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(submitted online to consult.fingal.ie)

Observations in relation to proposed direction to delete an Objective (PH CH 8.1) about noise insulation from the Fingal Development Plan 2023-2029

Background

The members of Fingal County Council unanimously decided to include the following Objective in the Fingal Development Plan:

“That the Development Plan recognises the inadequacy of the proposed noise insulation scheme to protect the health of those affected by aircraft noise and that in view of the increasing knowledge and scientific evidence of the serious health impact of aircraft noise on the physical health of Fingal residents that it is an objective to take measures including the expansion of noise insulation schemes operated by DAA to include all areas exposed to 40dB Lnight or higher as produced by aircraft during night time. The insulation schemes should be designed to ensure that internal noise levels are in keeping with BSI 25 | Page Standards Publication BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, table 4: Indoor ambient noise levels for dwellings, as referenced in Chapter 14: Development Management Standards of the Development Plan 2023-2029. This approach is in response to the knowledge that night-time aircraft noise above this level is associated with adverse effects including increased mortality, stress, high blood pressure and a deterioration in cardiovascular health.”

The Minister’s Draft Direction says:

IV. The Development Plan as made includes provisions that recognise the inadequacy of the proposed noise insulation scheme to protect the health of those affected by aircraft noise and that it is an objective to take measures including the

expansion of noise insulation to ensure noise levels produced by aircraft during night time are reduced to below 40 dB L_{night} , which matters are subject to a separate statutory code which includes the designation of a separate action planning authority, the Aircraft Noise Competent Authority, and the preparation of a Noise Action Plan. The inclusion of matters which should be determined through the appropriate statutory process, including the Noise Action Plan, is therefore inconsistent with NPO 65.

Observations

We would like to make the following observations on the Draft Direction.

The noise levels referred to in the Objective are in keeping with the Recommendations from the World Health Organisation in “Environmental noise guidelines for the European Region” <https://www.who.int/europe/publications/i/item/9789289053563>

Those recommendations are as follows:



Recommendation	Strength
For average noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft below 45 dB L_{den} , as aircraft noise above this level is associated with adverse health effects.	Strong
For night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below 40 dB L_{night} , as night-time aircraft noise above this level is associated with adverse effects on sleep.	Strong
To reduce health effects, the GDG strongly recommends that policy-makers implement suitable measures to reduce noise exposure from aircraft in the population exposed to levels above the guideline values for average and night noise exposure. For specific interventions the GDG recommends implementing suitable changes in infrastructure.	Strong

NPO 65 of the National Planning Framework reads:

Promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life and support the aims of the Environmental Noise Regulations through national planning guidance and Noise Action Plans.

On the face of it, there’s nothing in the text on noise insulation which is inconsistent with NPO 65. In fact it seems to be entirely consistent with it, being the pro-active management of noise where it is likely to have significant adverse impacts on health and safety.

The Draft Direction identifies the inconsistency as being due to “the inclusion of matters which should be determined through the appropriate statutory process.” There is no legal

barrier preventing the Council from addressing noise through the County Development Plan. Indeed, the contrary is the case. It is clear that the impact of noise on human health, including that of airport noise, is a consideration that the Council must take account of in its planning decisions. Therefore, it is only logical that it be addressed in the Development Plan.

The implication in the Draft Direction is that NPO65 requires that noise insulation not be dealt with in the Development Plan. This is not apparent from the face of NPO65. Indeed, NPO65 explicitly recognises that the pro-active management of noise and the aims of the Environmental Noise Regulations can be achieved through national planning guidance, and therefore, implicitly, through the planning system.

Furthermore, the Plan contains a series of other objectives aiming to protect public health from the impact of airport noise. If this Objective in the Draft Direction were contrary to NPO65, then surely the others would be too?

Not only are there many objectives about noise, including airport noise, there are many objectives specifically about noise insulation to protect against airport noise. Objective SPQHO82, Table 8.1 Objectives DAO11, DAO12, and DMSO45, Table 14.16, and Objective DMSO105 all explicitly cover noise insulation. It makes no sense to suggest that it is consistent with NPO65 to include provisions requiring noise insulation but inconsistent with NPO65 to specify the noise levels required to be reached by that insulation.

In conclusion:

- The Objective has been formulated in accordance with the best scientific guidance to protect human health;
- Fingal County Council is acting within its powers in specifying the standard of noise insulation to be met;
- There is no basis for suggesting that this matter is not appropriate to the County Development Plan;
- There is no basis for suggesting that this Objective is contrary to NPO65 of the National Planning Framework;
- There is no legal basis or justification for the Draft Direction in relation to this Objective.

Yours sincerely.

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