

File With _____

SECTION 131 FORM

Appeal NO: ABP 314685-22Defer Re O/H ☐Having considered the contents of the submission dated received 13/12/2022
fromANCAI 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: 18/12/2023

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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

Validation Checklist

Lodgement Number : **LDG-068980-23**

Case Number: **ABP-314485-22**

Customer: **ANCA**

Lodgement Date: **13/12/2023 12:20:00**

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: 18/12/2023 12:27

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068980-23



Details

Lodgement Date	13/12/2023
Customer	ANCA
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068980-23
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	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
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

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.'

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

Development Description

F20A/0668

2A Case Number

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

Patmel

Mary Tucker

From: Bord
Sent: Wednesday 13 December 2023 10:37
To: Appeals2
Subject: FW: Your Ref. ABP-314485-22. Correspondence RE: Significant Further Information
Attachments: 20231213 Correspondence from ANCA RE APB-314485-22.pdf

From: Joe Mahon <Joe.Mahon@fingal.ie>
Sent: Wednesday, December 13, 2023 10:17 AM
To: Bord <bord@pleanala.ie>
Subject: Your Ref. ABP-314485-22. Correspondence RE: Significant Further Information

Please find correspondence attached regarding case reference ABP-314485-22 (Fingal County Council planning authority Ref. F20A/0668) in response to your correspondence 8 November 2023. The correspondence was also delivered by courier to your office on 13 December 2023.

Regards

Joe

Joe Mahon
Senior Noise Technical Officer

Aircraft Noise Competent Authority
Fingal County Council | County Hall | Swords | County Dublin, K67 X8Y2

An tÚdarás Inniúil um Thorann Aerárthaí
Comhairle Contae Fhine Gall | Áras an Chontae | Sord | Contae Átha Cliath,
K67 X8Y2.

T: + 353 1 890 5998
www.fingal.ie/aircraftnoiseca



An tÚdarás Inniúil um
Thorann Aerárthaí
Aircraft Noise
Competent Authority

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, truaillithe, caillte , scriosta, nó teacht déanach nó neamhiomlán . Dá bhrí sin , ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh 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.

Planning Authority Ref. F20A/0668

Your Ref. ABP-314485-22

13 December 2023

RE: Significant Further Information regarding a proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000 which relates to the night-time use of the runway system at Dublin Airport.

Dear Sir/Madam,

I refer to your letter of 08 November 2023 which referred to **Significant Further Information relating to the above** and draw the attention of An Bord Pleanála to the **response of the Aircraft Noise Competent Authority (ANCA)**, below, to your correspondence.

Background to the Regulatory Decision made by the Aircraft Noise Competent Authority

On 18 December 2020, the airport authority for Dublin Airport (daa) made an application ref. F20A/0668 (the Application) pursuant to Section 34C of the Planning and Development Act 2000, as amended, in particular by the Aircraft Noise (Dublin Airport) Regulation Act 2019 (the Act of 2000, the Act of 2019) for planning permission for the taking of a "Relevant Action" only involving 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 daa's existing planning permission for the North Runway at Dublin Airport (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.





The Planning Authority gave a copy of the Application to ANCA on 23 December 2020 in accordance with the provisions of Section 34C(2) of the Act of 2000. ANCA determined that a noise problem would arise at Dublin Airport from the taking of the Relevant Action as proposed in the Application and commenced the process of aircraft noise regulation as required by Section 34C of the Act of 2000.

The Noise Abatement Objective for Dublin Airport

Through the process of aircraft noise regulation, ANCA defined a Noise Abatement Objective (NAO). The NAO is a framework for the management of aircraft noise at Dublin Airport, which contains measurable outcomes, which will limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night.

In addition to the need for flexibility in the delivery of medium and longer term objectives, the NAO provides for a limit in the numbers of people impacted by aircraft noise around the airport when compared to pre-pandemic levels. Achievement of the NAO is by reference to a 2019 baseline.

