

**Aircraft Noise Competent Authority (ANCA)
Fingal County Council**



RECORD OF CHIEF EXECUTIVE'S ORDER

Strategic Environmental Assessment (SEA) Screening Determination under:

The European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (the "Regulations of 2004")

In relation to:

'the proposed defining of a Noise Abatement Objective for Dublin Airport pursuant to Section 9(2)(a) of the Aircraft Noise (Dublin Airport) Act 2019 (NAO) and making of a regulatory decision pursuant to 34C(14)(a) of the Planning and Development Act of 2000, relating to Planning Application F20A/0668 (a Regulatory Decision), by the Aircraft Noise Competent Authority'

1. Section 9(2) of the Aircraft Noise (Dublin Airport) Act 2019 (the **Act of 2019**) requires Fingal County Council, in its capacity as Aircraft Noise Competent Authority (**ANCA**), to *"ensure that the Balanced Approach is adopted where a noise problem at the airport has been identified and, to that end, shall further ensure that, as appropriate: (a) the noise abatement objective is, as appropriate, defined, restated or amended, taking into account, as appropriate, Article 8 of, and Annex V to, the Environmental Noise Directive"*. That obligation reflects the obligation under Article 5(2) of Regulation 598/2014 (the **Airport Noise Regulation**)
2. On 18 December 2020, the airport authority for Dublin Airport (**daa**) made an application (F20A/0668) pursuant to Section 34C of the Planning and Development Act 2000 (the **Act of 2000**) 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 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.
3. By Chief Executive Order ref. ANCA\002\2021 dated 10th February 2021, ANCA determined that a noise problem at Dublin Airport would arise from the taking of the Relevant Action as proposed in planning application F20A/0668 and commenced the process of aircraft noise regulation as prescribed by Section 34C of the Act of 2000.
4. The process of aircraft noise regulation in this context requires ANCA to define an NAO, apply the Balanced Approach, and, subject to Section 34C(5) of the Act of 2000¹, make a Regulatory Decision. The Regulatory Decision either sets out the noise mitigation measures or operating restrictions (if any)

¹ Section 34C(5) provides that ANCA shall direct the planning authority to refuse permission where the applicant has made inadequate provision in the application or in any plans, further information or both, to deal with the noise problem that would arise from carrying out the relevant action as proposed.

that ANCA proposes to direct the planning authority to include in the planning authority's decision, if any, to grant permission pursuant to F20A/0668 or confirms that no such conditions are required to be included in the planning authority's decision.

5. As such, the Regulatory Decision sets the framework for the decision on F20A/0668 and future applications for development consent (as defined in Directive 2011/92/EU) at the airport. Furthermore, pursuant to Section 34C(1)(c) of the Act of 2000 and Section 9(7) of the Act of 2019, the noise mitigation measures and operating restrictions provided for in the Regulatory Decision cannot be more restrictive than is necessary in order to achieve the NAO. Therefore, the NAO sets the framework for the Regulatory Decision and in turn sets the framework for the decision on F20A/0668 and future applications for development consent at the airport. Accordingly, both the NAO and the Regulatory Decision are a plan or programme for the purposes of the Regulations of 2004.
6. Article 9(1) of the Regulations of 2004 require competent authorities such as ANCA to carry out an environmental assessment for all plans and programmes which are prepared for, among other things, transport and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive. However, where a plan or programme described above only determines the use of a small area at local level, Article 9(2) only requires ANCA to carry out an environmental assessment if it determines that the Plan or Programme is likely to have significant effects on the environment. In making that determination, ANCA must take account of the relevant criteria set out in Schedule 1 to the Regulations of 2004.
7. Logika Consultants Limited prepared the attached Strategic Environmental Assessment Screening Report (the **Screening Report**) dated 14th April 2021 on behalf of ANCA, attached as Appendix A, to assist in making that determination (the **Screening Determination**). The Screening Report collates and analyses information relevant to the criteria set out in Schedule 1 to the Regulations of 2004.
8. Article 9(5) of the Regulations of 2004 requires ANCA to give notice to the Environmental Protection Agency, the Minister for Environment, Climate Action and Communications, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media and the Minister for Agriculture and the Marine (the **Environmental Authorities**) before making the Screening Determination. The notice must indicate that the Environmental Authorities can make a submission or observation in relation to whether the proposed plan or programme would be likely to have significant effects on the environment. On 11th February, ANCA gave the required notice to the Environmental Authorities, including a draft of the Screening Report. One submission was received from the Environmental Protection Agency, the contents of which are summarised and addressed in the Screening Report.
9. Following that consultation, the final Screening Report recommends that ANCA determine that the NAO and Regulatory Decision are likely to have significant effects on the environment.

RECOMMENDATION

Having regard to relevant legislation and guidance, including the following:

- The Regulations of 2004, and in particular the criteria set out in Schedule 1 to those Regulations;
- Directive 2001/42/EC, and in particular the provisions of Recital 15;
- Act of 2000, and in particular Section 34C of that Act;

- Act of 2019, and in particular Section 9 of that Act;
- SEA Screening Report, attached as Appendix A;
- submissions and observations received from the Environmental Protection Agency dated 8th March 2021.

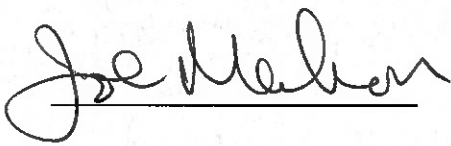
I agree with the conclusions and recommendation set out in SEA Screening Report and I recommend that ANCA proceeds to:

- determine, pursuant to Article 9(2) of the Regulations of 2004, that the defining of the Noise Abatement Objective and the making of the Regulatory Decision are likely to have significant effects on the environment requiring Strategic Environmental Assessment;
- determine that defining of the NAO and making of the Regulation Decision require Strategic Environmental Assessment pursuant to Article 9(2) of the Regulations of the 2004;
- prepare an environmental report pursuant to Article 10 of the Regulations of 2004;
- consult with the Environmental Authorities in accordance with Article 11 of the Regulations of 2004 prior to making a decision on the scope and level of detail of the information to be included in the environmental report; and
- consult with the Environmental Authorities and members of the public in accordance with Article 13 of the Regulations of 2004 at the same time as it carries out the consultations required by Section 34C(10) to (14) of the Act 2019 with regard to the draft Regulatory Decision and underlying report.

I am satisfied that such an Order is consistent with the SEA Screening process described in the EPA's SEA Pack (2008, updated 2020) as follows:

Question	Response
1.1) In reaching a determination of the requirement for SEA, have the criteria set out in Annex 1 of the SEA Directive and Schedule 2A of S.I. 436 or Schedule 1 of S.I. 435 been taken into account?	Annex I of the SEA Directive specifies the information that is to be provided in the Environmental Report. Annex II of the SEA Directive meanwhile sets out criteria for determining whether a plan is likely to have significant effects on the environment – this is dealt with in Chapter 3 of the Screening Report. Schedule 2A of S.I. 436 and Schedule 1 of S.I. 435 set out the same criteria as Annex II of the SEA Directive, and again this is addressed through Chapter 3 of the Screening Report.
1.2) Has a determination been made, in consultation with the DoEHLG, regarding the requirement for an appropriate assessment in accordance with the Habitats Directive?	Appropriate Assessment Screening is being undertaken concurrently, and separately to the SEA process. A determination will be made by ANCA, in consultation with the DoEHLG, regarding the requirement for an appropriate assessment. Given however, that it is recommended that SEA should be undertaken, whether the need for Appropriate Assessment is screened in or out becomes irrelevant and is not influential.

