

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission (dated) received 02/04/2024
fromPearse and Evelyn Sutton 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 material issuesE.O.: Pat BDate: 23/04/2024

For further consideration by SEO/SAO

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

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

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

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314485-22

M _____

Please treat correspondence received on 02/04/2024 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP <u>23</u>
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 Please and Evelyn Sutton response to S.13112/03/24 - 02/04/24 ✓

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: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>23/04/2024</u>	Date: <u>25/04/2024</u>

Pearse & Evelyn Sutton

Ballystrahan

St. Margarets

Co. Dublin

K67 KN8

An Bord Pleanála
64 Marlborough St.
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
n 2 APR 2024	
Fee: €	_____ type: _____
Time: 15:24	By: Hand

RE: Case Number ABP- 314485-22 Relevant Action Application Dublin Airport 02/04/2024

Dear Sir/Madam

Further to your correspondence to us on the above case we wish to make the following observations/submissions:

1. We are shocked to see that the noise contours have extended hugely into our community and that a very significant number of dwellings are now included within the noise eligibility contours. Firstly we note that there was no notice of this fact in any of the planning notices for this application to date. Many of our neighbours who thought they were not affected by this application are now inside these contours but yet were never publicly notified until they attended a public meeting held by St Margarets /The Ward residents group who explained this to all of us. None of the newspaper or site notices informed the public. Secondly the people who now know they are within the contours have not been given the opportunity to make a submission/observation as they do not qualify because they did not make a submission previously as they thought they were unaffected. An Bord Pleanála did not give a public notice of this significant additional information. The above in our opinion is totally unjust to the communities affected.
2. We note that the correspondence from Tom Phillips & Associates refers to the ANCA Regulatory Decision regarding eligibility to the noise insulation scheme and suggest that the change in contours is as a result of their assessing that the increased area is as a result of them considering this new area which contains dwellings to having "very significant" effects, since the original planning submission. We note that the DAA have never carried out significant test criteria within any of the EIAR's they have submitted and therefore they have not met with the EIA directive. This is a fundamental flaw in the assessment as the EIA

directive is clear, all significant impact on environment must be identified, quantified and mitigation proposed. That has not happened to date. For areas under the North Runway this involves comparing the scenario with no flights from the North Runway to a scenario where there will be night flights. This has not been done similarly with day time noise.

3. As pointed out in our previous submission the noise contours as previously provided by DAA are not correct and the noise is worse than indicated. The information recently submitted by DAA also includes a new contour noted as 63dB Lden. This contour has also grown in size and obviously noise contours above 63dB Lden have also grown but are not presented. As set out in our previous submission to ABP the significance of noise impacts during the day as a result of the change in flight paths over those which was granted permission in 2007 has not been assessed. The effect at our house and other members of our families living close to us when compared to the baseline noise before the North Runway opened is a "Profound " effect as set out by the EPA but this is not assessed by DAA and no proper mitigation measures have been proposed. The noise zones in the Fingal County Development Plan are referred to in the Tom Phillips correspondence. Many residents now find themselves in an area with noise levels equivalent or worse than those that defines noise zone A. Fingal County Council state that dwellings should now not be constructed in noise zone A due to the high levels of aircraft noise that may be harmful to health or otherwise unacceptable. We are now being exposed to these very high levels of noise due to the change in flight paths and it is harming our health to an extent that we cannot live a normal life in our house or go outside during the day.
4. Tom Phillips refers continuously to the regulatory decision by ANCA in his correspondence. However what is not contained in his correspondence but is within the EIAR relating to these new noise contours is that the proposal does NOT meet the Noise Abatement Objective of ANCA in future years. The proposed 2025 Scenario will fail the NAO when compared to 2019 when the total of the existing population, permitted developments and zoned developments are summed together. "2025 exceeds 2019 by 4,541 people (1533 v 6074).
5. Why have the noise contours grown. St Margarets The Ward residents carried out noise monitoring on the north runway flight path and found the noise levels to be far beyond those PREDICTED by DAA. The DAA noise predictions are not accurate and unfounded and they are trying to obtain permission by manipulating numbers. Why can they not submit actual noise results along the flight path which has been in operation since August 2022. The community could..
6. The noise insulation grant as proposed is not fit for purpose and is totally insufficient to protect against night time aircraft noise. Measurements of noise in bedrooms of housing already insulated by DAA indicate that the noise levels exceed the recommendations in Fingal Development Plan and are not sufficient to protect human health.
7. In summary planning is an afterthought for DAA. Their actions show that they do not respect planning legislation or decisions of An Bord Pleanála. This application must be invalidated or refused due to the significance of this additional information submission and its consequences.

The attached sheets numbered #1 to #6 are extracts from Fingal's current development Plan.

With reference to sheet#1 it is noted that the noise zones related to Dublin Airport were updated in 2019 in order to allow for more effective land use planning for development within airport noise zones. The updated policies relating to development in noise zones are set out in Variation #1 of the Fingal Development Plan 2017-2023 and these apply in the Plan.

We note that at the time of variation #1 of the previous plan this variation was advertised for public consultation. In the end the Councillors voted to include the variation in the development plan and also voted that the same policies should be included in the new development plan 2023-2029. The maps as presented in both cases were adopted within both development plans and became part of the development plan.

At sheet #2 it is stated that "The noise zoning system has been developed with the overarching objective to BALANCE the potential impact of aircraft noise from the Airport on BOTH external and internal noise amenity.

The Aircraft Noise Zones are defined at Table 8.1 on sheet #3. Note that Zone A, the area enclosed by the Zone contour has an Lnight value greater than 55dB. The same applies to the area enclosed by the contour for Noise zone B to the noise contour of Zone A and Lnight is greater than 55dB. However the area enclosed by the noise zone C contour and between the noise zone B contour has an Lnight value less than 55dB. These contours were developed in consultation with DAA and included a single mode of operation in order to provide realistic conservative contours for the noise zones for aircraft activity at Dublin Airport. All of this was related to the communities during the consultation process leading up to the Councillors voting in the variation #1.

We note at Objective DA011 it is stated that "To accept that time based operational restrictions on usage of the runways are NOT UNREASONABLE to minimise the adverse impact of noise on EXISTING HOUSING within the inner and outer noise zone."

Objective DA016 on sheet #5 states "Review the operation of the Noise Zones on an ongoing basis in line with the most up to date legislative frameworks in the area, the ongoing programme of noise monitoring in the vicinity of the Airport flight paths, and the availability of improved noise forecasts". To date there has been no variation put forward to change the noise zones in the current Fingal Development Plan and therefore those as set out above are in force at present and were in force when the Relevant Action was submitted for planning.

We also note that during the Consultation on Variation #1 we were informed that the contours represent the worst case scenario that will occur due to aircraft noise from Dublin Airport. We note that there was no mention of "very significant" noise effects which are defined as residents with a baseline noise level which is exceeded by 9dB above the Lnight 50dB contour. This is not included in the noise zones or development plan relating to aircraft noise from Dublin Airport and no eligibility contour for this situation are including in land use planning.

At ANCA's Regulatory Decision Report on p 205 at sheet#7 attached this criterion is set out at the second last paragraph and on page 206 of ANCA's Regulatory Decision Report the contours indicated the amended Eligibility Boundary as indicated on sheet #8 attached.

9. REVISED MAPS SUBMITTED BY DAA

Sheet #9 is a copy of the revised map submitted by DAA to ABP in March 2024. We have noted the locations of Coolquoy (and the Local Area Plan area shaded in blue) and the location of the Ward Cross.

Sheet #10 is an extract from Fingal County Council development plan indicating the current statutory Noise Zones again relative to Coolquoy and The Ward Cross.

Sheet #11 is map 20 as submitted by DAA and indicates the Lnight contour for 55dB as revised.

Sheet #12 is an extract from Fingal development plan with the contour for 55dB Lnight as per sheet #11 drawn on it and the additional area now with noise zone B as a result hatched in blue.

Sheet #14 is an extract from Fingal development plan indicating the noise zones adjacent to Rivermeade Local Area Plan.

Sheet #15 is Map 21 as submitted by DAA to ABP in March 2024 . The existing Lnight contour from sheet #14 has been drawn on it and the additional area now being added to noise zone B is hatched in blue.

