

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

03 October 2018

Introduction

The Minister has asked me to thank the Committee for setting aside the time – at relatively short notice – to facilitate pre-legislative scrutiny of the General Scheme for the Airport Noise Regulation Bill 2018. You will recall the Minister's appearance before the Committee in July on this subject, where he explained that the Government has approved a process that envisages enactment of this Bill by the end of the year. That reflects recognition of the urgency required to give effect to the Regulation, which came into effect more than two years ago. We are hopeful that the approach set out in this General Scheme will provide us with a comprehensive and cohesive Bill later this month that will find favour with the Oireachtas. To reach that point, this General Scheme (as is part of the normal legislative process) will be thoroughly reviewed by

the professional drafting and legal advisory services in the Office of the Attorney General over the coming weeks.

The General Scheme provides for all of the requirements contained in Regulation 598. In that respect it introduces, for the first time, a bespoke and robust airport noise regulatory regime for Ireland. As the Regulation only applies to major EU international airports, in Ireland it will only apply to Dublin airport. That is highly unlikely to change for the far foreseeable future.

This General Scheme sets out the process for the introduction of noise mitigation measures at Dublin Airport, from the perspective of a custom built legislative framework for noise impact and noise management, and it integrates this with existing environmental and planning and development laws and procedures. The regulatory process conceived in Regulation 598 and reflected in this General Scheme is evidence-based and transparent, is subject to public consultation, and it includes provision for a robust appeals process.

Noise Regulation

To characterise Regulation 598 is to say that it sets out a structured approach to assessing and addressing noise at airports with the objective of facilitating airport development in a way that minimises, as far as is practicable, the noise impact of that expansion. It is intended to ensure that major European airports are developed in a sustainable manner, and are subject to oversight and scrutiny, not just in terms of planning and environmental laws, but in the case of airports specifically, noise levels.

The Regulation – and therefore the General Scheme - provides for the so-called Balanced Approach, which was conceived and developed at ICAO, the UN body that governs global aviation under the Chicago Convention. The Balanced Approach is about ensuring airport noise is managed by applying a whole range of measures, and that the impact of these measures is fully realised before recourse is made to operating restrictions. Under the UN's Balanced Approach, operation restrictions are considered as a last resort for airport noise management; to be applied when all other measures have been exhausted.

In that respect, the Balanced Approach is designed to ensure that airports can still grow and that air connectivity can continue to be improved, as a key enabler of international trade and in the general interest of global access. What is proposed in this General Scheme, therefore, is an airport noise regulatory regime that has been developed as international best practice and adopted as EU law.

General Scheme

Based on the Regulation, therefore, the General Scheme sets out a noise regulation regime that has not been in place heretofore, providing certainty to stakeholders and a framework for managing the often conflicting interests of those stakeholders, in a fair and balanced way.

It is careful to provide for public consultation. It sets out requirements for non-technical summaries of key documents, submissions and decisions during the process, and for the open, transparent publishing of applications and decisions throughout. If it is agreeable to the Committee, I propose now give a brief overview of the main parts of the General Scheme.

It comprises 8 Parts.

Part 1 designates Fingal County Council as the Competent Authority – i.e. the Airport Noise Regulator - which has exclusive competence in relation to operating restrictions at Dublin Airport, subject to an appeal. This Part also outlines the funding arrangements for Fingal in its role as the Airport Noise Regulator.

Part 2 outlines the regulatory process, which includes public consultation.

Part 3 sets out process to be followed when a noise problem has been identified and the powers of the Airport Noise Regulator to act in such circumstances. It also makes provision for the airport authority to make an application to have current operating restrictions reviewed under the new system, and for the Competent Authority to make a Regulatory decision on the most appropriate noise management measures for the next five years. These in turn will be reviewed in five years' time. It includes the facility for submissions from interested parties and for an appeal to An Bord Pleanála. Both the Board and Fingal

County Council must have regard to the ICAO 'Balanced Approach' in coming to a decision.

Part 4 provides for ongoing monitoring, review and enforcement of the noise mitigation measures at the airport. The Airport Noise Regulator will have the power to enforce compliance with such measures.

Part 5 sets out the obligation of the airport authority, daa, to engage with the Airport Noise Regulator on noise implications when considering development at the airport.

Part 6 sets out the operating restrictions notification requirements to the EU Commission and the European Aviation Safety Agency as provided for in Regulation 598.

Part 7 sets out the obligation of the aircraft operator to provide information to the European Commission and the European Aviation Safety Agency when requested.

This part also declassifies development at Dublin Airport as strategic infrastructure development for the purposes of planning applications. It will no longer be possible for the airport authority to apply directly to An Bord Pleanála for permission for development. It will have to, in the first instance, make an application to Fingal Country Council, as it used to be. The purpose of this is to align the planning and development process for the Airport with the Noise Regulation Process. It disadvantages the daa in terms of planning and development timelines, but it is necessary.

Finally **Part 8** sets out the steps that must be undertaken as part of the 598 decision-making processes in order to comply with any Appropriate Assessment requirements. An Appropriate Assessment is an assessment of the implications of a project on a site's conservation objectives. This Part of the Bill is modelled largely on Part XAB of the Planning and Development Act 2000.