COMHAIRLE CONTAE FHINE GALL

RECORD OF CHIEF EXECUTIVE'S ORDER

Section 9(2), Dublin Airport (Aircraft Noise) Regulation Act 2019

Section 34B(13) of the Planning and Development Act 2000

Amending of the noise abatement objective, making of a regulatory decision, adoption of related reports and supporting documents.

And

Appropriate Assessment Screening Determination under the European Communities (Birds and Natural Habitats) Regulations 2011 (the Regulations of 2011)

And

Environmental Assessment ("Strategic Environmental Assessment" (SEA)) under Article 9(1) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (the Regulations of 2004)

1. On 15 December 2023, Coakley O'Neill Town Planning Ltd, on behalf of the airport authority for Dublin Airport, (**daa**), applied to the Planning Authority (Planning Application ref. F23A/0781) (**the Application**) for a proposed development pursuant to Section 34B of the Planning and Development Act 2000 (**the Act of 2000**). The proposed development consists of a) increase in passenger numbers per annum and b) the provision of airport infrastructure.
2. The Planning Authority gave a copy of the Application to ANCA on 15 December 2023 in accordance with Section 34B(1) of the Act of 2000.
3. On 17 January 2024, pursuant to Section 34B(1)(a) of the Act of 2000, ANCA determined that the proposed development, the subject of the Application, contained a proposal requiring the assessment for the need for a noise-related action and issued a Notice to the Planning Authority to this effect pursuant to Section 34B(2) of the Act of 2000.
4. On 22 January 2026, ANCA determined that, in the context of the Aircraft Noise (Dublin Airport) Regulation Act 2019 (**the Act of 2019**) and Regulation (EU) 598/2014 (**the Aircraft Noise Regulation**), a noise problem would arise from the

carrying out of the development as proposed through the Application and commenced the process of aircraft noise regulation as required by Section 34B of the Act of 2000. The process of aircraft noise regulation in this context requires ANCA to, as appropriate, define, restate or amend a Noise Abatement Objective (**NAO**), apply the Balanced Approach, and, subject to Section 34B(5) of the Act of 2000, make a Regulatory Decision.

5. In addition, Action 3 of the Noise Action Plan for Dublin Airport 2024-2028 (**NAP**) also requires Fingal County Council to review the NAO, informed by the current noise situation and the policy context set out in the NAP.

6. On 1 March 2024, ANCA issued a direction to daa under Section 9(10) of the Act of 2019 to provide information and daa furnished replies on 21 November 2025 and 24 November 2025. This information was used to further assist ANCA's consideration of the proposal and the assessment of the noise situation at the airport.

NOISE ABATEMENT OBJECTIVE

7. Following the identification of a noise problem, ANCA proposed amendments to the NAO as part of applying the Balanced Approach to the noise problem. ANCA also prepared a supporting report for the proposed amendments to the NAO. ANCA published the proposed amendments to the NAO and associated report on 28 May 2026 and undertook a 14-week period of public consultation on the proposed amendments to the NAO, along with other matters as set out below.

DRAFT REGULATORY DECISION

8. As required by Section 34B of the Act of 2000 and Section 9(2)(b) of the Act of 2019, ANCA identified measures available to reduce the noise impact at the airport. As required by Section 34B(6) of the Act of 2000, ANCA assessed the proposed noise mitigation measure in accordance with the Balanced Approach. ANCA's analysis indicates that one new noise mitigation measure is required to address the noise problem that would arise as a result of the proposed development, being a noise insulation scheme.

9. Having undertaken the above analysis, ANCA issued a Notice to the Applicant on 24 March 2026 in accordance with the provisions of Section 34B(7) of the Act of 2000 informing the Applicant of the noise mitigation measure proposed to be required in a decision (if any) to grant the relevant Application and the reasons for so proposing. The Applicant made one submission/observation within the period 25 March 2026 to 22 April 2026 (being a period of not less than 4 weeks) on the proposed noise mitigation measure but did not make a counterproposal. ANCA

had regard to that submission/ observation when making the draft regulatory decision.

10. Having applied the Balanced Approach to the noise problem, ANCA made and published a Draft Regulatory Decision (**the DRD**) under Section 34B(9) and an associated report under Section 34B(10) of the Act of 2000, which proposed a new noise mitigation measure to address the noise problem that would arise as a result of the proposed development.

11. ANCA published the DRD and related report and undertook a 14-week public consultation period from 28 May 2026 to 03 September 2026, as required under Section 34B(11) of the Act of 2000, and in parallel with public consultation on the proposed amendments to the NAO. ANCA also provided a copy of the DRD and related report to the airport authority (daa) and the Planning Authority as required under Section 34B(12) of the Act of 2000.

