

Irish Aviation Authority,
The Times Building,
11 – 12 D'Olier Street,
Dublin 2.

26 September 2024

By Email only: consultation@iaa.ie

Re: Draft IAA Decision on Summer 2025 Coordination Parameters at Dublin Airport dated 12 September 2024

Dear Sirs

We refer to the above draft decision on Summer 2025 Coordination Parameter at Dublin Airport dated 12 September 2024 (the “**Draft IAA Decision for S25**”).

Introduction

As the IAA is aware, the grant of planning permission for Terminal 2 and the extension of Terminal 1 includes conditions which restrict the combined capacity of Terminal 1 and Terminal 2 of Dublin Airport to 32 million passengers per annum (the “**32mppa Conditions**”).

In daa’s view the 32mppa Conditions are a relevant constraint for the IAA to apply within the meaning of Article 6(1) of the Slot Regulation, which requires that coordination parameters be determined by the IAA reflecting and taking account of all relevant technical, operational and environmental factors and constraints as well as any changes thereto. daa continues to submit that the 32mppa Conditions are a relevant “*environmental, technical, or operational constraint*”, which daa understands is accepted by the IAA.

daa welcomes the imposition of the “*full-season PATM seat capacity parameter of 25.2m in relation to Terminal 1 and Terminal 2 combined for the S25 season*” (the “**PATM Seat Cap**”) in the Draft IAA Decision for S25, as per daa’s votes in the Coordination Committee process. As stated in daa’s submission on the draft IAA Decision on Winter 2024 / 2025 Coordination Parameters, daa welcomes the fact that the approach suggested in the Draft IAA Decision for S25 will establish a pathway for compliance with the 32mppa Conditions for the 2025 calendar year. daa confirms that the forecasts presented to the Coordination Committee and the IAA, on which the calibration of the S25 PATM Seat Cap was based, remain valid.

The Draft IAA Decision for S25 states that the PATM Seat Cap “*would be of significant assistance to daa in materially complying with the 32mppa conditions*”. While daa agrees with that statement, it must also be emphasised that the imposition of a PATM is required so that compliance with the 32mppa Conditions can be achieved, not simply for the purpose of assisting daa in achieving that compliance.

Notwithstanding the imposition of the PATM Seat Cap at this level, which is necessary to permit compliance with the 32mppa Conditions to be achieved, daa has some concerns and further proposals, which are taken in turn below.

1 Responsibility for ensuring compliance with the 32mppa Conditions

- 1.1 Paragraph 4.18 of Draft IAA Decision for S25 states that “*the IAA is not responsible for the enforcement of, or compliance with, the 32mppa Conditions, nor for determining how they ought to be interpreted.*” The IAA also states that:

*“while [it] expect[s] that the imposition of such a **seat cap would be of significant assistance to daa in materially complying with the relevant 32mppa Conditions**, it is for daa, as the owner of the relevant planning permissions and as the entity proceeding with development in accordance with those permissions, to determine the appropriate actions to ensure that it complies with conditions attached to those permissions.”*

- 1.2 daa accepts that it is the grantee of the planning permissions which contain the 32mppa Conditions. However, as noted on several occasions including in daa’s judicial review proceedings in respect of the IAA’s decision for Winter 2024, the IAA, as the competent national authority for the purposes of determining coordination parameters at Dublin Airport, must determine coordination parameters in a manner that is consistent with applicable limits of capacity at Dublin Airport. The IAA is bound by the conditions attached to a grant of planning permission and compliance with those conditions is not the sole preserve of what the IAA refers to as the “owner” of the relevant planning permission. The combination of section 39(1) and Part VIII of the Planning and Development Act, 2000 as amended (the “**2000 Act**”) demonstrates that planning permissions, and the conditions attached thereto, binds persons generally rather than compliance obligations being limited to the grantee or operator of a planning permission. In that regard, the IAA is equally bound to comply with and exercise its functions in a manner consistent with the limits imposed by the 32mppa Conditions.
- 1.3 Further, the IAA is a body vested with a jurisdiction by national and European Law and, consequently, is an emanation of the State which is required to act in a manner consistent with the duty of sincere co-operation found in Article 4(3) of the Treaty of the European Union. Consequently, the IAA is required to exercise its jurisdiction in a manner which is consistent with and gives effect to European Law, which includes taking decisions which are consistent with and respect the jurisdiction exercised by other competent authorities pursuant to legal frameworks governed by European Law. It also includes the obligation not to deviate from decisions taken by other competent authorities pursuant to European Law. In light of those obligations, the IAA is obliged to take decisions which are consistent with and do not deviate from the 32mppa

Conditions, which were imposed by another competent authority in exercise of functions governed by European Law, including the EIA Directive.