Sheet #16 indicates the location of the previous eligibility contour in the ANCA Regulatory Decision relative to the LAP at Rivermeade.

10. MATERIAL CONTRAVENTION OF FINGAL DEVELOPMENT PLAN

As indicated the noise contours as presented by DAA push the Zone B noise contour zone further north and are therefore in material contravention of Fingal County Councils Development Plan. DAA have not followed the correct procedure in dealing with a material contravention and therefore surely the Bord must invalidate this application accordingly.

The question has to be asked “why are the DAA only now coming forward with this information over 3 years into the application”. None of this information was presented to ANCA for its Regulatory Decision or to Fingal County Council when they made their decision. This is a completely different application with huge consequences for The St. Margarets The Ward Communities.

11. Rivermeade and Coolquoy Local Area Plans.

Over 30 years ago Fingal County Council identified Rivermeade and Coolquoy as the 2 most suitable locations for Rural Villages to house locals from St. Margarets The Ward area which were deemed to be away from Dublin Airport and which would therefore be compatible with the expansion of Dublin Airport whilst at the same time ensuring that the St Margarets The Ward Communities could co-exist and continue their long tradition in the area.

These were passed in successive Developments plans with all stakeholders including DAA making submissions that were included in the process.

The Planning submission for the North Runway that obtained permission in 2007 did NOT indicate that the operations at Dublin Airport interfered in ANY way with the development of these 2 locations at Coolquoy and Rivermeade.

BUT now the entirety of Coolquoy is now to be located within the eligibility contour as proposed without the Local Area Plan being completed and some of the Eligibility contour includes areas of Rivermeade.

The issue with this is that the 50dB plus 9db criteria is an increase in ten fold of noise proposed at these locations and because housing has not yet been completed then this is a once off mitigation for existing houses. However the noise at these areas is being increased by 10 fold. 9dB is on the noise scale which is not linear and therefore an increase of 9dB is ten times noisier.

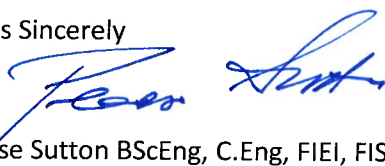
We also refer to the contours as measured during the 92 day Summer period in 2023 and which were produced by DAA and submitted with the Infrastructure application to Fingal County Council and are therefore on public record. These also indicate that for day time noise as being currently operated off the North Runway that the noise zones are being exceeded and expanded beyond Zone A and Zone C and therefore what is being applied for under the Relevant Action is also a Contravention of the existing Development Plan of Fingal County Council and Meath County Council. We need that ANCA nor the Planning Regulator had no objection to the inclusion of the noise zones into the Development Plans and the statutory process of varying the Development Plan is to present the variation to the public for consultation and then proceed to a full Council vote to adopt the variation. None of this has been carried out and DAA are blatantly submitting a revised application that is not in accordance with the Development Plans. This can be seen from the noise contours as per the submission by DAA to ABP.

Where was all of this information going back 30 years? ABP need to see this for what it is and is a blatant mis use of the planning system to remove the Communities of St Margarets The Ward for financial gain by DAA, all airlines and the airline industry at the expense of the communities.

We refer back to our previous submission and refer to the proposal that Thornton Hall which is a serviced site outside these noise contours which can be used to relocated the Community of St Margarets The Ward as part of realistic mitigation measures.

Also attached at sheet #17 is an extract from Meath County Council Development plan which must now be altered to indicate the Eligibility Contours on it and the noise implications of this contour being a 10 times increase in noise which will have a serious adverse impact on the health of people living here.

Yours Sincerely



Pearse Sutton BScEng, C.Eng, FIEI, FIStructE ,FConsEI, Dip Env.Eng, P.Eng, Dip Struct Eng, Eur Ing.

8.5.7 Ensuring Environmental Protection and Sustainability

An overriding theme of the Plan is the need to protect the environment throughout the County. In terms of Dublin Airport, the LAP considers the likely direct and indirect effects of the future development of Dublin Airport on the local environment, including the communities surrounding the Airport. Noise, flood risk management, sustainable urban drainage, foul drainage and water supply, surface water quality, ground water and air quality are dealt with in the LAP, each with its own specific objectives. In addition, the built and natural heritage including archaeology and architectural heritage are examined in the context of Dublin Airport, with specific objectives relating to the protection of same. The Plan supports the objectives relating to the environmental issues, referred to above, as indicated in the Dublin Airport LAP.

Noise is discussed separately below as the noise zones were subject to Variation no. 1 of the Fingal Development Plan 2017–2023 and as such will be included in this Plan.

i. Airport Noise

Noise zones relating to Dublin Airport have been in place for many years to aid land use planning. Previous noise zones dated back to 2005 and as such it was considered appropriate to update the noise zones for Dublin Airport to allow for more effective land use planning for development within airport noise zones.

In addition, the *Noise Action Plan for Dublin Airport 2019–2023 (NAP)* was prepared under the Environmental Noise Regulations 2006 and was adopted in December 2018. The Noise Action Plan is designed to manage noise issues and effects associated with existing operations at Dublin Airport and sets out a number of actions to address such issues.

Fingal County Council has been designated as the Aircraft Noise ‘Competent Authority’ (ANCA) for the purposes of monitoring Aircraft Noise levels at Dublin Airport. As such, all planning applications at Dublin Airport are referred to the Competent Authority by the Planning Authority for assessment. In assessing a planning application, ANCA must determine whether the proposals have the potential to cause a noise problem. The assessment role includes an examination of planning applications by the Competent Authority to ascertain whether they could have aircraft noise implications which require mitigation.

The noise zones relating to Dublin Airport were updated in 2019 in order to allow for more effective land use planning for development within airport noise zones. The updated policies relating to development in noise zones are set out in Variation no. 1 of the *Fingal Development Plan 2017–2023* and these will apply in the Plan.

Noise Zones have been prepared in relation to aircraft noise associated with Dublin Airport as outlined in Table 8.1 below and supported by the following objectives. The approach taken in preparing these noise zones is considered to be supportive of National Policy Objective 65 set out in the Department of Housing Planning and Local Government (DHPLG) National Planning Framework 2040, February 2018, to:

“Promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life and support the aims of the Environmental Noise Regulations through national planning guidance and Noise Action Plans.”

This approach also has regard for land use planning which is a component of the ICAO Balanced Approach to Aircraft Noise Management, as set out under EU Regulation 598/2014. This approach is therefore considered also to align with the key objective set out in the *Dublin Airport Noise Action Plan 2019*, which is:

"to avoid, prevent and reduce, where necessary, on a prioritised basis the effects due to long term exposure to aircraft noise, including health and quality of life through implementation of the International Civil Aviation Organisation's 'Balanced Approach' to the management of aircraft noise as set out under EU Regulation 598/2014".

There is a need to minimise the adverse impact of noise without placing unreasonable restrictions on development and to avoid future conflicts between the community and the operation of the Airport. Three noise zones are shown in the Development Plan maps, Zones B and C within which the Council will continue to restrict inappropriate development, and Zone A within which new provisions for residential development and other noise sensitive uses will be actively resisted. An additional assessment zone, Zone D exists to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment.

Table 8.1 presents the four aircraft noise zones and the associated objective of each zone along with an indication of the potential noise exposure from operations at Dublin Airport. The zones are based on potential noise exposure levels due to the Airport using either the new northern or existing southern runway for arrivals or departures.

The noise zoning system has been developed with the overarching objective to balance the potential impact of aircraft noise from the Airport on both external and internal noise amenity. This allows larger development which may be brought forward in the vicinity of the Airport's flight paths to be identified and considered as part of the planning process. The focus of the noise zones is to ensure compatibility of residential development and ensuring compatibility with pertinent standards and guidance in relation to planning and noise, namely:

- *National Planning Framework 2040, DHPLG, February 2018;*
- *ProPG: Planning & Noise – New Residential Development, May 2017;*
- *British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'; and*
- *ICAO guidance on Land-use Planning and Management in Annex 16, Volume I, Part IV and in the ICAO Doc 9184, Airport Planning Manual, Part 2 — Land Use and Environmental Control.*

Where development includes other non-residential noise sensitive receptors, alternative design guidance will need to be considered by the developer. Non-residential buildings and uses which are viewed as being noise sensitive within the functional area of FCC include hospitals, residential care facilities and schools.

