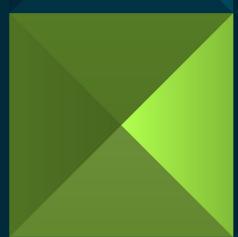


Report Draft Dublin Airport Noise Action Plan 2024-2028

Report on the Applicability of European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004

For Fingal County Council 22 August 2024



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1 Introduction

- 1.1.1 In response to EU Council Directive 2002/49/EC (commonly referred to as the Environmental Noise Directive or 'the END')¹ Fingal County Council (FCC)² have prepared a draft Noise Action Plan (NAP) for Dublin Airport for the period 2024 to 2028 in support of the management of aircraft noise.
- 1.1.2 This report on the Applicability of European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SEA Applicability Report) considers the draft NAP 2024 2028 and the applicability of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004³ (S. I. 435/2004) as amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004³ (S. I. 435/2004) as amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations (S.I. 200/2011)⁴, hereafter referred to as the 'SEA Regulations' which implement European Union (EU) Directive 2001/42/EC7 (the 'SEA Directive') into Irish Law.
- 1.1.3 This SEA Applicability report has been prepared by Logika Consultants Ltd. on behalf of Noise Consultants Ltd for FCC. It is intended to inform the determination to be made by FCC as to whether the Dublin Airport NAP 2024 2028 requires SEA or statutory screening for SEA under the SEA Directive and SEA Regulations. This report outlines that FCC has determined that SEA does not apply to the draft Dublin Airport NAP 2024-2028 in principle prior to public consultation.

1.2 Background to the NAP

- 1.2.1 The requirement to prepare a NAP is set for members of the EU under the Environmental Noise Directive ('END') (2002/49/EC) which relates to the assessment and management of environmental noise. It is the main instrument of the EU to quantify noise pollution levels and trigger action within both Member States and at EU level. The END has the aim of establishing a common approach to avoiding, preventing or reducing the harmful effects due to exposure to environmental noise within the EU.
- 1.2.2 Aircraft noise is a matter considered by the END which requires that EU Member States prepare and publish, at least once every five years, strategic noise maps and noise action plans for 'major airports', which are defined as those with more than 50,000 movements a year (including small aircraft and helicopters).
- 1.2.3 The END was transposed into Irish law by the Environmental Noise Regulations 2018 (S.I. 549/2018) (the 'Regulations'). The Regulations were revised by the European Communities (Environmental Noise) Regulations 2018 (S.I. 549/2018) and amended through the European Communities (Environmental Noise) (Amendment) Regulations 2021 (S.I. 663/2021) ('the ENR').
- 1.2.4 This NAP has been prepared for Dublin Airport, under its designation as a 'major airport' under the fourth round of the Regulations. Under the Regulations, this NAP applies to the period 2024 to 2028.

² FCC is designated as the Action Planning Authority (APA) under the Regulations with responsibility for preparing a Noise Action Plan for Dublin Airport.

³ Irish Statute Book, S.I. 435/2004, European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Accessed February 2024) Available at: <u>https://www.irishstatutebook.ie/eli/2004/si/435/made/en/print#article1</u>

⁴ Irish Statute Book, S.I. 200/2011, European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (Accessed February 2024) Available at: <u>https://www.irishstatutebook.ie/eli/2011/si/200/made/en/print</u>

¹ European Parliament, Directive 2002/49/E, relating to the assessment and management of environmental noise – Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise (Accessed August 2024) Available at: <u>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0049</u> 2 ECC is designated as the Action Planning Authority (APA) under the Regulations with responsibility

1.2.5 A report entitled 'Dublin Airport Noise Action Plan SEA Consideration' dated 19 December 2018 was prepared for the previous Dublin Airport NAP for the period 2017-2023. This report concluded that SEA was not required for the previous plan, because the NAP was considered not to be a land use plan nor set the framework for future development consent.

