

File With _____

SECTION 131 FORM

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

TO:SEO

Having considered the contents of the submission received 17/10/22 fromDAA I recommend that section 131 of the Planning and Development Act, 2000be/not be invoked at this stage for the following reason(s): No new issues raisedE.O.: Date: 19/10/22

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

File With _____

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 <u>20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
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Amendments/Comments

DAA response to Terence Murphy appeal

4. Attach to file

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☒

Carry

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <i>Carry</i>	AA: <i>Peter Bu</i>
Date: <i>16/10/22</i>	Date: <i>19/10/22</i>

From: Orla O'Callaghan <orlaoc@tpa.ie>
Sent: Monday 17 October 2022 12:57
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 _Terence Murphy_Final.pdf

Good Afternoon,

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

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

Regards,

Orla O'Callaghan
Senior Planner

Tom Phillips + Associates
Town Planning Consultants



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

17, October 2022
[By email - appeals@pleanala.ie]

Dear Sir/Madam,

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

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

1.0 Introduction

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

2.0 Executive Summary

The appeal submitted by Terence Murphy relates to a notice of decision by FCC to grant an application made on behalf of daa plc for a proposed development comprising the taking of a 'Relevant Action' only within the meaning of Section 34C of the Planning and Development Act 2000, as amended, at Dublin Airport, Co. Dublin. The proposed Relevant Action is to amend/replace operating restrictions set out in conditions no. 3(d) & no. 5 of the North Runway Planning Permission (ABP Ref. No.: PL06F.217429) as well as proposing new noise mitigation measures at Dublin Airport, Co. Dublin.

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

¹ 80 Harcourt Street, Dublin 2, D02 F449.



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

3.0 Appeal Context

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

The main concern raised by the Appellant is in relation to impacts of noise on health and wellbeing. The Appellant considers it to be optimistic that planes will be significantly quieter in the future and that this should not be taken into account. The Appeal considers that if plane design is improved it would not have any significant effect until all airlines change all of their fleet and that this process could take decades.

The Appeal states that impacts of noisy planes on health and wellbeing have been ignored by the daa as the service to the country can just as easily be achieved by leaving restrictions in and using the extra runway time available to achieve their target.

The Appellant suggests that nothing the daa will do would change the adverse conditions by allowing the conditions to be changed and it is considered that nothing significant has changed since planning permission was granted. It is requested that the conditions set in 2007 should be kept, and the restriction not to use runway 10L/28R at night other than for emergencies should be strictly enforced as to protect the right to sleep.

Concern is expressed in the appeal that daa are not adhering to flight paths.

The Appellant questions the need to remove operating restrictions. It is stated that *"the service to the country can just as easily be achieved by leaving restrictions in and using the extra runway time available to achieve their target which is more than adequate with plenty of runway time to spare"*.

4.0 Response to Items Raised in Third Party Appeal

Terence Murphy has raised several concerns in his 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 Terence Murphy in both his observation to FCC and 3rd Party Appeal to the Board:

- Dublin Airport North Runway Relevant Action Application – Revised Environmental Impact Assessment Report (EIAR), prepared by AECOM, dated September 2021.
- Dublin Airport North Runway Relevant Action Application – Revised EIAR Appendices.
- Planning Report, prepared by Tom Phillips + Associates, dated September 2021.
- Response to ANCA Direction 01 in relation to planning application F20A/0668, Aecom, September 2021 including appendices.
- A Technical Report 'A11267_19_RP035_4.0 NOISE INFORMATION – ANCA REQUEST FEBRUARY 2021', prepared by Bickerdike Allen Partners.
- Revised Regulation 598/2014 Assessment which Includes the following:



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

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

4.1 Health impacts of Aircraft Noise from the Proposed Development have been adequately considered and assessed

The Appeal raises issue with the noise impacts on health and wellbeing. 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 Guidance². Based on the scientific literature reviewed in this section, the strength of evidence is strong for a direct causal relationship between noise disturbance and health outcomes and quality of life effects, although this is dependent on the level of disturbance. Emerging from the evidence base are a number of key health outcomes, including noise annoyance, sleep disturbance, cardiovascular health, mental health, and children's learning.

