



RECORD OF CHIEF EXECUTIVE'S ORDER

Identification of a Noise Problem at Dublin Airport that would arise from the taking of a relevant action under planning application reference F20A/0668.

1. Section 3 of the Aircraft Noise (Dublin Airport) Act 2019 (the "**Act of 2019**") designates Fingal County Council as the competent authority for the purposes of the Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC (the "**Aircraft Noise Regulation**").
2. In this Order, "**ANCA**" refers to Fingal County Council acting in its capacity as competent authority as defined in Sections 2 and 3 of the Act of 2019 and the "**Planning Authority**" refers to Fingal County Council acting in its capacity as planning authority as defined in Section 2 of the Planning and Development Act 2000 (the "**Act of 2000**").
3. On the 18th December 2020, Dublin Airport Authority "**daa**" applied to the Planning Authority for a proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Act of 2000 (Planning Application ref. F20A/0668) (the "**Planning Application**"). The relevant action was to amend Conditions 3(d) and 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) in the manner outlined in the recommendation report dated 10th February 2021.
4. Pursuant to Section 34C(4) of the Act of 2000, the Planning Authority shall neither decide to refuse the Planning Application nor grant the Planning Application subject to or without conditions until it receives a notice from ANCA either:

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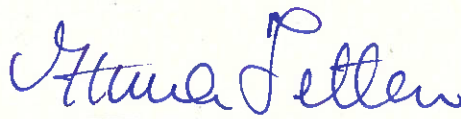
- a) pursuant to Section 34C(5) of the Act of 2000, directing the Planning Authority to refuse permission for the reason that inadequate provision has been made in the Planning Application (or in any plans or further information, or both, subsequently given by daa to the Planning Authority and ANCA) to deal with the noise problem that would arise from the carrying out of the relevant action as proposed, or
 - b) pursuant to Section 34C(15)(a)(ii), sending a copy of a regulatory decision adopted under Section 34C(14)(a) providing for the noise mitigation measures or operating restrictions that it proposes to direct the Planning Authority to include as conditions of the Planning Authority's decision (if any) to grant the Planning Application.
5. The Planning Authority gave a copy of the Planning Application to ANCA on 23rd December 2020 in accordance with Section 34C(2) of the Act of 2000.
6. ANCA must determine whether a noise problem would arise from taking the relevant action proposed in the Planning Application in order to make either of the determinations referred to in paras. 4 a) or b) above, one of which is required for the Planning Authority to determine the Planning Application.
7. By the **enclosed** recommendation report dated 10th February 2021, in the context of the provisions of Regulation EU No. 598/2014, the Act of 2000 and the Act of 2019, I recommend that ANCA determines that a Noise Problem at Dublin Airport would arise from the taking of the relevant action as proposed in the Planning Application and commences the process of aircraft noise regulation prescribed by Section 34C of the Act of 2000. A summary of the reasons for that recommendation set out in the report of 10th February 2021 are provided below:
- a) The Application proposes an increase in aircraft activity at night, when referenced against the situation that would otherwise pertain, which may result in higher levels of human exposure to aircraft noise.
 - b) The Application proposes a situation where some people will experience elevated levels of night-time noise exposure for the first time which may be considered harmful to human health.
 - c) The EIAR accompanying the Planning Application indicates that the proposed Relevant Action will give rise to significant adverse night-time

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noise effects. This indicates that the noise effects of the Proposed Development are a material consideration. Mitigation in the form of a night-time noise insulation scheme is proposed by the Application. The provision of such mitigation is an indicator that the Proposed Development may give rise to a Noise Problem.


Senior Engineer

ORDER: I hereby order the declaration of a Noise Problem at Dublin Airport that would arise from the taking of the relevant action, as proposed in Planning Application F20A/0668, in accordance with the provisions of the Act of 2019 and the Act of 2000 and the commencement of the process of aircraft noise regulation as prescribed by Section 34C of the Act of 2000, as recommended by the senior engineer.


Director of Service

Date 10.02.2021

thereunto empowered by order of the Chief Executive, Fingal County Council C.E No.7926 delegating to me all her powers, functions and duties in relation to the Council of the County of Fingal in respect of this matter.