1.3 Approach

- 1.3.1 SEA is a formal process used to evaluate the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. This SEA Screening Applicability report considers the applicability of the SEA Regulations to the NAP as a 'plan or programme' to determine whether an SEA or statutory screening for SEA is required in respect of the NAP.
- 1.3.2 An Appropriate Assessment Screening Report has been prepared for the Dublin Airport NAP 2024 2028. This considers European Directives 92/43/EEC and 2009/147/EC (the 'Habitats directive' and the 'Birds directive', respectively), which are transposed into Irish law by the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011)), the 'Habitat Regulations'.
- 1.3.3 The structure of this SEA Preliminary Screening Report is as follows:
 - Section 2: Strategic Environmental Assessment Legal Context and Approach. This sets out the regulatory context and purpose of the SEA Regulations, along with a summary of the SEA process, focussing on Screening. Reference to SEA Screening guidance is presented;
 - Section 3: Summary of the draft Dublin Airport Noise Action Plan 2024 2028. This summarises the NAP with a focus on the content of the NAP that has potential relevance for the purpose of the SEA Regulations; and
 - Section 4: Applicability analysis. This considers whether the SEA Regulations are applicable to the Dublin Airport NAP 2024 2028 against the criteria defined by SEA Regulations, guidance, case law and the Appropriate Assessment Screening Report.

2 Strategic Environmental Assessment Legal Context and Approach

2.1 The SEA Regulatory Context

- 2.1.1 SEA is a systematic process designed to assess the likely significant environmental effects of implementing a plan or programme before it is formally adopted or implemented.
- 2.1.2 The SEA process is comprised of the following steps⁵:
 - Screening: To decide whether or not SEA of a plan or programme is required;
 - Scoping: This includes consultation with defined statutory bodies to understand the level of detail to be considered in future assessment;
 - Preparation of an Environmental Report/Draft Plan; and
 - Programme Implementation.
- 2.1.3 According to the EPA Good Practice Guidance on SEA Screening⁶, the screening process covers three different stages as below:
 - Applicability;
 - Statutory Screening⁷; and
 - Determination. This report specifically focusses on the Applicability stage of SEA.
- 2.1.4 The SEA Directive requires EU Member States to ensure that certain plans and programmes are subject to a requirement for SEA. In the context of transport sectoral plans, the 'SEA Directive is transposed into Irish law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S. I. 435/2004). This legislation has been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. 200/ 2011).

⁵ Environmental Protection Agency (2024). SEA Process [Online] Available at: <u>https://www.epa.ie/our-services/monitoring--assessment/assessment/strategic-environmental-assessment/the-sea-process/</u>

⁶ Environmental Protection Agency, SEA Screening Good Practice 2021 [Accessed February 2024] available at: <u>https://www.epa.ie/publications/monitoring--assessment/assessment/strategicenvironmental-assessment/sea-screening-good-practice-2021.php</u>

⁷ "Screening" is used to denote two distinct concepts in the Good Practice Guidance. In the first instance, it is used to describe the determination of whether a proposal requires SEA for any reason, including whether it is a plan or programme as defined in the SEA Directive. In the second instance, it is used to describe a particular step in that determination process, which is the statutory requirement to consider whether a proposal, having been determined to be a plan or programme as defined in the SEA Directive, is likely to have significant effects on the environment, which step requires, amongst other things, consultation with environmental authorities. To distinguish the two concepts, this report calls the former "Screening" and the latter "Statutory Screening".

2.2 Screening

Overview

- 2.2.1 SEA guidance⁸ states that the overall characteristics of the proposal should be checked to determine if the proposal is a plan or programme as defined for the purposes of and is not exempt from the requirements of the SEA Directive. This is therefore the first stage of 'Applicability' assessment.
- 2.2.2 If it is determined that the proposal is not a plan or programme as defined for the purposes of or is exempt from the requirements of the SEA Directive, no further action is required.
- 2.2.3 If it is determined that the proposal is a plan or programme as defined for purposes of the SEA Directive and is not otherwise exempt from those requirements, further consideration must be given to any potential environmental significance resulting from implementing the plan itself. At this stage, the significance criteria outlined in Annex II (2) of the SEA Directive (Stage 2 'Statutory Screening') should be followed.