This approach also has regard for land use planning which is a component of the ICAO Balanced Approach to Aircraft Noise Management, as set out under EU Regulation 598/2014. This approach is therefore considered also to align with the key objective set out in the *Dublin Airport Noise Action Plan 2019*, which is:

"to avoid, prevent and reduce, where necessary, on a prioritised basis the effects due to long term exposure to aircraft noise, including health and quality of life through implementation of the International Civil Aviation Organisation's 'Balanced Approach' to the management of aircraft noise as set out under EU Regulation 598/2014".

There is a need to minimise the adverse impact of noise without placing unreasonable restrictions on development and to avoid future conflicts between the community and the operation of the Airport. Three noise zones are shown in the Development Plan maps, Zones B and C within which the Council will continue to restrict inappropriate development, and Zone A within which new provisions for residential development and other noise sensitive uses will be actively resisted. An additional assessment zone, Zone D exists to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment.

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The noise zoning system has been developed with the overarching objective to balance the potential impact of aircraft noise from the Airport on both external and internal noise amenity. This allows larger development which may be brought forward in the vicinity of the Airport's flight paths to be identified and considered as part of the planning process. The focus of the noise zones is to ensure compatibility of residential development and ensuring compatibility with pertinent standards and guidance in relation to planning and noise, namely:

- *National Planning Framework 2040, DHPLG, February 2018;*
- *ProPG: Planning & Noise – New Residential Development, May 2017;*
- *British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'; and*
- *ICAO guidance on Land-use Planning and Management in Annex 16, Volume I, Part IV and in the ICAO Doc 9184, Airport Planning Manual, Part 2 — Land Use and Environmental Control.*

Where development includes other non-residential noise sensitive receptors, alternative design guidance will need to be considered by the developer. Non-residential buildings and uses which are viewed as being noise sensitive within the functional area of FCC include hospitals, residential care facilities and schools.

Table 8.1: Aircraft Noise Zones

Zone	Indication of Potential Noise Exposure during Airport Operations	Objective
D	≥ 50 and < 54 dB LAeq, 16hr and ≥ 40 and < 48 dB Lnight	To identify noise sensitive developments which could potentially be affected by aircraft noise and to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment. All noise sensitive development within this zone is likely to be acceptable from a noise perspective. An associated application would not normally be refused on noise grounds, however where the development is residential-led and comprises non-residential noise sensitive uses, or comprises 50 residential units or more, it may be necessary for the applicant to demonstrate that a good acoustic design has been followed. Applicants are advised to seek expert advice.
C	≥ 54 and < 63 dB LAeq, 16hr and ≥ 48 and < 55 dB Lnight	To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development. Noise sensitive development in this zone is less suitable from a noise perspective than in Zone D. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. The noise assessment must demonstrate that relevant internal noise guidelines will be met. This may require noise insulation measures. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the development's design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels. Applicants are strongly advised to seek expert advice.
B	≥ 54 and < 63 dB LAeq, 16hr and ≥ 55 dB Lnight	To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development. Noise sensitive development in this zone is less suitable from a noise perspective than in Zone C. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the developments design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels. Applicants must seek expert advice.
A	≥ 63 dB LAeq, 16hr and/or ≥ 55 dB Lnight	To resist new provision for residential development and other noise sensitive uses. All noise sensitive developments within this zone may potentially be exposed to high levels of aircraft noise, which may be harmful to health or otherwise unacceptable. The provision of new noise sensitive developments will be resisted.
Notes:	➤ 'Good Acoustic Design' means following the principles of assessment and design as described in ProPG: Planning & Noise – New Residential Development, May 2017; ➤ Internal and External Amenity and the design of noise insulation measures should follow the guidance provided in British Standard BS8233:2014 "Guidance on sound insulation and noise reduction for buildings"	

The list of townlands to which Assessment Zone D applies are contained in Appendix 10.

Policy DAP5 – Noise

Support the actions contained within the *Noise Action Plan for Dublin Airport 2019–23*, or any subsequent plan or extension of same.

Policy DAP6 – Health of Residents and Aviation Noise

Protect the health of residents affected by aviation noise, particularly night-time noise.

Objective DAO11 – Requirement for Noise Insulation

Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, 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 the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

Objective DAO12 – Noise Zones and New Housing for Farming Families

Notwithstanding Objective DAO11, apply the provisions with regard to New Housing for Farming Families only, as set out in Chapter 3 Sustainable Placemaking and Quality Homes, within the Inner Noise Zone subject to the following restrictions:

- Under no circumstances shall any dwelling be permitted within the predicted 69 dB LAeq 16 hours noise contour,
- Comprehensive noise insulation shall be required for any house permitted under this objective,
- Any planning application shall be accompanied by a noise assessment report produced by a specialist in noise assessment which shall specify all proposed noise mitigation measures together with a declaration of acceptance of the applicant with regard to the result of the noise assessment report.

Objective DAO13 – Aircraft Operations and Noise

Ensure that aircraft-related development and operation procedures proposed and existing at the Airport consider the requirements of the Aircraft Noise Regulations, the Noise Abatement Objective (NAO) for Dublin Airport, the Noise Action Plan, Health Issues and 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 the 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.

Objective DAO14 – Aircraft Movements and Development

Restrict development which would give rise to conflicts with aircraft movements on environmental or safety grounds on lands in the vicinity of the Airport and on the main flight paths serving the Airport, and in particular restrict residential development in areas likely to be affected by levels of noise inappropriate to residential use.

Objective DAO15 – Ongoing Review of Operation of Noise Zones

Review the operation of the Noise Zones on an ongoing basis in line with the most up to date legislative frameworks in the area, the ongoing programme of noise monitoring in the vicinity of the Airport flight paths, and the availability of improved noise forecasts.

Objective DAO16 – Introduction of a Noise Quota System

To encourage and promote the introduction of a noise quota system at Dublin Airport to encourage Airlines to use quieter aircraft so as to prevent and reduce, where necessary, on a prioritised basis the effects due to long term exposure to aircraft noise.

Objective DAO17 – Crosswind Runway

Restrict the Crosswind Runway to essential occasional use on completion of the second east-west runway. 'Essential' use shall be interpreted as use when required by international regulations for safety reasons.

Policy DAP7 – Align with Local Area Plan Objectives

Ensure that all development within the Dublin Airport Local Area Plan lands will comply with the following Objectives of the *Dublin Airport Local Area Plan, 2020*, or any subsequent plan or extension of same. These include;

- | | |
|---|-------------------------------------|
| ➤ Flood Risk Management Objectives | ➤ Air Quality Objectives |
| ➤ Sustainable Urban Drainage Objectives | ➤ Archaeology Objectives |
| ➤ Water Supply Objectives | ➤ Architectural Heritage Objectives |
| ➤ Surface Water Quality Objectives | ➤ Natural Heritage Objectives |
| ➤ Ground Water Objectives | |

ii. Safety

Dublin Airport's Public Safety Zones show an Inner Public Safety Zone and an Outer Public Safety Zone in accordance with the guidance set out in the Environmental Resources Management [ERM] Report 2005. Specifically, this ERM Report provides guidance on the potential use and scale of development that may be considered appropriate within these zones.

The Council will continue to follow the advice of the Irish Aviation Authority regarding the effects of proposed development on the safety of aircraft and the safe and efficient navigation thereof.

Objective DAO18 – Safety

Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

Objective DAO19 – Review of Public Safety Zones

Support the review of Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

Objective DAO20 – Irish Aviation Authority Publications

Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport.

Objective DAO21 – Irish Aviation Authority Advice

Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof. To refer planning applications for any proposals that may be developed in the environs of the Airport to the Irish Aviation Authority and daa in accordance with the Obstacle Limitation Requirements of Regulation (EU) No 139 / 2014 (EASA Certification Specifications), previously required under ICAO Annex 14, and which are depicted on the aerodrome operator's map.

Objective DAO22 – Weston Aerodrome

Have regard to the safety and environmental impacts of aircraft movements associated with Weston Aerodrome in the assessment of any relevant development proposal.

8.5.8 Prioritising Community Engagement

There are extensive residential areas located in the wider areas surrounding the Airport and as the Airport continues to grow, it is important that the impact on these communities is appropriately considered. As such, the aim is to create a balance between the further development and operations of the Airport and the needs of neighbouring communities.