Chapter 7 finds that sleep disturbance, potentially induced by aircraft noise, can, in the short-term, impair mood and cognitive performance. The long-term effects of sleep disturbance can influence glucose metabolism, appetite regulation, memory immune response and endothelial dysfunction, which can act as precursors for high blood pressure, cardiovascular disease, diabetes and obesity.

Section 7.8 of Chapter 7 consider 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:

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



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

Having identified that a noise problem may arise, ANCA proceeded to define a Noise Abatement Objective (NAO) and apply the 'Balanced Approach'.

The function of the NAO which seeks to *"limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night, as part of the sustainable development of Dublin Airport"* is to implement a long term management plan to reduce the noise effects of aircraft operations on communities in the vicinity of Dublin Airport.

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

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

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



*longer-term. ANCA will monitor the effectiveness of these measures with regard to noise through the requirements of the NAO*³.

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

The health related concerns raised by the Appellants are noted. It is considered that these impacts have been adequately considered in the planning application and further information submitted to FCC by the Applicant and in the assessment of the application by the Planning Authority and ANCA.

Having assessed the impacts of the proposed Relevant Action ANCA's Regulatory Decision sets out 3 no. conditions which have been included in the decision issued by FCC.

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

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

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

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

4.2 Future Aircraft

The Appellant believes that the position that planes will be significantly quieter in the future should not be taken into account and that if plane design is improved it would not have any significant effect until all airlines change all of their fleet and that this process could take decades. This is incorrect and is discussed in Section 8.13 (Noise Monitor Data) of the SMTWG appeal response.

It is noted that better aircraft design has led to significant reductions in aircraft noise. Over more than fifty years of the jet age, technology has significantly improved aircraft noise

³ Our emphasis

⁴ Our emphasis



performance, and aircraft are significantly quieter today. At an international level, ICAO progressively sets more stringent aircraft noise performance criteria.

Condition 5 with a Night-Time Noise Quota and associated aircraft type restrictions is a much more cost effective means of managing and limiting aircraft noise impacts in line with the Noise Abatement Objective. It allows the airport to meet its movement forecasts whilst guarding against any risk that the Applicant's noise forecasts are optimistic with respect to fleet modernisation. For example, should the aircraft fleet mix not improve as forecast, the Night-Time Noise Quota will limit the number of night flights. The night quota count system is designed to discourage the use of noisier older planes and encourage the use of quieter newer planes.

4.3 Necessity of Removing Restrictions

The need for the proposed development has been addressed in detail in the planning application submitted. In particular, we refer the Board to the Planning Report which sets out in detail the rationale for the development.

A key part of this growth is the demand for flights during the night's shoulder hours, being 2300 to 0000 and 0600 to 0700 hours. The demand for these flight times is partly as a result of Dublin Airport's geographical location and the one-hour time difference between it and mainland Europe, meaning that flights need to leave Dublin before 0700 hours to arrive at their destination for the start of the working day. This results in Dublin based aircraft having longer operating days than competing European hubs. Further to this Dublin's proximity to North America compared with the rest of Europe means that flights arriving from the west tend to arrive around 0500 hours, also allowing them to connect with European bound flights.

Therefore, in order to achieve the high levels of aircraft utilisation necessary for airline connectiveness, Dublin based short haul services tend to operate with first departure between 06:00-07:00 and last arrival after 23:00. This operation of service means that these short haul services can maximise the utilisation of aircraft throughout the day and operate cost efficiently.

This contributed to levels of demand for night flights (23:00-07:00) at over 100/night in 2019, with 113/night associated with regularly scheduled services on a typical busy Summer day of that year. The schedule structure of the airport in 2019 was reflective of the business models of both Aer Lingus and Ryanair, with a sharp departures peak in the 0600 hours period and a broader arrivals peak between 2200 hours and 0000 hours, i.e. first departures and last arrivals of the highly utilised short haul services.

Notwithstanding this, as a result of the Covid-19 pandemic, as per all other international airports, Dublin Airport has seen a significant drop in air traffic movements and passenger numbers. Dublin Airport has also experienced a number of foreign airlines exiting the Dublin market due to financial difficulties as a result of the Covid-19 pandemic. However, a strong sustained rebound is expected to return post pandemic. In order to forecast the future growth post Covid-19, future forecasts have been undertaken by Mott McDonald on behalf of daa and are included with this application for planning permission and response to FCC's request for FI. The forecasts identify that approximately 116/night movements in the typical busy day will be required when the airport returns to 32 million passengers per annum (mppa) by 2025. The forecasts also account for the loss of foreign airline traffic experienced as a result of the Covid-19 pandemic.