Stage 1 'Applicability' Methodology

2.2.4 The applicability stage of SEA screening consists of a 4-step process as outlined in the EPA Good Practice Guide on Screening (2021). Table 2-1 sets out these stages as below:

Applicability Step	Step Guidance
Step 1	Establish and identify the status of the plan to be assessed, or the competent authority compiling the programme. Is the P/P prepared and/or adopted by an authority at national, regional, or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?
Step 2	Establish the description of the plan or programme. Is the P/P required by legislative, regulatory, or administrative provisions?
Step 3	Determine if the NAP is not exempt from SEA screening. Is the sole purpose of the P/P to serve national defence or civil emergency or is it a financial/budget P/P or is it con-financed by the current SF/RDF programme?

Table 2-1: Stage 1 Applicability Steps

⁸ Scott and Marsden (2001), Environmental Protection Agency Report, Development of Strategic Environmental Assessment Methodologies for Plans and Programmes in Ireland (2001-DS-EEP-2/5) – Synthesis Report (Accessed July 2024) Available at: <u>https://www.epa.ie/publications/monitoring--</u> <u>assessment/assessment/strategic-environmental-assessment/synthesis-report-on-developing-a-</u> <u>strategic-environmental-assessment-sea-methodologies-for-plans-and-programmes-in-ireland.php</u>

Applicability Step	Step Guidance
Step 4	Does the NAP require mandatory SEA? Is the P/P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use? Does the P/P provide a framework for the development consent for projects listed in the EIA Directive?

- 2.2.5 Following the applicability analysis, there are two possible outcomes regarding whether the SEA Directive applies in this case:
 - The SEA Directive <u>does not</u> apply to the NAP this means that the NAP is not of a type which falls within the scope of the Directive themselves, and therefore it falls entirely outside the remit of the statutory regime and there is no requirement to notify environmental authorities.
 - The SEA Directive **does** apply to the NAP this means that the NAP is of a type that falls within the scope of the Directive and therefore requires mandatory SEA. This then triggers the process of proceeding to SEA scoping and relevant consultation with designated authorities.

Stage 2 'Statutory Screening' (If Applicable)

2.2.6 While this report concludes that the SEA Directive is not applicable to the NAP, details of the statutory screening stage are provided for context.

- 2.2.7 If the SEA Directive applies to the NAP and the NAP is not otherwise exempt from the SEA Directive, Stage 2 Screening helps to determine if further SEA is required for the NAP. While it is not a mandatory requirement, the production of a screening report has become good practice as part of the overarching process.
- 2.2.8 Stage 2 is a four-step process as per the EPA's Good Practice Guidance on SEA Screening Reports. Table 2 below summarises the next steps.

Screening Step	Step Guidance
Step 1	Describe the features of the NAP and the environment in which it would be received, outlining any environmental challenges.
Step 2	Identify the potential for significant environmental effects.

Table 2-2: Stage 2 Screening Steps

Draft Dublin Airport Noise Action Plan 2024-2028 Report on the Applicability of European Communities (Environmental^u P Assessment of Certain Plans and Programmes) Regulations 2004

Screening Step	Step Guidance
Step 3	Statutory consultation with designated environmental authorities (a minimum of 4 weeks).
Step 4	Draft determination.

- 2.2.9 Part of this screening stage includes a screening of environmental significance, to assess whether the plan is likely to result in significant effects and therefore taken forward for SEA. The criteria for undertaking this are embedded into Annex II of the SEA Directive and are transposed into Irish legislation as Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 as amended. The aforementioned EPA's Good Practice Guidance on SEA and the Department of Housing, Local Government and Heritage Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)⁹ have been used to guide this assessment.
- 2.2.10 At this stage it is required to consult with the relevant environmental authorities for a minimum of 4 weeks (Step 3), after which a draft determination can be prepared (Step 4) and finalised as Stage 3 following the input from consultation.

