Changes to Legislation: as of 17 September 2026, this Act is up to date with all changes known to be in force.

Number 12 *of* 2019

AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019

REVISED

Updated to 27 July 2026

This Revised Act is an administrative consolidation of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *European Union (Restrictive Measures concerning Belarus) (No. 3) Regulations 2026* (S.I. No. 370 of 2026), made 24 July 2026, were considered in the preparation of this Revised Act.

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Number 12 *of* 2019

AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019

REVISED

Updated to 27 July 2026

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Number 12 *of* 2019

AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019

REVISED

Updated to 27 July 2026

An Act for the purposes of giving further effect to the Aircraft Noise Regulation in so far as it relates to Dublin Airport and to make additional provision for the regulation of aircraft noise at Dublin Airport; for those purposes, to amend the Planning and Development Act 2000 to cater for the situation where development at Dublin Airport may give rise to an aircraft noise problem; and to provide for related matters.

[22nd May, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation, construction and commencement

1. (1) This Act may be cited as the Aircraft Noise (Dublin Airport) Regulation Act 2019.

(2) *Part 3* and the Planning and Development Acts 2000 to 2018 may be cited together as the Planning and Development Acts 2000 to 2019 and shall be construed together as one.

(3) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Interpretation

2. (1) In this Act—

"Act of 2000" means the Planning and Development Act 2000;

"Act of 2001" means the Local Government Act 2001;

"Aircraft Noise Regulation" means Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014[1] on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC;

"airport" means Dublin Airport and includes, as appropriate, the area around the airport significantly affected by aircraft noise;

"airport authority" means daa, public limited company;

[1] OJ No. L 173, 12.6.2014, p.65

"airport user" means a person responsible for the carriage of passengers, mail or freight by air to or from the airport;

"appeal body" shall be construed in accordance with *section 10(1)*;

"Board" means An Bord Pleanála;

"competent authority" shall be construed in accordance with *section 3*;

"Environmental Noise Directive" means Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002[2] relating to the assessment and management of environmental noise as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008[3] adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny and Commission Directive (EU) 2015/996 of 19 May 2015[4] establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council;

"FCC" means Fingal County Council;

"introduce" includes implement;

"local financial year" means local financial year with the meaning of section 96 of the Act of 2001;

"measure" includes a restriction;

"Minister" means the Minister for Transport, Tourism and Sport;

"national newspaper" means a newspaper published and circulating generally in the State;

"noise" means aircraft noise;

"noise abatement objective" means the noise abatement objective for the airport;

"noise mitigation measure" means a noise mitigation measure in place at the airport but does not include an operating restriction;

F1**[**"operating restriction" means a noise-related action that limits access to or reduces the operational capacity of the airport, including operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at the airport, as well as operating restrictions of a partial nature;**]**

"specified", in relation to a form, means specified under *section 28*.

(2) A word or expression that is used in this Act and is also used in—

(a) the Aircraft Noise Regulation, or

(b) the Environmental Noise Directive,

has, unless the context otherwise requires, the same meaning in this Act as it has in that Regulation or Directive, as the case may be.

(3) (a) A reference in this Act or in any regulations made under this Act to a period specified in a notice or direction given under this Act or in such regulations means a period reasonable in all the circumstances of the case.

(b) Where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, the period between the 24th of December and the 1st of January, both days inclusive, shall be disregarded.

[2] OJ No. L 189, 18.7.2002, p.12

[3] OJ No. L 311, 21.11.2008, p.1

[4] OJ No. L 168, 1.7.2015, p.1

Designation of competent authority

3. (1) FCC is designated as the competent authority for the purposes of the Aircraft Noise Regulation.

(2) (a) Subject to *paragraphs (b)* and *(c)*, the functions of the competent authority under the Aircraft Noise Regulation, this Act and the Act of 2000 (in so far as the Act of 2000 as amended by this Act confers functions on the competent authority) shall be performed by the chief executive.

(b) Sections 148 and 154 of the Act of 2001 shall, with all necessary modifications, apply to the chief executive, this Act and the Act of 2000 as those sections apply to the chief executive and the Act of 2001.

(c) The reference in subsection (6) of section 149 of the Act of 2001 to the functions of the chief executive shall not include the functions referred to in *paragraph (a)*.

(3) Subject to the other provisions of this section, the functions of the competent authority shall be treated as an executive function, within the meaning of section 149 of the Act of 2001, of FCC.

(4) The chief executive shall be independent in the performance of the functions of the competent authority.

(5) Without prejudice to the generality of *subsection (4)*—

(a) the chief executive in performing the functions of the competent authority, and

(b) any employee of FCC assisting the chief executive in the performance of such functions,

shall not be subject to the direction of any other person (including the elected council acting by resolution under section 140 of the Act of 2001).

(6) The chief executive, in performing the functions of the competent authority, may, to the extent that he or she is satisfied that it is appropriate to do so, have regard to any plan adopted by the elected council pursuant to the functions of the elected council.

(7) (a) Subject to *paragraph (b)*, the members of the elected council shall not influence or seek to influence—

(i) the chief executive in his or her performance of a function of the competent authority, or

(ii) an employee of FCC in the assistance that he or she provides to the chief executive in the performance of such function.

(b) *Paragraph (a)* shall not be construed to prevent the members of the elected council from discussing the noise situation at the airport relevant to the performance of the functions of the elected council.

(8) Nothing in this section shall operate to prevent a member of the elected council from making a submission or observation to the competent authority pursuant to and in accordance with a provision of the Aircraft Noise Regulation, this Act or the Act of 2000.

(9) (a) The Minister shall, not less than once before—

(i) the 7th anniversary of the date of commencement of this section, and

(ii) the expiration of each successive period of 5 years following that 7th anniversary,

by notice in writing appoint a person to carry out a review of the performance by the competent authority of its functions as the competent authority.

(b) A person appointed under *paragraph (a)* shall, as soon as is practicable after he or she has carried out the review referred to in that paragraph, prepare and submit to the Minister a report in writing on the results of the review.

(c) The competent authority shall, as soon as is practicable after the expiration of a local financial year of the competent authority (including, if applicable, the expiration of part of such year in the case of the first report prepared and published pursuant to

this paragraph) but, in any case, not later than 3 months after such expiration, prepare, and publish on its website, a report—

(i) in relation to the performance of its functions during such year, and

(ii) setting out the competent authority's work programme for the performance of its functions in the competent authority's current local financial year.

(10) In this section—

"chief executive", in relation to FCC, means the chief executive of FCC for the purposes of section 144 of the Act of 2001;

"elected council" means the elected council, within the meaning of section 2 of the Act of 2001, of FCC.

Exclusive competence of competent authority in relation to operating restrictions

4. (1) Notwithstanding any other enactment or rule of law but subject to *section 10*, section 34 of the Act of 2000 as read with section 34B or 34C, as appropriate, of that Act, and section 37 of that Act as read with section 37R or 37S, as appropriate, of that Act, the competent authority shall, in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000, have exclusive competence to impose, revoke, revoke and replace, or amend the terms of, an operating restriction.

(2) Subject to *section 10*, section 34 of the Act of 2000 as read with section 34B or 34C, as appropriate, of that Act, and section 37 of that Act as read with section 37R or 37S, as appropriate, of that Act, the following are, by virtue of this subsection, void:

(a) any restriction, to the extent that it purports to be an operating restriction, imposed, on or after the commencement of this section, by a person other than the competent authority;

(b) any revocation, revocation and replacement, or amendment of the terms, of an operating restriction purporting to be effected, on or after the commencement of this section, by a person other than the competent authority.

Airport levy

5. (1) In this section, "competent authority regulations" means regulations made by the competent authority under *subsection (4)*.

(2) The airport authority shall be liable to pay a monthly, biannual or annual charge (in this section referred to as the "airport levy") in respect of the costs incurred by the competent authority in the performance of its functions under the Aircraft Noise Regulation, this Act and the Act of 2000.

(3) The airport levy shall be paid to the competent authority on or before the date prescribed for the purpose in the competent authority regulations, in respect of the period concerned and in the manner prescribed for the purpose in such regulations.

(4) The competent authority shall, as soon as is practicable after the commencement of this section, prescribe by regulations the airport levy to be paid having regard to the costs incurred or reasonably expected to be incurred by the competent authority in the performance of its functions under the Aircraft Noise Regulation, this Act and the Act of 2000.

(5) The amount of the airport levy shall not exceed those sums necessary to fund the competent authority in the performance of its functions under the Aircraft Noise Regulation, this Act and the Act of 2000 and may only be applied by the competent authority towards such funding or towards meeting any other costs reasonably arising in the course of the performance of such functions.

(6) Any surplus of airport levy income over costs referred to in this section incurred over a particular local financial year of the competent authority shall be—

(a) retained by the competent authority to be offset against such costs for the subsequent such year, or

(b) returned to the airport authority.

(7) The competent authority may recover, as a simple contract debt in any court of competent jurisdiction, from the airport authority the airport levy (or any part thereof) due and owing to it.

(8) The competent authority shall ensure that its costs in the performance of its functions under the Aircraft Noise Regulation, this Act and the Act of 2000 are kept to a minimum and are not excessive.

(9) Nothing in this section shall be construed to prejudice the generality of any other provision of this Act under which the airport authority may be required to pay a fee.

Regulations

6. (1) The Minister may by regulations provide for such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving the Aircraft Noise Regulation full effect.

(2) Every regulation made under a provision of this Act, other than under *section 9(9)*, shall be laid before each House of the Oireachtas as soon as may be after it is made.

(3) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which a regulation is laid before it under *subsection (2)*, annul the regulation.

(4) The annulment of a regulation under *subsection (3)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the regulation before the passing of the resolution.

(5) A regulation may be made under *section 9(9)* only if—

(a) a draft of the proposed regulation has been laid before the Houses of the Oireachtas, and

(b) a resolution approving the draft has been passed by each House.

Expenses

7. Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Revocation

8. The European Communities (Air Navigation and Transport Rules and Procedures for Noise Related Operating Restrictions at Airports) Regulations 2003 (S.I. No. 645 of 2003) are revoked.

PART 2

Process of Aircraft Noise Regulation (Including Adoption of Balanced Approach) and Appeals

Process of Aircraft Noise Regulation

9. (1) The competent authority shall ensure that the noise situation at the airport is assessed in accordance with the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018) and the Environmental Noise Directive.

(2) The competent authority shall ensure that the Balanced Approach is adopted where a noise problem at the airport has been identified and, to that end, shall further ensure that, as appropriate:

(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;

(b) measures available to reduce the noise impact are identified;

(c) the likely cost-effectiveness of the identified noise mitigation measures and operating restrictions (if any) is thoroughly evaluated;

(d) the measures, taking into account public interest in the field of air transport as regards the development prospects of the airport, are selected without detriment to safety;

(e) the stakeholders are consulted in a transparent way on the intended actions;

(f) the measures are adopted and sufficient notification is provided for;

(g) the measures are introduced.

(3) The competent authority shall ensure that, when noise-related action (including a noise mitigation measure or operating restriction) is taken, the following combination of available measures is considered, with a view to determining the most cost-effective measure or combination of measures:

(a) the foreseeable effect of a reduction of noise at source;

(b) land-use planning and management;

(c) noise abatement operational procedures;

(d) not applying operating restrictions as a first resort but only after consideration of the other measures of the Balanced Approach.

(4) The available measures may, if necessary, include the withdrawal of marginally compliant aircraft.

(5) The measures may, within the Balanced Approach, be differentiated according to aircraft type, noise performance, use of airport and air navigation facilities, flight path or the timeframe covered or any combination thereof.

(6) Without prejudice to *subsection (4)*, operating restrictions which take the form of the withdrawal of marginally compliant aircraft from airport operations shall not affect civil subsonic aircraft that comply, through either original certification or re-certification, with the noise standard laid down in Volume 1, Part II, Chapter 4 of Annex 16 to the Chicago Convention.

(7) (a) Measures or a combination of measures taken in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000 for the airport shall not be more restrictive than is necessary in order to achieve the noise abatement objective.

(b) Operating restrictions shall be non-discriminatory, in particular on the grounds of nationality or identity, and shall not be arbitrary.

(8) (a) For the avoidance of doubt, it is hereby declared that FCC, in its capacity as the competent authority, is a public authority within the meaning of Regulation 2 of the Regulations of 2011.

(b) The competent authority shall, before making its draft regulatory decision under *subsection (11)*, ensure that it has complied with the relevant provisions of Part 5 of the Regulations of 2011 and, if an appropriate assessment is carried out, that such decision, when made, is compatible with such assessment.

(c) The competent authority shall, before making its draft regulatory decision under *subsection (11)*, ensure that it has complied with the relevant provisions of the Regulations of 2004 and, if an environmental assessment is carried out, that such decision, when made, is compatible with such assessment.

(d) The competent authority may, where it considers it appropriate to do so, whether following a screening for appropriate assessment under Part 5 of the Regulations of 2011, or an environmental assessment, or on its own initiative, by notice in writing direct the airport authority to make an application referred to in section 34C(1)(a) of the Act of 2000.

(e) The airport authority shall comply with a direction given to it under *paragraph (d)* as soon as is practicable after it receives the notice concerned referred to in that paragraph.

(9) The Minister may, by regulations made under *section 6*, prescribe dispute resolution procedures applicable to a dispute which arises between the competent authority and another person during the course of, and relevant to, the performance by the competent authority of its functions.

(10) (a) The competent authority may, for the purposes of an assessment of the noise situation at the airport, by notice in writing direct the airport authority to carry out such assessments and give to it such information or plans arising from such assessments, or to give to it such other information or plans, or both, as specified in the notice, as the competent authority may reasonably require for those purposes.

(b) The airport authority shall comply with a direction given to it under *paragraph (a)* as soon as is practicable after it receives the notice concerned referred to in that paragraph.

(11) Subject to *subsection (12)*, the competent authority shall, as soon as is practicable after having ensured that the Balanced Approach has been applied, make, and publish on its website, a draft regulatory decision outlining the proposed noise mitigation measures and operating restrictions (if any) to be introduced in order to address any identified noise problem at the airport.

(12) The competent authority shall prepare, and publish on its website on the same date as the draft regulatory decision, a report in relation thereto which shall state the competent authority's reasons for such decision and include therein, as appropriate:

(a) a summary of the data examined (including any data relating to appropriate assessment or environmental assessment);

(b) the noise abatement objective;

(c) the measures considered to address any noise problem;

(d) an evaluation of the cost-effectiveness of the various measures considered;

(e) the application of the Balanced Approach;

(f) the identification of additional or alternative measures (other than those proposed in the draft regulatory decision) that have been considered;

(g) particulars of any proposed noise mitigation measures and operating restrictions (if any) to be introduced;

(h) if applicable, the reasons for the proposed introduction of any noise mitigation measures and operating restrictions (if any);

(i) the relevant technical information in relation to any proposed noise mitigation measures and operating restrictions (if any) to be introduced;

(j) a non-technical summary of such of the matters concerned referred to in *paragraphs (a)* to *(i)*.

(13) The competent authority shall, as soon as is practicable after it complies with *subsections (11)* and *(12)*, publish, in a national newspaper, a notice—

(a) stating that the competent authority has—

(i) made a draft regulatory decision under *subsection (11)*, and

(ii) prepared the related report under *subsection (12)*,

(b) stating particulars of how persons may view or otherwise have access to the draft regulatory decision and related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours),

(c) inviting persons to make submissions or observations in writing (and to provide a return address with such submissions or observations) in the specified form (if any) on the draft regulatory decision or related report, or both, before the expiration of 14 weeks beginning on the date of publication of the notice in the national newspaper, and

(d) stating particulars of the addresses (which shall include an electronic address) to which such submissions or observations may be sent.

(14) (a) The competent authority shall, as soon as is practicable after it complies with *subsections (11)* and *(12)*, give the airport authority copies of the draft regulatory decision that it made under *subsection (11)* and the related report that it prepared under *subsection (12)*.

(b) For the avoidance of doubt, it is hereby declared that the airport authority may make submissions or observations referred to in *subsection (13)(c)* in accordance with that subsection.

(15) The competent authority shall, as soon as is practicable after the expiration of the 14 weeks referred to in *subsection (13)(c)* and having regard to the submissions and observations (if any) referred to in that subsection received by it within such 14 weeks—

(a) make a regulatory decision consisting of the adoption by it of the draft regulatory decision made by it under *subsection (11)* without any amendments or with such amendments as it considers appropriate, and

(b) revise the related report prepared under *subsection (12)* to take into account such submissions and observations (if any) and such adoption and to state the competent authority's reasons for such regulatory decision.

(16) The competent authority shall—

(a) as soon as is practicable after it complies with *subsection (15)*—

(i) publish on its website the regulatory decision it has adopted under *subsection (15)(a)* and the related report it has revised under *subsection (15)(b)*, and

(ii) send a copy of such decision, together with a copy of the notice referred to in *paragraph (b)* (whether before or after the notice is published), to the airport authority, the elected members of FCC, the elected members of Dáil Éireann in whose constituencies the airport is located and the return addresses of the persons who have made submissions or observations referred to in *subsection (13)(c)* in accordance with that subsection on the draft regulatory decision or the related report concerned,

and

(b) as soon as is practicable after it complies with *paragraph (a)(i)*, publish, in a national newspaper, a notice stating—

(i) that the competent authority has adopted a regulatory decision under *subsection (15)(a)*,

(ii) that the competent authority has revised the related report under *subsection (15)(b)*,

(iii) particulars of how persons may view or otherwise have access to such regulatory decision and such related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours), and

(iv) that a right of appeal to the Board against the regulatory decision exists under *section 10*.

(17) Subject to *subsection (18)*, a noise mitigation measure to be introduced by virtue of a regulatory decision adopted under *subsection (15)(a)* shall—

(a) if no appeal under *section 10* is made, within the appropriate period referred to in *section 10(2)(a)*, against such regulatory decision, come into effect on the expiration of such appropriate period, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(18) The competent authority may, by notice published on its website on the same date as the regulatory decision adopted under *subsection (15)(a)* is, pursuant to *subsection (16)(a)(i)*, also so published—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of a noise mitigation measure to be introduced by virtue of that decision, and

(b) specify the date, or the occurrence of the event, on which such noise mitigation measure shall come into effect.

(19) Subject to *section 26(a)*, the competent authority shall, in relation to an operating restriction to be introduced by virtue of a regulatory decision adopted under *subsection (15)(a)*, take such steps as it considers appropriate to cause Article 8 of the Aircraft Noise Regulation to be complied with as soon as is practicable after it applies to such restriction.

(20) Subject to *subsection (21)*, an operating restriction referred to in *subsection (19)* shall—

(a) come into effect on the day immediately following the day on which the operation of Article 8 of the Aircraft Noise Regulation ceases to further prevent the coming into effect of the operating restriction, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(21) The competent authority may, by notice published on its website at any time before the day first-mentioned in *subsection (20)(a)*—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of the operating restriction referred to in *subsection (19)*, and

(b) specify the date, or the occurrence of the event, on which such operating restriction shall come into effect.

(22) Notwithstanding the other provisions of this section, the competent authority may, in a particular instance, decide not to perform its functions under this section, or to discontinue performing its functions under this section, where it is satisfied that—

(a) a decision under section 34 of the Act of 2000 as read with section 34B or 34C of that Act, or

(b) a decision under section 37 of the Act of 2000 as read with section 37R or 37S of the Act of 2000,

renders, in such instance, the performance, or the continued performance, as the case may be, of such functions superfluous.

(23) In this Part, health aspects shall be assessed in accordance with the Environmental Noise Directive and the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018).

(24) In this section—

"appropriate assessment" means appropriate assessment as referred to in Article 6(3) of the Habitats Directive;

"environmental assessment" means environmental assessment within the meaning of the Regulations of 2004;

"Habitats Directive" means Habitats Directive within the meaning of section 2 of the Act of 2000;

"Regulations of 2004" means the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004);

"Regulations of 2011" means the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).

Appeal to Board against relevant regulatory decision

10. (1) The Board shall be the appeal body for the purposes of the Aircraft Noise Regulation.

(2) (a) An appeal against a relevant regulatory decision, together with the appropriate fee, may be lodged with the Board at any time before the expiration of the appropriate period by—

(i) the airport authority, or

(ii) a relevant person.

(b) (i) The competent authority shall be a party to the appeal.

(ii) The airport authority may, at its discretion, be a party to the appeal notwithstanding that it is not the appellant.

(c) The Board may, for the purposes of assisting it to make a decision on the appeal, by notice in writing given to the appellant or any other party to the appeal, the airport authority (if the airport authority is neither the appellant nor another party to the appeal), or any other, in the opinion of the Board, appropriate person, request the appellant, other party, airport authority or appropriate person, as the case may be, to give to the Board such information or plans, or both, specified in the notice that the Board may reasonably require for those purposes.

(3) (a) The Board shall, before the expiration of one week from the date of the appeal being lodged with it, by notice in writing direct the competent authority to submit to the Board copies of all relevant documents and submissions and observations that were before the competent authority in connection with the making of the relevant regulatory decision.

(b) The competent authority shall comply with a direction given to it under *paragraph (a)* before the expiration of one week beginning on the date it received the direction.

(4) (a) *Subsections (1)* to *(3)* of *section 9* shall, with all necessary modifications, apply to the Board's consideration of the appeal as if any reference to the competent authority in those subsections were a reference to the Board.

(b) *Subsections (4)* to *(7)* of *section 9* shall, with all necessary modifications, apply to measures and restrictions forming part of the Board's consideration of the appeal as those subsections apply to measures and restrictions referred to in those subsections.

(c) *Paragraphs (b), (c)* and *(d)* of *subsection (8)* of *section 9* shall, with all necessary modifications, apply to the Board's consideration of the appeal as if any reference to the competent authority in those paragraphs were a reference to the Board and if, by virtue of this paragraph, the Board gives a direction under such *paragraph (d)* as so modified, the reference to direction in *paragraph (e)* of *subsection (8)* of that section includes such direction so given by the Board.

(d) The Board may, in its decision under *subsection (8)(a)* and its related report (*subsection (8)(b)*), accept or reject all or any part of either or both—

(i) the relevant regulatory decision the subject of the appeal, or

(ii) the report prepared under *section 9(12)* and revised under *section 9(15)(b)* which relates to such relevant regulatory decision.

(e) Subject to *paragraph (f)*, the Board shall make its decision under *subsection (8)(a)* on the appeal before the expiration of 18 weeks beginning on the date on which the appeal was lodged with it.

(f) (i) *Subparagraph (ii)* applies where it appears to the Board that it would not be possible or appropriate, because of the particular circumstances of the appeal, or because of the number of appeals under this section lodged with the Board, or because of the number of appeals and referrals which have been submitted to the Board under the Act of 2000, or any combination thereof, to determine the appeal within the period referred to in *paragraph (e)*.

(ii) Subject to *subparagraph (iii)*, the Board shall, by notice in writing given to the appellant and the other parties to the appeal before the expiration of the period referred to in *paragraph (e)*, inform the appellant and those parties of the reasons why it would not be possible or appropriate to determine the appeal within that period and shall specify the date before which the Board intends that the appeal shall be determined.

(iii) Where a notice has been given under *subparagraph (ii)*, the Board shall take all such steps as are open to it to ensure that the appeal is determined before the date specified in the notice.

(5) (a) *Paragraphs (b)* and *(c)* apply where the Board is considering adopting noise mitigation measures or operating restrictions (if any), or a combination thereof, which were not, during the process that gave rise to the relevant regulatory decision, the subject of previous consultation conducted by the competent authority pursuant to *section 9*.

(b) *Subsection (12)* of *section 9* shall, with all necessary modifications, apply to the Board and the decision it is minded to make under *subsection (8)(a)* as if any reference to the competent authority in such *subsection (12)* were a reference to the Board and as if any reference in such *subsection (12)* to the draft regulatory decision were a reference to the decision that the Board is minded to make under *subsection (8)(a)*.

(c) The Board shall—

(i) publish on its website a draft of the decision it is minded to make under *subsection (8)(a)*—

(I) identifying all the noise mitigation measures and operating restrictions (if any) proposed to be adopted by the Board and not just such measures and restrictions referred to in *paragraph (a)*, and

(II) having annexed to it the related report (*subsection (5)(b)*),

and

(ii) on the same date as complying with *subparagraph (i)* (or as soon as is practicable thereafter), publish a notice on its website and in a national newspaper—

(I) stating that the Board has made a draft decision under *paragraph (c)(i)* and prepared the related report (*subsection (5)(b)*),

(II) stating particulars of how persons may view or otherwise have access to the draft decision and related report (*subsection (5)(b)*) (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the Board during office hours),

(III) inviting persons to make submissions or observations in writing (and to provide a return address with such submissions or observations) in the specified form (if any) on the draft decision (including any annex thereto) before the expiration of 14 weeks beginning on the date on which the notice was so published in the national newspaper, and

(IV) stating particulars of the addresses (which shall include an electronic address) to which such submissions or observations may be sent.

(6) (a) The Board shall, as soon as is practicable after it complies with *subsection (5)*, give each of the appellant and the other parties to the appeal a copy of the draft decision referred to in *subsection (5)(c)(i)*.

(b) For the avoidance of doubt, it is hereby declared that the appellant and the other parties to the appeal may each make submissions or observations referred to in *subsection (5)(c)(ii)(III)* in accordance with that subsection.

(7) (a) Where *subsection (5)* applies, the Board shall, as soon as is practicable after it complies with *paragraph (c)* of that subsection, by notice in writing direct the airport authority to—

(i) engage in discussions with the Irish Aviation Authority and operators of aircraft in the airport concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if any), or the combination thereof, the subject of the draft decision referred to in *subsection (5)(c)(i)*, and

(ii) inform the Board of the outcome of those discussions before the expiration of the 14 weeks referred to in *subsection (5)(c)(ii)(III)*.

(b) The airport authority shall comply with a direction given to it under *paragraph (a)*.

(8) The Board shall, after having regard to all documents, submissions or observations (if any), and other information, given to it pursuant to a provision of this section—

(a) in compliance with *subsection (4)(b)* or *(c)*, as appropriate, make a decision—

(i) confirming the relevant regulatory decision, or

(ii) revoking and replacing the relevant regulatory decision,

and

(b) prepare a report in relation to the decision made under *paragraph (a)* which shall state the Board's reasons for such decision and include therein—

(i) such of the matters referred to in *paragraphs (a)* to *(j)* of *subsection (12)* of *section 9* as are appropriate (which inclusion may be achieved, at the Board's discretion, by the adoption by it of any part of the report referred to in *subsection (4)(d)(ii)*), and

(ii) if *subsection (5)* applies, the related report (*subsection (5)(b)*) revised by the Board to take into account such documents, submissions or observations (if any), and such other information, and to take into account the decision made under *paragraph (a)*.

(9) The Board shall, as soon as is practicable after it makes a decision under *subsection (8)(a)*—

(a) publish the decision, which shall have the relevant report (*subsection (8) (b)*) annexed to it, on its website,

(b) on the same date as complying with *paragraph (a)* (or as soon as is practicable thereafter), publish a notice on its website and in a national newspaper stating—

(i) that the Board has made a decision under *subsection (8)(a)* on the appeal and prepared the related report (*subsection (8)(b)*),

(ii) particulars of how persons may view or otherwise have access to the decision and the relevant report (*subsection (8)(b)*) (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the Board during office hours), and

(iii) that a person may question the validity of such decision by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50, 50A and 50B of the Act of 2000 as read with *subsection (17)*,

(c) send a copy of such decision (whether with or without any annex thereto), together with the notice referred to in *paragraph (b)* (whether before or after the notice is published), to the appellant, the parties to the appeal and (if the airport authority is neither the appellant nor another party to the appeal) the airport authority, and

(d) if *subsection (5)* applied, send a copy of such decision (whether with or without any annex thereto), together with a copy of the notice referred to in *paragraph (b)* (whether before or after the notice is published), to the return addresses of the persons who have made submissions or observations referred to in *subsection (5)(c)(ii)(III)* in accordance with that subsection on the draft decision referred to in *subsection (5)(c)(i)*.

(10) (a) Where the Board has failed to make a decision under this section in relation to the appeal within the period it is required to do so by a provision of this section and becomes aware, whether through notification by the appellant or otherwise, that it has so failed, the Board shall nevertheless proceed to make such decision and the decision so made shall be considered to have been made under this section notwithstanding such failure.

(b) The Board shall, as soon as is practicable after it becomes aware of a failure referred to in *paragraph (a)*—

(i) give notice in writing of such failure, together with the reasons for such failure, to the appellant and the competent authority and, if the airport authority is not the appellant, the airport authority, and

(ii) publish on its website the reasons for such failure.

(11) Subject to *subsection (12)*, a noise mitigation measure to be introduced by virtue of a decision under *subsection (8)(a)* shall—

(a) come into effect on the day immediately following the day on which, pursuant to *subsection (9)*, that decision is published on the website of the Board, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the Board.

(12) The Board may, by notice published on its website on the same date as the decision under *subsection (8)(a)* is, pursuant to *subsection (9)*, also so published—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of a noise mitigation measure to be introduced by virtue of that decision, and

(b) specify the date, or the occurrence of the event, on which such noise mitigation measure shall come into effect.

(13) Subject to *section 26(a)*, the Board shall, in relation to an operating restriction to be introduced by virtue of a decision under *subsection (8)(a)*, take such steps as it considers appropriate to cause Article 8 of the Aircraft Noise Regulation to be complied with as soon as is practicable after it applies to such restriction.

(14) Subject to *subsection (15)*, an operating restriction to which *subsection (13)* applies shall—

(a) come into effect on the day immediately following the day on which the operation of Article 8 of the Aircraft Noise Regulation ceases to further prevent the coming into effect of the operating restriction, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(15) The Board may, by notice published on its website at any time before the day first-mentioned in *subsection (14)(a)*—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of the operating restriction to which *subsection (14)* applies, and

(b) specify the date, or the occurrence of the event, on which such operating, restriction shall come into effect.

(16) (a) Subject to *paragraph (b)*, the Minister for Housing, Planning and Local Government may, after consultation with the Minister, by regulations provide for such additional, incidental, consequential or supplemental matters as regards procedures in respect of appeals under this section as appear to the first-mentioned Minister to be necessary or expedient.

(b) The Minister for Housing, Planning and Local Government shall, in making regulations under this subsection, have particular regard to the provisions of Chapter III of Part VI of the Act of 2000 and to regulations made under that Chapter.

(17) Sections 50, 50A and 50B of the Act of 2000 shall, with all necessary modifications, apply to a decision of the Board under *subsection (8)(a)* on the appeal as those sections

apply to a decision of the Board under section 37 of that Act on an appeal referred to in section 37R(1) of that Act.

(18) In this section—

"appeal" means an appeal under *subsection (2)(a)*;

"appropriate fee" means the fee determined under section 144 of the Act of 2000 for an appeal referred to in subsection (1A)(k) of that section;

"appropriate period", in relation to a relevant regulatory decision, means the period of 28 days beginning on the date of publication, pursuant to *section 9(16)(a)(i)*, of such decision on the competent authority's website;

"related report (*subsection (5)(b)*)" means the report (if any) prepared by the Board pursuant to *subsection (5)(b)*;

"related report (*subsection (8)(b)*)" means the report prepared by the Board pursuant to *subsection (8)(b)*;

"relevant person", in relation to a relevant regulatory decision, means a person who made a submission or observation referred to in *section 9(13)(c)* on the draft regulatory decision made under *section 9(11)* (or the related report prepared under *section 9(12)*) that gave rise to that relevant regulatory decision;

"relevant regulatory decision" means a regulatory decision made under *section 9(15)(a)*.

PART 3

Amendment of Planning and Development Act 2000

Amendment of Act of 2000 - insertion of sections 34A to 34C

11. The Act of 2000 is amended by the insertion of the following sections after section 34:

"Interpretation - sections 34B, 34C, 37R and 37S

34A. (1) *Section 2* (other than *section 2(3) (b)*) of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall apply to the interpretation of this section and sections 34B, 34C, 37R and 37S, paragraph 20C of the Fourth Schedule, and paragraph 17A of the Fifth Schedule, as such *section 2* applies to the interpretation of that Act.

(2) In sections 34B and 34C, 'noise mitigation measures' includes land-use planning and management measures, measures to reduce noise at source and noise abatement operational measures (other than operating restrictions) that do not restrict the capacity of the airport.

Supplementary provisions relating to proposed development at Dublin Airport

34B. (1)(a)(i) Where the planning authority receives an application under section 34 for development at the airport, it shall, as soon as is practicable after such receipt—

(I) give a copy of the application to the competent authority, and

(II) enter into consultations with the competent authority for the purposes of giving such assistance as the competent authority may require in order to enable the competent authority, within 4 weeks of the competent authority receiving such copy, to either form the opinion referred to in subparagraph (iii) or to conclude that it is not of that opinion.

(ii) The competent authority shall, where it concludes that it is not of the opinion referred to in subparagraph (iii), as soon as is practicable after it

so concludes, give notice in writing of that conclusion to the planning authority.

(iii) The following provisions of this section apply where the competent authority, in considering the application, forms the opinion that the development—

(I) contains a proposal requiring the assessment for the need for a noise-related action, or

(II) indicates that a new operating restriction may be required.

(b) *Subsections (1)* to *(3)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to the performance by the competent authority of its functions under this section.

(c) *Subsections (4)* to *(7)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to measures and restrictions referred to in this section as those subsections apply to measures and restrictions referred to in those subsections.

(2) The competent authority shall, as soon as is practicable after it forms the opinion referred to in subsection (1)(a)(iii), give notice in writing to the planning authority of that opinion and the planning authority shall, as soon as is practicable after receiving the notice, consult with the competent authority in relation to, as appropriate, one or more of the following matters:

(a) any aspect of the development relating to noise that may arise in the operation of the development if it is carried out (including any such aspect relating to appropriate assessment or environmental impact assessment);

(b) any noise problem that would arise from the carrying out of the development as proposed, taking account of any noise mitigation measures or operating restrictions (if any), or any combination thereof, proposed in the application and any further information subsequently sought by the relevant authority from the applicant in relation to those matters and given by the applicant to the planning authority and the competent authority;

(c) where a noise problem would arise from the carrying out of the development as proposed—

(i) any information on the application of the Balanced Approach to the consideration of the inclusion of noise mitigation measures or operating restrictions (if any), or any combination thereof, in the application and any further information subsequently sought by the relevant authority from the applicant in relation to those matters and given by the applicant to the planning authority and the competent authority,

(ii) whether noise mitigation measures or operating restrictions (if any), or any combination thereof, not proposed in the application are or is required and any information or plans subsequently sought by the relevant authority from the applicant in relation to such measures or restrictions, or combination thereof, as the case may be, and given by the applicant to the planning authority and the competent authority,

(iii) any information subsequently sought by the relevant authority from the applicant in relation to the application of the Balanced Approach to the noise mitigation measures or operating restrictions, or combination thereof, referred to in subparagraph (ii) and given by the applicant to the planning authority and the competent authority, and

(iv) subject to subsection (4), whether permission could, in so far as noise-related issues are concerned, be granted for the development subject to conditions specified by the competent authority relating to noise mitigation measures or operating restrictions (if any), or any combination thereof.

(3) (a) In subsection (2) and paragraph (b), 'relevant authority' means the planning authority or the competent authority.

(b) Where the applicant gives any information or plans referred to in subsection (2) to one relevant authority, the applicant shall, on the same date (or as soon as is practicable thereafter), give copies of such information or plans, as the case may be, to the other relevant authority.

(4) Notwithstanding any other provision of this Act, the planning authority shall neither decide to refuse permission for the development nor decide to grant such permission subject to or without conditions until it receives a notice under subsection (5) or (14)(a)(ii) from the competent authority in respect of the application.

(5) (a) Paragraph (b) applies where the competent authority is satisfied that permission should not be granted for the development for the reason that inadequate provision has been made in the application (or in any plans or further information, or both, subsequently given by the applicant to the planning authority and the competent authority) to deal with the noise problem that would arise from the carrying out of the development as proposed.

(b) The competent authority shall, as soon as is practicable after it is so satisfied, give a notice in writing to the planning authority, stating the competent authority's reasons why it is so satisfied, and directing the planning authority to refuse permission for the development.

(c) The planning authority shall comply with a direction given to it under paragraph (b) as soon as is practicable after it receives the notice concerned referred to in that paragraph and shall incorporate such notice in its decision to refuse permission for the development.

(d) Notwithstanding that a refusal referred to in paragraph (c) arises from a direction given by the competent authority to the planning authority, such refusal and the reasons for it shall, for the purposes of section 37 as read with section 37S, be treated as the decision, or part of the decision, as appropriate, of the planning authority on the application, and the other provisions of this Act shall be construed accordingly.

(6) Subsection (7) applies where the competent authority has applied the Balanced Approach to the noise problem referred to in subsection (2) and, in accordance with the Balanced Approach, assessed the noise mitigation measures or operating restrictions (if any), or any combination thereof, that may be required to be introduced as part of the development, and whether or not such measures or restrictions, or combination thereof, as the case may be, are or is in addition to, or in replacement of, one or more—

(a) noise mitigation measures or operating restrictions (if any), or any combination thereof, proposed in the application, or

(b) existing noise mitigation measures or operating restrictions (if any), or any combination thereof.

(7) The competent authority shall, as soon as it is practicable for it to do so, by notice in writing given to the applicant and copied to the planning authority—

(a) inform the applicant of the noise mitigation measures or operating restrictions (if any), or combination thereof, proposed to be required in a decision (if any) to grant permission for the development and its reasons for so proposing, and

(b) stating that the applicant may, within the period specified in the notice (being a period of not less than 4 weeks), make submissions or observations on such noise mitigation measures or operating restrictions (if any), or combination thereof, as the case may be, and on such reasons, including counterproposals, by notice in writing given to the competent authority and copied to the planning authority.

(8) The competent authority shall apply the Balanced Approach to its consideration of the counterproposals (if any) given to it by the applicant before the expiration of the period specified in the notice under subsection (7) concerned.

(9) Subject to subsection (10), the competent authority shall, as soon as is practicable after it complies with subsection (7) and, if applicable, subsection (8) and (at its discretion) having consulted with the applicant or any other person that it wishes to, in accordance with the Aircraft Noise Regulation and the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, make, and publish on its website, a draft regulatory decision—

(i) on the noise mitigation measures or operating restrictions (if any), or combination thereof, that it proposes to direct the planning authority to include as conditions of the planning authority's decision (if any) to grant permission for the development, or

(ii) that no such conditions are required to be included in the planning authority's decision (if any) to grant permission for the development.

(10) The competent authority shall prepare, and publish on its website on the same date as the draft regulatory decision, a report in relation thereto which shall state the competent authority's reasons for such decision and include therein, as appropriate:

(a) a summary of the data examined (including any data relating to appropriate assessment or environmental impact assessment);

(b) the noise abatement objective;

(c) the measures considered to address any noise problem;

(d) an evaluation of the cost-effectiveness of the various measures considered;

(e) the application of the Balanced Approach;

(f) the identification of additional or alternative measures (other than those proposed in the draft regulatory decision) that have been considered;

(g) particulars of any proposed noise mitigation measures and operating restrictions (if any) to be introduced;

(h) if applicable, the reasons for the proposed introduction of any noise mitigation measures and operating restrictions (if any);

(i) the relevant technical information in relation to any proposed noise mitigation measures and operating restrictions (if any) to be introduced;

(j) a non-technical summary of such of the matters concerned referred to in paragraphs (a) to (i).

(11) The competent authority shall, as soon as is practicable after it complies with subsections (9) and (10), publish, in a national newspaper, a notice—

(a) stating that the competent authority has—

(i) made a draft regulatory decision under subsection (9), and

(ii) prepared the related report under subsection (10),

(b) stating particulars of how persons may view or otherwise have access to the draft regulatory decision and related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours),

(c) inviting persons to make submissions or observations in writing (and to provide a return address with such submissions or observations) in the specified form (if any) on the draft regulatory decision or related report, or both, before the expiration of 14 weeks beginning on the date of publication of the notice in the national newspaper, and

(d) stating particulars of the addresses (which shall include an electronic address) to which such submissions or observations may be sent.

(12) (a) The competent authority shall, as soon as is practicable after it complies with subsections (9) and (10), give each of the applicant, the airport authority and the planning authority copies of the draft regulatory decision that it made under subsection (9) and the related report that it prepared under subsection (10).

(b) For the avoidance of doubt, it is hereby declared that the applicant, the airport authority and the planning authority may each make submissions or observations referred to in subsection (11)(c) in accordance with that subsection.

(13) The competent authority shall, as soon as is practicable after the expiration of the 14 weeks referred to in subsection (11)(c) and having regard to the submissions and observations (if any) referred to in that subsection received by it within such 14 weeks—

(a) make a regulatory decision consisting of the adoption by it of the draft regulatory decision made by it under subsection (9) without any amendments or with such amendments as it considers appropriate, and

(b) revise the related report prepared under subsection (11) to take into account such submissions and observations (if any) and such adoption and to state the competent authority's reasons for such regulatory decision.

(14) The competent authority shall—

(a) as soon as is practicable after it complies with subsection (13)—

(i) publish on its website the regulatory decision it has adopted under subsection (13)(a) and the related report it has revised under subsection (13)(b), and

(ii) send a copy of such decision, together with a copy of the notice referred to in paragraph (b) (whether before or after the notice is published), to the applicant, the airport authority, the planning authority, the elected members of FCC, the elected members of Dáil Éireann in whose constituencies the airport is located and the return addresses of the persons who have made submissions or observations referred to in subsection (11)(c) in accordance with that subsection on the draft regulatory decision or related report concerned,

and

(b) as soon as is practicable after it complies with paragraph (a)(i), publish, in a national newspaper, a notice stating—

(i) that the competent authority has adopted a regulatory decision under subsection (13)(a),

(ii) that the competent authority has revised the related report under subsection (13)(b),

(iii) particulars of how persons may view or otherwise have access to such regulatory decision and such related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours), and

(iv) that a right of appeal to the Board against the regulatory decision exists under section 37 as read with section 37R.

(15) (a) The planning authority shall incorporate the competent authority's regulatory decision under subsection (13)(a), the subject of the notice given to the planning authority under subsection (14)(a)(ii), and the competent authority's reasons for such decision in the planning authority's decision on the application and shall do so regardless of whether the planning authority's decision is to refuse permission for the development or to grant permission for the development.

(b) Notwithstanding that a regulatory decision referred to in paragraph (a) is made by the competent authority, such decision and the reasons for it shall, for the purposes of section 37 as read with section 37R, be treated as the decision, or part of the decision, as appropriate, of the planning authority on the application, and the other provisions of this Act shall be construed accordingly.

(c) The planning authority shall make its decision on the application as soon as is practicable after it receives, pursuant to subsection (14)(a)(ii), a copy of the competent authority's regulatory decision under subsection (13)(a).

(16) Subject to subsection (17), a noise mitigation measure to be introduced by virtue of a regulatory decision adopted under subsection (13)(a) shall—

(a) if no appeal under section 37 as read with section 37R is made, within the appropriate period referred to in section 37(1), against the planning authority's decision on the application, come into effect on the expiration of such appropriate period, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(17) The competent authority may, by notice published on its website on the same date as the regulatory decision adopted under subsection (13)(a) is, pursuant to subsection (14)(a), also so published—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of a noise mitigation measure to be introduced by virtue of that decision, and

(b) specify the date, or the occurrence of the event, on which such noise mitigation measure shall come into effect.

(18) Subject to *section 26(b)* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, the competent authority shall, in relation to an operating restriction to be introduced by virtue of a regulatory decision adopted under subsection (13)(a), take such steps as it considers appropriate to cause Article 8 of the Aircraft Noise Regulation to be complied with as soon as is practicable after it applies to such restriction.

(19) Subject to subsection (20), an operating restriction referred to in subsection (18) shall—

(a) come into effect on the day immediately following the day on which the operation of Article 8 of the Aircraft Noise Regulation ceases to further prevent the coming into effect of the operating restriction, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(20) The competent authority may, by notice published on its website at any time before the day first-mentioned in subsection (19)(a)—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of the operating restriction referred to in subsection (18), and

(b) specify the date, or the occurrence of the event, on which such operating restriction shall come into effect.

(21) Subsection (6) of section 34 shall not apply where the competent authority forms the opinion that a noise problem that would arise from the carrying out of the development as proposed would contravene materially the development plan or local area plan.

Supplementary provisions relating to operating restriction included in planning permission

34C.(1) (a) The person in whose favour a relevant permission operates may, by virtue of this subsection and notwithstanding any other provision of this Act

(including section 34), make an application under section 34 to the planning authority where the application is only for a relevant action to be taken.

(b) Section 34 and the other provisions of this Act shall be read with all necessary modifications to take account of the relevant application.

(c) *Subsections (4)* to *(7)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to measures and restrictions referred to in this section as those subsections apply to measures and restrictions referred to in those subsections.

(2) The planning authority shall give the competent authority a copy of the relevant application and consult with the competent authority in relation to, as appropriate, one or more of the following matters:

(a) any noise problem that would arise from taking the relevant action as proposed (including any implications that would arise therefrom in relation to appropriate assessment or environmental impact assessment matters) and any further information subsequently sought by the relevant authority from the applicant in relation to such action and given by the applicant to the planning authority and the competent authority;

(b) where a noise problem would arise from taking the relevant action as proposed—

(i) any information in the relevant application on the application of the Balanced Approach to the relevant action and any further information or plans subsequently sought by the relevant authority from the applicant in relation to the relevant action or Balanced Approach and given by the applicant to the planning authority and the competent authority,

(ii) whether noise mitigation measures or operating restrictions (if any), or any combination thereof, not proposed in the relevant application are or is required and any information or plans subsequently sought by the relevant authority from the applicant in relation to such measures or restrictions, or combination thereof, as the case may be, and given by the applicant to the planning authority and the competent authority,

(iii) any information subsequently sought by the relevant authority from the applicant in relation to the application of the Balanced Approach to the noise mitigation measures or operating restrictions, or combination thereof, referred to in subparagraph (ii) and given by the applicant to the planning authority and the competent authority, and

(iv) subject to subsection (4), whether permission could be granted for the taking of the relevant action subject to conditions specified by the competent authority relating to noise mitigation measures or operating restrictions (if any), or any combination thereof.

(3) (a) In subsection (2) and paragraph (b), 'relevant authority' means the planning authority or the competent authority.

(b) Where the applicant gives any information or plans referred to in subsection (2) to one relevant authority, it shall, on the same date (or as soon as is practicable thereafter), give copies of such information or plans, as the case may be, to the other relevant authority.

(4) Where this section applies and notwithstanding any other provision of this Act, the planning authority shall neither decide to refuse the relevant application nor grant the relevant application subject to or without conditions until it receives a notice under subsection (5) or (15)(a)(ii) from the competent authority in respect of the relevant application.

(5) (a) Paragraph (b) applies where the competent authority is satisfied that permission should not be granted for the relevant application for the reason that inadequate provision has been made in the application (or in any plans or further information, or both, subsequently given by the applicant to the planning authority and the competent authority) to deal with the noise

problem that would arise from the carrying out of the relevant action as proposed.

(b) The competent authority shall, as soon as is practicable after it is so satisfied, give a notice in writing to the planning authority, stating the competent authority's reasons why it is so satisfied, and directing the planning authority to refuse the relevant application.

(c) The planning authority shall comply with a direction given to it under paragraph (b) as soon as is practicable after it receives the notice referred to in that paragraph and shall incorporate such notice in its decision to refuse the relevant application.

(d) Notwithstanding that a refusal referred to in paragraph (c) arises from a direction given by the competent authority to the planning authority, such refusal and the reasons for it shall, for the purposes of section 37 as read with section 37S, be treated as the decision of the planning authority on the relevant application, and the other provisions of this Act shall be construed accordingly.

(6) The planning authority shall, in determining the relevant application, consider whether taking the relevant action requires the reconsideration of any other aspect of the relevant permission and, after having consulted with the competent authority, may, in accordance with regulations made under section 33, request and consider further information from the applicant in that regard.

(7) Subsection (8) applies where the competent authority has applied the Balanced Approach to the noise problem referred to in subsection (2) and, in accordance with the Balanced Approach, assessed the noise mitigation measures or operating restrictions (if any), or any combination thereof, that may be required to be introduced, and whether or not such measures or restrictions, or combination thereof, as the case may be, are or is in addition to, or in replacement of, one or more—

(a) noise mitigation measures or operating restrictions (if any), or any combination thereof, proposed in the relevant action, or

(b) existing noise mitigation measures or operating restrictions, or combination thereof.

(8) The competent authority shall, as soon as it is practicable for it to do so, by notice in writing given to the applicant and copied to the planning authority—

(a) inform the applicant of the noise mitigation measures or operating restrictions (if any), or combination thereof, proposed to be required in a decision (if any) to grant the relevant application and its reasons for so proposing, and

(b) stating that the applicant may, within the period specified in the notice (being a period of not less than 4 weeks), make submissions or observations on such noise mitigation measures or operating restrictions (if any), or combination thereof, as the case may be, and on such reasons, including counterproposals, by notice in writing given to the competent authority and copied to the planning authority.

(9) The competent authority shall apply the Balanced Approach to its consideration of the counterproposals (if any) given to it by the applicant before the expiration of the period specified in the notice under subsection (8) concerned.

(10) Subject to subsection (11), the competent authority shall, as soon as is practicable after it complies with subsection (8) and, if applicable, subsection (9) and (at its discretion) having consulted with the applicant or any other person that it wishes to, in accordance with the Aircraft Noise Regulation and the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, make, and publish on its website, a draft regulatory decision—

(i) on the noise mitigation measures or operating restrictions (if any), or combination thereof, that it proposes to direct the planning authority to include as conditions of the planning authority's decision (if any) to grant the relevant application, or

(ii) that no such conditions are required to be included in the planning authority's decision (if any) to grant the relevant application.

(11) The competent authority shall prepare, and publish on its website on the same date as the draft regulatory decision, a report in relation thereto which shall state the planning authority's reasons for such decision and include therein, as appropriate:

(a) a summary of the data examined (including any data relating to appropriate assessment or environmental impact assessment);

(b) the noise abatement objective;

(c) the measures considered to address any noise problem;

(d) an evaluation of the cost-effectiveness of the various measures considered;

(e) the application of the Balanced Approach;

(f) the identification of additional or alternative measures (other than those proposed in the draft regulatory decision) that have been considered;

(g) particulars of any proposed noise mitigation measures and operating restrictions (if any);

(h) if applicable, the reasons for the proposed introduction of any noise mitigation measures and operating restrictions (if any);

(i) the relevant technical information in relation to any proposed noise mitigation measures and operating restrictions (if any);

(j) a non-technical summary of such of the matters concerned referred to in paragraphs (a) to (i).

(12) The competent authority shall, as soon as is practicable after it complies with subsections (10) and (11), publish, in a national newspaper, a notice—

(a) stating that the competent authority has—

(i) made a draft regulatory decision under subsection (10), and

(ii) prepared the related report under subsection (11),

(b) stating particulars of how persons may view or otherwise have access to the draft regulatory decision and related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours),

(c) inviting persons to make submissions or observations in writing (and to provide a return address with such submissions or observations) in the specified form (if any) on the draft regulatory decision or related report, or both, before the expiration of 14 weeks beginning on the date of publication of the notice in the national newspaper, and

(d) stating particulars of the addresses (which shall include an electronic address) to which such submissions or observations may be sent.

(13) (a) The competent authority shall, as soon as is practicable after it complies with subsections (10) and (11), give each of the applicant, the airport authority and the planning authority copies of the draft regulatory decision that it made under subsection (10) and the related report that it prepared under subsection (11).

(b) For the avoidance of doubt, it is hereby declared that the applicant, the airport authority and the planning authority may each make submissions or observations referred to in subsection (12)(c) in accordance with that subsection.

(14) The competent authority shall, as soon as is practicable after the expiration of the 14 weeks referred to in subsection (12)(c) and having regard to the submissions and observations (if any) referred to in that subsection received by it within such 14 weeks—

(a) make a regulatory decision consisting of the adoption by it of the draft regulatory decision made by it under subsection (10) without any amendments or with such amendments as it considers appropriate, and

(b) revise the related report prepared under subsection (11) to take into account such submissions and observations (if any) and such adoption and to state the competent authority's reasons for such regulatory decision.

(15) The competent authority shall—

(a) as soon as is practicable after it complies with subsection (14)—

(i) publish on its website the regulatory decision it has adopted under subsection (14)(a) and the related report it has revised under subsection (14)(b), and

(ii) send a copy of such decision, together with a copy of the notice referred to in paragraph (b) (whether before or after the notice is published), to the applicant, the airport authority, the planning authority, the elected members of FCC, the elected members of Dáil Éireann in whose constituencies the airport is located and the return addresses of the persons who have made submissions or observations referred to in subsection (12)(c) in accordance with that subsection on the draft regulatory decision or related report concerned,

and

(b) as soon as is practicable after it complies with paragraph (a)(i), publish, in a national newspaper, a notice stating—

(i) that the competent authority has adopted a regulatory decision under subsection (14)(a),

(ii) that the competent authority has revised the related report under subsection (14)(b),

(iii) particulars of how persons may view or otherwise have access to such regulatory decision and such related report (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the competent authority during office hours), and

(iv) that a right to appeal to the Board against the regulatory decision exists under section 37 as read with section 37R.

(16) (a) The planning authority shall—

(i) incorporate the competent authority's regulatory decision under subsection (14)(a), the subject of the notice given to the planning authority under subsection (15)(a)(ii), and the competent authority's reasons for such decision in the planning authority's decision on the application and shall do so regardless of whether the planning authority's decision is to refuse the relevant application or to grant the relevant application, and

(ii) notwithstanding any other provision of this Act, if necessary, revoke, revoke and replace, or amend the terms of, a condition of the relevant permission in order to make the relevant permission compatible with that regulatory decision.

(b) Notwithstanding that a regulatory decision referred to in paragraph (a) is a decision made by the competent authority, such decision and the reasons for it shall, for the purposes of section 37 as read with section 37R, be treated as the decision of the planning authority on the relevant application, and the other provisions of this Act shall be construed accordingly.

(c) The planning authority shall make its decision on the application as soon as is practicable after it receives, pursuant to subsection (15)(a)(ii), a copy of the competent authority's regulatory decision under subsection (14)(a).

(17) Subject to subsection (18), a noise mitigation measure to be introduced by virtue of a regulatory decision adopted under subsection (14)(a) shall—

(a) if no appeal under section 37 as read with section 37R is made, within the appropriate period referred to in section 37(1), against the planning authority's decision on the application, come into effect on the expiration of such appropriate period, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(18) The competent authority may, by notice published on its website on the same date as the regulatory decision adopted under subsection (14)(a) is, pursuant to subsection (15)(a), also so published—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of a noise mitigation measure to be introduced by virtue of that decision, and

(b) specify the date, or the occurrence of the event, on which such noise mitigation measure shall come into effect.

(19) Subject to *section 26(b)* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, the competent authority shall, in relation to an operating restriction to be introduced by virtue of a regulatory decision adopted under subsection (14)(a), take such steps as it considers appropriate to cause Article 8 of the Aircraft Noise Regulation to be complied with as soon as is practicable after it applies to such restriction.

(20) Subject to subsection (21), an operating restriction referred to in subsection (19) shall—

(a) come into effect on the day immediately following the day on which the operation of Article 8 of the Aircraft Noise Regulation ceases to further prevent the coming into effect of the operating restriction, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(21) The competent authority may, by notice published on its website at any time before the day first-mentioned in subsection (20)(a)—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of the operating restriction referred to in subsection (19), and

(b) specify the date, or the occurrence of the event, on which such operating restriction shall come into effect.

(22) In this Part, health aspects shall be assessed in accordance with Environmental Noise Directive and the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018).

(23) In this section—

'relevant action', in relation to a relevant operating restriction the subject of a relevant application, means—

(a) to revoke the operating restriction,

(b) to amend the terms of the operating restriction in the manner specified in the application,

(c) to replace the operating restriction with the alternative operating restriction specified in the application,

(d) to take an action referred to in paragraph (a), (b) or (c) together with introducing new noise mitigation measures or revoking, revoking and replacing, or amending the terms of, existing noise mitigation measures, or a combination thereof,

(e) if the relevant application relates to 2 or more relevant operating restrictions, to take any combination of any of the actions referred to in paragraphs (a) to (d), or

(f) to take an action referred to in paragraph (a), (b), (c), (d) or (e) together with revoking, revoking and replacing, or amending the terms of, a condition of the relevant permission;

'relevant application' means an application referred to in subsection (1)(a);

'relevant operating restriction', in relation to a relevant permission, means an operating restriction included in that permission;

'relevant permission' means a permission granted under section 34—

(a) for development at the airport, and

(b) that includes an operating restriction.".

Amendment of Act of 2000 - insertion of sections 37R and 37S

12. The Act of 2000 is amended by the insertion of the following sections after section 37Q:

"Supplementary provisions relating to decisions on applications referred to in section 34B(1) or 34C(1) which were not refused by virtue of section 34B(5) or 34C(5)

37R. (1) (a) This section applies in addition to section 37 in the case of an appeal under section 37 against a decision of the planning authority under section 34 where, pursuant to section 34B(15) or 34C(16), that decision incorporates a regulatory decision of the competent authority under section 34B(13)(a) or 34C(14)(a), as the case may be.

(b) The competent authority shall be a party to the appeal notwithstanding section 34B(15)(b) or 34C(16)(b).

(2) For the purposes of a relevant appeal, the reference in section 37(1) to 'any person who made submissions or observations in writing in relation to the planning application to the planning authority' includes any person who made submissions or observations in writing referred to in section 34B(11)(c) or 34C(12)(c) to the competent authority in relation to the draft regulatory decision or related report referred to in section 34B(9) or (10), as the case may be, or section 34C(10) or (11), as the case may be.

(3) (a) *Subsections (1)* to *(3)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to the Board's consideration of the relevant appeal as if any reference to the competent authority in those subsections were a reference to the Board.

(b) *Subsections (4)* to *(7)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to measures and restrictions forming part of the Board's consideration of the relevant appeal as those subsections apply to measures and restrictions referred to in those subsections.

(c) The Board may, in its decision on the relevant appeal and its related report (subsection (7)(a)), accept or reject all or any part of either or both—

(i) the relevant regulatory decision the subject of the appeal, or

(ii) the report prepared under section 34B(10) and revised under section 34B(13)(b), or prepared under section 34C(11) and revised under section 34C(14)(b), as appropriate, which relates to such relevant regulatory decision.

(4) (a) Paragraphs (b) and (c) apply where the Board is considering, in its determination of the relevant appeal in so far as the appeal relates to the relevant regulatory decision, adopting noise mitigation measures or operating restrictions (if any), or a combination thereof, which were not, during the process that gave rise to the relevant regulatory decision, the subject of previous consultation conducted by the competent authority pursuant to section 34B or 34C, as the case may be.

(b) *Subsection (12)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to the Board and the decision it is minded to make on the relevant appeal as if any reference to the competent authority in that subsection were a reference to the Board and as if any reference in that subsection to the draft regulatory decision were a reference to the decision that the Board is minded to make on the relevant appeal.

(c) The Board shall—

(i) publish on its website a draft of the decision it is minded to make on the relevant appeal in so far as the decision relates to the relevant regulatory decision—

(I) identifying all the noise mitigation measures and operating restrictions (if any) proposed to be adopted by the Board and not just such measures and restrictions (if any) referred to in paragraph (a), and

(II) stating, at a minimum, the Board's reasons for the draft decision and having annexed to it the related report (subsection (4)(b)),

and

(ii) on the same date as complying with subparagraph (i) (or as soon as is practicable thereafter), publish a notice on its website and in a national newspaper—

(I) stating that the Board has made a draft decision under paragraph (c)(i) on the relevant appeal in so far as the appeal relates to the relevant regulatory decision and prepared the related report (subsection (4)(b)),

(II) stating particulars of how persons may view or otherwise have access to the draft decision and related report (subsection (4)(b)) (which shall include being able to view the decision or report, or purchase a copy of the decision or report at a reasonable cost, at the offices of the Board during office hours),

(III) inviting persons to make submissions or observations in writing (and to provide a return address with such submissions or observations) in the specified form (if any) on the draft decision (including any annex thereto) before the expiration of 14 weeks beginning on the date on which the notice was so published in the national newspaper, and

(IV) stating particulars of the addresses (which shall include an electronic address) to which such submissions or observations may be sent.

(5) (a) The Board shall, as soon as is practicable after it complies with subsection (4), give each of the appellant and the other parties to the relevant appeal a copy of the draft decision referred to in subsection (4)(c)(i).

(b) For the avoidance of doubt, it is hereby declared that the appellant and the other parties to the relevant appeal may each make submissions or observations referred to in subsection (4)(c)(ii)(II) in accordance with that subsection.

(6) (a) Where subsection (4) applies, the Board shall, as soon as is practicable after it complies with paragraph (c) of that subsection, by notice in writing direct the airport authority to—

(i) engage in discussions with the Irish Aviation Authority and operators of aircraft in the airport concerning the technical feasibility of, and other alternatives to, the noise mitigation measures or operating restrictions (if

any), or the combination thereof, the subject of the draft decision referred to in subsection (4)(c)(i), and

(ii) inform the Board of the outcome of those discussions before the expiration of the 14 weeks referred to in subsection (4)(c)(ii)(II).

(b) The airport authority shall comply with a direction given to it under paragraph (a).

(7) The Board shall, as soon as is practicable after it makes a decision on the relevant appeal in so far as the appeal relates to the relevant regulatory decision—

(a) publish on its website the first-mentioned decision, in so far as it so relates, to which is annexed a report prepared by the Board in relation to such decision stating the Board's reasons for such decision and including therein—

(i) such of the matters referred to in paragraphs (a) to (j) of subsection (10) of section 34B or paragraphs (a) to (j) of subsection (11) of section 34C, as the case may be, as are appropriate (which inclusion may be achieved, at the Board's discretion, by the adoption by it of any part of the report concerned referred to in subsection (3)(c)(ii)), and

(ii) if subsection (4) applies, the related report (subsection (4)(b)) revised by the Board to take into account all documents, submissions or observations (if any), and such other information, given to it pursuant to a provision of this section and to take into account the first-mentioned decision in so far as it so relates,

(b) on the same date as complying with paragraph (a) (or as soon as is practicable thereafter), publish a notice on its website and in a national newspaper stating—

(i) that it has made a decision on the relevant appeal in so far as the appeal relates to the relevant regulatory decision,

(ii) particulars of how persons may view or otherwise have access to such decision (including any annex thereto) in so far as it so relates (which shall include being able to view the decision, or purchase a copy of the decision at a reasonable cost, at the offices of the Board during office hours), and

(iii) that a person may question the validity of the Board's decision on the relevant appeal (including such decision in so far as it relates to the relevant regulatory decision) by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 50,

(c) send a copy of such decision (whether with or without any annex thereto), together with the notice referred to in paragraph (b) (whether before or after the notice is published), to the appellant, the other parties to the relevant appeal and (if the airport authority is neither the appellant nor another party to the relevant appeal) the airport authority, and

(d) if subsection (4) applied, send a copy of such decision (whether with or without any annex thereto), together with the notice referred to in paragraph (b) (whether before or after the notice is published), to the return addresses of the persons who have made submissions or observations referred to in subsection (4)(c)(ii)(II) in accordance with that subsection on the draft decision concerned.

(8) Where the Board has failed to make a decision under section 37 as read with this section in relation to the relevant appeal within the period it is required to do so by a provision of this Act and becomes aware, whether through notification by the appellant or otherwise, that it has so failed, the Board shall nevertheless proceed to make such decision and the decision so made shall be considered to have been made under section 37 notwithstanding such failure.

(9) Subject to subsection (10), a noise mitigation measure to be introduced by virtue of a decision on the relevant appeal in so far as the decision relates to the relevant regulatory decision shall—

(a) come into effect on the day immediately following the day on which, pursuant to subsection (7), that first-mentioned decision is published on the website of the Board, and

(b) after coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the Board.

(10) The Board may, by notice published on its website on the same date as the decision first-mentioned in subsection (9) is, pursuant to subsection (7), also so published—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of a noise mitigation measure to be introduced by virtue of that decision, and

(b) specify the date, or the occurrence of the event, on which such noise mitigation measure shall come into effect.

(11) Subject to *section 26(b)* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, the Board shall, in relation to an operating restriction to be introduced by virtue of a decision on the relevant appeal in so far as the decision relates to the relevant regulatory decision, take such steps as it considers appropriate to cause Article 8 of the Aircraft Noise Regulation to be complied with as soon as is practicable after it applies to such restriction.

(12) Subject to subsection (13), an operating restriction to which subsection (11) applies shall—

(a) come into effect on the day immediately following the day on which the operation of Article 8 of the Aircraft Noise Regulation ceases to further prevent the coming into effect of the operating restriction, and

(b) after so coming into effect, remain in effect until revoked, or revoked and replaced, by the competent authority or the appeal body.

(13) The Board may, by notice published on its website at any time before the day first-mentioned in subsection (12)(a)—

(a) authorise, for reasons stated in the notice, a lead in time for the coming into effect of the operating restriction to which subsection (12) applies, and

(b) specify the date, or the occurrence of the event, on which such operating restriction shall come into effect.

(14) In this section—

'related report (subsection (4)(b))' means the report (if any) prepared by the Board pursuant to subsection (4)(b);

'related report (subsection (7)(a))' means the report prepared by the Board pursuant to subsection (7)(a);

'relevant appeal' means an appeal referred to in subsection (1)(a);

'relevant regulatory decision', in relation to a relevant appeal, means the relevant regulatory decision referred to in subsection (1) which is incorporated into the planning authority's decision under section 34 that is the subject of the relevant appeal.

Supplementary provisions relating to decisions on applications referred to in section 34B(1) or 34C(1)

37S. (1) (a) This section applies in addition to section 37 in the case of an appeal under section 37 against a decision of the planning authority under section 34 where—

(i) pursuant to section 34B(1)(a), the competent authority concludes that it is not of the opinion referred to in section 34B(1)(a)(iii), or

(ii) pursuant to section 34B(5) or 34C(5), that decision is to refuse the application concerned.

(b) The competent authority shall be a party to the appeal notwithstanding section 34B(5)(d) or 34C(5)(d).

(2) Without prejudice to the generality of the Board's powers under section 37, or under section 37 as read with any other provision of this Act, the Board shall, in determining the appeal—

(a) where subsection (1)(a)(i) applies, take into account such of the provisions of section 34B following subsection (1) of such section 34B, and of *section 26(b)* (with all necessary modifications) of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, as are, in the Board's opinion, relevant to the appeal,

(b) where the refusal referred to in subsection (1)(a)(ii) arises from the operation of section 34B(5), take account of such of the provisions of section 34B following subsection (5) of such section 34B, and of *section 26(b)* (with all necessary modifications) of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, as are, in the Board's opinion, relevant to the appeal, or

(c) where the refusal referred to in subsection (1)(a)(ii) arises from the operation of section 34C(5), take account of such of the provisions of section 34C following subsection (5) of such section 34C, and of *section 26(b)* (with all necessary modifications) of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*, as are, in the Board's opinion, relevant to the appeal.

(3) *Subsections (1)* to *(3)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to—

(a) the Board's consideration of the appeal in so far as such consideration relates to—

(i) a conclusion referred to in subsection (1)(a)(i), or

(ii) a refusal referred to in subsection (1)(a)(ii),

and

(b) the Board's determination of the appeal in so far as it so relates as referred to in paragraph (a),

as if any reference to the competent authority in those *subsections (1)* to *(3)* of that *section 9* were a reference to the Board.

(4) *Subsections (4)* to *(7)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to measures and restrictions forming part of the Board's consideration of the appeal as those subsections apply to measures and restrictions referred to in those subsections.

(5) *Subsection (12)* of *section 9* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* shall, with all necessary modifications, apply to—

(a) the Board and the decision it is minded to make on the appeal in so far as such decision relates to—

(i) a conclusion referred to in subsection (1)(a)(i), or

(ii) a refusal referred to in subsection (1)(a)(ii),

and

(b) the Board's determination of the appeal in so far as it so relates as referred to in paragraph (a),

as if any reference to the competent authority in such *subsection (12)* were a reference to the Board and as if any reference in such *subsection (12)* to the

draft regulatory decision were a reference to the decision that the Board is minded to make on such appeal.".

Amendment of section 50 of Act of 2000

13. Section 50 of the Act of 2000 is amended, in subsection (2)—

(a) in paragraph (b), by the substitution of "Part XIV," for "Part XIV, or",

(b) in paragraph (c), by the substitution of "land, or" for "land,", and

(c) by the insertion of the following paragraph after paragraph (c):

"(d) without prejudice to the right of appeal referred to in section 37 as read with section 37R—

(i) the competent authority (within the meaning of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*), or

(ii) the Board in its capacity as the appeal body from decisions of such competent authority,".

Amendment of section 144 of Act of 2000

14. Section 144 of the Act of 2000 is amended, in subsection (1A)—

(a) in paragraph (j), by the substitution of "section 48(b));" for section 48(b)).", and

(b) by the insertion of the following paragraph after paragraph (j):

"(k) an appeal under *section 10* of the *Aircraft Noise (Dublin Airport) Regulation Act 2019* against a relevant regulatory decision within the meaning of that section.".

Amendment of section 247 of Act of 2000

15. Section 247 of the Act of 2000 is amended, in subsection (1A), by the insertion of the following paragraph after paragraph (f):

"(g) A planning authority shall, in carrying out consultations under this section, consult with the competent authority (within the meaning of the *Aircraft Noise (Dublin Airport) Regulation Act 2019*) and, where requested to do so by the competent authority, facilitate the competent authority in engaging in the consultation and requiring the person making a request under paragraph (a) to furnish to the planning authority any specified types of drawings, plans, documents or other information in relation to that request as the competent authority may specify.".

Amendment of Fourth Schedule to Act of 2000

16. The Fourth Schedule to the Act of 2000 is amended by the insertion of the following paragraph after paragraph 20B:

"20C. The proposed development would cause a serious aircraft noise problem at Dublin Airport including, as appropriate, the area around Dublin Airport significantly affected by aircraft noise.".

Amendment of Fifth Schedule to Act of 2000

17. The Fifth Schedule to the Act of 2000 is amended by the insertion of the following paragraph after paragraph 17:

"17A. Any conditions relating to measures for the regulation of aircraft noise at Dublin Airport including, as appropriate, the area around Dublin Airport significantly affected by aircraft noise.".

Amendment of Seventh Schedule to Act of 2000 and related transitional provisions

18. (1) The Act of 2000 is amended, in the Seventh Schedule, paragraph 2, by the deletion of the following:

"—An airport (with not less then 2 million instances of passenger use per annum) or any runway, taxiway, pier, car park, terminal or other facility or installation related to it (whether as regards passenger traffic or cargo traffic).".

(2) Where, before the relevant day, a person has entered into consultations with the Board under section 37B of the Act of 2000 in relation to a relevant development but no notice under subsection (4)(a) of that section has been served on such person following such consultations, such consultations shall, on and after the relevant day and by virtue of this subsection, cease and, on an after the relevant day, no such notice shall be served on such person.

(3) (a) *Paragraphs (b)* and *(c)* apply where, before the relevant day, a notice has been served on a person under section 37B(4)(a) of the Act of 2000 in relation to a relevant development on a person but no related application has been made under section 37E of that Act.

(b) On and after the relevant day, the notice that has been served under section 37B(4)(a) of the Act of 2000 shall, by virtue of this subsection, be deemed to be withdrawn by the Board and—

(i) accordingly, the related application may not be made under section 37E of that Act or, if made, the Board shall refuse to deal with it, and

(ii) the Board shall, as soon as is practicable on or after the relevant day, give notice in writing to the person on whom such notice was served that he or she may not make the related application under section 37E of that Act and the reasons for that.

(c) This subsection shall not be construed as preventing the related application from being proceeded with by way of being made to the appropriate planning authority.

(4) (a) *Paragraphs (b)* and *(c)* apply where, before the relevant day, an application has been made under section 37E of the Act of 2000 in relation to a relevant development, but has not yet been determined by, the Board.

(b) On and after the relevant day, the notice that has been served under section 37B(4)(a) of the Act of 2000 that gave rise to the application shall, by virtue of this subsection, be deemed to be withdrawn by the Board and—

(i) accordingly, the Board shall refuse to further deal with the application,

(ii) the Board shall return the application to the person who made it together with any fee that accompanied the application, and

(iii) the Board shall, as soon as is practicable on or after the relevant day, give notice in writing to the person who made the application, and any other person who has made submissions or observations on the application, that the Board will no longer deal with the application and the reasons for that.

(c) This subsection shall not be construed as preventing the application from being proceeded with by way of being made to the appropriate planning authority.

(5) Sections 146B and 146C of the Act of 2000 shall, on and after the relevant day, cease to apply to a decision of the Board to grant permission under section 37G of that Act to a relevant development.

(6) In this section—

"planning authority" means a local authority within the meaning of section 2 of the Act of 2001;

"relevant day" means the day on which *subsection (1)* comes into operation;

"relevant development" means the development deleted, by *subsection (1)*, from paragraph 2 of the Seventh Schedule to the Act of 2000.

PART 4

MONITORING, REVIEW AND ENFORCEMENT

Implementation of noise mitigation measures, etc., by airport authority

19. (1) The airport authority shall—

(a) be responsible for introducing any noise mitigation measures and operating restrictions,

(b) ensure that appropriate noise measuring systems are in place at the airport on an ongoing basis, and

(c) take appropriate steps to ensure that all airport users comply with all noise mitigation measures and operating restrictions.

(2) (a) The competent authority may, after consultation with the airport authority, by notice in writing direct the airport authority to install noise measuring systems referred to in *subsection (1) (b)* at such locations in or outside the airport as are specified in the direction and within such period as is specified in the direction.

(b) The airport authority shall comply with a direction given to it under *paragraph (a)*.

(3) Subject to *subsection (4)*, the airport authority shall, on or before each anniversary of the date of commencement of this section, prepare and adopt a report in writing in the specified form (in this section referred to as a "compliance report") on the compliance or otherwise of airport users with noise mitigation measures and operating restrictions.

(4) A compliance report shall include—

(a) particulars of failures (if any) to comply with operating restrictions due to changes in flight procedures,

(b) the general criteria applied when distributing and managing traffic at the airport to the extent that those criteria may relate to noise impact,

(c) the data collected by the noise measuring systems referred to in *subsection (1)(b)*,

(d) particulars of failures by airport users to comply with noise mitigation measures and, in addition to the failures referred to in *paragraph (a)*, other failures to comply with operating restrictions (including aircraft flying off track without being directed to do so by the Irish Aviation Authority),

(e) proposals to avoid or reduce the failures referred to in *paragraph (a)* or *(d)*, or both such failures, including the imposition of financial penalties, and

(f) a non-technical summary of the matters referred to in *paragraphs (a)* to *(e)* (including an analysis of the data referred to in *paragraph (c)*).

(5) (a) The competent authority may by notice in writing direct the airport authority to give to it such further information, relevant to the matters to which the compliance report relates (or should have related), specified in the direction and within such period as is specified in the direction.

(b) The airport authority shall comply with a direction given to it under *paragraph (a)*.

(6) The competent authority shall publish on its website for inspection by members of the public—

(a) a compliance report, and

(b) the further information (if any) referred to in *subsection (5)(a)*,

as soon as is practicable after it receives the compliance report or further information, as the case may be.

Noise insulation scheme

20. (1) In this section—

"relevant day" means the day on which this section comes into operation;

"relevant noise contours" mean—

(a) subject to *paragraph (b)*, on and after the relevant day, areas of noise exposure to which the scheme applied immediately before such day, and

(b) areas of noise exposure determined by the competent authority on or after the relevant day, including such an area which alters or replaces an area referred to in *paragraph (a)*;

"scheme" means a noise insulation scheme put in place by the daa before the relevant day and in force immediately before such day.

(2) Subject to *subsection (3)*, on and after the relevant day, a scheme shall be deemed to be a noise mitigation measure introduced by the competent authority and the provisions of this Act and the Act of 2000 shall, with all necessary modifications, apply to the scheme accordingly.

(3) On and after the relevant day, the competent authority shall ensure that the scheme applies to all homes located within the relevant noise contours.

Monitoring by competent authority

21. (1) The competent authority shall monitor—

(a) compliance with noise mitigation measures and operating restrictions, and

(b) the introduction of operating restrictions.

(2) Subject to *subsections (3)* and *(4)*, the competent authority shall, on or before each anniversary of the date of commencement of this section, review the effectiveness of the noise mitigation measures and operating restrictions (if any) on achieving the noise abatement objective.

(3) (a) The airport authority, or a person upon whom there is a noise impact from the airport, may, by notice in writing given to the competent authority, request the competent authority to review the effectiveness of the noise mitigation measures and operating restrictions (if any) on achieving the noise abatement objective.

(b) The competent authority shall, as soon as is practicable after it receives a request under *paragraph (a)*, respond in writing to the requester.

(c) The competent authority may, at its discretion, comply with a request under *paragraph (a)*.

(4) Where the competent authority is of the opinion, following a review referred to in *subsection (2)* or *(3)*, that the noise abatement objective is not being achieved, it shall take such action, whether under the Aircraft Noise Regulation or this Act, or both, as it is of the opinion will be effective towards achieving that objective.

Definitions - *sections 23* to *25*

22. In *sections 23* to *25*—

"enforcement notice" means a notice under *section 23(1)*;

"relevant person" means—

(a) the airport authority, or

(b) an airport user;

"relevant provision" means—

(a) a provision of a noise mitigation measure or operating restriction which is not included in a permission granted under section 34 of the Act of 2000, or

(b) a provision of this Act.

Issue of enforcement notices

23. (1) *Subsection (2)* applies where the competent authority is of the opinion (in this section referred to as the "relevant opinion") that a relevant person—

(a) has failed to comply or fully comply with a relevant provision,

(b) is failing to comply or fully comply with a relevant provision, or

(c) has failed to comply or fully comply with a relevant provision in circumstances that make it likely that the failure will continue or be repeated.

(2) The competent authority may give the relevant person a notice in writing—

(a) stating the relevant opinion,

(b) specifying the relevant provision as to which the competent authority is of that opinion and the reasons why it is of that opinion,

(c) directing the relevant person to take such steps as are specified in the notice to remedy the failure concerned or, as the case may be, the matters occasioning it, and

(d) specifying a period (ending not earlier than the period specified in *section 24* within which an application under that section against any directions specified in the notice may be made) within which those steps must be taken.

(3) The steps specified in an enforcement notice to remedy any failure or matter to which the notice relates may be framed so as to afford the relevant person a choice between different ways of remedying the failure or matter, as the case may be.

(4) Where a relevant person to whom an enforcement notice has been given makes an application under *section 24(1)* against any direction specified in the notice, the steps specified in the notice need not be taken by the relevant person pending the determination, withdrawal or abandonment of the application.

(5) The competent authority may cancel an enforcement notice by notice in writing given to the relevant person concerned.

(6) Where a relevant person fails to take the steps specified in an enforcement notice given to it, the competent authority may, on notice to the relevant person, apply in a summary manner to the High Court for an order requiring the relevant person to take those steps (or to take such varied or other steps for the like purpose as may be specified in the order), and the High Court—

(a) may—

(i) make the order sought,

(ii) make the order sought subject to such variations to those steps as may be specified in the order, or

(iii) make the order sought subject to such other steps for the like purpose as may be specified in the order,

or

(b) may dismiss the application,

and, whether *paragraph (a)* or *(b)* is applicable, may make such order as to costs as it thinks fit in respect of the application.

Application for cancellation of direction specified in enforcement notice

24. (1) A relevant person to whom an enforcement notice has been given may, on notice to the competent authority, not later than 30 days after being given the notice, apply to the High Court for the cancellation of any direction specified in the notice and, on such an application, the High Court may—

(a) cancel the direction,

(b) confirm the direction, or

(c) vary the direction,

and, whether *paragraph (a)*, *(b)* or *(c)* is applicable, make such order as to costs as it thinks fit in respect of the application.

(2) The decision of the High Court on a direction specified in an enforcement notice shall be final save that, by leave of that Court or the Court of Appeal, an appeal by the competent authority or the relevant person, as the case may be, from the decision shall lie to the Court of Appeal on a point of law.

Rules of court

25. Rules of court may make provision for the expedition of the hearing of proceedings under *sections 23* and *24*.

PART 5

Notification Requirements

Notification of new operating restrictions

26. Article 8 of the Aircraft Noise Regulation applies to a new operating restriction—

(a) in the case of this Act—

(i) if no appeal under *section 10* is made against a regulatory decision, made under *section 9(15)* and which adopts such operating restriction, within the appropriate period within the meaning of *section 10(18)*, the expiration of such period, or

(ii) if such an appeal is made within such period, the publication on the Board's website pursuant to *section 10(9)(a)*—

(I) of the Board's decision under *section 10(8)(a)* to confirm the relevant regulatory decision (within the meaning of *section 10(18)*) concerned, or

(II) of the Board's decision under *section 10(8)(b)* that makes such operating restriction,

or

(b) in the case of the Act of 2000—

(i) if no appeal under section 37 of that Act as read with section 37R of that Act is made, within the appropriate period referred to in section 37(1) of that Act, against a decision under section 34 of that Act on a planning application which, by virtue of section 34B(15) or 34C(16), as the case may be, of that Act incorporates a regulatory decision of the competent authority under section 34B(13)(a) or 34C(14)(a), as the case may be, of that Act, the expiration of such period, or

(ii) if such an appeal is made within such period, the publication on the Board's website, pursuant to section 37R(7) of that Act—

(I) of the Board's decision under section 37 of that Act as read with section 37R of that Act to confirm the relevant regulatory decision (within the meaning of section 37R(14) of that Act) concerned, or

(II) of the Board's decision under section 37 of that Act as read with section 37R of that Act that makes such operating restriction.

European Commission review

27. (1) Where, following a notice given to it under Article 8(1) of the Aircraft Noise Regulation, the European Commission commences a review of the process for the introduction of an operating restriction in accordance with Article 8(3) of that Regulation, the competent authority and the appeal body (if *section 26* applies) shall, as soon as is practicable after being requested to do by the Commission, give to the Commission all relevant information concerning the adoption of the new operating restriction the subject of such notice.

(2) Where the competent authority receives a notice from the European Commission under Article 8(3) of the Aircraft Noise Regulation stating that the introduction of the new operating restriction the subject of the notice concerned under Article 8(1) of that Regulation did not follow the process set out in that Regulation, the competent authority shall, as soon as it is practicable after receiving the first-mentioned notice and before introducing such restriction—

(a) examine the first-mentioned notification,

(b) if the competent authority is satisfied that it is necessary to do so, reopen the process for the introduction of such restriction at a point at which the competent authority deems appropriate to do so in light of the first-mentioned notice and proceed with the process from that point in accordance with the Aircraft Noise Regulation and this Act and, if applicable, the Act of 2000, and

(c) if the competent authority still intends to introduce such restriction, inform the European Commission of its intention.

PART 6

MISCELLANEOUS

Power to specify form of documents

28. (1) The relevant authority may specify the form of documents required for the purposes of this Act or, as appropriate, section 34B, 34C or 37R of the Act of 2000, as it thinks appropriate.

(2) The relevant authority's power under *subsection (1)* may be exercised in such a way as to specify 2 or more forms of any document (whether in paper or electronic form or both) referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the relevant authority thinks appropriate.

(3) The form of a document specified under this section shall be—

(a) completed in accordance with such directions and instructions as are specified in the document,

(b) accompanied by such other documents (including a statutory declaration) as are specified in the document, and

(c) if the completed document is required to be provided to—

(i) the relevant authority,

(ii) another person on behalf of the relevant authority, or

(iii) any other person,

so provided in the manner (if any) specified in the document.

(4) In this section, "relevant authority" means—

(a) the competent authority in the case of a document required by this Act, or section 34B, 34C or 37R of the Act of 2000, to be given to the competent authority, or

(b) the Board in the case of a document required by this Act, or section 34B, 34C or 37R of the Act of 2000, to be given to the Board in its capacity as the appeal body.

Transitional provisions - noise mitigation measures

29. F16**[**...**]**

Transitional provisions - operating restrictions

30. F17**[**...**]**

F18[Operating restrictions under *section 30*

30A. (1) A relevant condition to which *section 30(2)* applied, immediately before its repeal, shall not be an operating restriction unless it is a noise-related operating restriction to which Article 14 of the Aircraft Noise Regulation applies.

(2) In this section, "relevant condition" has the meaning assigned to it by *section 30*, notwithstanding the repeal of that section by section 38(b) of the Dublin Airport (Passenger Capacity) Act 2026.**]**

Number 12 *of* 2019

AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019

REVISED

Updated to 27 July 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Planning and Development Acts 2000 to 2026: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (Miscellaneous Provisions) Act 2026*, s. 1(5)(a)). The Acts and statutory instruments in this group are:

- *Planning and Development Act 2000* (30/2000)
- *Local Government Act 2001* (37/2001), ss. 2, 5(3) and sch. 4 (in so far as they relate to the Act of 2000) and s. 247
- *Planning and Development (Amendment) Act 2002* (32/2002), Parts 2, 3 (ss. 3-5, 6-15)
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), s. 2
- *Planning and Development (Strategic Infrastructure) Act 2006* (27/2006)
- *Water Services Act 2007* (30/2007), ss. 1(6) and 114
- *Harbours (Amendment) Act 2009* (26/2009), ss. 7(1) and (2), 21(3)
- *Compulsory Purchase Orders (Extension of Time Limits) Act 2010* (17/2010)
- *Planning and Development (Amendment) Act 2010* (30/2010), other than Part 3
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011), Part 5 (ss. 15-42)
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 8 (s. 28)
- *Local Government Reform Act 2014* (1/2014), ss. 1(8), 5(7) and sch. 2 part 4
- *Urban Regeneration and Housing Act 2015* (33/2015)
- *Planning and Development (Amendment) Act 2015* (63/2015)
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), other than s. 1(2)(b), (c), Parts 3-5 and sch.
- *Planning and Development (Amendment) Act 2017* (20/2017)
- *Planning and Development (Amendment) Act 2018* (16/2018), other than Part 4 and sch. 3 ref. nos. 12-18
- *European Union (Planning and Development) (Environment Impact Assessment) Regulations 2018* (S.I. No. 296 of 2018), Parts 2, 3, 4 and schs. 1, 2
- *Aircraft Noise (Dublin Airport) Regulation Act* (12/2019), Part 3 (ss. 11-18)
- *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 38
- *Local Government Rates and Other Matters Act 2019* (24/2019), ss. 23, 24
- *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), s. 9
- *European Union (Waste Water Discharge) Regulations 2020* (S.I. No. 214 of 2020), Part II (reg. 5)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020)
- *Planning and Development, Heritage and Broadcasting (Amendment) Act 2021* (11/2021), Part 2 Chapters 2, 5 (ss. 4-11, 15)
- *Planning and Development (Large Scale Residential Developments) Act 2021* (40/2021)

- *Maritime Area Planning Act 2021* (50/2021), Part 8 (ss. 171-174) and schs. 10-12
- *Planning and Development, Maritime and Valuation (Amendment) Act 2022* (29/2022), Part 2 (ss. 2-41)
- *Planning and Development and Foreshore (Amendment) Act 2022* (47/2022), Part 2 (ss. 2-14)
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), Part 13 Chapter 3 (ss. 246-253)
- *Planning and Development (Amendment) Act 2025* (9/2025), Part 3 (ss. 27-35)
- *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 30

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.