<p>1.3) Has the relevant competent authority consulted the prescribed environmental authorities as required and notified them of its determination?</p>	<p>ANCA consulted the Environmental Authorities, including by providing them with a copy of the Screening Report, during the period 12/02/21 to 12/03/21, allowing them to provide input to inform the Screening Determination. ANCA will have to notify the Environmental Authorities accordingly upon making the Screening Determination.</p>
<p>1.4) Has the relevant statutory authority made available for public inspection a copy of its determination on the requirement for SEA?</p>	<p>The Screening Determination made following this Recommendation must be made available for public inspection. It is proposed that it will be published on the ANCA website, together with the Screening Report and the responses provided by the Environmental Authorities.</p>
<p>1.5) Does the screening determination clearly state whether SEA is required or not, who has made the decision and when?</p>	<p>I am satisfied that an Order made in accordance with this Recommendation will satisfy this requirement.</p>
<p>1.6) If the P/P has been screened out of SEA, does it clearly demonstrate that it does not meet all/most of the criteria of Annex 1 and Schedule 2A of S.I. 436 and Schedule 1 of S.I. 435?</p>	<p>The Recommendation is that the P/P would be screened in, not screened out.</p>
<p>1.7) Has a description been provided in the Environmental Report of the screening process and subsequent determination?</p>	<p>ANCA will have to provide this description in the SEA Scoping Report and subsequent Environmental Report.</p>



Joe Mahon
Senior Engineer

ORDER:

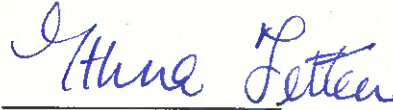
For the reasons set out in the recommendation of the Senior Engineer and the SEA Screening Report in Appendix A, I hereby order:

- A Determination, pursuant to Article 9(2) of the Regulations of 2004, that the defining of the Noise Abatement Objective and the making of the Regulatory Decision are likely to have significant effects on the environment requiring Strategic Environmental Assessment;
- A Determination that defining of the NAO and making of the Regulation Decision require Strategic Environmental Assessment pursuant to Article 9(2) of the Regulations of the 2004;
- The preparation of a draft environmental report pursuant to Article 10 of the Regulations of 2004;
- Consultation with the Environmental Authorities in accordance with Article 11 of the Regulations of 2004;

- Consultation with the Environmental Authorities and members of the public in accordance with Article 13 of the Regulations of 2004 at the same time as it carries out the consultations required by Section 34C(10) to (14) of the Act 2019 with regard to the draft Regulatory Decision and underlying report.

For the avoidance of doubt, this order does not predetermine the content and level of detail of the environmental report. A recommendation in relation to the content and level of detail of the environmental report should be submitted to the Director of Services after the conclusion of the consultation with the Environmental Authorities in accordance with Article 11 of the Regulations of 2004 and prior to submission of the draft environmental report to ANCA for approval.

Signed



Ethna Felten
Director of Service

Date

15.4.2021

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.

APPENDIX A

Strategic Environmental Assessment - Screening Report



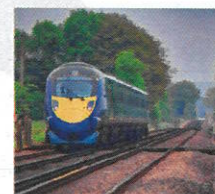
An tÚdarás Inniúil um
Thorann Aerárthaí
Aircraft Noise
Competent Authority



Noise
CONSULTANTS

Regulatory Decision and Noise Abatement Objective relating to Aircraft Noise Management at Dublin Airport: Strategic Environmental Assessment – Screening Report

April 2021



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Document Control

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Job Number	J1010
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Document Status and Review Schedule

Report No.	Date	Status	Reviewed by
J1010 A/1/F1	14 April 2021	Final	Helen Davies

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1 Introduction

Background

Aircraft Noise Regulation

- 1.1 Regulation (EU) 598/2014 (hereinafter referred to as 'Regulation 598') requires Ireland and other EU Member States to appoint a Competent Authority (CA) to regulate the noise situation at certain airports. Regulation 598 applies to airports with more than 50,000 civil aircraft movements per calendar year. Dublin Airport is the only airport in Ireland meeting this threshold. Fingal County Council (FCC) have been designated as the CA for the purposes of aircraft noise regulation at Dublin Airport. FCC have, to fulfil their function with regard noise management, created an independent division, the Aircraft Noise Competent Authority (ANCA), which discharges FCC's functions under Regulation 598 and the Aircraft Noise (Dublin Airport) Regulation Act 2019 (hereinafter referred to as the '2019 Act').
- 1.2 Under Regulation 598, ANCA must ensure that the noise situation at Dublin Airport is assessed in accordance with the Environmental Noise Directive (Directive 2002/49/EC). Where it identifies a noise problem, ANCA must define a Noise Abatement Objective (NAO) for the airport, identify the measures available to reduce the noise impact, and evaluate thoroughly the cost-effectiveness of the noise mitigation measures. ANCA must then select the applicable noise mitigation measures without detriment to public safety and taking into account public interest in the development prospects of the airport, and consult stakeholders in a transparent way. At the end of this process, ANCA must specify the noise mitigation measures and ensure they are implemented.
- 1.3 Regulation 598 requires ANCA to apply the Balanced Approach which is a policy of the International Civil Aviation Organization (ICAO). Under Regulation 598, the Balanced Approach is applied where a noise problem at an airport has been identified. It involves analysing various measures available to reduce noise which can be classified into four principal elements as follows:
 - Noise at Source;
 - Land-use Planning Management;
 - Noise Abatement Operational Procedures;
 - Operating Restrictions.
- 1.4 The 2019 Act gives further effect to Regulation 598 in Ireland. It provides for ANCA to discharge its functions under Regulation 598 on its own initiative or in response to any planning application by Dublin Airport Authority (daa) that either (1) would give rise to a noise problem

if carried out as proposed (Section 34B) or (2) consists exclusively of an application to revoke, amend or replace an operating restriction, with or without the introduction of new noise mitigation measures (Section 34C). ANCA discharges its functions under Regulation 598 and the 2019 Act by, among other things, making a 'regulatory decision' (hereinafter referred to as 'the RD').

How Regulation 598 will apply to the daa planning application

- 1.5 daa have made, on 18/12/20, a planning application (F20A/0668) (hereinafter referred to as the 'planning application') to FCC which proposes to amend Conditions 3(d) and replace Condition 5 of the Dublin Airport North Runway Planning Permission that was granted in 2007 to provide for new operating procedures. Specifically these Conditions restrict the way the Airport can be operated during the night-time (2300-0700) after the construction of the new North Runway, including particularly by not allowing use of the North Runway, and by restricting the number of air traffic movements (ATMs), that are allowed during this period.
- 1.6 Section 34C of the Planning and Development Act 2000, which was introduced by the 2019 Act, deals with planning applications that seek only to modify noise-related operating restrictions. Such operating restrictions are regulated by EU legislation on aircraft noise (i.e. Regulation 598). In seeking to modify such operating restrictions, daa can seek to have noise mitigation measures imposed in place of or in addition to operating restrictions. Section 34C requires the planning authority to refer such applications to ANCA, which must apply the Balanced Approach to the data and proposals made by daa.
- 1.7 Pursuant to Section 34C, the planning authority has referred the planning application to ANCA and will consult with ANCA in relation to any noise problem that could arise from the planning application. ANCA can require daa to carry out such assessments and give to it such information or plans arising from such assessments, or to give to it such other information or plans as it may reasonably require for the purposes of making the RD. ANCA must give notice to the planning authority and daa of the noise mitigation measures and operating restrictions it intends to provide for in the RD. The planning authority and daa may make comments and observations and make counterproposals. ANCA must take those into account and apply the Balanced Approach to the counterproposals.
- 1.8 ANCA must then publish a draft regulatory decision ('DRD') and underlying report for public consultation. The underlying report must include a summary of the data examined, the NAO, the noise mitigation measures considered, an evaluation of their cost-effectiveness, a summary of how ANCA applied the Balanced Approach, the alternative measures that have been considered, the noise mitigation measures and operating restrictions actually proposed, the reasons for those measures, any relevant technical information in that regard, and a non-technical summary of the foregoing. ANCA must take account of all submissions and

observations made in that public consultation and revise the DRD and underlying report if necessary, before making the final RD.

