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Aircraft Noise Competent Authority,
Fingal County Council
Swords
Co. Dublin
(submitted online)

Response to public consultation on aircraft noise

A chairde,

Thank you for the public consultation. Please find my comments below.

1. The proposed Noise Abatement Objective is not properly founded in an analysis of the noise challenge at Dublin Airport.

The proposed Noise Abatement Objective for Dublin Airport for 2030 appears to be derived by simply copying the EU's target for 2030 for all transport noise (road, rail and aviation). There's no consideration in the Noise Abatement Objective of the difference between the noise from different sources in terms of health impacts or abatement potential.

The EU's 2030 target is a reduction from a 2017 baseline. The draft Noise Abatement Objective instead notes that 2019 was even noisier and so it should be used as the baseline. There's no explanation as to why the noisiest year should be the baseline.

Instead of an objective translated across from a general EU-wide target for all transport noise, adjusting the baseline to allow for a higher level of noise disturbance, ANCA should legally be setting an objective based on conditions at Dublin Airport.

In s.9(2)(a) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 ANCA is required to ensure that

- (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;

Among the relevant provisions of Article 8 of the Directive is the following within Art. 8(1):

The measures within the plans are at the discretion of the competent authorities, but should notably address priorities which may be identified by the exceeding of any relevant limit value or by other criteria chosen by the Member States and apply in particular to the most important areas as established by strategic noise mapping.

Thus it is clear that the noise abatement objective has to be identified by reference to relevant limit values or other relevant criteria. I would point out here that ANCA is an emanation of the State, and so is directly bound by the Directive. If ANCA has the view that no other state body in Ireland has chosen criteria which ANCA could apply in compliance with Art 8(1) then it is ANCA's duty to do so.

2. The correct Noise Abatement Objective is a general ban on night-time flights.

The evidence on the health impacts of noise, particularly of sleep disturbance, synthesised by the World Health Organisation in 2018 and supplemented by more recent published research, have been put before the Aircraft Noise Competent Authority by local residents. The first question for the Noise Abatement Objective should be whether it is possible to avoid night-time noise entirely. I believe it is and there should in general be a ban on night flights arriving to or leaving from the airport.

This would logically mean a reduction of 95 or 100% in aircraft noise at night-time from the airport. This objective is consistent with the goal of the Environmental Noise Directive and with the obligation to define an objective in the Aircraft Noise (Dublin Airport) Regulation Act 2019. I believe that allowing night-time flights amounts to ANCA and Fingal County Council failing in their duty of care to local residents.

3. The SEA Directive requires the assessment of credible alternatives including a general ban on night-time flights.

Another EU legal obligation comes into play here as well. A ban on night-time flights is a clear alternative to the current proposal, and indeed one which is commonly applied in many European airports. Despite this, it has not been analysed in the Strategic Environmental Assessment Report. This is in breach of the legal obligation to consider alternatives in the SEA process.

4. The SEA Directive also requires an assessment of the climate impact of night time flights, taking account of the scientific evidence of their significantly higher negative impact on the climate.

There is a further major problem with the SEA. The climate impact of flights varies greatly depending on atmospheric conditions including time of day. This was pointed out in the last consultation process in relation to aircraft noise in advance of this draft decision. Despite that the SEA has not addressed this issue. Restrictions on night flights have a disproportionate benefit for the climate as well as for people affected by aircraft noise. The non-CO₂ impact of aviation on the climate is greater than the CO₂ impact, and the direction of the impact on atmospheric forcing depends on atmospheric conditions and especially on

time of day. I refer to research published by the European Commission:

https://ec.europa.eu/clima/news-your-voice/news/updated-analysis-non-co2-effects-aviation-2020-11-24_en .

An SEA analysis is required, as best it can, to address the differential climate impacts of the alternatives under consideration. This has not happened.

5. ANCA is bound by the Climate Action and Low Carbon Development Act to consider climate impact and in so far as practicable perform its functions consistent with climate objectives strategies and plans.

Furthermore, ANCA is bound by s.15 of the Climate Action and Low Carbon Development Act, 2019, as amended in 2021, as follows:

s.15 (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- (a) the most recent approved climate action plan,
- (b) the most recent approved national long term climate action strategy,
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
- (d) the furtherance of the national climate objective, and
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

It is clear that ANCA, in failing to even assess the climate impact of its proposed approach to noise abatement at the airport, could not be performing its functions in a manner consistent with these objectives, plans and strategies and therefore must also be in breach of its obligations under the Climate Act.

I hope the above is of assistance in your work on aircraft noise and I'm happy to elaborate on any of the issues raised above if it would be of help.

Best regards,

Cllr. David Healy