12. Having taken into account submissions and observations received through the 14-week public consultation process, ANCA amended the DRD and revised the related report, in accordance with Section 34B(13) of the Act of 2000.

13. The Planning Authority shall incorporate the competent authority's regulatory decision under section 34B(13)(a) of the Act of 2000, the subject of the notice given to the planning authority under section 34B(14)(a)(ii) of the Act of 2000, and the competent authority's reasons for such decision in the Planning Authority's decision on the Application and shall do so regardless of whether the Planning Authority's decision is to refuse permission for the development or to grant permission for the development.

APPROPRIATE ASSESSMENT

Appropriate Assessment - NAO

14. Article 42(1) of the Regulations of 2011 provides that a screening for appropriate assessment for a plan which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on any European Site.

15. The attached Appropriate Assessment Screening Report in relation to the proposed amendments to the NAO (the **NAO Screening Report**) dated 06 May 2026 was undertaken by Logika Consultants Ltd on behalf of ANCA to assist in making a screening determination for the purposes of amending the NAO. The

NAO Screening Report concluded that the proposed amendments to the NAO are not directly connected with or necessary to the management of the site as a European Site and concluded, on the basis of objective scientific information, that the proposed amendments to the NAO individually or in combination with other plans or projects, would not have a significant effect on any European Site. Consequently, a Stage Two Appropriate Assessment is not required.

16. ANCA provided the submissions and observations received through the 14-week public consultation process in relation to the Appropriate Assessment Screening Report to Logika Consultants Ltd. Having taken into account those submissions and observations, Logika Consultants Ltd on behalf of ANCA concluded that none of the matters raised in those submissions changed their views on whether the proposed amendments to the NAO were likely to have a significant effect on any European Site and consequently the conclusions reached in the Appropriate Assessment Screening Report for the purposes of amending the NAO remain valid. Logika Consultants Ltd made this recommendation to ANCA on 22 October 2026.

Appropriate Assessment - Regulatory Decision

17. Article 42(1) of the Regulations of 2011 provides that a screening for appropriate assessment for a plan which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on any European Site.

18. The attached Appropriate Assessment Screening Report (the **DRD Screening Report**) dated 20 May 2026 was undertaken by Logika Consultants Ltd on behalf of ANCA to assist in making a screening determination. The DRD Screening Report concluded that the Draft Regulatory Decision is not directly connected with or necessary to the management of the site as a European Site and concluded, on the basis of objective scientific information, that the Draft Regulatory Decision individually or in combination with other plans or projects, would not have a significant effect on any European Site. Consequently, a Stage Two Appropriate Assessment is not required.

19. ANCA provided the submissions and observations received through the 14-week public consultation process in relation to the Appropriate Assessment DRD Screening Report to Logika Consultants Ltd. Having taken into account those

submissions and observations, Logika Consultants Ltd on behalf of ANCA concluded that none of the matters raised in those submissions changed their views on whether the Draft Regulatory Decision was likely to have a significant effect on any European Site and consequently the conclusions reached in Appropriate Assessment DRD Screening Report for the draft Regulatory Decision remain valid. Logika Consultants also reviewed the amendments to the Draft Regulatory Decision that will be adopted when ANCA makes its Regulatory Decision and concluded these changes will not have any significant effect on any European Sites and the conclusions reached in the Appropriate Assessment DRD Screening Report are equally applicable to ANCA's Regulatory Decision. Logika Consultants made this recommendation to ANCA on 22 October 2026.

STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment - NAO

20. ANCA prepared an SEA scoping report in relation to the proposed amendments to the NAO. In doing so, ANCA consulted with the prescribed Environmental Authorities regarding the scope and level of detail to be included in the SEA Environmental Report, from 30 January 2026 until 27 February 2026 as required under Article 11 of the Regulations of 2004. Having taken into account the submission received from the EPA dated 27 February 2026, ANCA adopted the SEA Scoping Report by CE order ANCA/0006/2026 dated 23 March 2026.

21. ANCA then proceeded to prepare a draft environmental report (NAO) pursuant to Article 12 of the Regulations of 2004. ANCA published this SEA Draft Environmental Report on 28 May 2026 and undertook a 14-week period of public consultation in compliance with Article 13 of the Regulations of 2004. The draft SEA Environmental Report (NAO) was updated, having regard to submissions received during the public consultation process. The Final SEA Environmental Report, dated 03 November 2026, concluded that the proposed amendments to the NAO would have no significant environmental effects.