- 1.9 The RD can impose the operating restrictions and noise mitigations measures sought by daa, or it can impose other operating restrictions and noise mitigation measures. There is no requirement for the RD to mirror exactly the proposals made in the planning application. If ANCA believe that the RD needs to, for example, consider alternative options or cover a wider breadth of operating procedures to that proposed within the planning application they have the ability to do so. Equally, if ANCA believe it to be appropriate, they can extend to consider more than simply the proposals made in the application, for example to be extended so that a wider range of noise related measures and/or forecasts are considered.
- 1.10 When ANCA adopts the final RD post-consultation, the planning authority will then consider the planning merits of the application, including Environmental Impact Assessment (EIA) and Appropriate Assessment if required. The planning authority must then incorporate the RD in any planning permission granted and, if necessary, revoke, replace or amend the conditions of any previous planning permission to make it consistent with the RD.
- 1.11 In this way, Section 34C gives effect to the provisions of Regulation 598 which applies to operating restrictions, such as Conditions 3(d) and 5 of the Dublin Airport Northern Runway Planning Permission, that were pre-existing when the Regulation was introduced. Article 14 of Regulation 598 provides that those operating restrictions shall remain in force until a CA, like ANCA, decides to revise them in accordance with the Regulation.
- 1.12 The planning permission incorporating the RD may be appealed to An Bord Pleanála by the parties normally entitled to make such appeals, as well as by any party who made a submission or observation in the public consultation on the DRD.
- 1.13 If the RD introduces a new operating restriction, it must be notified to the European Commission and other Member States. The European Commission may review whether the Balanced Approach was properly applied in imposing the operating restriction.

Need for Strategic Environmental Assessment

- 1.14 Directive 2001/42/EC (hereinafter referred to as the SEA Directive) requires Member States to ensure that certain plans and programmes are subject to a requirement for Strategic Environmental Assessment ('SEA'). Statutory Instrument (S.I.) No. 435/2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (2004) (hereinafter referred to as the SEA Regulations) transpose this Directive into Irish legislation.
- 1.15 In terms of the requirement to carry out environmental assessment, the SEA Regulations state:

'9. (1) Subject to sub-article (2), an environmental assessment shall be carried out for all plans and programmes (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications and tourism, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or (b) which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.

(2) A plan or programme referred to in sub-article (1) which determines the use of a small area at local level or a minor modification to a plan or programme referred to in sub-article (1) shall require an environmental assessment only where the competent authority determines that it is likely to have significant effects on the environment and, for this purpose, the competent authority shall make any necessary determination.

(3) A competent authority shall determine whether plans and programmes other than those referred to in sub-article (1), which set the framework for future development consent of projects, are likely to have significant effects on the environment.'

- 1.16 A 'development consent' in Irish law includes a planning permission for projects listed in Annexes I and II to the EIA Directive.
- 1.17 The RD that will be made in response to the planning application relates to transport. Even though the RD will be incorporated into an individual planning permission, it nonetheless results from an assessment against an NAO, and may impose operating restrictions and mitigation measures that will determine whether or not future planning applications for development consent at the airport give rise to the potential for a noise problem. It thereby guides the decisions that ANCA will make on those future applications. Accordingly, the RD and associated NAO may set the framework for future development consent of projects listed in Annexes I and II to the EIA Directive, including changes or extensions to airfields and airports with a basic runway length of 2,100 metres or more.

Purpose of this Report

- 1.18 The specific purpose of SEA is to ensure that early consideration is paid to environmental aspects when a plan or programme is in development. However, a plan or programme that determines the use of a small area at local level or a minor modification to a plan or programme only requires SEA if implementation of the plan or programme is considered likely to lead to significant environmental effects. Determining whether significant effects are considered to be likely, and therefore whether SEA applies, is completed through a process known as Screening.

- 1.19 It is ANCA, in their role as CA, who are required to make a Screening Determination on whether SEA applies. This determination is made by undertaking a screening exercise whereby information, in the form of a SEA Screening Report (or as it is sometimes referred to, a SEA Screening Statement), is provided to ANCA who, using this, establish whether there is this potential for likely significant environmental effects to occur as a result of implementing the RD and associated NAO.
- 1.20 Under the SEA Regulations, in reaching a Screening Determination, notice shall be given and advice requested from specific prescribed Environmental Authorities, with these being:
- The Environmental Protection Agency (EPA);
 - The Minister for Agriculture, Food and the Marine;
 - The Minister for Environment, Climate and Communications;
 - The Minister of Tourism, Culture, Arts, Gaeltacht, Sport and Media (acknowledging that the transfer of functions to the Minister of Housing, Local Government and Heritage is contemplated shortly).
- 1.21 This, the SEA Screening Report, has been forwarded to each Environmental Authority, and used as the vehicle for providing the information they require and for allowing them to provide input/submissions as they see fit to inform the Screening Determination. The information within this Report will also be used by ANCA themselves to inform the Screening Determination they make.
- 1.22 Should SEA be required, ANCA will publish an SEA Environmental Report at the same time as the DRD for public consultation.

Related Environmental Assessments

- 1.23 Statutory Instrument (S.I.) No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations (2011), which transposes the EU Habitats Directive (92/43/EEC) into Irish law, requires that 'Appropriate Assessment' (AA) be carried out where a plan is likely to have a significant impact on a European site. European sites are commonly referred to as Natura 2000 sites and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Each of these sites is designated because of their specific biodiversity value: for SPAs this is because of their value for wild birds; for SACs, it is because of the important habitats that they support. AA is required if it cannot be excluded, on the basis of objective scientific information following screening, that the plan, individually or in combination with other plans or projects, will have a significant effect on a European site. As with SEA, in determining this, a Screening exercise is undertaken to establish whether the potential for such exists.

- 1.24 AA Screening is therefore being undertaken broadly concurrently, and separately, to the SEA Screening and Scoping stages. It should be noted that if AA is screened as being required, SEA must also be undertaken given that the need to assess the effect on a European site is one that must be undertaken both for AA and SEA. Where AA is required, ANCA will also publish a Natura Impact Statement at the public consultation stage.
- 1.25 Separately to the SEA and AA potentially being carried out for the RD and associated NAO, the planning application submitted by daa has also undergone both EIA and AA Screening. The planning authority must have regard to the EIA Report (EIAR) and AA Screening Report submitted by daa when deciding whether permission should be granted for the development. ANCA may take account of the EIAR and AA Screening Report submitted by daa in the drafting of the RD and associated NAO, however must also be mindful that these relate only to the planning application, and not to the RD or associated NAO themselves.

Consultant Team

- 1.26 This Report has been prepared by Logika Consultants Ltd. ('Logika'), part of the Noise Consultants Ltd. Consultant Team engaged to provide expert support to ANCA in the drafting of the RD and associated NAO. Specifically Logika are responsible for providing SEA and AA input to the RD and NAO process.

2 Description of the Plan

Site Location

- 2.1 Dublin Airport is the Hub Airport of Ireland with routes to over 200 different destinations, served by nearly 50 airlines. In 2018 a total of 31.5 million passengers used the Airport and its 220,000 ATMs. Dublin Airport is currently served by one main runway and a further cross runway which is used less frequently. It has two terminals, operates 24 hours a day, and for 364 days a year. As with all major airports, it relies on considerable additional infrastructure including an extensive bus network and car parking facilities.
- 2.2 Dublin Airport is located on the east coast of Ireland, see Figure 2.1, in Collinstown, in County Dublin in the administrative area of Fingal County Council. It lies approximately 7km north of Dublin City Centre, and between the City and the Airport lies mostly development. The area north of the Airport is also mainly developed all the way to the conurbation of Swords which lies approximately 3km to the north. In an easterly direction from the Airport is found a mixture of farmland and other open space, with scattered development all the way to the coast and the settlement of Portmarnock which lies approximately 5km from the Airport itself. West of the Airport is characterised by being mainly undeveloped and comprising mostly farmland and other forms of open space.
- 2.3 The Airport is accessed by the M1 motorway, which provides access from Dublin itself and from areas to the north as far as Belfast in Northern Ireland. The M50 Dublin ring road connects with the M1, and from this there are road connections to the rest of Ireland.