Stage 3 'Determination'

2.2.11 Following the consultation with the relevant authorities, after the competent authority has made the final decision as to whether SEA applies to the NAP, a summary of the screening should be available for public inspection both digitally and as a hard copy. A copy of the final determination should also be made available to relevant SEA authorities who were consulted during screening⁶-

2.3 Appropriate Assessment

- 2.3.1 It should be noted that Appropriate Assessment (AA) Screening Report has been prepared. The AA Screening Report considers European Directives 92/43/EEC and 2009/147/EC (the 'Habitats directive' and the 'Birds directive', respectively), which are transposed into Irish law by the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011)), the 'Habitat Regulations'. The overarching goal of the Habitats and Birds Directives are to uphold or restore the 'favourable conservation status' of habitats and species recognised as of European Community Interest. These specific habitats and species are outlined in the Habitats and Birds Directives, with the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) aimed at safeguarding them. Together, these designations are commonly referred to as European Sites, also known as Natura 2000 sites.
- 2.3.2 The Habitats directive does not specifically define what is a plan or project. Relevant case law¹⁰, as well as a judgement in the High Court (England and Wales)¹¹ concluded that for the purposes of the

 ⁹ Department of Housing, Local Government and Heritage (2022). Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities. (Accessed February 2024) Available at: <u>218356 6c57ccf6-3d2b-4c43-b871-1698e7daab5d (1).pdf</u>
¹⁰ European Court of Justice judgement in case C-127/02 "Waddenzee"

¹¹ R. (on the application of Akester) v Department for Environment, Food and Rural Affairs (Case No. CO/1834/2009) [2010] EWHC 232

Habitats directive, if an activity could have impacts upon a European site, it should therefore be considered as a plan or project.

- 2.3.3 An AA Screening Report has been prepared for the NAP and has concluded the report provides sufficient relevant information to allow the Competent Authority (Fingal County Council) to carry out a Screening for AA, and reach a determination that the NAP:
 - 1) is not directly connected with or necessary to the management of the site as a European Site; and
 - 2) can be excluded on the basis of objective scientific information, that the NAP, individually or in combination with other plans or projects, will not have a significant effect on a European site.
- 2.3.4 The implications of this conclusion for this SEA Applicability Report are considered in more detail in Section 4 below.

3 Draft Dublin Airport Noise Action Plan 2024-2028

3.1 Overview

- 3.1.1 The Dublin Airport NAP 2024 2028 will replace the current NAP 2018-2023 and is the second NAP for specifically addressing noise at Dublin Airport. The NAP sets out actions in support of the management of aircraft noise at Dublin Airport, and as set out in **Section 1: Introduction**, has been prepared as required by the EU Council Directive 2002/49/EC (commonly referred to as the Environmental Noise Directive or 'the END') and transposed into Irish law by the Environmental Noise Regulations 2018 (S.I. 549/2018) (the 'Regulations').
- 3.1.2 The END and Regulations set minimum requirements for the NAP and in the context of the Dublin Airport NAP these include:
 - A description of the geographical area under consideration with a focus on the noise environment (i.e. Dublin Airport and in the context of future proposed development at the airport);
 - Details of responsible authorities (roles and responsibilities) and the legal context which may include any statutory limits in place;
 - A summary of noise mapping undertaken (2021 and 2023), and the estimated number of people exposed to noise identification of problems and situations that need to be improved;
 - Details of public consultation; and
 - Details of any noise-reduction measures already in force and any projects in preparation.
- 3.1.3 With consideration of the above points, the NAP identifies actions required in the next 5 years, a longer-term strategy along with a cost benefit analysis and the provisions for evaluation (these also being minimum requirements for the NAP as set by the END and the Regulations).