- 1.4 As stated in daa's letter to the IAA dated 28 June 2024 regarding the Winter 2024 coordination parameters:

“the IAA has sole control of the declared number of movements that are permitted to be accommodated at Dublin Airport, which is the primary determining factor of how many passengers use the terminal. Consequently, it is the IAA, and only the IAA, which controls whether the coordination parameters are set in such a manner as to ensure that the number of flights allowed at the airport permits no more than 32 million passengers to use the Terminals per annum.”

- 1.5 daa confirms that daa has continually sought— and is continuing to seek— all options available to it to promote compliance with the 32mppa Conditions.

- 1.6 By way of recap on the measures which are within daa's power:

- Proposing Local Rule 2, which was rejected by the Coordination Committee and by the IAA.
- The discontinuation, in May 2024, of the award of all new traffic support scheme applications as allowed under the scheme's terms & conditions.
- Introducing a new incentive to discount airport charges for airlines that have a current presence in Dublin Airport and opt to move traffic to Cork airport.

- 1.7 However, the impact of any measures that daa can lawfully implement can only be minor and it is the decision of the IAA to set coordination parameters that will enable compliance with an objective of 32million passengers using the Terminals in any calendar year.

2 **Factual Clarifications and Proposals / Corrections**

- 2.1 Notwithstanding daa's general support for the Draft IAA Decision for S25, daa requests that the IAA make certain clarifications in its final decision.

2.2 **Characterisation of the proposal for a seasonal PATM Seat Cap as a daa proposal**

- 2.2.1 The Draft IAA Decision for S25 makes several references to the seasonal PATM Seat Cap proposal as having been proposed or presented by Dublin Airport (including paragraphs 2.15, 2.16, 2.17 and 2.20).

- 2.2.2 As stated in daa's letter to the IAA dated 22 August 2024, the characterisation of the seasonal PATM Seat Cap as a daa proposal for S25 is not accurate, “[t]his PATM seat cap was presented to the meeting as a roll-forward of the IAA's seasonal PATM seat cap set out in the IAA's Final Decision on Winter 2024.”

- 2.2.3 While paragraph 2.15 of the Draft IAA Decision for S25 explains that the proposal was based on the IAA's decision to introduce a seat cap for Winter 2024/25 and the

“assumption that the IAA will impose a corresponding Seat Cap in S25”, elsewhere in the Draft IAA Decision for S25 (including at 2.16, 2.17 and 2.20) the proposal for a seasonal PATM Seat Cap is characterised as a daa proposal, which is not accurate.

- 2.2.4 For the avoidance of any doubt, the references to the PATM Seat Cap proposal as being a daa proposal should be removed and the proposal correctly characterised as that of the IAA in the final decision. daa’s letter of 9 September 2024 to the IAA and the Coordination Committee set out daa’s proposals and vote. daa notes that Ryanair asked the IAA to disregard that daa letter by Ryanair’s letter of 10 September 2024. daa re-attaches the daa letter of 9 September to this submission and expressly requests that it is taken into account by the IAA.

2.3 **References to daa’s alleged failure to make proposals in the Winter 2024 Coordination Process**

- 2.3.1 At paragraph 4.19 of the Draft IAA Decision for S25, the IAA incorrectly asserts that daa failed to make proposals to the IAA during the Winter 2024 coordination process:

“For W24, in circumstances where Dublin Airport had failed/refused to provide a specific proposal of its own within the Coordination Committee in the way it ordinarily does...”

- 2.3.2 Similarly, at paragraph 4.15, the IAA states that *“unlike for W24, Dublin Airport has outlined a specific estimate of the appropriate seat cap for S25”*.

- 2.3.3 The IAA’s final decision for Winter 2024 criticised daa for failing to make a specific proposal as to what coordination parameters should be adopted. In the W24 process, daa did in fact make extensive proposals to the Sub-Committee and to the Coordination Committee as to the level of reductions in passenger numbers that were required to achieve compliance with the 32mppa Conditions in 2024. daa’s specific proposals are also set out in its submission on IAA’s Draft W24 Decision dated 24 April 2024.

- 2.3.4 The responsibility to determine the coordination parameters rests with the IAA and the exercise of that jurisdiction is not dependent on daa having made any specific proposal in respect of those coordination parameters. In any event, as explained above and previously, daa did, in fact, make specific proposals. These references should be clarified / corrected in the final decision.