Formal engagement between Fingal County Council, Dublin Airport Authority (daa) and neighbouring airport communities occurs through a number of ongoing platforms such as the Dublin Airport Environmental Working Group [DAEWG] and Community Liaison Group [CLG]. The DAEWG provides focus on the matters relating to the monitoring of airport noise, flood risk, air quality and the growth of the Airport. The [CLG] is another important forum to further engagement specifically with the local community of St. Margaret's which is located immediately to the west of the Airport lands. This forum provides the opportunity for the Council, daa and the community of St. Margaret's to communicate in an open and transparent manner. The key focus is on creating an engaging and collaborative forum that discusses issues of relevance to the area, particularly in the context of Airport growth and operations.

Objective DA28 of the *Fingal Development Plan 2017-2023* required the preparation of a strategy for St. Margaret's Special Policy Area involving consultation between the existing community, Fingal County Council and daa. This has been prepared and is included in Appendix 1 of the *Dublin Airport Local Area Plan 2020*.

Fingal County Council will continue to engage with local communities that are likely to be affected by the growth of the Airport.

Based on the evidence provided in the Application and ANCA's own analysis, ANCA has included the following condition within the RD:

Second Condition:

The existing operating restriction imposed by Condition 3(d) and the exceptions at the end of Condition 3 of the North Parallel Runway Planning Permission (FCC Reg. Ref: F04A/1755; ABP Ref: PL06F.217429) reading:

'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.'

shall be amended as follows:

Runway 10L/28R shall not be used for take-off or landing between 00:00 and 05:59 (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.

REASON:

To permit the operation 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 pattern set down by Conditions 3(a)-(c) of the North Runway Planning Permission.

14.3 Third Condition - Residential Sound Insulation Grant Scheme (RSIGS)

The NAO has set a priority exposure level of 55 dB L_{night} to reflect levels of noise exposure which present a clear risk to human health. ANCA agrees with the Applicant's proposal to provide a noise insulation scheme for eligible dwellings found to be exposed to aircraft noise at or above this threshold. This threshold is evidence based and reflects the observations made in determining the second aspect of the noise problem.

Exposure to aircraft noise above this threshold occurs due to operations from Dublin Airport's runways and not just the north runway arising from proposed Condition 2 (above). As such, a noise insulation scheme set around the priority value of 55 dB L_{night} will help to mitigate the effects on those who have already been exposed to noise above this value and would continue to do so in the future.

Additionally, the scheme will help to mitigate the effects on those who become newly exposed to potentially harmful levels of aircraft noise. The Application proposed a second criterion for eligibility to the proposed scheme. This criterion would have the effect of limiting the availability of noise insulation grants to those who experience a 'very significant' effect as a result of the Application. This occurs where a dwelling is forecast to experience noise exposure of at least 50 dB L_{night} and an increase in noise exposure of at least 9 dB when compared to the current permitted operation. The Application has proposed that subsequent eligibility will be on forecasts for the first year of the Relevant Action and would be a 'one-off' in terms of the area of eligibility and would therefore not be subject to any annual review. ANCA recognises that a scheme of this nature would help mitigate the effect of those who become newly exposed to night time aircraft noise below the priority value.

The analysis presented in this report has considered a range of different approaches to setting eligibility alongside the runway use and restriction scenarios. Having accepted the Applicant's proposals with respect to amending Condition 3(d), a key finding from the CEA is that insulation schemes which are set against forecast

year of 2025 are more effective. This is because in 2025 noise exposure is forecast to be at its peak. 2025 was therefore used to set initial eligibility for both aspects of the scheme in the DRD.

Having regard to the submissions made during the public consultation, ANCA has further reviewed the 2022 forecast used by the Applicant. This forecast suggests that noise exposure from the North Runway is higher in 2022 forecast than in the 2025 forecast. However overall noise exposure from the airport remains at its highest in 2025. In light of the submissions received during the consultation period, ANCA has extended the initial eligibility boundary to reflect the 'very significant' effect determined from the 2022 forecast. Figure 14.1 presents a comparison of the initial eligibility boundary provided with the DRD, and the extended eligibility boundary.

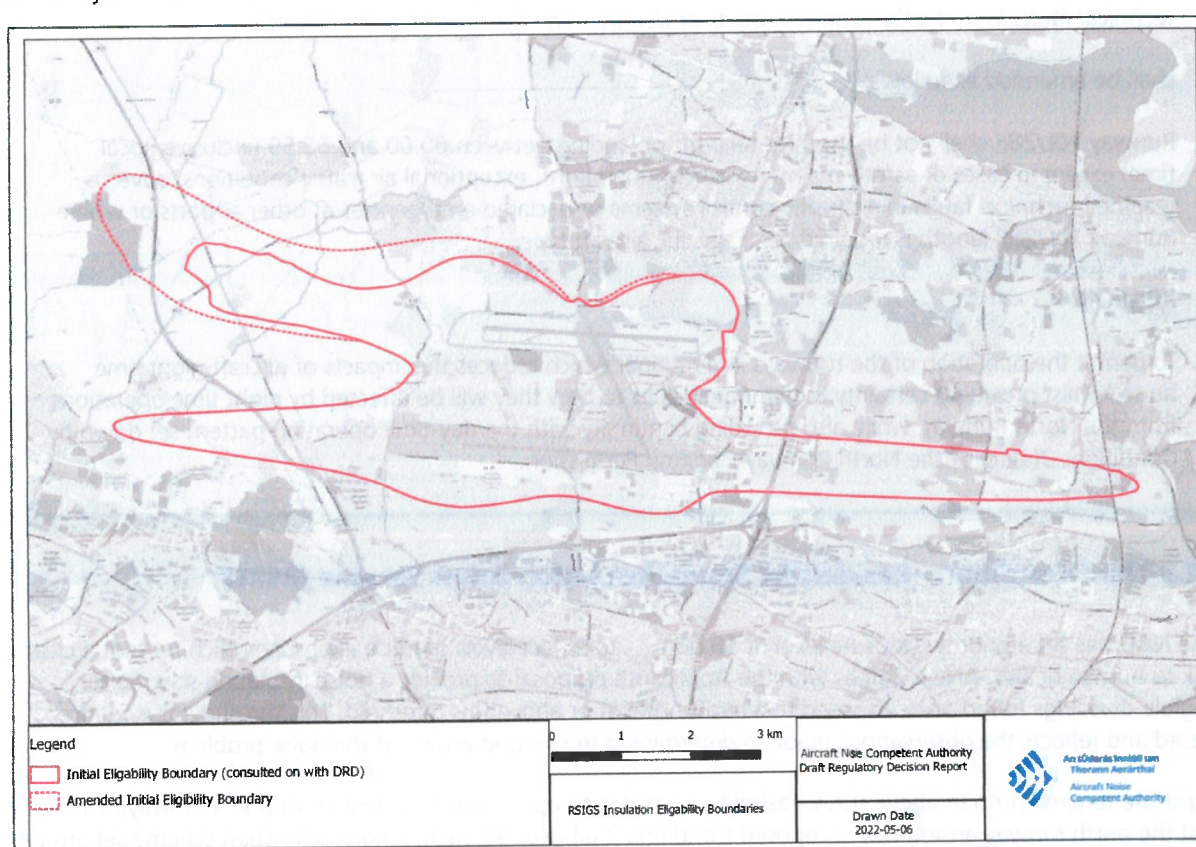


Figure 14.1 – RSIGS Initial Eligibility Boundaries

Section 9.3.1 of the DRD report considered whether noise insulation scheme eligibility criteria may influence decisions in relation to the runway use and restriction scenarios considered. A cost-effectiveness assessment was prepared that in general terms did not identify insulation eligibility to be a determining factor in the selection of a particular runway use and/or restriction scenario. Instead, the CEA concluded that all runway scenarios and restrictions can be considered suitable against the noise objective. While they all meet the objective, each combination of pattern and noise insulation option results in different levels of costs and effectiveness.