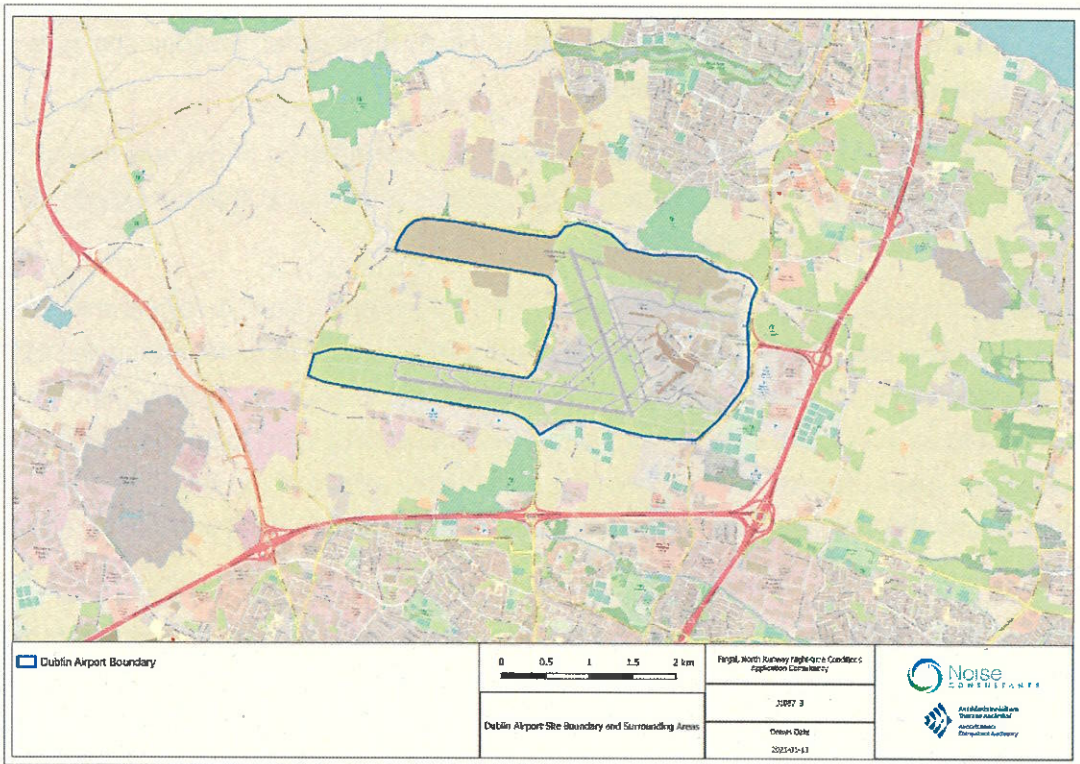


Figure 2.1: Dublin Airport site location

Plan Description

- 2.4 A planning permission was granted in 2006, by FCC (F04A/1755), and granted on appeal in 2007 by An Bord Pleanála (PL 06F.217429), for a ten year permission to allow development of a new North Runway at Dublin Airport by daa. Extension of the duration of the permission was granted in 2017 (F04A/1755 E1). This project is currently under construction with, according to the daa application, a scheduled opening date of 2022.
- 2.5 The planning permission associated with the second runway was subject to 31 planning Conditions. The recent planning application made by daa proposes to have two of these replaced by different operating procedures. The two Conditions in question are:
- Condition 3(d) which prohibits the use of North Runway for landings and take-offs between the hours of 23.00 and 07.00.
 - Condition 5 which states that, on completion of construction of the new runway, the average number of night-time aircraft movements at the airport shall not exceed 65 per night (between 23.00 and 07.00).
- 2.6 daa seek, through a Section 34C application, to take a 'Relevant Action'¹ to revoke and replace these operating restrictions. The proposed development would allow for scheduled North Runway operations between the hours of 0600-0659 and 2300-2330 to occur, and for the restriction to an average of 65 night-aircraft movements at the airport to be lifted. In its place is proposed a set of noise-related operating restrictions, specifically in the form of a Noise Quota Count and mitigation measures, namely a noise insulation retrofit scheme for affected dwellings.
- 2.7 The daa application will not require the development of new Airport or other associated infrastructure. It will though, change the distribution of arriving and departing ATMs across a 24-hour day, having the effect of allowing increased operations during the night-time period.
- 2.8 In addition, according to the daa application (Table 1-1, page 1-9 of the EIA Report) which is repeated in Tables 2.1 and 2.2 below), changing the night-time restrictions will also allow the Airport to operate at its consented maximum, this being to service 32 million passengers per annum (mppa) which is the number of passengers at which the Airport is capped to operate at (as required by Condition 3 of daa's 'Terminal 2' planning application F06A/1248 and An Bord Pleanála 06F.220670, and Condition 2 of daa's 'Extension to Terminal 1' planning application F06A/1843 and An Bord Pleanála 06F.223469). Without these restrictions being changed, daa indicate that, in 2025, the Airport could service a maximum of 30.9 mppa. No

¹ Under Section 34C a relevant action refers to: the revoking of an operating restriction; the amendment of an operating restriction; or the replacement of an operating restriction with another

further information is provided in the daa application on post-2025 and so it is assumed, for the purposes of this Screening Report, that the 2025 situation continues in perpetuity.

Table 2.1: Annual passengers (mppa)

Year	Unconstrained	Constrained	Difference
2018	31.5	31.5	0.0
2019	32.9	32.9	0.0
2020	8.2	8.2	0.0
2021	20.7	20.7	0.0
2022	29.6	28.7	-0.9
2023	30.4	29.3	-1.1
2024	31.2	30.1	-1.1
2025	32.0	30.9	-1.1

Table 2.2: Annual ATMs (000s)

Year	Unconstrained	Constrained	Difference
2018	233	233	
2019	241	241	
2020			
2021			
2022	229	223	-5.8
2023	233	226	-7.1
2024	237	229	-7.1
2025	241	233	-7.8

- 2.9 As stated earlier, ANCA has exclusive competence to impose, revoke, revoke and replace, or amend the terms of, an operating restriction. Figure 2.2 following shows the RD process.

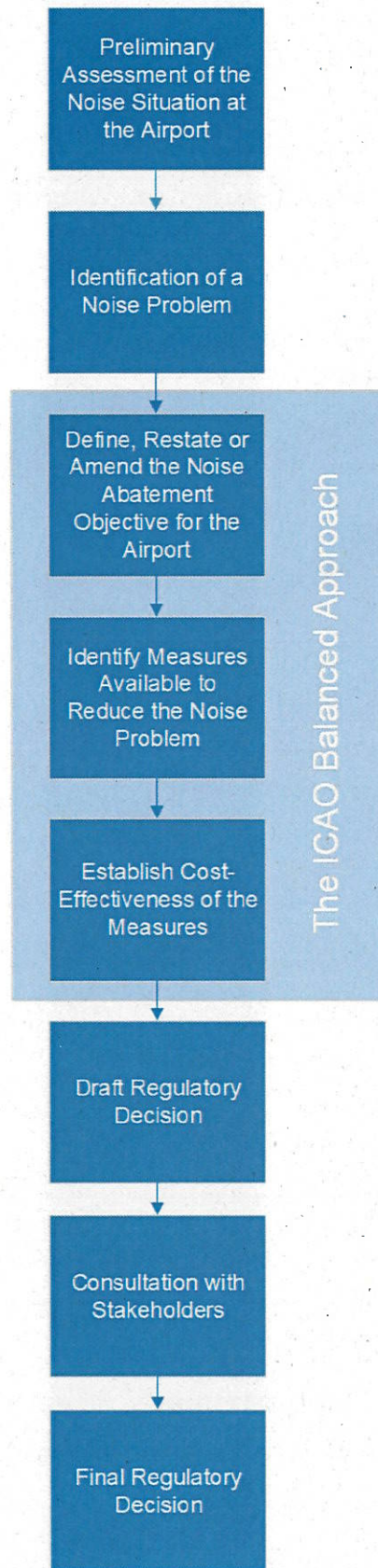


Figure 2.2: The Regulatory Decision process

2.10 Given this, and that the drafting of the RD (including the NAO) is in the very early stages, there is still considerable uncertainty around what exactly they will contain. Currently under consideration to form part of the RD are the following:

- Night-time runway operating preferences including any associated exclusions;
- Restrictions on runway access either through aircraft movement related limits, noise quota or contour restrictions;
- A noise insulation scheme;
- Mandates in relation to monitoring and reporting, for example, the Airport's noise performance; and
- Restating any other constraints [which may have underpinned, for example, conditions in existing planning permissions] such as the passenger cap, *or* alternatively dismissing the cap as a means of control with this having the effect of potentially allowing higher passenger numbers, and therefore higher associated ATM numbers, in the future. This could only occur however, if imposed noise conditions could still be met and almost certainly only if planning permission was gained for any associated infrastructure works required. This planning permission would without question also have to have been the subject of formal EIA. In that case the RD may set the framework for that future planning permission, but the permission could be granted or refused within that framework if impacts other than noise were unacceptable to the planning authority.