2.4 **Mechanism for ensuring compliance with the PATM Seat Cap**

- 2.4.1 daa notes that the Draft IAA Decision for S25, in proposing a PATM Seat Cap of 25.5m, assumes a *“seasonal average load factor assumption for S25 of 85%, a 4.3% proportion of total airport passengers not using the capacity of Terminal 1 or Terminal 2, and an assumed passenger volume of 21.67m for the season”*. These assumptions are based on the forecasts presented at the Coordination Committee AGM on 27 August 2024.

- 2.4.2 While the forecasts remain valid, as the IAA will be aware, the assumed load factor can differ from the actual flown load factor in any particular season. The IAA acknowledged, in its letter dated 12 June 2024 to daa, that the proper interpretation of the 32mppa

Conditions is that they function as a constraint on a calendar year basis (i.e. that the 2024 terminal limit applies from 1 January 2024 - 31 December 2024), rather than an annualised basis.

- 2.4.3 As such, it is possible that even with the introduction of a PATM Seat Cap, compliance with the 32mppa Conditions in a particular calendar year may not be achieved if the flown load factor is higher than the assumed load factor. daa asks that the IAA confirm how it proposes to monitor changes in load factor in the period covered by the PATM Seat Cap, so as to ensure compliance with the 32mppa Conditions in 2025 overall. In addition, if passenger numbers are trending above the numbers used for the calculation of a season's PATM, daa requests that the IAA clarify how it proposes to correct the overage into the following season, bearing in mind that this would need to occur in real time for the decision-making process for that season.
- 2.4.4 In particular, in circumstances where daa cannot manage / limit the number of seats sold as that is a matter for the airlines, daa requests that the IAA clarify how it proposes to reconcile overages on the assumed load factors and confirm that it would intend to address any potential overages in its capacity declaration for Winter 2025 / 2026 to ensure overall compliance in the calendar year 2025. In this respect, the IAA should note daa's concern that the imposition of the PATM Seat Cap in 2025, which will reduce availability of seats, may have a knock-on effect of increased load factors during that season. daa accepts that it is not possible to predict this effect as this type of limit has never been previously applied.

3 Implementation of PATM Seat Caps in other airports and proposals

- 3.1 daa's submission on the IAA's draft decision for Winter 2024 stated that "*daa believes that the Passenger Air Traffic Movement (PATM) is a recognised industry standard*" for ensuring compliance with planning conditions. daa undertook an analysis of how planning conditions are reflected in the coordination parameters at other comparable airports. This analysis confirms that the imposition of a PATM has been used in other airports as a mechanism for reflecting planning conditions in the capacity declarations.
- 3.2 As the IAA will be aware, Mott McDonald acted as facilitator at a meeting of the S25 Coordination Committee on 22 August 2024. Mott McDonald prepared slides setting out a proposal for Dublin Airport for Summer 2025 and a number of alternatives to pro-rata seat reductions. Mott McDonald's slides also set out a number of "*Precedents and Analogous Demand Management Caps*" citing Luton, Bristol, Heathrow and Gatwick airports. We have reproduced this slide at Appendix 1.
- 3.3 By way of example, at Luton Airport, compliance with the passenger cap planning condition is governed by Luton Airport Local Rule 3¹ which provides that, if an exceedance of the passenger cap is anticipated for a particular season, the airport is responsible for declaring a seasonal PATM Seat Limit in the capacity declaration process. A seat cap has been imposed by Luton Airport in the previous two seasonal capacity declarations. The Winter 2024 capacity declaration at Luton Airport provided

¹ [Luton Local Rule 3](#)

that a “total limit of 7,100,000 seats will apply across all Passenger Air Transport Movements coordinated in the W24 season.”²

- 3.4 Luton Airport’s Local Rule 3 provides the following regarding ongoing forecasting within the scheduling period and changes within the scheduling period:

