



RODERIC
O'GORMAN
GREEN TD FOR DUBLIN WEST

29th January 2021

Re: Planning application F20A/0668

To whom it may concern,

We would like to make the following submission in opposition to the application by DAA PLC, reference F20A/0668, proposing the amendment of two planning conditions (attached to the planning permission for the new North runway).

We have paid the submission fee.

Kind regards,

Roderic O'Gorman, TD, Cllr Pamela Conroy and Cllr Daniel Whooley

Change in Time Restrictions goes against European Directive 2002/49/EC

Dublin Airport Authority's proposal to amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755) from the following:

'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.'

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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.'

Violates Directive 2002/49/EC of the European Parliament and the Council relating to environmental noise assessment and management. According to Directive 2002/49/EC, the definition of the day-evening-night level Lden states that:

- the day is 12 hours, the evening for four hours, and the night eight hours. The Member States may shorten the evening period by one or two hours and lengthen the day and/or the night period accordingly, provided that this choice is the same for all the sources and that they provide the Commission with information on any systematic difference from the default option,
- the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time,
- a year is a relevant year as regards the emission of sound and an average year as regards the meteorological circumstances.

The redefinition of a night-time noise quota between 11.30 pm and 6 am is not legally sound as it violates the directive's definition of "night" being 8 hours and it "night" unless provided the European Commission with a change from the default option by member states, is between 23.00 and 7.00 local time. This proposal must be adapted to fit within the Directives boundaries.

Switching from a Noise monitoring system to a night-time flight restriction system

The planning application aims 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) which provides as follows:

'On completion of construction of the runway hereby permitted, the average number of night-time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92-day modelling period as set out in 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 to protect residential amenity regarding 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.'

This proposal does not follow the standard for similar passenger traffic Airports (see the grid below) where Tegel Airport in Berlin has a blunt flight policy during their "night-time" period of 22.00 to 5.00.

AIRPORTS WITH SIMILAR PASSENGERS PER YEAR

Airport Name	Country	Passengers/year	No restrictions	Noise based	Flight cap	No flights
Berlin Tegel Airport	Germany	35.6 million	Take-offs and landings are not permitted between 2200 (2150 off blocks) and 0500.			
Dublin Airport	Ireland	32.6 million				
Orly Airport	France	31.8 million	Total night curfew from 23:30 to 06:00 has been implemented since 1968: no arrival may be scheduled between 23:30 and 6:15, and no departure between 23:15 to 06:00.			
Vienna International	Austria	31.6 million	Flight movements between 23:30 and 05:30 must be gradually decreased until a maximum of 3,000 flight movements per year (an average of four landings and four take-offs per night)			
Lisbon Airport	Portugal	31.1 million	Night-time flight cap of a maximum of 26 movements daily maxing at 91 weekly.			
Palma de Mallorca	Spain	29.7 million	x			
Manchester	UK	29.3 million	Flight curfew for planes that fall into a quota count (QC) over QC4 (Ex.: Boeing 747) and fines for planes that exceed 81 dB between 23.00 & 06.59			

A similar airport in passengers/year is Vienna International. The airport is considered best practice in terms of efforts of community engagement and mediation. This engagement has led to several paths of dialogue with residents. One tool is "*Neighbourhood Committee*", which provides communication with the residents. This committee is composed of the airport managing director and the mayors and district heads of the surrounding neighbourhoods. Another non-profit organisation called "*Verein Dialogforum*" functions as an information and communication platform financed by the airport.

The mediation agreement handles several important topics, like night flight restrictions, noise caps, and environment fund and noise prevention programmes. The Forum discusses all these

topics in order to reduce the nuisance from air traffic to a minimum. Municipalities and citizens have the opportunity of putting in place actions that go much further than the measures indicated in the law.

A consequence of the "Verein Dialogforum" is a flight movement cap between 23.30 and 5.30 pm with a maximum of 3,000 night-time flight movements per year (4 movements per night)

These proposals by the Dublin Airport Authority on the implementation of a noise-based monitoring system are not standard practice among airports of similar passengers per year, where most have either a direct stop on night-time flights (Tegel Airport, Orly Airport) or a maximum flight movement cap (Vienna International, Lisbon Airport). Rejecting this proposal and maintaining the current restrictions is what residents prefer and standard among similar airports.

Dublin Airport Authority is also not following the best practice, as set out by Vienna International's "*Verein Dialogforum*" & "*Neighbourhood Committee*", and aggravated residents who will be affected by the proposed changes. If the Airport Authority is to bring residents along with their proposed changes, they are doing so with great failure. Using more tools to create dialogue among communities where feedback is having an influence on decisions is key to greater harmony between both groups. The DAA should look at Vienna as an example of successful Airport-Community dialogue and take some of the successful policies and implement them in Fingal.

Noise impact in Dublin 15

As things currently stand, the opening of the North runway, in conjunction with the restrictions which were made a condition of the planning permission for that runway, would result in a reduction in noise levels experienced by many people living in Dublin 15. Those living in areas like Hollystown experience excessive noise as a result of current operations at the airport, so a change which would have resulted in a reduction in noise is a welcome one.

However, if the current restrictions are changed, as per this planning application, then those living in this area will not benefit from a reduction in noise levels when the north runway is opened. Instead, the level of noise that they are experiencing will remain the same and they will experience new night noise. This is unacceptable.

Grants for noise mitigation

Despite the fact that those living in Dublin 15 will experience longer periods of noise than they do at the moment, if this application is approved, it is unclear from the maps submitted as part of the application if they will qualify for noise mitigation grants to insulate their homes. The maps are of extremely poor quality and hard to read. It is unclear what process has been used to decide which homes are to be insulated and which are not.

Additionally, from reading some of the submissions already made in relation to this application it is clear that noise mitigation measures are not successful. We would therefore argue that the best way to mitigate noise is to leave the planning conditions as they are and refuse this application.

Delay in documentation being made available

Although this planning application was lodged and went live on Fingal's website on the 18th December 2020, there has been a significant delay in some of the documentation going online. A large quantity of information relating to the application did not go online until 11/12th January which means that those submitting observations did not have the full time period to consider all documentation. We would raise a query as to whether this failure to follow fair procedures could open up the final determination to the risk of a successful judicial review challenge.

Lack of public consultation

As part of the Dublin Airport Management Plan, dated May 2018, the DAA states at section 5.3 that they are “committed to engaging with the local community in order to inform and discuss developments relevant to the airport”. The last public consultation undertaken by the DAA was in 2016. At that time, many of the homes in Dublin West which will be affected by the proposed application had not yet been built.

It is paramount that DAA engage in a proper, full public consultation ahead of any changes to their planning conditions being granted.

References

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