2.11 At this early stage, all the measures which could be *potentially* included within the RD and associated NAO are therefore subject to screening for SEA. Consistent with the precautionary principle, screening against defined SEA criteria undertaken in Chapter 3 therefore considers the widest possible breadth of any RD and NAO that could be made.

3 SEA Screening Criteria

- 3.1 In accordance with EPA guidance and Schedule 1 of the SEA Regulations, the test around whether SEA applies is undertaken in two parts.

Part 1

- 3.2 A test of whether the characteristics of the plan or programme is likely to have significant effects on the environment, having regard, in particular, to:

Criteria	Response
<i>'the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources'</i>	The plan, that being the RD itself, and the NAO associated with it, has the potential to be a framework for future development – specifically for future development proposed by daa at the Airport that may change the air noise situation. Such development may include in particular, changes to aircraft operating procedures, flight routes or even the numbers of passengers that are permitted to use and/or the number of aircraft movements at the Airport. These developments would almost certainly require planning permission. Any planning permission granted by a planning authority cannot change the terms imposed by the RD, unless the proposed development (a) contains a proposal requiring the assessment for the need for a noise-related action, (b) indicates that a new operating restriction may be required or (c) is for the revocation, amendment or replacement of an operating restriction only. In those circumstances, the planning authority will have to refer the application to ANCA and ANCA will commence a new RD drafting process.
<i>'the degree to which the plan or programme influences other plans and programmes including those in a hierarchy'</i>	The National Planning Framework (2018) and associated National Development Plan (2018), the National Aviation Policy for Ireland (2015), the Regional Spatial and Economic Strategy (2019), the Fingal Development Plan (2017), and the Dublin Airport Local Area Plan (2020) (the 'LAP') are adopted plans which consider and inform, at a strategic level and high level, future development including passenger numbers and aircraft movement growth at Dublin Airport. Given the potential breadth of the RD and associated NAO, their proposals will be

	considered within the SEA and furthermore will be considered in the drafting of the plan itself.
<i>'the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development'</i>	ANCA is responsible for ensuring that noise generated by aircraft activity at the Airport is assessed and managed in accordance with EU and Irish legislation. The very nature of the RD and associated NAO is to support management of the noise effects of daa's operations and therefore sustainable development is its main purpose. Annex II to Regulation 598 also provides that CAs may take due account of "environmental sustainability, including interdependencies between noise and emissions" when assessing the cost-effectiveness of noise related operating restrictions. As such, the entirety of the implications of the RD and associated NAO need also to consider any wider sustainability effects. This will be achieved through the undertaking of SEA.
<i>'environmental problems relevant to the plan or programme'</i>	<p>ANCA is responsible for ensuring that noise generated by aircraft activity at the Airport is assessed in accordance with EU and Irish legislation, and for the application of the Balanced Approach to aircraft noise management when a noise problem or potential noise problem at the Airport is identified. By its very nature therefore, in order for ANCA to be proceeding with this process means that an environmental problem or more specifically a noise problem could occur as a result of the RD and associated NAO.</p> <p>Currently the precise detail of the RD and associated NAO is unknown. The result of this is that there is a need to consider, through environmental assessment, and when more detail about the precise RD and NAO proposals are known, whether its implementation could result in other environmental problems. Specifically, and in accordance with appropriate legislation and guidance, the following needs to be considered:</p> <ul style="list-style-type: none"> • Biodiversity including Fauna and Flora – including whether additional overflying, and/or whether overflying more frequently whether in the day and/or night, would affect sensitive receptors including sites or species afforded legal protection. Also any direct and/or indirect effects as a result of landtake, construction or

	<p>ground based operations associated with or arising as a result of the RD and NAO proposals.</p> <ul style="list-style-type: none"> • Population – including whether there would be material effects on the population including for example, because of a result of an improved economic situation as a result of needing to serve additional passengers and associated flights or changes in times of flights. • Human Health including Air – particularly from noise effects as a result of changes, including increases in, and changes to timings, in overflying, and also from increased airborne emissions as a result of increased passenger numbers and the resultant increase in ATM numbers and surface access transport journeys to and from the Airport. Also any direct and/or indirect effects as a result of landtake, construction or ground based operations associated with or arising as a result of the RD and NAO proposals. • Climatic Factors – including particularly increases in carbon emissions as a result of increased ATMs and surface access transport journeys to and from the Airport, and the embodied carbon associated with the development of any associated new infrastructure. • Landscape – specifically whether important landscape assets including particularly those that are protected by legislation, are likely to experience new or increased effects from overflying including impacts on their tranquillity, or as a result of the development of any associated new infrastructure. • Cultural Heritage including Architecture and Archaeological Heritage – particularly whether there are any important cultural heritage assets that could be affected as a result of the RD and associated NAO, whether this be as a result of new or additional overflying, because of changes in the time of day and night that they are being overflowed, or because their setting is affected as a result of the development of new infrastructure. Also any effects on archaeological
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	<p>assets as a result of any associated landtake and construction.</p> <p>The RD and associated NAO will impose operating restrictions and noise mitigation measures that must be adopted and incorporated by the Planning Authority unless and until they are modified by ANCA in a future referral. The report underlying the RD will also define an NAO that will determine what planning applications must be so referred. As a result, the Planning Authority cannot adopt alternative operating restrictions or mitigation measures or impose additional aircraft noise related mitigation measures. The SEA Screening therefore has regard to those aspects of the RD and NAO that cannot be controlled by the Planning Authority in the EIA. Particularly with regard indirect effects to land-based receptors that occur as a result of potential growth, consideration will be paid within the SEA, but it is reasonable to assume that they will be considered in more detail as part of this, or any future, planning application and associated EIA.</p> <p>Other environmental 'factors' including particularly soil, water and material assets are unlikely to be affected by changes in aircraft activities but could potentially be affected as a result of any associated development works.</p> <p>That presented above will be further considered during the Scoping exercise that will be undertaken as part of the SEA process.</p>
<p><i>'the relevance of the plan or programme for the implementation of European Union legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)'</i></p>	<p>Regulation 598 is a legal requirement in all EU Member States (MS). This Regulation places a legal requirement on MS to implement the process of the ICAO Balanced Approach where noise-related operating restrictions are being entertained at EU Airports. The 2019 Act provides further effect to Regulation 598 by specifically addressing how it should be implemented in the context of existing Irish legislation such as the Planning and Development Act 2000 (as amended) whilst making FCC the CA. Regulation 598 governs the RD as the process described is binding on the CA in their decision making duties.</p>

Part 2

3.3 Assuming Part 1 indicates that SEA could apply, Part 2 focuses on characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

Criteria	Response
<p><i>'the probability, duration, frequency and reversibility of the effects'</i></p>	<p>The likelihood of any effects from changes in flying is high as a result of there being a good understanding of the effects of aviation activities on people and the environment. Effects will continue in perpetuity, daily and potentially at a greater frequency at night. Many of the effects associated with aviation will, over time, be reversible should the operations halt, albeit some, particularly carbon emissions, could take a considerable time before their effect is no longer felt.</p> <p>The effects as a result of the development of any associated infrastructure would also be long-term and can be predicted with a high level of certainty.</p>
<p><i>'the cumulative nature of the effects (including with other plans or programmes as might be relevant)'</i></p>	<p>As noted above, the RD (and associated NAO) is a plan in itself that will be informed by other already adopted plans including the National Planning Framework (NPF) and associated National Development Plan (NDP), the National Aviation Policy (NAP), the Regional Spatial and Economic Strategy (RSES), the Fingal Development Plan (FDP), and the Dublin Airport LAP.</p> <p>The NPF is designed to improve the effectiveness of public investment in infrastructure and other relevant services in Ireland including the enhancement of regional and international connectivity. In addition to supporting the development of the North Runway, the NPF places importance on <i>"Improving access to Dublin Airport, to include improved public transport access, connections from the road network from the west and north and in the longer term, consideration of heavy rail access to facilitate direct services from the national rail network in the context of potential future electrification."</i></p> <p>The NAP aims to foster the growth of aviation enterprise in Ireland, and to develop Dublin Airport as a vibrant secondary hub airport, competing effectively with the UK and other European airports for the expanding global aviation services</p>