“10. PREVENTING AN OVERRUN OF THE PLANNING CONDITION

10 PASSENGER LIMIT

- 10.1. Should ongoing forecasting of the annual passenger numbers at LTN identify a potential overrun of the Planning Condition 10 limit within the scheduling period, after the Initial Declaration has been set, the process outlined in sections 10.2-10.5 of this document will take effect. The LTN Coordination Committee will be informed at the earliest opportunity of LLA’s forecasting assumptions and its intention to activate sections 10.2-10.5. These assumptions could be based on changes in actual vs coordinated load factors, rather than overbooking which has remained in the schedule as described in 9.2.*
- 10.2. In the first instance, the allocation of PATM Seats from the non-historic pool of unallocated PATM Seats described in paragraph 5.8 will be suspended.*
- 10.3. If a further requirement to reduce allocated schedules is identified, then an urgent review of the root causes of the forecast passenger number increase will be conducted by LLA.*
- 10.4. An Extraordinary General Meeting of the LTN Coordination Committee will be called to discuss and agree a method for achieving the necessary reductions to PATM Seat Allocations.*
- 10.5. Upon determination of the root causes of the anticipated passenger number increase, the identified responsible operators will be requested by LLA to voluntarily reduce their PATM Seat allocation within the affected scheduling period in a manner proportionate to the identified root causes.”*

- 3.5 daa’s understanding of how this Local Rule 3 operates in practice is that if the airport is forecasting a potential overrun of passengers in a season, they will identify the scale of the issue and ask airlines to voluntarily reduce capacity by a percentage before the end of the season. daa has attempted the voluntary route a number of times recently to no avail. daa understands that the airlines’ position is that they will only take action to reduce capacity when it is imposed by the IAA (through capacity declaration) or ACL (through allocation). A Local Rule like Luton’s Local Rule 3 could be developed for Dublin Airport.

² [LTN W24 Capacity Declaration](#)

- 3.6 Stansted Airport also imposes a seasonal seat limit in order to comply with the passenger cap planning condition which is declared in advance of the initial coordination of each season. The seasonal seat limit at Stansted Airport takes account of the proportion of passengers expected to pass through the airport in each season; the proportion of available seats expected to be occupied by passengers; and an overbooking factor based on the expected difference between scheduled seats at the time of the IATA Schedule Coordination Conference and actual seats operated.³
- 3.7 The UK's *Airports Slot Allocation Regulations 2006*⁴, the national implementing measure for the EU Slot Regulation in the UK, is still in force in the UK, post-Brexit.
- 3.8 The above analysis, as well as the examples cited by Mott McDonald, demonstrate that it is not unusual for capacity at airports to be constrained by planning conditions. There are examples of planning conditions being reflected in the coordination parameters by the imposition of a PATM Seat Cap. Further information is included at Appendix 2.

4 Planning Context

- 4.1 The 32mppa Conditions were each attached to grants of planning permission for the development of Terminal 2 and the extension of Terminal 1 following the carrying out of an environmental impact assessment pursuant to Council Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (the “**EIA Directive**”). The stated reason for each of the 32mppa Conditions is “*having regard to the policies and objectives of the Dublin Airport Local Area Plan and capacity constraints (transportation) at the eastern campus*”. It is clear when underlying documentation for the grants of permission which include the 32mppa Conditions are considered that the 32mppa Conditions are an EIA mitigation measure as they are a “*measure envisaged to avoid, reduce and, if possible, remedy significant adverse effects*” on the transportation network by managing the number of people passing through Dublin Airport.
- 4.2 The 32mppa Conditions limit the combined capacity of Terminal 1 and 2 of Dublin Airport, which shall not exceed 32mppa, unless otherwise authorised by a further grant of permission.
- 4.3 On 15 December 2023, daa submitted an application for planning permission to Fingal County Council (the “**Council**”) seeking an increase in the terminal limit from 32mppa to 40mppa, together with a range of significant infrastructural investments to facilitate the projected growth of passenger numbers through Dublin Airport (Planning application number F23A/0781) (the “**Infrastructure Application**”). The IAA made a submission dated 29 January 2024 to the Council in respect of the Infrastructure

³ **Note:** In the UK, the Airports Slot Allocation Regulations 2006 which implemented the EU Slot Regulation, provides that “[t]he managing body at each coordinated airport shall determine the parameters for slot allocation biannually in accordance with Article 6 of the council regulation”. As a result, the airport managing body declares capacity at each airport, and there does not appear to be external regulatory involvement from any entity akin to the IAA. Similar to Ireland, ACL allocates slots based on each airport’s capacity declaration.

⁴ Available at <https://www.legislation.gov.uk/uksi/2006/2665/contents>

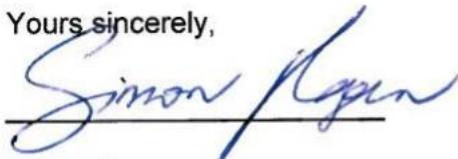
Application. The application has not yet been determined and it is likely that the 32mppa Conditions will remain a constraint on the capacity at Dublin Airport throughout 2025.