Strategic Environmental Assessment – Draft Regulatory Decision

22. ANCA prepared an SEA scoping report in relation to the Draft Regulatory Decision. In doing so, ANCA consulted with the prescribed Environmental Authorities from 13 March 2026 to 10 April 2026 regarding the scope and level of detail to be included in the SEA Environmental Report, as required under Article 11 of the Regulations of 2004. Having taken into account the submission received from the

EPA, dated 08 April 2026, ANCA adopted the SEA Scoping Report by CE order ANCA/0009/2026 dated 24 April 2026.

23. ANCA then proceeded to prepare a draft Environmental Report (DRD) pursuant to Article 12 of the Regulations of 2004. ANCA published this draft SEA Environmental Report on 28 May 2026 and undertook a 14-week period of public consultation in compliance with Article 13 of the Regulations of 2004. ANCA finalised the draft SEA Environmental Report, having regard to submissions received during the public consultation process. This Final SEA Environmental Report, dated 03 November 2026, concluded that the Regulatory Decision would have no significant environmental effects.

Dublin Airport (Passenger Capacity) Act 2026

24. During the period that ANCA undertook the process of aircraft noise regulation, the Dublin Airport (Passenger Capacity) Act 2026 was enacted (on 16 July 2026) (the **Act of 2026**). This Act confers a power on the Minister for Transport to make an order to amend or revoke a planning condition relating to the number of passengers that may use Dublin Airport. ANCA understands daa has since made an application to the Minister under section 7 of the Act of 2026 to amend or revoke a passenger capacity condition. No further information is available at this time. ANCA does not consider that this application affects ANCA's current process of aircraft noise regulation as required by section 34B of the Act of 2000 and section 9 of the Act of 2019 in relation to the Application.

RECOMMENDATION

Having published:

i. Proposed amendments to the Noise Abatement Objective for Dublin Airport (May 2026)
ii. Noise Abatement Objective Report (May 2026)
iii. Draft Regulatory Decision
iv. Draft Regulatory Decision Report (including Appendices A-J)
v. Proposed amendments to the NAO, SEA Draft Environmental Report
vi. DRD SEA Draft Environmental Report
vii. Appropriate Assessment Screening Report relative to the proposed amendments to the NAO
viii. Appropriate Assessment Screening Report relative to the Draft Regulatory Decision
ix. State of the Evidence for Aviation Noise Effects on Health and Wellbeing (January 2026)

and having undertaken a 14-week public consultation period from 28 May 2026 to 03 September 2026 in relation to the published material;

and having regard to all submissions and observations received on the above matters during public consultation;

and having prepared Appropriate Assessment Screening Reports for the proposed amendments to the NAO and DRD and having received advice on whether either required to be updated post public consultation;

and having amended the DRD and revised the related report as provided for under Section 34B(13) of the Act of 2000;

and having taken account of the draft SEA Environmental Reports and the submissions and observations made on the proposed amendments to the NAO and DRD;

and having updated and finalised the draft SEA Environmental Reports on the proposed amendments to the NAO and DRD to take into account relevant matters raised in submissions and observations made during the public consultation period;

and having prepared SEA Statements on the amended NAO and the RD recording the competent authority's conclusions in relation to SEA;

and having prepared a consultation report, dated November 2026, which summarises the submissions and observations received during public consultation, and sets out ANCA's response to the issues raised and the main reasons for ANCA's decision on the main issues raised,

IT IS RECOMMENDED THAT:

Appropriate Assessment

Having regard to relevant legislation and guidance, I agree with the conclusions and recommendation set out in the Appropriate Assessment Screening Report for the proposed amendments to the NAO and the conclusions and recommendation set out in the Appropriate Assessment Screening Report for the Draft Regulatory Decision, noting Logika's advice that the conclusions of those reports remain unchanged after consideration of the submissions and observations and the differences between the Draft Regulatory Decision and Regulatory Decision, and I recommend that ANCA in accordance with Article 6(3) of the Habitats Directive (Directive 92/43/EEC):

I. proceeds to determine as required under Article 42(7) of the 2011 Regulations that an Appropriate Assessment of the proposed amendments to the NAO is not required on the basis that the proposed amendments to the NAO are not directly connected with or necessary to the management of any European Site and it can be excluded on the basis of objective scientific information following screening

under Article 42 of the 2011 Regulations, that the proposed amendments to the NAO, individually or in combination with other plans or projects, will have a significant effect on a European Site and that ANCA publishes the AA screening determination for public inspection on its website;