	<p>market. Other specific references to Dublin include <i>“The process to develop the second runway at Dublin Airport will commence...”</i> and <i>“Dublin, Cork and Shannon Airports will be mandated to carry out reviews of capacity constraints and infrastructure needs at five yearly intervals...”</i>.</p> <p>The NDP supports the implementation of the NPF and also the NAP, with particular reference to the importance of significant investment in the North Runway.</p> <p>The RSES supports the aims of the national plans with regard to the growth of movements and passengers at Dublin Airport. In particular, it supports the development of the North Runway, improved terminal facilities and other infrastructure relating to improving access to the airport via a variety of transport modes.</p> <p>The FDP proposes a broad suite of sustainable development across the county, covering residential, employment, economic, infrastructure and transport development. With regards to Dublin Airport, it seeks to <i>“Safeguard the current and future operational, safety, and technical requirements of Dublin Airport and provide for its ongoing development within a sustainable development framework of a Local Area Plan.”</i></p> <p>Objective ED31 of the FDP in particular states, <i>“Ensure that the required infrastructure and facilities are provided at Dublin Airport so that the aviation sector can develop further and operate to its maximum sustainable potential, whilst taking into account the impact on local residential areas, and any negative impact such proposed developments may have on the sustainability of similar existing developments in the surrounding area, and the impact on the environment, including the climate.”</i></p> <p>The strategic aims of the Dublin Airport LAP include supporting the continued sustainable growth of Dublin Airport, as well as timely delivery of required infrastructure to facilitate airport growth. In addition, the LAP sets the baseline passenger and ATM forecasts for Dublin at 40 mppa and 265,000 ATMs by 2030. Achieving these forecasts is dependent on the following key infrastructure, as outlined in the LAP:</p> <ul style="list-style-type: none"> • Improved surface access.
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	<ul style="list-style-type: none"> • Expanded terminal capacity by way of reconfiguration and augmentation of existing facilities (at T1 and T2). • Completion of the North Runway. • Additional aircraft parking stands supported by accompanying boarding gate and aircraft piers, particularly in the context of growing the hub function of the Airport. <p>For the most part it is considered that the RD and associated NAO will be complementary to and in accordance with these, with the effects being considered in this SEA having also been considered in these other plans and programmes. Therefore, there are unlikely to be cumulative effects. In addition, at this stage, no other plan that might act in a cumulative way with the RD and NAO has been identified. However, at the SEA Scoping stage further consideration will be paid to this including particularly to whether certain scenarios that implementation of the RD and NAO might trigger have all been covered within other plans or programmes. Therefore, although it is unlikely that cumulative effects will occur, the SEA will need to consider the cumulative nature of other plans or programmes.</p>
<p><i>'the transboundary nature of the effects'</i></p>	<p>Most of the effects that will arise from the RD and NAO proposals and that need to be considered are very localised occurring within a relatively small radius of the Airport itself, and certainly within Irish borders. Furthermore, although air travel is by its very nature, transboundary, localised effects of flying are for the most part, considered at each individual airport itself rather than being in anyway attributed to both the departing and arriving airport.</p> <p>The exception is carbon emissions for which it is becoming more common to consider the emissions of all flights departing an airport up to the point when they reach the landing cycle at the arriving airport. By considering carbon emissions for ATMs both from the Landing and Take-Off (LTO) cycle (i.e. activities including approach/landing, taxiing, take-off, and climb up to 3,000 feet), and from the Climb, Cruise and Descent (CCD) phase for departing flights, all emissions applicable to Ireland are therefore included. The effects of these carbon emissions</p>

	<p>are then considered, and the SEA Scoping Report will provide more detailed information on this, against the relevant national carbon emissions cap or similar.</p> <p>For these reasons it is highly unlikely that any effects arising from the RD and NAO would be considered to be transboundary affecting any other Member State, and this would not be normal in the assessment of effects arising from aviation activities.</p> <p>It is therefore proposed that transboundary effects are not considered any further.</p>
<p><i>'the risks to human health or the environment (e.g. due to accidents)'</i></p>	<p>As indicated earlier it is considered that an assessment needs to be undertaken to determine the potential for effects arising as a result of the RD and NAO. This includes both to human health and environmental receptors.</p>
<p><i>'the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)'</i></p>	<p>At this stage it is difficult to precisely identify magnitude and spatial extent of the effects. However, broadly the potential Zone of Influence will extend to any area that is subject to changes in overflying for a radius of up to, depending on the environmental factor being considered, 15km from the Airport. At this point aircraft will have reached an altitude above which effects on the ground are very unlikely to occur. More information will be provided at the SEA Scoping stage.</p>
<p><i>'the value and vulnerability of the area likely to be affected due to:</i></p> <ul style="list-style-type: none"> • <i>special natural characteristics or cultural heritage</i> • <i>exceeded environmental quality standards or limit values</i> • <i>intensive land-use</i> • <i>the effects on areas or landscapes which have a recognised national, Community or</i> 	<p>Within the SEA, consideration will be paid to the value and vulnerability of the area that could be affected by both the RD and NAO including from aircraft and other airport operations and, if such is necessary, from the development of 'on-the-ground' infrastructure that would be required to support increased numbers of passengers and ATMs.</p> <p>Special natural characteristics or cultural heritage</p> <p>More information will be provided at the SEA Scoping stage, but broadly the following special natural characteristics or cultural heritage features will be considered in the SEA:</p> <ul style="list-style-type: none"> • All important biodiversity receptors afforded protection within a 15km Zone of Influence of the Airport (the distance recommended for Plan impacts in the AA

<p><i>international protection status'</i></p>	<p>Guidance published in 2010), thereby capturing all potential effects from the RD and NAO proposals including those associated with changes in overflying. This will include 18 'Natura 2000' sites, designated for their specific biodiversity value (relating to wild birds or habitats) at European level.</p> <ul style="list-style-type: none"> • Sites or features designated for their heritage value including particularly those that could be affected by changes in overflying, and including those that are particularly susceptible to new or additional night-time flying. Designated heritage assets are present throughout the Dublin area, including a number of National Monuments and Architectural Heritage Sites within the Airport boundary. <p>Exceeded environmental quality standards or limit values</p> <p>The Noise Action Plan for Dublin Airport 2019 - 2023 (2018) reveals historic noise exceedances arising from aircraft at Dublin Airport. The number of people exposed to undesirable night time noise levels above 55 dB(A) from the Airport was 200 people in 2006 and 2011, rising to 400 people in 2016, with newly exposed areas in Tyrrelstown, Balgriffin, Portmarnock Bridge and Santry.</p> <p>The scope of the RD and associated NAO is still to be precisely defined but it might have the purpose of restating the 32 mppa Airport cap or alternatively could facilitate the dismissal of this cap by allowing, assuming noise management measures can be met, higher numbers of ATMs than that which have served the Airport previously, and as a result, higher numbers of passengers. The removal or changing of the cap would almost certainly however, need to be the subject of a planning application with EIA, and likely associated with infrastructure works required to serve additional passengers.</p> <p>In addition, the Dublin Regional Air Quality Management Plan (2009) reveals an exceedance of the annual mean air quality standard for NO₂ within the Dublin region in 2009. As a result of the potential proposals of the RD and NAO, other environmental standards such as those related to Air Quality,</p>
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	<p>for example as a result of increased road traffic to serve any potential increase in passenger numbers, will need to be considered as part of the SEA.</p> <p>Intensive land-use</p> <p>Although the RD and associated NAO might, for the reasons stated earlier, facilitate changes to the way the Airport is used, the passenger cap could only be lifted if planning permission was gained to do such. This would be via a planning application and associated EIA submitted for infrastructure works to serve additional passengers.</p> <p>That said, at a high level given that no considered design proposal will exist for new infrastructure, the SEA will cover broadly the effects of changes in land use at the Airport to accommodate new associated development. In addition, the land use of the overflowed areas will also be considered, as the area currently affected by noise is the mostly intensively used land in Ireland, including the airport itself, nearby industrial lands and large parts of Dublin suburbs and satellite towns.</p> <p>The effects on areas or landscapes which have a recognised national, community or international protection status</p> <p>All areas designated for their landscape quality, particularly those that have high levels of tranquillity, within a 15km Zone of Influence of the Airport will be subject to assessment as part of the SEA.</p>
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4 Proposed SEA Screening Determination

- 4.1 It is of course, for ANCA as the CA, to make a Screening Determination informed by consultation with the prescribed Environmental Authorities, and on the basis of the information provided in this Report.
- 4.2 The authors recommend that ANCA determine that the RD and associated NAO are likely to have significant effects on air noise around Dublin Airport due to the proposed increase in night-time flying. Furthermore, the RD and associated NAO have the potential for significant effects on a range of other environmental receptors, including biodiversity, human health, air quality, carbon emissions, landscape and cultural heritage. Should the RD and associated NAO permit a noise envelope which facilitates future growth (subject to planning permission) at Dublin Airport, any associated ground-level development could also have implications for soil, water and material assets.
- 4.1 The recommendation takes account of the results of consultation with the relevant prescribed bodies as detailed in the Table below. The responses themselves are provided as Appendices to this Report.