The regulatory decision by ANCA dated 20 June 2022

Through the application of the ICAO Balanced Approach (as referred to in Regulation (EU) 598/2014 (Reg 598/2014)), ANCA made a draft regulatory decision on 11 November 2021. This draft decision was put out for public consultation for a period of 14 weeks. Following consideration of all submissions, a regulatory decision was made on 20 June 2022. Through this process, ANCA determined that one new noise mitigation measure and two new operating restrictions were required to address the noise problem, as identified through the process of assessment, that would arise as a result of the taking of the Relevant Action. This regulatory decision would also support the achievement of the NAO. The decision of the planning authority (dated 08 August 2022), incorporating this regulatory decision is the subject of your letter dated 08 November 2023.

Review of data provided by An Bord Pleanála to ANCA on 08 November 2023

In accordance with Reg 598/2014 and the Act of 2019, the assessment by ANCA of the impact of aircraft noise at and around Dublin Airport was carried out as required by EU Directive 2002/49/EC (also known as the Environmental Noise Directive (END)) and the European Communities (Environmental Noise) Regulations 2018 (ENR), which transposes the END into Irish law. The objective of the END is: *“to avoid, prevent or reduce on a prioritized basis the harmful effects, including annoyance, due to exposure to environmental noise”*. The regulatory decision, was based on analysis of aircraft activity at Dublin Airport up to 2019 together with forecasts out to 2040.

The analysis was undertaken, and regulatory decision made, when the aviation industry was still significantly impacted by the COVID-19 (Coronavirus) pandemic. To address forecasting uncertainties that arose in this context, the NAO established specific and timebound





improvements to be delivered in noise exposure outcomes. These improvements facilitated a balance between fleet modernisation and any rebound in aviation activity as the impact of the pandemic receded. ANCA recognises that the aviation industry is returning to pre-pandemic levels earlier than was generally forecasted. This global trend is also representative of the situation at Dublin Airport.

ANCA has identified changes to assumptions used and inputs provided by daa in its Significant Further Information to ABP, from what was previously relied on during ANCA's determinations. An overview of the areas of change is outlined below. The impact of these changes has not been quantified by ANCA. For example:

1. Since the regulatory decision was made by ANCA, new departure routes from the north runway have been implemented and adjusted. These flight paths have some deviation from those assumed with the Application.
2. The latest forecasts incorporate a number of changes from the forecasts provided with the Application. Aviation recovery and fleet modernisation has progressed faster than anticipated in daa forecasts submitted in the Application. Changes to the forecasts include, but are not limited to:
 - a. The forecasts provided with the Application for 2025 did not include any 737max aircraft types. These aircraft are currently in operation at Dublin Airport and the updated forecasts now show a large deployment of 737max aircraft in 2025 and in future years.
 - b. There are increased proportions of Generation Zero (G0) aircraft (which are the oldest and noisiest aircraft in operation) in the updated forecasts. Forecasts for 2025 and 2035 in the Significant Further Information show increased percentages of this type. There is no narrative provided as to why this should be the case or what the aircraft noise implications are.
 - c. The update forecasts in the Significant Further Information indicate a greater number of night-time flights than were forecast with the Application.
3. The operation of the airport's runways at night as modelled in the Significant Further Information is different to what was originally forecast within the Application. This will have a consequential impact on the pattern of night-time noise exposure that was originally assessed by ANCA in making the regulatory decision.

Due to the differences outlined in points 1-3 above, the configuration of the Noise Quota Scheme (NQS) and the insulation scheme eligibility as provided in the ANCA regulatory decision, may no longer be appropriate.

Furthermore, the cost effectiveness analysis (CEA), as carried out by ANCA, and as required by Reg 598/2014, utilised June 2021 forecasts provided by daa to determine the cost of the Condition 3d and 5 restrictions. Due to the changes in the forecasts, the CEA that underpinned the ANCA regulatory decision may demonstrate different costs of these restrictions due to the updated forecasts.





As an additional point of information for the attention of An Bord Pleanála: at the time of making the regulatory decision, the north runway had not yet commenced operations. This necessarily introduced a degree of uncertainty into assessments which was recognised in Appendix F to the ANCA Regulatory Decision Report. This appendix included recommendations on improving the airport noise model after the north runway became operational.

We trust that this response will be of assistance to An Bord Pleanála in determining the appeal.

Yours sincerely

Ethna Felten

Director of Services
Aircraft Noise Competent Authority





The Secretary, An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Planning Authority Ref. F20A/0668

Your Ref. ABP-314485-22

13 December 2023

RE: Significant Further Information regarding a proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000 which relates to the night-time use of the runway system at Dublin Airport.