Once the above referenced operating restrictions come into operation, a large number of services will be restricted from what is currently an average 18+ hour operating day (0600-0000) to a 16-hour operating day (0700-2300). This will impact on the ability of these short haul services to achieve high utilisation rates by removing night flight slots during the night shoulder hours. The impact of this reduction in flight slots will not only be the loss of night departures or arrivals, but will also have a knock-on effect on the economic viability of the operation of these short haul services from Dublin Airport, with some likely to choose basing more aircraft at other European hubs. In this case, the air traffic lost will not just be confined to the night time flights, but also the daytime flights that would have operated throughout the day. In the likely instance where short haul services are unable to achieve high aircraft utilisation from Dublin Airport as a result of a reduction in night and day flights, a likely outcome will be an increase in passenger fares on remaining services.

An additional impact of the reduction in hours as a result of the coming into operation of conditions 3(d) and 5, will mean that aircraft services will be squeezed into a shorter operating day, resulting in less flexibility in the schedule to cope with delays and disruption. As a transatlantic hub, efficient flight connections are required to facilitate transfer passengers from North Atlantic flights to mainland Europe and vice versa. The Dublin Airport hub connecting model is based on these early morning long haul arrivals and early short haul departures being able to return to connect with long haul departures later in the day. Without this connecting traffic, Dublin Airport's ability to support transatlantic services would be severely compromised.

In this regard, it is considered that the coming into operation of the operating restrictions contained within Conditions 3(d) & 5 of the North Runway Planning Permission will impact severely on the airport's ability to maintain interconnected connectivity between long and short haul flights. Analysis by Mott McDonald on behalf of the Applicant identifies that upon commencement of the operating restrictions the number of night flights will fall by 44%, to the permitted 65/night. This will require existing early morning peak slots to be moved to 0700 hours and late evening peak slots to be moved to 1000 hours where possible. However, not all existing slots will be able to be moved given the interconnected nature of flight movements, and the forecasts submitted with this application expect that there will be a loss of 5.4% of aircraft movement into and out of Dublin Airport over a busy 24 hour day upon commencement of the operating restrictions.

The forecasts indicate that without the proposed Relevant Action (the permitted scenario), the permitted capacity of 32mppa will be reached in 2027. However, with the proposed Relevant Action (the proposed scenario), the permitted capacity will be reached two years sooner. As a result, it is evident that the proposed Relevant Action will provide for a faster recovery rate back to the permitted capacity which would not otherwise be achieved.

4.4 What's changed since the Grant of Permission for North Runway

The Appellant states that nothing has changed since the original grant of the North Runway permission (ABP Ref. No.: PL06F.217429) to allow for changes to conditions.

Since the issue of planning permission in 2007, further evidence and understanding on the impact of the restrictions has become available. Further to this, the Aircraft Noise (Dublin Airport) Regulation Act 2019 has been enacted and the Aircraft Noise Competent Authority (ANCA) has come into being, with part of their responsibility ensuring that noise generated by aircraft at Dublin Airport is assessed in accordance with EU and Irish legislation and that the introduction of operating restrictions follows the specific processes set out in the Act.



Additionally, there has been an advancement in aircraft technology which has seen the introduction of quieter aircraft and an overall improvement in the level and clarity of information available to make informed decisions. As such, it is considered that the existing situation and evidence available now make it appropriate to revisit the restrictions imposed on the night-time operation of the runway system.

We direct ABP to the material submitted with the planning application and response to FCC's Request for Further Information (including TPA Planning Report September 2021) for further information and rationale as to changes that have occurred since the initial grant of planning permission.

4.5 Adherence to Flight Paths

We note that these items relate to compliance and enforcement type matters and are not a matter for assessment by ABP, but rather for FCC as the relevant planning authority.

5.0 Conclusion & Recommendations

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

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

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

Yours Sincerely

Gavin Lawlor
Director
Tom Phillips + Associates