3.2 Actions as identified within the NAP

Aircraft Noise Regulation

- 3.2.1 The Air Noise Competent Authority (ANCA), a division of FCC, is responsible for the assessment and regulation of aircraft noise at Dublin Airport as defined by The Aircraft Noise (Dublin Airport) Regulations 2019. As indicated by the NAP, ANCA will carry out the process of Aircraft Noise Regulation at Dublin Airport in accordance with the relevant provisions of the Act of 2019.
- 3.2.2 The NAP indicates that ANCA will either define, restate or amend the existing Noise Abatement Objective (NAO)¹² for Dublin Airport, after which, measures will be identified, and their cost effectiveness determined. ANCA will consult on any draft regulatory decision.

¹² The NAO provides for specific, timebound and measurable reductions in noise exposure outcomes in the communities around the airport. The NAO for Dublin Airport is split into five parts, the details of which are located in **Section 4.7** of the NAP.

Actions to take place over the duration of the NAP

- 3.2.1 Actions set out in the NAP that will be taken over the duration of its implementation, as follows:
 - Implement all noise mitigation measures at Dublin Airport unless and until updated, replaced or omitted through relevant processes.

The Noise Mitigation Measures at Dublin Airport reported by the airport authority as identified in **Table 5-1** (in the NAP) & listed below, shall be implemented:

- 1) Promote quieter aircraft through incentives such as Fly Quiet programmes.
- 2) Work with airline partners to introduce quieter aircraft, particularly at night including consideration of incentives
- 3) Noise Abatement Departure Procedures (NADP) Climb Profile
- 4) Visual Approach Jet Aircraft (Cat C/D)
- 5) Continuous Climb Operations / Continuous Decent Approach
- 6) Reverse Thrust
- 7) Engine Ground Running
- 8) Two Runway Preferential Runway Selection
- 9) Two Runway Noise Preferential Routes (NPR's) and Track Keeping
- 10) Stakeholder Engagement
- 11) Community Engagement Programme
- 12) Noise & Flight Track Monitoring System
- 13) Noise Complaint Management Systems
- 14) Monitor and Report
- 15) Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours
- 16) The average number of nighttime aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92-day modelling period
- 17) Sound Insulation (RNIS)
- 18) Voluntary Dwelling Purchase Scheme
- 19) Voluntary School Sound Insulation

Further new noise mitigation measures shall be introduced as they are identified.

Carry out the process of Aircraft Noise Regulation at Dublin Airport in accordance with the relevant provisions of the Act of 2019, the Act of 2000 and/or the Aircraft Noise Regulation as appropriate.

This draft Noise Action Plan identifies problems and situations that need to be improved at Dublin Airport. The process of aircraft noise regulation as defined under Section 9 of the Act of 2019 commenced in December 2022 and ANCA will proceed to the next stage by adopting the Balanced Approach and, if necessary, ensuring that the NAO for Dublin Airport is, as appropriate restated or amended.

Following this, the measures available to reduce the problems and situations that need to be improved will be identified and the cost effectiveness of the measures determined. The measures will consider the four principal elements of the ICAO Balanced Approach, namely:

- Reduction of noise at source;
- Noise abatement operating procedures;
- Land use planning and management; and
- Operating restrictions;

Consultation on any intended actions will be held with stakeholders, including residents and businesses, in a transparent way, in accordance with Section 9 of the Act of 2019.

Longer Term Strategy and Evaluation

3.2.2 Under the Regulations, FCC is required to report annually to the EPA on all actions taken under each action plan or revised action plan in the previous year.

The annual Noise Action Plan progress report is to be submitted by FCC to the EPA each year, reporting actions undertaken, and progress against the activities set out within the Noise Action Plan during the previous calendar year.

From 2025, FCC will use these annual reports to present progress against the actions set out in Section 9 of this Noise Action Plan.

4 Applicability Assessment

4.1.1 This section considers the Dublin Airport NAP 2024 – 2028 and consideration of the requirement for SEA.

4.2 Overview

- 4.2.1 The NAP is not a statutory land use plan (it is not a Development Plan, Local Area Plan etc.), therefore the S.I. No. 435/2004 (European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. 200/2011) is the relevant legislation for consideration of SEA.
- 4.2.2 Section 9 (1) of the SEA Regulations states:

Subject to sub-article (2), an environmental assessment shall be carried out for all plans and programmes

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

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.