Dear Sir/Madam,

I refer to your letter of 08 November 2023 which referred to **Significant Further Information** relating to the above and draw the attention of An Bord Pleanála to the response of the Aircraft Noise Competent Authority (ANCA), below, to your correspondence.

Background to the Regulatory Decision made by the Aircraft Noise Competent Authority

On 18 December 2020, the airport authority for Dublin Airport (daa) made an application ref. F20A/0668 (the Application) pursuant to Section 34C of the Planning and Development Act 2000, as amended, in particular by the Aircraft Noise (Dublin Airport) Regulation Act 2019 (the Act of 2000, the Act of 2019) for planning permission for the taking of a "Relevant Action" only involving 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 daa's existing planning permission for the North Runway at Dublin Airport (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.





The Planning Authority gave a copy of the Application to ANCA on 23 December 2020 in accordance with the provisions of Section 34C(2) of the Act of 2000. ANCA determined that a noise problem would arise at Dublin Airport from the taking of the Relevant Action as proposed in the Application and commenced the process of aircraft noise regulation as required by Section 34C of the Act of 2000.

The Noise Abatement Objective for Dublin Airport

Through the process of aircraft noise regulation, ANCA defined a Noise Abatement Objective (NAO). The NAO is a framework for the management of aircraft noise at Dublin Airport, which contains measurable outcomes, which will limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night.

In addition to the need for flexibility in the delivery of medium and longer term objectives, the NAO provides for a limit in the numbers of people impacted by aircraft noise around the airport when compared to pre-pandemic levels. Achievement of the NAO is by reference to a 2019 baseline.

The regulatory decision by ANCA dated 20 June 2022

Through the application of the ICAO Balanced Approach (as referred to in Regulation (EU) 598/2014 (Reg 598/2014)), ANCA made a draft regulatory decision on 11 November 2021. This draft decision was put out for public consultation for a period of 14 weeks. Following consideration of all submissions, a regulatory decision was made on 20 June 2022. Through this process, ANCA determined that one new noise mitigation measure and two new operating restrictions were required to address the noise problem, as identified through the process of assessment, that would arise as a result of the taking of the Relevant Action. This regulatory decision would also support the achievement of the NAO. The decision of the planning authority (dated 08 August 2022), incorporating this regulatory decision is the subject of your letter dated 08 November 2023.

Review of data provided by An Bord Pleanála to ANCA on 08 November 2023

In accordance with Reg 598/2014 and the Act of 2019, the assessment by ANCA of the impact of aircraft noise at and around Dublin Airport was carried out as required by EU Directive 2002/49/EC (also known as the Environmental Noise Directive (END)) and the European Communities (Environmental Noise) Regulations 2018 (ENR), which transposes the END into Irish law. The objective of the END is: *"to avoid, prevent or reduce on a prioritized basis the harmful effects, including annoyance, due to exposure to environmental noise"*. The regulatory decision, was based on analysis of aircraft activity at Dublin Airport up to 2019 together with forecasts out to 2040.

The analysis was undertaken, and regulatory decision made, when the aviation industry was still significantly impacted by the COVID-19 (Coronavirus) pandemic. To address forecasting uncertainties that arose in this context, the NAO established specific and timebound





improvements to be delivered in noise exposure outcomes. These improvements facilitated a balance between fleet modernisation and any rebound in aviation activity as the impact of the pandemic receded. ANCA recognises that the aviation industry is returning to pre-pandemic levels earlier than was generally forecasted. This global trend is also representative of the situation at Dublin Airport.