Table 4.1: SEA Screening Responses

Environmental Authority	Summary of Response
Environmental Protection Agency	<p>ANCA should determine whether the implementation of the proposed Plan would be likely to have significant effects on the environment based on criteria set out in Annex II of the SEA Directive and Schedule 1 of S.I. 435.</p> <p>ANCA should ensure that the Plan is consistent with:</p> <ul style="list-style-type: none"> • Dublin Airport Local Area Plan 2020-2026; • National, sectoral, regional and local commitments on climate change mitigation and adaptation; • Noise Action Plan for Dublin Airport 2019 – 2023; • Relevant environmental commitments of the National Planning Framework 2040, including, Objective 65 (Noise Action Plans); • Provisions of the WHO Environmental Noise Guidelines for the European Region (2018); and • Requirements of the Habitats Directive. <p>Available EPA resources relevant to SEA include:</p>

	<ul style="list-style-type: none"> • Environmental Sensitivity Mapping (ESM) WebTool; • State of the Environment Report Ireland's Environment – An Integrated Assessment 2020; • SEA WebGIS Tool; • WFD Application; and • AA GeoTool.
Minister for Agriculture, Food and the Marine	No response received.
Minister for Environment, Climate and Communications	No response received.
Minister of Tourism, Culture, Arts, Gaeltacht, Sport and Media	No response received.
Minister for Housing, Local Government and Heritage	<p>ANCA's request for feedback for a proposed Regulatory Decision and A Noise Abatement Objective for Dublin is acknowledged.</p> <p>Under section 30 of the Planning and Development Act 2000, as amended, the Minister for Housing, Local Government and Heritage is specifically precluded from exercising power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned. As a consequence, the Department will not be making any comments in relation to this matter.</p> <p>Please note that pending the transfer of remaining heritage functions to this Department, the Development Application's Unit under the remit of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media are a prescribed consultee in respect of certain heritage matters e.g. protected structures, nature conservation etc. under the Planning and Development Regulations 2001.</p>

- 4.2 It is further acknowledged that the EPA, in their consultation response, noted that reference was made in the draft SEA Screening Report that they were consulted on, to a superseded version of the Noise Action Plan for Dublin Airport. The EPA noted that the most recent Noise Action Plan for Dublin Airport 2019 – 2023, should be referenced and taken into account in the Screening assessment. It is therefore confirmed that the current Noise Action Plan as referenced by the EPA has been considered in the Screening Determination made and will be used to inform both the SEA Scoping and detailed assessment stages, assuming, of course, no further update of the Noise Action Plan is released during the process.
- 4.3 It is also confirmed that in proposing the Plan, it will be ensured that it remains consistent with the relevant environmental commitments of the National Planning Framework 2040, including, in particular, Objective 65 (Noise Action Plans) <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>. Meeting this will form part of the SEA undertaken.
- 4.4 Furthermore, as requested again by EPA in their consultation response, the provisions of the WHO Environmental Noise Guidelines for the European Region (2018) will be considered as appropriate through the SEA process.
- 4.5 The SEA Process Checklist (EPA, 2008) has been completed to demonstrate how this Screening approach has met the prescribed requirements. Details follow in Table 4.2.

Table 4.2: SEA Screening Checklist

Question	Response
1.1) In reaching a determination of the requirement for SEA, have the criteria set out in Annex 1 of the SEA Directive and Schedule 2A of S.I. 436 or Schedule 1. of S.I. 435 been taken into account?	Annex I of the SEA Directive specifies the information that is to be provided in the Environmental Report. Annex II of the SEA Directive meanwhile sets out criteria for determining whether a plan is likely to have significant effects on the environment – this is dealt with in Chapter 3 of this Report. Schedule 2A of S.I. 436 and Schedule 1 of S.I. 435 set out the same criteria as Annex II of the SEA Directive, and again this is addressed through Chapter 3 of this Report.
1.2) Has a determination been made, in consultation with the DoEHLG, regarding the requirement for an appropriate assessment in accordance with the Habitats Directive?	Appropriate Assessment Screening is being undertaken concurrently, and separately to the SEA process. A determination will be made by ANCA, in consultation with the DoEHLG,

	<p>regarding the requirement for an appropriate assessment. Given however, that it is recommended that SEA should be undertaken, whether the need for Appropriate Assessment is screened in or out becomes irrelevant and is not influential.</p>
<p>1.3) Has the relevant competent authority consulted the prescribed environmental authorities as required and notified them of its determination?</p>	<p>ANCA consulted the Environmental Authorities, including by providing them with a copy of this Report, during the period 12/02/21 to 12/03/21, allowing them to provide input to inform the Screening Determination. ANCA will make the Screening Determination upon receipt of this updated Report, and will notify the Environmental Authorities accordingly.</p>
<p>1.4) Has the relevant statutory authority made available for public inspection a copy of its determination on the requirement for SEA?</p>	<p>ANCA will make the Screening Determination upon receipt of this Report. This will be published on the ANCA website, together with this Report and the responses provided by the Environmental Authorities.</p>
<p>1.5) Does the screening determination clearly state whether SEA is required or not, who has made the decision and when?</p>	<p>ANCA will make the Screening Determination upon receipt of this Report. These details will be provided.</p>
<p>1.6) If the P/P has been screened out of SEA, does it clearly demonstrate that it does not meet all/most of the criteria of Annex 1 and Schedule 2A of S.I. 436 and Schedule 1 of S.I. 435?</p>	<p>N/A</p>
<p>1.7) Has a description been provided in the ER of the screening process and subsequent determination?</p>	<p>A description will be provided in both the SEA Scoping Report and the subsequent Environmental Report of the Screening process and subsequent determination.</p>

5 Next Steps

- 5.1 The information within this Report will be used by ANCA to inform the Screening Determination they make.
- 5.2 Should ANCA determine that an SEA is required, the following stages of the SEA process, as prescribed in the SEA Process Checklist (EPA, 2008) / SEA Pack (Updated 2020), will be undertaken to ensure that the requirements of the relevant legislation has been met:
- Scoping: this part of the process sets out the proposed scope of the detailed environmental assessment that will be undertaken (further information on specifically what this stage entails is provided in Appendix 1);
 - Environmental Assessment: this is the detailed assessment itself as will be documented in the SEA Environmental Report;
 - Public Consultation: this will take place as part of the public consultation on the DRD and NAO and underlying report;
 - Information on Decision: this is where a summary of the process is documented and, among other things, why the plan or programme has been chosen ahead of other options.

Appendices

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A1 SEA Scoping

A1.1 An SEA Scoping Report is to be produced, that will set out the proposed scope of the detailed environmental assessment that will be documented within the SEA Environmental Report itself. It will have regard to any submissions made by the Environmental Authorities at the Screening stage and will include, interpreted from the SEA Process Checklist (EPA, 2008) / SEA Pack (Updated 20200), the following information:

- Details of the geographical area involved including with a referenced and scaled map of the area;
- An outline description of the Plan including its intended lifespan;
- The likely scale, nature and extent of the area affected by the proposed Plan during the lifespan of the RD and associated NAO (in broad terms);
- Details of the legislation and planning policy that applies;
- Alternatives that have been or will be considered, potentially including reference to the options also detailed;
- The predicted ‘scoped in’ significant effects of the Plan and those that are proposed to be ‘scoped out’ with justification for why they are scoped out;
- An overview of the approach that will be taken to assemble further baseline data to support the SEA and the methodology that will be used to assess significance.