II. proceeds to determine as required under Article 42(7) of the 2011 Regulations that an Appropriate Assessment of the Regulatory Decision is not required on the basis that the RD is not directly connected with or necessary to the management of any European Site and it can be excluded on the basis of objective scientific information following screening under Article 42 of the 2011 Regulations, that the RD, if adopted, individually or in combination with other plans or projects, will have a significant effect on a European Site and that ANCA publishes the AA screening determination for public inspection on its website;

IT IS FURTHER RECOMMENDED THAT ANCA:

III. adopts the final SEA Environmental Report (attached) for the proposed amendments to the NAO dated 03 November 2026;

IV. adopts the SEA Statement (attached) for the amended NAO dated 13 November 2026;

V. adopts the Final SEA Environmental Report (attached) for the Regulatory Decision dated 03 November 2026;

VI. adopts the SEA Statement (attached) for the Regulatory Decision dated 13 November 2026;

VII. adopts the Consultation Report dated November 2026 (attached) as its response to the issues raised in the public consultation and as a statement of the main reasons for ANCA's decision on the main issues arising from that public consultation;

VIII. amends the NAO pursuant to Section 9(2)(a) of the Act of 2019 (attached);

IX. makes a Regulatory Decision dated November 2026 (attached), pursuant to Section 34B(13) of the Act of 2000;

X. adopts the RD report dated November 2026 (including Appendices A-K) (attached) pursuant to Section 34B(13) of the Act of 2000;

XI. submits the amended NAO, Regulatory Decision and related reports and associated SEA Statements to the environmental authorities specified in Article 9(5) of the Regulations of 2004, as appropriate, in accordance with Article 16 (1) of the Regulations of 2004;

It is further recommended that all things necessary for, consequential or ancillary to the above, including the finalisation and publication of the relevant documents on ANCA's website, is authorised.



Recommender Joe Mahon

Senior Noise Technical Officer

ORDER:

For the reasons set out in the above recommendation of the Senior Noise Technical Officer, I hereby order:

I. the making of an AA Screening Determination under Regulation 42(7) of the Regulations of 2011 for the proposed amendments to the NAO, that an Appropriate Assessment of the proposed amendments to the NAO is not required on the basis that the proposed amendments to the NAO is not directly connected with or necessary to the management of any European Site and it can be excluded on the basis of objective scientific information following screening under Article 42 of the 2011 Regulations, that the proposed amendments to the NAO, individually or in combination with other plans or projects, will have a significant effect on a European Site;

II. the making of an AA Screening Determination under Article 42(7) of the Regulations of 2011 for the Regulatory Decision, that an Appropriate Assessment of the Regulatory Decision is not required on the basis that the Regulatory Decision is not directly connected with or necessary to the management of any European Site and it can be excluded on the basis of objective scientific information following screening under Article 42 of the 2011 Regulations, that the Regulatory Decision, individually or in combination with other plans or projects, will have a significant effect on a European Site;

III. the adoption of the Final SEA Environmental Report for the proposed amendments to the NAO dated 03 November 2026 as attached;

IV. the adoption of the SEA Statement for the amended NAO dated 13 November 2026 as attached;

V. the adoption of the Final SEA Environmental Report for the Regulatory Decision dated 03 November 2026 as attached;

VI. the adoption of the SEA Statement for the Regulatory Decision dated 13 November 2026 as attached;

VII. the adoption of the Consultation Report dated November 2026 (attached) as ANCA's response to the issues raised in the public consultation and as a statement of the main reasons for ANCA's decision on the main issues arising from that public consultation;

VIII. the amending of the NAO pursuant to Section 9(2)(a) of the Act of 2019 (attached);

IX. the making of a Regulatory Decision, dated November 2026 (attached), pursuant to Section 34B(13) of the Act of 2000 to be incorporated in the Planning Authority's

decision on planning application F23A/0781 regardless of whether the Planning Authority's decision is to refuse or to grant permission for the development;

X. the adoption of the RD report dated November 2026 (including Appendices A-K) (attached) pursuant to Section 34B(13) of the Act of 2000; and

XI. the submission of the amended NAO, Regulatory Decision and related reports and associated SEA Statements to the environmental authorities specified in Article 9(5) of the Regulations of 2004, as appropriate, in accordance with Article 16(1) of the Regulations of 2004.

Finally, it is ordered that all things necessary for, consequential or ancillary to the above, including the finalisation and publication of the relevant documents on ANCA's website, is authorised.



Approver Ethna Felten

Director Of Services

Dated 13/11/2026

thereunto empowered by order of the Chief Executive, Fingal County Council C.E No **8912** delegating to me all powers, functions and duties in relation to the Council of the County of Fingal in respect of this matter.