ANCA has identified changes to assumptions used and inputs provided by daa in its Significant Further Information to ABP, from what was previously relied on during ANCA's determinations. An overview of the areas of change is outlined below. The impact of these changes has not been quantified by ANCA. For example:

1. Since the regulatory decision was made by ANCA, new departure routes from the north runway have been implemented and adjusted. These flight paths have some deviation from those assumed with the Application.
2. The latest forecasts incorporate a number of changes from the forecasts provided with the Application. Aviation recovery and fleet modernisation has progressed faster than anticipated in daa forecasts submitted in the Application. Changes to the forecasts include, but are not limited to:
 - a. The forecasts provided with the Application for 2025 did not include any 737max aircraft types. These aircraft are currently in operation at Dublin Airport and the updated forecasts now show a large deployment of 737max aircraft in 2025 and in future years.
 - b. There are increased proportions of Generation Zero (G0) aircraft (which are the oldest and noisiest aircraft in operation) in the updated forecasts. Forecasts for 2025 and 2035 in the Significant Further Information show increased percentages of this type. There is no narrative provided as to why this should be the case or what the aircraft noise implications are.
 - c. The update forecasts in the Significant Further Information indicate a greater number of night-time flights than were forecast with the Application.
3. The operation of the airport's runways at night as modelled in the Significant Further Information is different to what was originally forecast within the Application. This will have a consequential impact on the pattern of night-time noise exposure that was originally assessed by ANCA in making the regulatory decision.

Due to the differences outlined in points 1-3 above, the configuration of the Noise Quota Scheme (NQS) and the insulation scheme eligibility as provided in the ANCA regulatory decision, may no longer be appropriate.

Furthermore, the cost effectiveness analysis (CEA), as carried out by ANCA, and as required by Reg 598/2014, utilised June 2021 forecasts provided by daa to determine the cost of the Condition 3d and 5 restrictions. Due to the changes in the forecasts, the CEA that underpinned the ANCA regulatory decision may demonstrate different costs of these restrictions due to the updated forecasts.





As an additional point of information for the attention of An Bord Pleanála at the time of making the regulatory decision, the north runway had not yet commenced operations. This necessarily introduced a degree of uncertainty into assessments which was recognised in Appendix F to the ANCA Regulatory Decision Report. This appendix included recommendations on improving the airport noise model after the north runway became operational.

We trust that this response will be of assistance to An Bord Pleanála in determining the appeal.

Yours sincerely

Ethna Felten

Director of Services
Aircraft Noise Competent Authority





AN BORD PLEANÁLA

LDG- _____
ABP- _____

13 DEC 2023

Fee: € _____ Type: _____

Time: 11:15 By: Courier

The Secretary, An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Planning Authority Ref. F20A/0668

Your Ref. ABP-314485-22

13 December 2023

RE: Significant Further Information regarding a proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000 which relates to the night-time use of the runway system at Dublin Airport.

Dear Sir/Madam,

I refer to your letter of 08 November 2023 which referred to **Significant Further Information** relating to the above and draw the attention of An Bord Pleanála to the response of the Aircraft Noise Competent Authority (ANCA), below, to your correspondence.

Background to the Regulatory Decision made by the Aircraft Noise Competent Authority

On 18 December 2020, the airport authority for Dublin Airport (daa) made an application ref. F20A/0668 (the Application) pursuant to Section 34C of the Planning and Development Act 2000, as amended, in particular by the Aircraft Noise (Dublin Airport) Regulation Act 2019 (the Act of 2000, the Act of 2019) for planning permission for the taking of a "Relevant Action" only involving 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 daa's existing planning permission for the North Runway at Dublin Airport (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.





The Planning Authority gave a copy of the Application to ANCA on 23 December 2020 in accordance with the provisions of Section 34C(2) of the Act of 2000. ANCA determined that a noise problem would arise at Dublin Airport from the taking of the Relevant Action as proposed in the Application and commenced the process of aircraft noise regulation as required by Section 34C of the Act of 2000.

The Noise Abatement Objective for Dublin Airport

Through the process of aircraft noise regulation, ANCA defined a Noise Abatement Objective (NAO). The NAO is a framework for the management of aircraft noise at Dublin Airport, which contains measurable outcomes, which will limit and reduce the long-term adverse effects of aircraft noise on health and quality of life, particularly at night.

In addition to the need for flexibility in the delivery of medium and longer term objectives, the NAO provides for a limit in the numbers of people impacted by aircraft noise around the airport when compared to pre-pandemic levels. Achievement of the NAO is by reference to a 2019 baseline.

