

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/received 14/12/2023
fromPAI 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 issues
(Inspector to advise)E.O.: Pat BDate: 22/12/2023

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-069095-23**
Case Number: **ABP-314485-22**
Customer: **Fingal County Council**
Lodgement Date: **14/12/2023 13:24:00**
Validation Officer: **Patrick Buckley**
PA Name: **Fingal County Council**
PA Reg Ref: **F20A/0668**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**



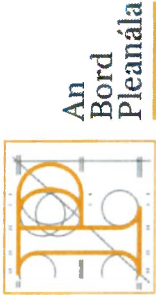
An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Run at: 22/12/2023 13:27

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-069095-23



Details

Lodgement Date	14/12/2023
Customer	Fingal County Council
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-069095-23
Map ID	
Created By	Patrick Buckley
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	Yes
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

--	--

	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, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. 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-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am 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. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning

PA Case Number	Development Description
F20A/0668	<p>Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) 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-305289-19). 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.'</p> <p>Permission is being sought to amend 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 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 the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To 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-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night</p>

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: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek 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 nighttime 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. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning

PA Decision Date	08/08/2022
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

	<p> Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin. </p>
Applicant	
Additional Supporting Items	Yes

Daniel O'Connor

From: Bord
Sent: Friday 15 December 2023 10:39
To: Appeals2
Subject: FW: Our Ref. F20A/0668; Your Ref. ABP-314485-22
Attachments: F20A 0668.pdf

From: Alison Rothwell <Alison.Rothwell@fingal.ie>
Sent: Thursday, December 14, 2023 5:29 PM
To: Bord <bord@pleanala.ie>
Subject: Our Ref. F20A/0668; Your Ref. ABP-314485-22

Dear Sir/Madam,

Please find attached response to correspondence received in respect of the above application.

Yours faithfully,

Alison Rothwell | Clerical Officer | Fingal County Council | Planning & Strategic Infrastructure Department |
County Hall | Main Street | Swords | Co. Dublin | K67 X8Y2
Telephone : 01 8708411
Email: alison.rothwell@fingal.ie

Comhairle Contae
Fhine Gail
Fingal County
Council



This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or itservicedesk@fingal.ie. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software. Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó itservicedesk@fingal.ie ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truailithe, cailte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnamh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas.



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1.

Our Ref: **F20A/0668**

Your Ref: **ABP- 314485-22**

FAO: Patrick Buckley

Date: 14 December, 2023

Re: 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, which relates to the night-time use of the runway system at Dublin Airport. Dublin Airport, Co. Dublin

Dear Sir/Madam,

I refer to your correspondence dated 27th April 2023 and subsequent request on 8th November, 2023 for submissions in relation to the further information received regarding the above appeal.

The revised details submitted by the applicant in response to the request for further information have been reviewed by the Planning Authority without detailed technical assessment or analysis. The additional materials submitted that appear to be beyond the request of the Board have also been included in this review, these include:

- Actual flightpaths from North Runway.
- Updated air traffic forecast data.
- Earlier fleet modernisation.
- The North Runway becoming operational in August 2022 and associated operational updates.
- Other 'passage of time changes'.

Following summary review Fingal County Council would like to make the following observations in response to the request.

Response to ABP request item no. 1

It is noted that the outcome of the assessment has not been used to inform the determination of the significant effects and has not been supported by figures such as spatial data on distribution of additional awakenings.

Response to ABP request item no. 2

Based on the reporting presented in the Noise Modelling Report, it is clear that the same 1 dB adjustment (+ or -) has been applied to both permitted and proposed scenarios. For request item 2 c), situations have not been considered whereby the adjustment is applied to only one of the scenarios (i.e. permitted or proposed) being compared. The Board should satisfy themselves that this adequately responds to the request.

It is noted that the outcome of the sensitivity test has not been used to inform the appraisal of significant effects presented within Chapter 13 'Air Noise & Vibration'.

Response to ABP request item no. 3

This response is discussed within the Noise Modelling Report. A clear response to Item 3 a) does not appear to have been provided.

Analysis applicable to item 3 b) has been provided. It has been shown that annual 192 day summer period ATMs were last more than 25% below those in 2018 in 2014. It however appears that this item is now redundant given the clarification provided for point 3 c).

Analysis and reporting applicable to item 3 c) considers a 'Proposed Reduced Scenario' which is based on the Proposed Scenario but with the number of movements factored down so they are equal to 25% below the number in 2018, while keeping the fleet mix constant. This is reported to result in a similar number of movements to the Permitted Scenario but retains the use of the North Runway for part of the night. The Board should satisfy themselves that this adequately responds to the request.

This analysis has not been used to influence the determination of significance of effects presented in Chapter 13 'Air Noise & Vibration'.

Material presented in additional to response to Further information

North Runway Flight Paths

Actual flightpaths applicable to the North Runway have been reportedly used within noise modelling based on radar data and actual routes flown since 23rd February, 2023. It is considered that this change in input would influence the shape of the generated noise contours and associated assessment.