ANCA's RD associated with the North Runway Planning Permission, reflecting runway use and restriction Scenario P02, strikes a balance between the number of people exposed to noise above the priority value of 55 dB L_{night} , and those who may experience significant adverse changes in night time noise exposure. ANCA considered the cost effectiveness of the extension to the initial eligibility boundary as presented in the Application and shown in Figure 14.1 with Scenario P02 as the runway use and restriction scenario. ANCA's analysis shows that amending the eligibility would result in approximately 50 additional residential dwellings

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Having regard to the submissions made during the public consultation, ANCA has further reviewed the 2022 forecast used by the Applicant. This forecast suggests that noise exposure from the North Runway is higher in 2022 forecast than in the 2025 forecast. However overall noise exposure from the airport remains at its highest in 2025. In light of the submissions received during the consultation period, ANCA has extended the initial eligibility boundary to reflect the 'very significant' effect determined from the 2022 forecast. Figure 14.1 presents a comparison of the initial eligibility boundary provided with the DRD, and the extended eligibility boundary.

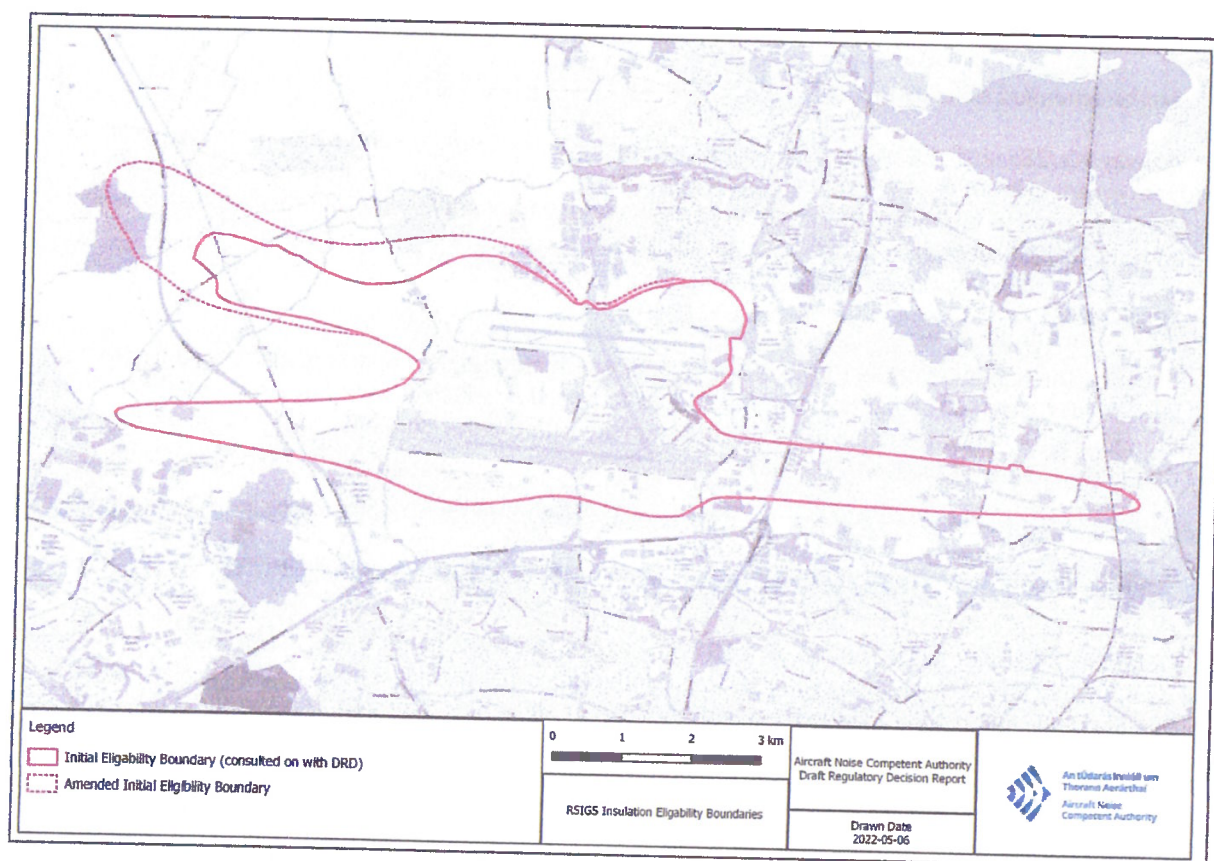
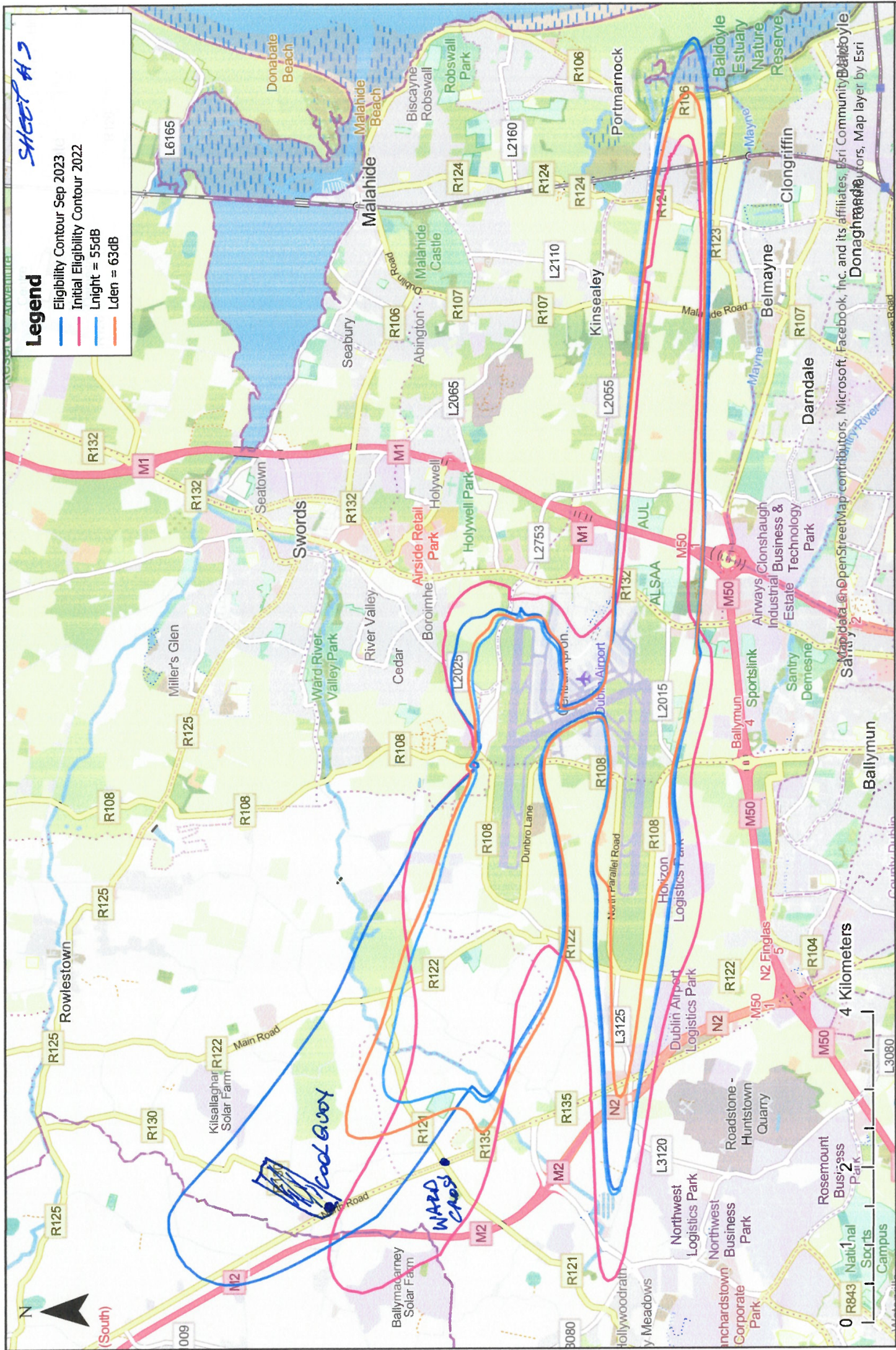
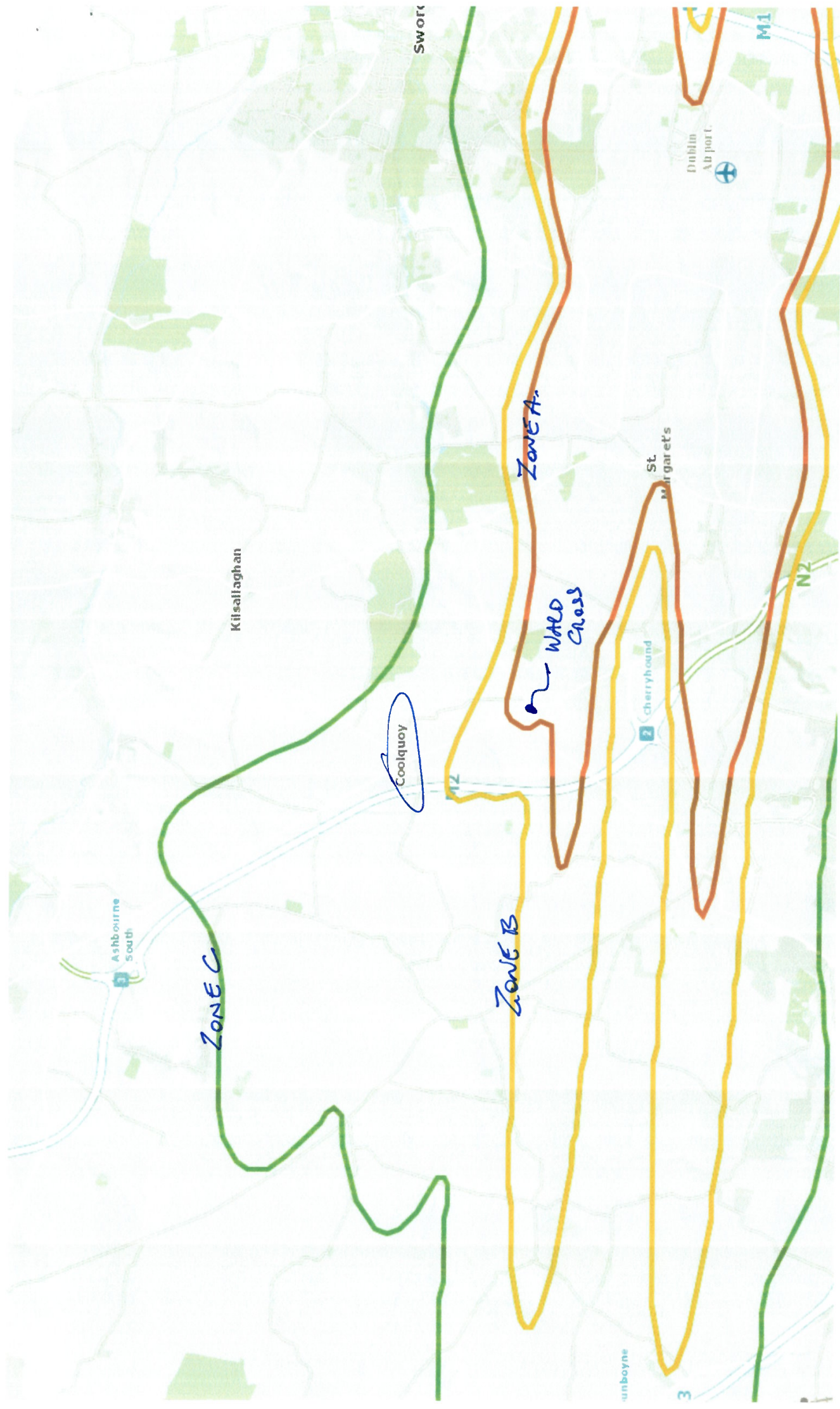