The regulatory decision by ANCA dated 20 June 2022

Through the application of the ICAO Balanced Approach (as referred to in Regulation (EU) 598/2014 (Reg 598/2014)), ANCA made a draft regulatory decision on 11 November 2021. This draft decision was put out for public consultation for a period of 14 weeks. Following consideration of all submissions, a regulatory decision was made on 20 June 2022. Through this process, ANCA determined that one new noise mitigation measure and two new operating restrictions were required to address the noise problem, as identified through the process of assessment, that would arise as a result of the taking of the Relevant Action. This regulatory decision would also support the achievement of the NAO. The decision of the planning authority (dated 08 August 2022), incorporating this regulatory decision is the subject of your letter dated 08 November 2023.

Review of data provided by An Bord Pleanála to ANCA on 08 November 2023

In accordance with Reg 598/2014 and the Act of 2019, the assessment by ANCA of the impact of aircraft noise at and around Dublin Airport was carried out as required by EU Directive 2002/49/EC (also known as the Environmental Noise Directive (END)) and the European Communities (Environmental Noise) Regulations 2018 (ENR), which transposes the END into Irish law. The objective of the END is: *"to avoid, prevent or reduce on a prioritized basis the harmful effects, including annoyance, due to exposure to environmental noise"*. The regulatory decision, was based on analysis of aircraft activity at Dublin Airport up to 2019 together with forecasts out to 2040.

The analysis was undertaken, and regulatory decision made, when the aviation industry was still significantly impacted by the COVID-19 (Coronavirus) pandemic. To address forecasting uncertainties that arose in this context, the NAO established specific and timebound





improvements to be delivered in noise exposure outcomes. These improvements facilitated a balance between fleet modernisation and any rebound in aviation activity as the impact of the pandemic receded. ANCA recognises that the aviation industry is returning to pre-pandemic levels earlier than was generally forecasted. This global trend is also representative of the situation at Dublin Airport.

ANCA has identified changes to assumptions used and inputs provided by daa in its Significant Further Information to ABP, from what was previously relied on during ANCA's determinations. An overview of the areas of change is outlined below. The impact of these changes has not been quantified by ANCA. For example:

1. Since the regulatory decision was made by ANCA, new departure routes from the north runway have been implemented and adjusted. These flight paths have some deviation from those assumed with the Application.
2. The latest forecasts incorporate a number of changes from the forecasts provided with the Application. Aviation recovery and fleet modernisation has progressed faster than anticipated in daa forecasts submitted in the Application. Changes to the forecasts include, but are not limited to:
 - a. The forecasts provided with the Application for 2025 did not include any 737max aircraft types. These aircraft are currently in operation at Dublin Airport and the updated forecasts now show a large deployment of 737max aircraft in 2025 and in future years.
 - b. There are increased proportions of Generation Zero (G0) aircraft (which are the oldest and noisiest aircraft in operation) in the updated forecasts. Forecasts for 2025 and 2035 in the Significant Further Information show increased percentages of this type. There is no narrative provided as to why this should be the case or what the aircraft noise implications are.
 - c. The update forecasts in the Significant Further Information indicate a greater number of night-time flights than were forecast with the Application.
3. The operation of the airport's runways at night as modelled in the Significant Further Information is different to what was originally forecast within the Application. This will have a consequential impact on the pattern of night-time noise exposure that was originally assessed by ANCA in making the regulatory decision.

Due to the differences outlined in points 1-3 above, the configuration of the Noise Quota Scheme (NQS) and the insulation scheme eligibility as provided in the ANCA regulatory decision, may no longer be appropriate.

Furthermore, the cost effectiveness analysis (CEA), as carried out by ANCA, and as required by Reg 598/2014, utilised June 2021 forecasts provided by daa to determine the cost of the Condition 3d and 5 restrictions. Due to the changes in the forecasts, the CEA that underpinned the ANCA regulatory decision may demonstrate different costs of these restrictions due to the updated forecasts.





As an additional point of information for the attention of An Bord Pleanála: at the time of making the regulatory decision, the north runway had not yet commenced operations. This necessarily introduced a degree of uncertainty into assessments which was recognised in Appendix F to the ANCA Regulatory Decision Report. This appendix included recommendations on improving the airport noise model after the north runway became operational.

We trust that this response will be of assistance to An Bord Pleanála in determining the appeal.

Yours sincerely

Ethna Felten

Director of Services
Aircraft Noise Competent Authority