Figures presenting Lden and Lnight contours for the relevant baseline and assessment scenarios are presented in the body of the report. Comparison against previous assessment contours or analysis of the influence of flight path changes on the assessment has not been provided.

Direct comparison of the presented noise contours against the noise zone policy contours within the 2020 Dublin Airport Local Area Plan and Fingal Development Plan are not possible based on the format of information provided. It is noted that, for the permitted and proposed contours presented, there may be potential for exceedance

assessments.

Other points identified on review

Mode of operation of the airfield as discussed in Chapters 13 and 14 assumes segregated mode, between 06:00 and 08:00 it is stated that this '*reverts the change made in 2021 EIAR*' this will have an influence on the noise model outputs and associated assessments. Preferential runway use at night with activity on the North Runway limited to 2 hours is presented as a mitigation measure/control.

Details of the methodology employed for the modelling of ground noise are relatively scant within Chapter 14.

The assessment of ground noise does not appear to consider the influence of LAFmax noise events.

Following review of the RFI response submitted by DAA it is apparent to Fingal County Council that there are a number of substantial changes to operational and data inputs from that previously presented on application to Fingal County Council. These changes materially change the associated noise and vibration assessments and determination of significance of effects.

It is suggested that these changes shall require commensurate assessment and consideration by An Bord Pleanála in its capacity as the competent Authority for Environmental Impact Assessment and Appropriate Assessment, and the proper planning and sustainable development of the area.

Yours faithfully,



Malachy Bradley
Senior Planner

Date: 14/12/2023

of the policy contours in limited areas.

Updated air traffic forecast data

Within the provided documents it is confirmed that the proposed Relevant Action does not seek any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. As such, the updated forecast schedules maintain the 32 mppa Cap, as part of the planning conditions for Terminal 2 at Dublin Airport, a limit of 32m passengers was imposed by An Bord Pleanála (PL06F.220670). The original forecasts saw passenger numbers reaching 32 mppa by 2025 without the Relevant Action.

It is stated that quicker return to growth after the Covid-19 pandemic means that the 32mppa cap is now expected to be reached sooner. This affects air traffic forecasts which have therefore been updated since the December 2020 application and September 2021 update.

Within Chapter 13, it is stated that, for the Proposed Scenario, the 32mppa Cap is predicted to be reached in 2024 and that in 2026 the 32 mppa Cap will also have been reached in the Permitted Scenario. This appears to add some confusion given that within the Tom Phillips & Associates letter it is stated that original forecasts show 32 mppa being reached by 2025 without the Relevant Action.

The 2025 and 2035 assessment years have however been retained for the purpose of the noise and vibration assessments. The activity in 2024 being similar to that in 2025 is cited as the reason for not adopting a 2024 assessment year. Analysis supporting this approach has not been provided as part of the noise assessment.

Earlier fleet modernisation

Updated air traffic forecasts have been used which are reported to reflect earlier fleet modernisation and recent levels of activity at the airport since the North Runway became operational.

It is reported that fleet renewal plans for airlines at Dublin Airport were considered when preparing the future forecast scenarios. It is however unclear what level of influence DAA specific incentives / restrictions may have on the fleet assumptions, and whether associated influences are different between the permitted and proposed scenarios.

Updated air traffic forecasts and assumptions surrounding fleet modernisation as an input have a material influence on the noise assessment.

The North Runway becoming operational in August 2022

Noise modelling assumptions have been informed by and updated based on, latest activity details now that the North Runway is operational, therefore reflecting changes to the distribution of aircraft from the runways.

These changes therefore influence the noise modelling outputs and associated



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1.

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
22 DEC 2023	
Fee: € _____	Type: _____
Time: _____	By: <u>post</u>

Our Ref: **F20A/0668**

Your Ref: **ABP- 314485-22**

FAO: Patrick Buckley

Date: 14 December, 2023

Re: 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, which relates to the night-time use of the runway system at Dublin Airport. Dublin Airport, Co. Dublin

Dear Sir/Madam,

I refer to your correspondence dated 27th April 2023 and subsequent request on 8th November, 2023 for submissions in relation to the further information received regarding the above appeal.

The revised details submitted by the applicant in response to the request for further information have been reviewed by the Planning Authority without detailed technical assessment or analysis. The additional materials submitted that appear to be beyond the request of the Board have also been included in this review, these include:

- Actual flightpaths from North Runway.
- Updated air traffic forecast data.
- Earlier fleet modernisation.
- The North Runway becoming operational in August 2022 and associated operational updates.
- Other 'passage of time changes'.

Following summary review Fingal County Council would like to make the following observations in response to the request.

Response to ABP request item no. 1

It is noted that the outcome of the assessment has not been used to inform the determination of the significant effects and has not been supported by figures such as spatial data on distribution of additional awakenings.

Response to ABP request item no. 2

Based on the reporting presented in the Noise Modelling Report, it is clear that the same 1 dB adjustment (+ or -) has been applied to both permitted and proposed scenarios. For request item 2 c), situations have not been considered whereby the adjustment is applied to only one of the scenarios (i.e. permitted or proposed) being compared. The Board should satisfy themselves that this adequately responds to the request.