Figure 14.1 – RSIGS Initial Eligibility Boundaries

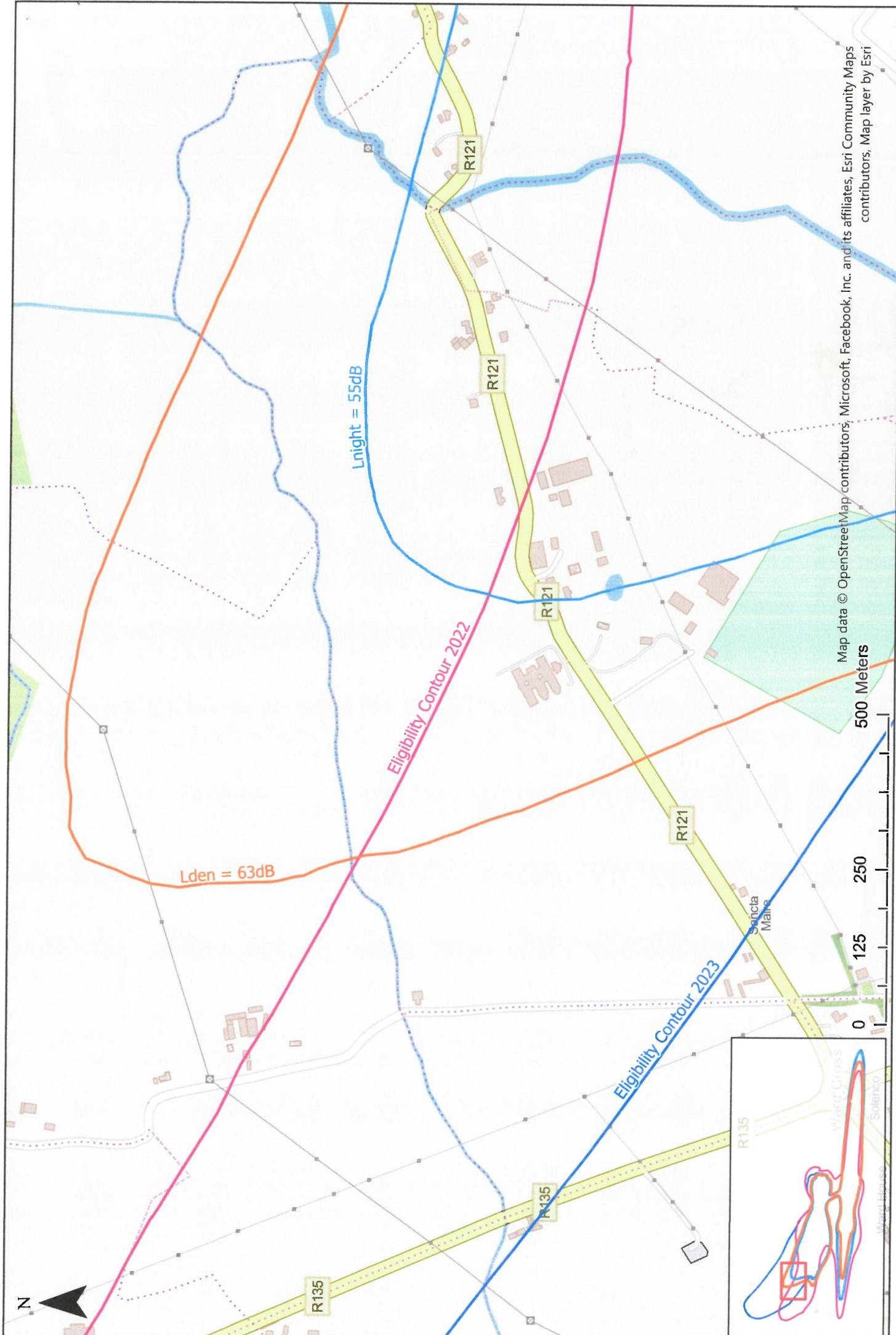
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ANCA's RD associated with the North Runway Planning Permission, reflecting runway use and restriction Scenario P02, strikes a balance between the number of people exposed to noise above the priority value of 55 dB L_{night} and those who may experience significant adverse changes in night time noise exposure. ANCA considered the cost effectiveness of the extension to the initial eligibility boundary as presented in the Application and shown in Figure 14.1 with Scenario P02 as the runway use and restriction scenario. ANCA's analysis shows that amending the eligibility would result in approximately 50 additional residential dwellings