4.2.3 In Friends of the Irish Environment CLG v Government of Ireland and Others, Advocate General Kokott noted that a plan or programme sets the framework for future applications for development consent where it contains:

Measures which define rules and procedures for scrutiny applicable to the sector concerned and thereby establish a significant body of criteria and detailed rules for the grant and implementation of one or more projects that are likely to have significant effects on the environment.

This includes criteria and detailed rules as covering the location, nature, size and operating conditions of such projects, or the allocation of resources connected with those projects.

- 4.2.4 The extracts above outlines that the plan or programme should be those which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive.
- 4.2.5 Considering the Stage 1 Applicability methodology as set out in **Table 2-1**, for the purposes of the applicability assessment, against the objectives of the draft Dublin Airport Noise Action Plan is carried out as follows.

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4.3 Stage 1 – SEA 'Applicability'

Table 4-1: Dublin Airport NAP 2024 - 2028 SEA Applicability

Applicability Criteria	Explanatory Notes
Establish and identify the status of the plan to be assessed, or the competent authority compiling the programme.	The NAP will replace the current NAP 2018-2023 and is the second NAP for specifically addressing noise at Dublin Airport. The NAP sets out actions in support of the management of aircraft noise at Dublin Airport.
Is the P/P prepared and/or adopted by an authority at national, regional, or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?	Yes, the Dublin Airport NAP 2024 - 2028 is being prepared by FCC and will be adopted by FCC.
Establish the description of the plan or programme.	A Description of the Plan or Programme is detailed in Section 3 of this SEA Applicability Report.
Is the P/P required by legislative, regulatory, or administrative provisions?	Yes. The NAP has been prepared as required by the EU Council Directive 2002/49/EC (commonly referred to as the Environmental Noise Directive or 'the END') and transposed into Irish law by the Environmental Noise Regulations 2018 (S.I. 549/2018) (the 'Regulations').
Determine if the NAP is not exempt from SEA screening.	The NAP is not exempt from SEA Screening because the NAP's sole purpose is not to serve national defence or civil emergency nor is it a financial/budget P/P nor is it co-financed by the current SF/RDF programme.
Is the sole purpose of the P/P to serve national defence or civil emergency or is it a financial/budget P/P or is it con-financed by the current SF/RDF programme?	
Does the NAP require mandatory SEA?	The NAP does not require mandatory SEA as the NAP does not set the framework for future development consent of projects listed in the Annexes of the EIA Directive, nor does it directly affect a Natura 2000 site.

Draft Dublin Airport Noise Action Plan 2024-2028 Report on the Applicability of European Communities (Environmental¹⁰ P Assessment of Certain Plans and Programmes) Regulations 2004

Applicability Criteria	Explanatory Notes
Is the P/P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use?	Yes, the NAP is being prepared for the transportation sector. The NAP is effectively prepared for transport (i.e. Dublin Airport) but its main focus is noise derived at Dublin Airport, not the expansion of Dublin Airport or other transport modes.
Does the P/P provide a framework for the development consent for projects listed in the EIA Directive?	No, the NAP does not set a framework for development consent for any future development. The NAP does not set criteria which could place limits or set a significant body of rules and criteria in relation to the type of activity or development which is to be permitted in a given area, does not contain conditions which must be met by the applicant if permission is to be granted, and is not designed to preserve certain characteristics of the area concerned.

4.4 Outcome of Stage 1 Applicability

4.4.1 Having considered the objectives of the Dublin Airport NAP 2024 - 2028 under both legislative and best practice requirements in relation to SEA it is considered that the NAP is not a land use plan, nor does it set the framework for future development consent as set out in Section 9 (1) of S.I. No. 435/2004. The actions within the NAP do not constitute a source of impact to any identified Natura 2000 site. Therefore, Strategic Environment Assessment (SEA) is not required.



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