It is noted that the outcome of the sensitivity test has not been used to inform the appraisal of significant effects presented within Chapter 13 'Air Noise & Vibration'.

Response to ABP request item no. 3

This response is discussed within the Noise Modelling Report. A clear response to Item 3 a) does not appear to have been provided.

Analysis applicable to item 3 b) has been provided. It has been shown that annual 92 day summer period ATMs were last more than 25% below those in 2018 in 2014. It however appears that this item is now redundant given the clarification provided for point 3 c).

Analysis and reporting applicable to item 3 c) considers a 'Proposed Reduced Scenario' which is based on the Proposed Scenario but with the number of movements factored down so they are equal to 25% below the number in 2018, while keeping the fleet mix constant. This is reported to result in a similar number of movements to the Permitted Scenario but retains the use of the North Runway for part of the night. The Board should satisfy themselves that this adequately responds to the request.

This analysis has not been used to influence the determination of significance of effects presented in Chapter 13 'Air Noise & Vibration'

Material presented in additional to response to Further information**North Runway Flight Paths**

Actual flightpaths applicable to the North Runway have been reportedly used within noise modelling based on radar data and actual routes flown since 23rd February, 2023. It is considered that this change in input would influence the shape of the generated noise contours and associated assessment.

Figures presenting Lden and Lnight contours for the relevant baseline and assessment scenarios are presented in the body of the report. Comparison against previous assessment contours or analysis of the influence of flight path changes on the assessment has not been provided.

Direct comparison of the presented noise contours against the noise zone policy contours within the 2020 Dublin Airport Local Area Plan and Fingal Development Plan are not possible based on the format of information provided. It is noted that, for the permitted and proposed contours presented, there may be potential for exceedance

of the policy contours in limited areas.

Updated air traffic forecast data

Within the provided documents it is confirmed that the proposed Relevant Action does not seek any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. As such, the updated forecast schedules maintain the 32 mppa Cap, as part of the planning conditions for Terminal 2 at Dublin Airport, a limit of 32m passengers was imposed by An Bord Pleanála (PL06F.220670). The original forecasts saw passenger numbers reaching 32 mppa by 2025 without the Relevant Action.

It is stated that quicker return to growth after the Covid-19 pandemic means that the 32mppa cap is now expected to be reached sooner. This affects air traffic forecasts which have therefore been updated since the December 2020 application and September 2021 update.

Within Chapter 13, it is stated that, for the Proposed Scenario, the 32mppa Cap is predicted to be reached in 2024 and that in 2026 the 32 mppa Cap will also have been reached in the Permitted Scenario. This appears to add some confusion given that within the Tom Phillips & Associates letter it is stated that original forecasts show 32 mppa being reached by 2025 without the Relevant Action.

The 2025 and 2035 assessment years have however been retained for the purpose of the noise and vibration assessments. The activity in 2024 being similar to that in 2025 is cited as the reason for not adopting a 2024 assessment year. Analysis supporting this approach has not been provided as part of the noise assessment.

Earlier fleet modernisation

Updated air traffic forecasts have been used which are reported to reflect earlier fleet modernisation and recent levels of activity at the airport since the North Runway became operational.

It is reported that fleet renewal plans for airlines at Dublin Airport were considered when preparing the future forecast scenarios. It is however unclear what level of influence DAA specific incentives / restrictions may have on the fleet assumptions, and whether associated influences are different between the permitted and proposed scenarios.

Updated air traffic forecasts and assumptions surrounding fleet modernisation as an input have a material influence on the noise assessment.

The North Runway becoming operational in August 2022

Noise modelling assumptions have been informed by and updated based on, latest activity details now that the North Runway is operational, therefore reflecting changes to the distribution of aircraft from the runways.

These changes therefore influence the noise modelling outputs and associated

assessments.

Other points identified on review

Mode of operation of the airfield as discussed in Chapters 13 and 14 assumes segregated mode, between 06:00 and 08:00 it is stated that this '*reverts the change made in 2021 EIAR*' this will have an influence on the noise model outputs and associated assessments. Preferential runway use at night with activity on the North Runway limited to 2 hours is presented as a mitigation measure/control.

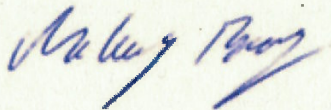
Details of the methodology employed for the modelling of ground noise are relatively scant within Chapter 14.

The assessment of ground noise does not appear to consider the influence of LAFmax noise events.

Following review of the RFI response submitted by DAA it is apparent to Fingal County Council that there are a number of substantial changes to operational and data inputs from that previously presented on application to Fingal County Council. These changes materially change the associated noise and vibration assessments and determination of significance of effects.

It is suggested that these changes shall require commensurate assessment and consideration by An Bord Pleanála in its capacity as the competent Authority for Environmental Impact Assessment and Appropriate Assessment, and the proper planning and sustainable development of the area.

Yours faithfully,



Malachy Bradley
Senior Planner

Date: __14/12/2023__