SHEET #10 FINGAZ DEVELOPMENT PLAN



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

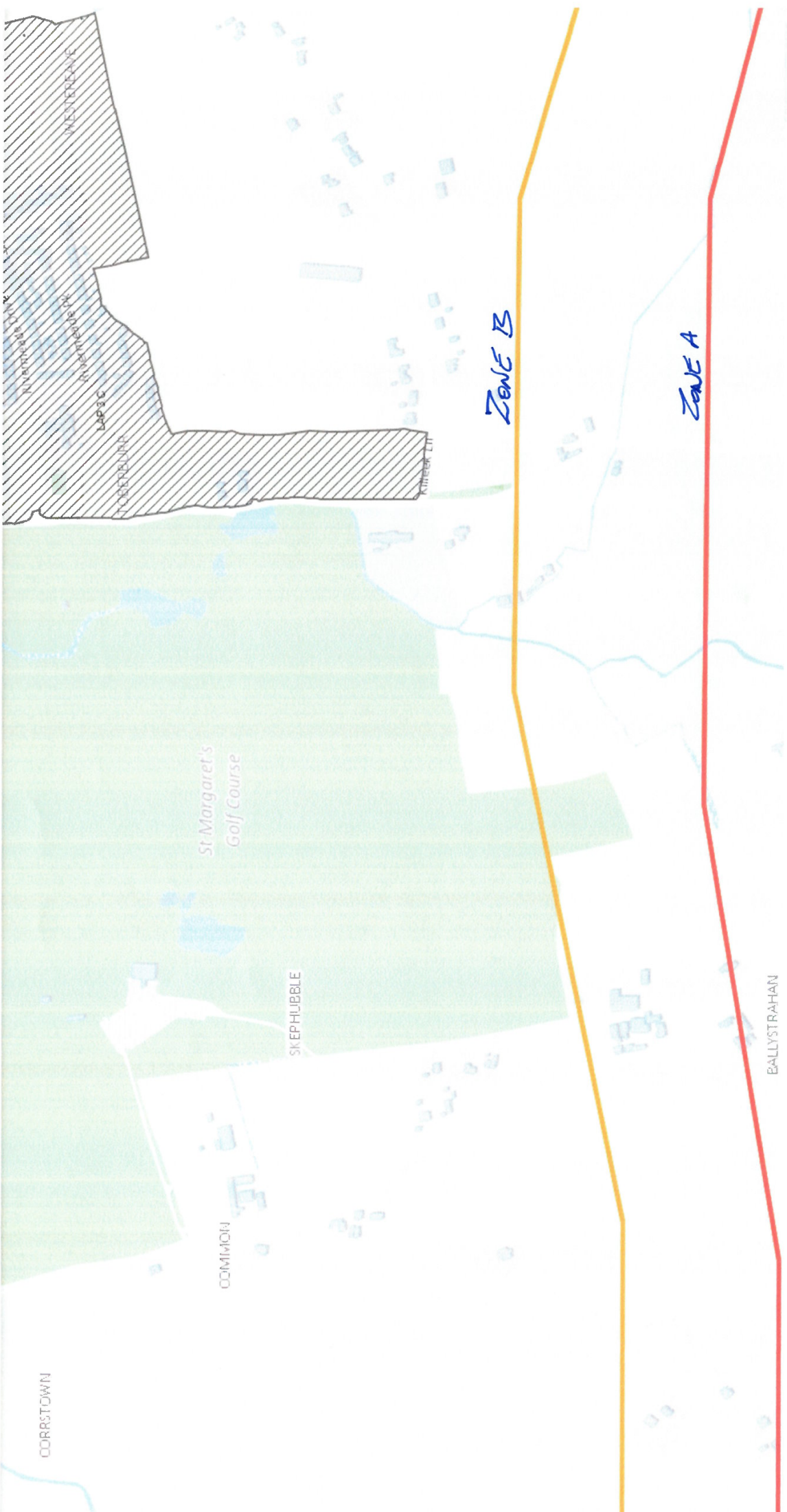
Comparison between Regulatory Decision 3rd Condition and F.I. Response Including 55dB (Lnight) and 63 dB (Lden) contours

EAST

CORRSTOWN

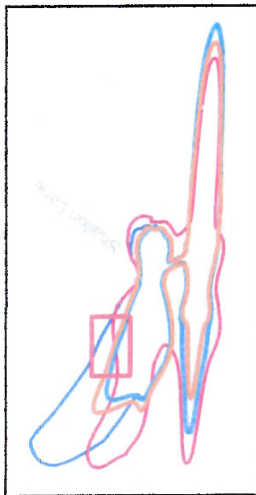
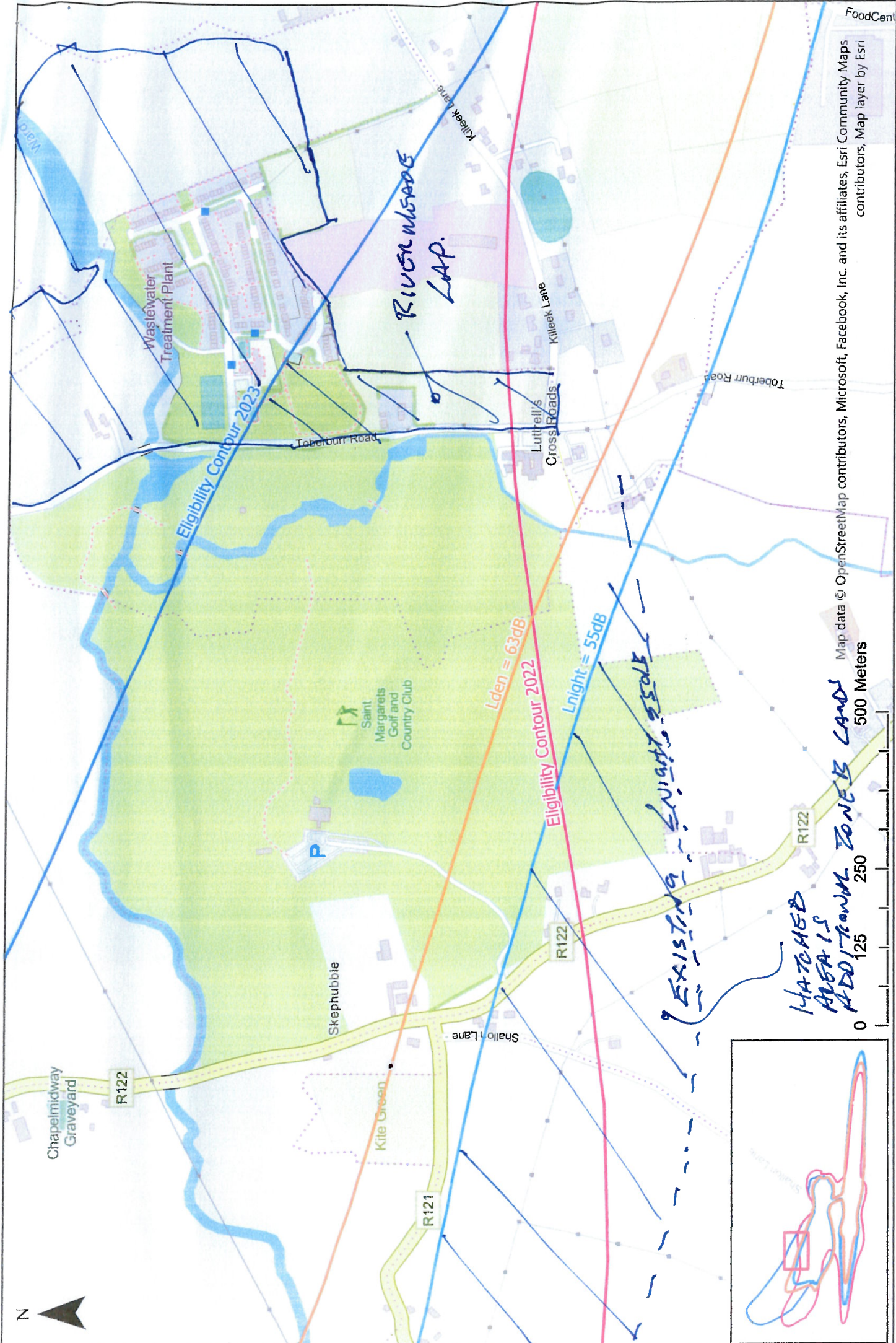


Extract Final Development Plan SHEET #12



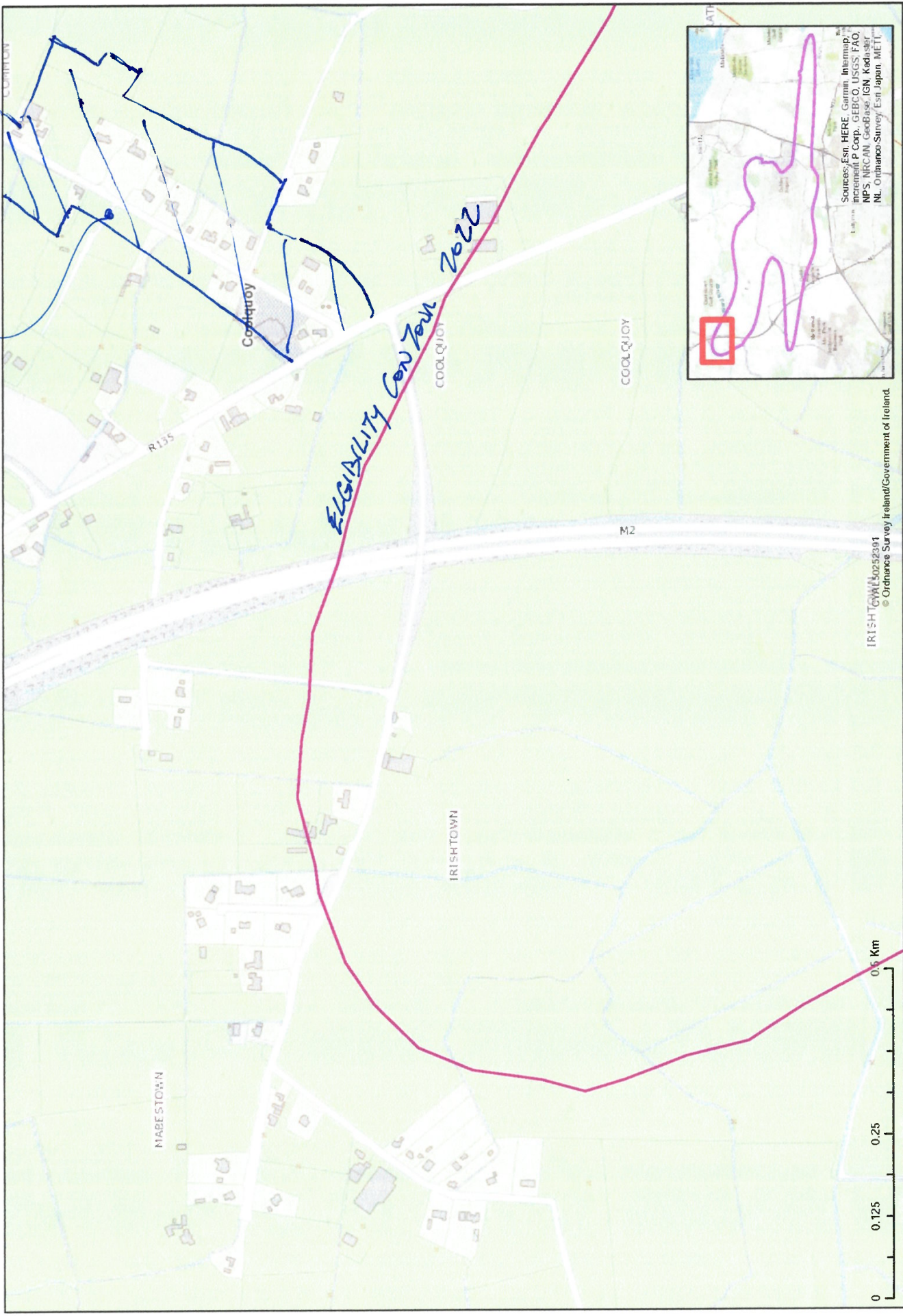
Ballynagar Fingal Development Plan

SHEET #1A



Comparison between Regulatory Decision 3rd Condition and F.I. Response Including 55dB (Lnight) and 63 dB (Lden) contours

COOLQUOY LAP.



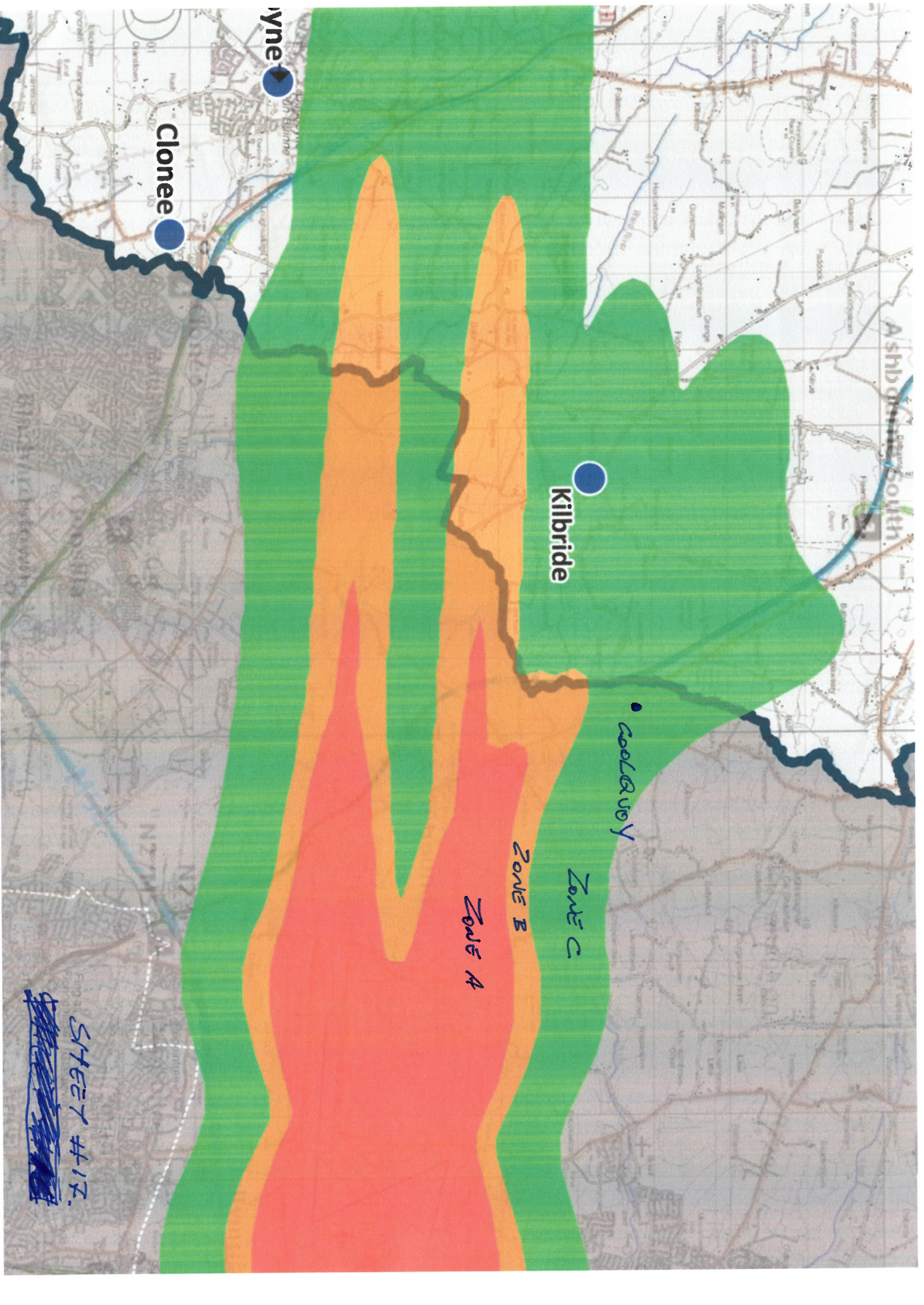
IRISH TOWN 1:20252391
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SHEET #16.

Residential Sound Insulation Grant Scheme (RSIGS) - Initial Eligibility Contour Area - June 2022

Map 17



Kilbride

Coolaney

Zone C

Zone B

Zone A

Clonmel

Clonmel

Sheet #17.

