the Balanced Approach should be applied where a "noise problem at the airport has been identified*"" and allege that "*the 2019 noise statistics clearly show a continuing noise problem and therefore ANCA were mandated to act, and failure to do so was a dereliction of their duties*".

It is also alleged that "*ANCA would only evaluate the noise situation at Dublin Airport when the daa lodged a planning application. This is not a 'Balanced Approach' and the health of the public under the legislation has not been taken seriously and ANCA failed in their duties under the Act and EU 598/2014*".

Regulation (EU) 598/2014 states that "*they shall ensure that dispute resolution is provided for*". In this regard, ANCA stated that "*No regulations have been made by the Minister to date under this section of the 2019 Act and I am not aware of any intentions in this regard*".

The appellants allege that "*there is no dispute resolution available mechanism and Ireland is not compliant with EU 598/2014. This is a serious lapse in the legislation for an individual's right to seek redress*".

Applicants Response

In so far as SMCRG complain that ANCA ought to have set a NAO earlier, this has already been addressed above at section 18.3 and 18.4.

In relation to its complaint about a ANCA not proceeding with a Section 21(3)(a) review at their request, we note that ANCA has recently undertaken a review under Section 21(2) of the Act of 2019, as such, the appellants issue with their request for a Section 21(3)(a) review is somewhat moot.

It is further noted that Article 4 of Regulation 598 requires a 'Right of Appeal'. In this regard it is important to note that this is a de novo appeal to An Bord Pleanála. Section 37(1)(b) of the Planning and Development Act 2000 (as amended) states as much:

"... where an appeal is brought against a decision of a planning authority and is not withdrawn, the Board shall determine the application as if it had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the planning authority as from the time when it was given...".

The appellants thus have a full opportunity to make their case, and have the issues that they raise in respect of ANCA's decisions fully considered by the Board in the context of this appeal.

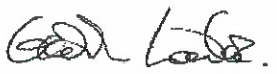
5.0 Conclusion & Recommendations

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 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



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