

Opening Statement to Oireachtas Joint Committee on Transport, Tourism and Sport

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Introduction

I want to thank the committee for inviting me to speak to you today about the new runway at Dublin Airport and about the Government's proposals for noise regulation at the Airport.

The second runway is a hugely important national transport project, which of course raises a range of complex issues about sustainable and balanced national development; about the future needs of our economy and of a booming population; about global connectivity; and about environmental protection.

And of course it involves difficult choices and difficult decisions. Delivering major infrastructure often means the need for some compromise. In the case of Dublin Airport, which is reaching capacity, if it is to serve the needs of our island nation, then it needs another runway.

The daa has started work on it, and, as the Committee heard from new the daa chairman, Mr Basil Geoghegan, recently, all going to

plan it will be ready by late 2021– with construction to begin early next year.

There are complicating issues, which were recently raised with the Committee by the daa chairman; which I have addressed in the Dáil chamber; and which I am here today to discuss further: namely, the operating restrictions, and the appointment of a noise regulator.

Runway Planning

Back in 2007, the daa received planning permission to build the new runway at Dublin airport. Part of the conditions for granting that planning permission related to noise at the airport, and in particular, two conditions were introduced by An Bord Pleanála that will impose operating restrictions on Dublin Airport when the new runway is complete. Specifically, as I understand it, the restrictions mean that the number of flights landing and taking off at Dublin Airport between 11pm and 7am - once the new runway is completed - will be halved. This will have a knock-on effect on aircraft utilisation throughout the day and may lead to aircraft being based elsewhere.

Those conditions still apply – with the planning permission extended to 2022 – and the daa is very concerned about the impact on the viability of the runway project and on the Airport more generally into the medium to long term.

Noise Regulation

In the intervening period between the awarding of runway planning permission in 2007 and the daa's announcement of the North Runway project in April 2016 (in light of the rapid recovery of passenger numbers), new EU regulations on airport noise management were introduced. EU Regulation 598/2014 came into formal effect in 2016, setting out a structured approach to assessing and addressing noise at airports, using the so called "Balanced Approach" developed by the International Civil Aviation Organisation. The objective of Regulation 598 is to facilitate airport development and expansion in a way that minimises, as far as practicable, the noise impact of that expansion. Moreover, Regulation 598 is crafted to support airport development – more and better global access – and therefore it provides that the introduction of operating restrictions should only be a last resort, after all other alternatives have been considered or applied. The Government last week approved a process that envisages enactment of a Bill to give effect to Regulation 598 by the end of the year. This will allow for a re-examination of noise mitigation at the second runway, from the perspective of a custom built legislative framework for noise impact and noise management. This was not possible under the generic planning process, as it applied in 2007. This re-examination will be done in accordance with both the Regulation 598 and existing environmental and planning and development laws and procedures.

It will be evidence-based, transparent and subject to public consultation and oral hearing. There will also be an appeals process. If this results in workable and acceptable noise mitigation alternatives to operating restrictions, then that will be a best outcome for all parties. But there has to be due process.

Irish Aviation Authority

There have been complaints by some of unnecessary delays and foot-dragging on my part. It's a cheap shot, and it ignores the fact that this is a complex business and I must have regard to legal advices. Throughout 2016 and 2017 – based on legal advices - extensive work was undertaken in my Department with a view to implementing Regulation 598 by way of secondary legislation and having the Irish Aviation Authority (IAA) as the Airport Noise Regulator. The IAA did seem to make sense as the existing air navigation service provider, similar to the implementation of Regulation 598 in other jurisdictions. However, practical issues arose around the legal framework required to ensure the independence of the IAA as the competent authority, as required under Regulation 598. Legal advice, fairly late into that process, made that approach impractical. These included the likelihood of successful legal challenge and the measures required to safeguard the independence of the IAA.

Government Decision January 2018

With this in mind and following intensive consideration of the available options, the Government agreed with me in January that proposal should be worked through to make Fingal County Council the Airport Noise Regulator and An Bord Pleanála as the appeal body, and to develop primary legislation giving effect to that.

Planning and Noise

The approach we are now taking will address the interrelationship between Regulation 598, the planning system and the environmental considerations. Primary legislation is being prepared, as a priority.

The process for introducing or amending noise-related operating restrictions will be aligned and deeply embedded in the planning consent process. It will address the environmental legislative requirements; it will be transparent and open; it will involve significant public consultation, indeed it will have up to 3 months consultation where operating restrictions are being considered. It will have non-technical summaries to ensure it is accessible to the stakeholders and it will fully comply with Regulation 598 and planning requirements.

I would like to outline, briefly, the envisaged process so that we are all clear on progress being made. This will help to focus on the steps required to deliver the legislation in parallel with the delivery of the runway.

The daa will prepare an application for consideration by Fingal County Council, the competent authority. This application will contain all the information required by Fingal County Council to enable it to assess and come to a regulatory decision. The application will be publicly available once made and there will be an opportunity for all stakeholders to contribute their views before the decision is arrived at.

This regulatory decision, which may or may not contain noise-related operating restrictions, will replace the existing conditions that, Mr Basil Geoghegan outlined during his attendance here. The important thing to note that this will be the first decision made in Ireland under EU Regulation 598/2014. This decision can, of course, be appealed - and An Bord Pleanála will be the Appeals body.

This process will be enabled by Primary legislation which I am hoping have enacted by the end of this year. This aligns with the timeline for construction of the runway provided by the daa.

I am confident that Fingal County Council is best placed as the Competent Authority and that will be demonstrated clearly in the course of the legislative process. Fingal County Council already has responsibilities under the EU Environmental Noise Directive relating to noise caused by major transport infrastructures, including roads, railways and airports. In addition, in its planning functions, it has considerable experience and expertise in the conduct of

environmental impact assessments, appropriate assessments and in managing extensive public consultations. There are therefore considerable synergies arising from the assignment of this additional role.

I am also aware of the concerns of some local residents, and I am sympathetic to their genuine worries about this matter, particularly given the uncertainty there has been as to how the regulation was to be applied. The fact that there will be primary legislation and that the process will be clearly laid out should give comfort that we will provide an open and transparent regulatory process.

I have every intention of bringing forward a Bill that strikes a balance between the rights of local residents, the daa as the regulated entity and the broader national interest in recognition of the crucial importance of our primary national airport.

Timeline

I want to outline some key milestones in the process. I expect to have the Airport Noise Regulation Bill in the Houses by November, enacted by the end of the year followed by the initiation of the formal regulatory process and a regulatory decision by December 2020. This will align with the estimated of the construction of the runway by March 2021 from the daa.

I acknowledge that this has been a lengthy process, for the reasons that I have outlined. I do however hope that you can see that significant progress has been made and that this effort will continue until such time as the regulatory process is in place and in operation. It must be borne in mind that this regulatory process will continue beyond the construction of the runway. It will be continuously monitored and reviewed and will provide the framework for consideration of future expansion of the airport. It is important that we get this right and deliver an open and transparent regulatory process.

Expectation

I appreciate the concerns of the members of this Committee and now that we have a clear pathway I look forward to their cooperation in meeting the timeframe that I have set out.