A1.2 In addition, consideration will be paid as to whether there could be, with other Plans as might be relevant, any cumulative environmental effects.

A1.3 In order to meet the requirements of the SEA Regulations, and therefore the SEA Directive, certain environmental aspects will be considered. The table below notes which chapter will cover them, both at the Scoping Report and Environmental Report stages:

Table 1 – Coverage of environmental factors

S.I. environmental ‘factors’	Aspect chapter where covered
Biodiversity	Biodiversity
Population	Socio economic
Human Health	Air Quality, Noise and Vibration, Socio economic, In Combination with specific Health section

Fauna	Biodiversity
Flora	Biodiversity
Soil	Geology, Soils and Land Use
Water	Water including Hydrology and Hydrogeology
Air	Air Quality
Climatic Factors	Carbon and Climate Change
Material Assets	Material Assets
Landscape	Landscape and Visual
Cultural Heritage including Architecture and Archaeological Heritage	Cultural Heritage
Interrelationships between the above factors	In Combination

From Schedule 2 of SEA Regulations S.I. 435/2004.

- A1.4 The Scoping Report will be as concise as is possible and it will serve to ensure that where environmental effects are unlikely, they are scoped out so they do not need to be assessed in detail.
- A1.5 Consultation, through provision of the Scoping Report, will be undertaken with the Environmental Authorities to seek to gain agreement on the specific scope and method for the detailed assessment which will be detailed in the SEA Environmental Report.

A2 SEA Screening Consultation Responses



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8th March 2021

Our Ref: 210203.1

Re. SEA Screening for the Proposed Regulatory Decision and a Noise Abatement Objective for Dublin Airport

Dear Ms Felten,

We acknowledge your notice, dated 11th February 2021, in relation to the SEA Screening for the Proposed Regulatory Decision and a Noise Abatement Objective for Dublin Airport, collectively referred to in the context of this submission as ('the 'Plan') and associated Strategic Environmental Assessment (SEA) screening.

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as a SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

Where we provide specific comments on plans and programmes, our comments will focus on the EPA's remit and areas of expertise (in particular water, air, climate change, waste, resource efficiency, noise, radon and the inter-relationships between these and other relevant topics e.g. biodiversity), as appropriate and relevant to the particular Plan.

Proposed SEA Determination

The Aircraft Noise Competent Authority (ANCA) should determine whether the implementation of the proposed Plan would be likely to have significant effects on the environment. The criteria to consider are set out in Annex II of Directive 2001/ 42/EC on the assessment of the effects of certain plans and programmes on the environment (The SEA Directive) and in *Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I No. 435 of 2004)*.

The ANCA is obliged to take the relevant criteria set out in *Schedule 1* into account in making its determination as to whether the Plan would be likely to have significant effects on the environment.

Guidance on the SEA process, including an SEA pack and checklist available on our website at www.epa.ie/monitoringassessment/assessment/sea/. We recommend that you take the available guidance into account in making your SEA Screening Determination and incorporate the relevant recommendations as appropriate into the Plan.

Sustainable Development

In considering the Plan, the ANCA should ensure that the Plan is consistent with Dublin Airport Local Area Plan 2020-2026. ANCA should also recognise the need to align with national commitments on climate change mitigation and adaptation, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaptation plans. The relevant objectives and policy commitments of the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy and the Climate Action Plan 2019 should be considered, as appropriate.

Specific Comments on the Plan

In making your determination whether SEA is required, the following additional comments should be considered:

- We note that reference is made to an older iteration of a noise action plan for Dublin Airport in the SEA Screening report. The most recent [*Noise Action Plan for Dublin Airport 2019 – 2023*](#), should be referenced and taken into account in the Screening assessment.
- In proposing the Plan, ensure that it remains consistent with the relevant environmental commitments of the National Planning Framework 2040, including, Objective 65 (Noise Action Plans). <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>.
- The provisions of the WHO Environmental Noise Guidelines for the European Region (2018) should be referred to and considered as appropriate. It can be consulted at <https://www.euro.who.int/en/health-topics/environment-and-health/noise/publications/2018/environmental-noise-guidelines-for-the-european-region-2018>



Appropriate Assessment

- You should ensure that the Plan complies with the requirements of the Habitats Directive where relevant. Where Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the Plan.

Environmental Sensitivity Mapping (ESM) WebTool

This new tool was launched recently by the EPA. It is a new decision support tool to assist SEA and planning processes in Ireland. It is available at www.enviromap.ie. The tool brings together over 100 datasets and allows users to create plan-specific environmental sensitivity maps. These maps can help planners examine environmental considerations, anticipate potential land-use conflicts, and help identify suitable development locations while also protecting the environment.

State of the Environment Report – Ireland’s Environment 2020

In preparing the Plan and associated SEA screening, the recommendations, key issues and challenges described in our [State of the Environment Report Ireland’s Environment – An Integrated Assessment 2020 \(EPA, 2020\)](#) should be considered, as relevant and appropriate to the Plan. This should also be taken into account, in preparing the Plan.

Available Guidance & Resources

Our website contains various SEA resources and guidance, including:

- SEA process guidance and checklists
- Inventory of spatial datasets relevant to SEA
- topic specific SEA guidance (including *Good practice note on Cumulative Effects Assessment (EPA, 2020)*, *Guidance on SEA Statements and Monitoring (EPA, 2020)*, *Integrating climatic factors into SEA (EPA, 2019)*, *Developing and Assessing Alternatives in SEA (EPA, 2015)*, and *Integrated Biodiversity Impact Assessment (EPA, 2012)*)

You can access these resources at: www.epa.ie/monitoringassessment/assessment/sea/

EPA SEA WebGIS Tool

Our SEA WebGIS Tool has been updated recently and is now publicly available at <https://gis.epa.ie/EPAMaps/SEA>. It allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area. It is intended to assist public authorities in SEA screening and scoping exercises.

EPA WFD Application

Our WFD Application provides access to water quality and catchment data from the national WFD monitoring programme and is available through EPA Maps. It is also publicly available data can be accessed via the www.catchments.ie website.

EPA AA GeoTool

Our AA GeoTool application has been developed in partnership with the NPWS. It allows users to select a location, specify a search area and gather available information for each European Site within the area. It is available at: <https://gis.epa.ie/EPAMaps/AAGeoTool>

Future amendments to the Plan

Where changes to the Plan are made prior to finalisation, or where modifications to the Plan are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 1 of the SEA Regulations (S.I. No. 435 of 2004, as amended).

Environmental Authorities

Under the SEA Regulations, prior to making your SEA determination you should consult with:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (formerly Minister for Culture, Heritage and the Gaeltacht (functions transferred from Minister for Environment, Heritage and Local Government/ Minister for Housing, Planning and Local Government to Minister for Culture, Heritage and the Gaeltacht by S.I. 192 of 2011);
- Minister for Environment, Climate and Communications; and
- Minister for Agriculture, Food and the Marine.

SEA Determination

As soon as practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.

If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: sea@epa.ie.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cian O'Mahony'.

Cian O'Mahony
SEA Section
Office of Evidence and Assessment

From: Housing Euplanningregulation <euplanningregulation@housing.gov.ie>

Sent: Tuesday, 16 February 2021, 14:42

To: Angela Dullaghan

Subject: Re: Notification to specified Environmental Authorities of a Screening for SEA of a proposed Regulatory Decision and A Noise Abatement Objective for Dublin Airport by the Aircraft Noise Competent Authority.

CAUTION: This email originated from outside of Fingal County Council. Do not click on links or open attachments unless you are satisfied of the email's authenticity.

A Chara,

I wish to acknowledge receipt of your correspondence below, requesting feedback for a proposed Regulatory Decision and A Noise Abatement Objective for Dublin Airport by the Aircraft Noise Competent Authority.

Under section 30 of the Planning and Development Act 2000, as amended, the Minister for Housing, Local Government and Heritage is specifically precluded from exercising power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned. As a consequence, the Department will not be making any comments in relation to this matter.

Please note that pending the transfer of remaining heritage functions to this Department, the Development Application's Unit under the remit of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media are a prescribed consultee in respect of certain heritage matters e.g. protected structures, nature conservation etc. under the Planning and Development Regulations 2001. Their email address is Manager.DAU@chg.gov.ie

Kind regards,

Margaret Killeen
EU and International Planning Regulation Unit

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage