



An Roinn Iompair Turasóireachta agus Spóirt

Department of Transport,
Tourism and Sport

Post Enactment Report

[Aircraft Noise \(Dublin Airport\) Regulation Act 2019 \(No. 12 of 2019\)](#)

[\(Dáil Eireann – Standing Order 197\)](#)

[\(Seanad Eireann – Standing Order 168\)](#)

June 2020

Post Enactment Report

Aircraft Noise (Dublin Airport) Regulation Act 2019 (No. 12 of 2019)

Background

The Aircraft Noise (Dublin Airport) Regulation Act 2019 (No. 12 of 2019) was signed into law by the President on 22 May 2019.

The main purpose of the Act was to establish a Competent Authority in Ireland for regulating aircraft noise at Dublin Airport as required by Regulation (EU) 598/2014 (EU Noise Regulation). The Act designated Fingal County Council as the Competent Authority and An Bord Pleanála as the appeals body.

The Act provides for the exclusive competence of the Competent Authority in relation to noise related operating restrictions. It provides the funding arrangements for the Competent Authority in the form of a levy applied to the daa. It sets out the regular process of airport noise regulation in accordance with the EU Noise Regulation and the appeals process. It provides that the Competent Authority shall ensure that the noise situation at Dublin Airport is assessed every five years, that the Balanced Approach – developed by the International Civil Aviation Organisation - is adopted where a noise problem at Dublin Airport arises and that proposed noise mitigation measures are published and consulted upon and that the final decision is published.

The Act amends the Planning and Development Act 2000 to provide for consideration by the Competent Authority of each planning application made within Dublin Airport to assess whether it has aircraft noise related implications. Should the Authority consider that there is an aircraft noise impact, the Act provides that the decision of the Authority on how such noise should be mitigated is included as part of the planning decision. The Act also provides for an application to remove or alter operating restrictions attached to a planning permission and provides for appeal to An Bord Pleanála. In addition, it removes development at airports from designation as the strategic infrastructure.

The Act provides for the monitoring, review and enforcement of noise mitigation measures by the Competent Authority and provides the power of direction to the Competent Authority to enforce compliance. The Authority can apply to the High Court to enforce such a direction.

Finally, it provides for the notification requirements of the EU Noise Regulation and the review of procedures by the European Commission.

Current Status

In June 2019, the Minister for Transport, Tourism and Sport commenced Part 1 of the Act.¹ This designated Fingal County Council as the Competent Authority and allowed the administrative and funding structure to be put in place. Fingal County Council then established the Aircraft Noise Competent Authority (ANCA) as a separate and independent Directorate within Fingal County Council to discharge the functions of the Competent Authority.

The Minister commenced the remaining parts of the Act in September 2019.² This gave full effect to this Act and further effect to the EU Noise Regulation to make additional provision for the regulation of aircraft noise at Dublin Airport.

From 1st September, 2019 planning applications at Dublin Airport are referred by the Planning Authority to ANCA for assessment of potential aircraft noise impact. In November 2019, Fingal County Council made regulations³ to prescribe the “Airport Levy”, imposed on daa to cover ANCA’s operating costs.

In March 2020, ANCA published its [annual report](#) in which it states that to end 2019, the planning authority referred three planning applications to ANCA for an assessment of the potential aircraft noise impact.

Conclusion

The main purpose of the Act was the establishment of the Competent Authority to manage aircraft noise at Dublin Airport. ANCA has been established and is fully operational. The Planning Authority is required to refer planning applications at Dublin Airport to ANCA for an assessment of the potential impact of aircraft noise. Planning applications may be for proposed development at the airport or for the amendment of an existing planning condition that have an aircraft noise impact.

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¹ [Aircraft Noise \(Dublin Airport\) Regulation Act 2019 \(Commencement\) Order 2019 \(S.I. No. 260/2019\)](#)

² [Aircraft Noise \(Dublin Airport\) Regulation Act 2019 \(Commencement\) \(No. 2\) Order 2019 \(S.I. No. 403/2019\)](#)

³ [The Aircraft Noise \(Dublin Airport\) Regulation Act 2019 \(Levy No. 1\) Regulations 2019 \(S.I. No. 590 of 2019\)](#)