- 4.4 daa is also currently considering a further separate application for planning permission to the Council seeking to increase the terminal limit from 32mppa to 36mppa, which will not require the undertaking of any works at Dublin Airport.
- 4.5 The IAA will also be aware that the Council has issued warning letters under section 152 of the 2000 Act in respect of compliance with the 32mppa Conditions.
- 4.6 In particular, a Warning Letter issued on 12 February 2020 in respect of an alleged breach of the 32mppa Conditions in 2019. On 23 November 2023, daa was informed by the Council that no further action would be taken with respect to its compliance with the 32mppa Conditions in 2019.
- 4.7 A further Warning Letter issued on 1 September 2023 in respect of compliance with the 32mppa Conditions in 2023. Following an investigation, by letter of 23 November 2023 daa was informed by the Council that it was considered that there has been no breach of the 32mppa Conditions.
- 4.8 On 24 January 2024, daa wrote to the Council to provide an update on the passenger outturn at Dublin Airport for 2023. The letter confirmed that the total number of passengers who used Terminal 1 or Terminal 2 in 2023 was 31,908,815. It also explained that, when using standard aviation industry practice (which double counts certain passengers and includes passengers who do not use the Terminals, and which is known as the aviation count), the number was 33,552,493.
- 4.9 On 22 February 2024, the Council sent a further warning letter to daa, again indicating that it had come to its attention that there may have been a breach of the 32mppa Conditions in 2023, daa understands that the investigation by the Council of compliance with the 32mppa Conditions in 2023 is ongoing.

5 Condition 5 of the North Runway Planning Permission

- 5 Finally, daa reiterates the continued obligation on the IAA, of which the IAA is aware, to take account of Condition 5 in its decisions in respect of capacity declarations for Dublin Airport.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simon Pagan', written over a horizontal line.

Head of Capacity Planning – Dublin Airport

Appendix 1

Extract from Mott McDonald slides presented at Coordination Committee meeting on 22 August 2024

Precedents and Analogous Demand Management Caps

This proposed PATM Seat Cap process makes a distinction between the number of slots/seats allocated to airlines in the ACL Baseline and Live schedules and the seasonal Airline Seat Cap

Some precedents and analogous caps are:

- Luton Commercial Seat Cap (local rule 3)
 - Declared airport-total "PATM Seat Limit" and airline-specific "PATM Seat Allocation"
 - PATM Seat Allocation may be less than the number of slots/seats an airline holds in the ACL database
 - Airlines may flex PATM Seat Allocation between summer and winter seasons
- Bristol ATM Cap (local rule 2)
 - Planning Limits and Operational Budgets. Airlines may be required to make "proportionate flight cancellations to reduce the use of ATMs within limits"
- Heathrow ATM Cap (local rule 3)
 - Planning Limit with an overbooking "utilisation factor" for historically-eligible slots, plus an Operational Budget to manage actual ATM use
- Heathrow and Gatwick Night Quota Allocation
 - Distinction between allocated Night Flights (based on slots allocated) and an airline's Night Quota (based on predicted use)
 - Provisions for airlines to reduce Night Quota use operationally to prevent a seasonal overrun

Appendix 2

Planning Conditions in European Airports

1 Luton Airport

- 1.1 Luton Airport is subject to a passenger throughput limit imposed by way of a planning condition as follows:

“At no time shall the commercial passenger throughput of the airport exceed 19 million passengers in any twelve-month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.”⁵

- 1.2 Compliance with this passenger cap is achieved through the imposition of a PATM limit. The procedure for governing the imposition of the PATM limit is set out in Luton Local Rule 3⁶, which was enacted pursuant to Article 8(5) of the Slot Regulation.

- 1.3 According to Luton Local Rule 3, in order to adhere to the passenger terminal limit, Luton Airport “may declare a restriction on the total number of scheduled passenger flights operating through the main passenger terminal during a scheduling season”.

- 1.4 Luton Local Rule 3 provides that:

“LLA is responsible for the ongoing forecasting of annual passenger numbers to ensure that it adheres to the Planning Condition Limit. Where LLA anticipate that the annual terminal passenger numbers will exceed the Planning Condition Limit during an upcoming scheduling season, LLA will be responsible for advising the LTN Coordination Committee at the earliest opportunity of its intention to declare a seasonal PATM Seat Limit and for which upcoming scheduling season it will apply.

Any declaration by LLA of a seasonal PATM Seat Limit should be made in good time ahead of Initial Coordination (i.e. at least seven days prior to the initial submissions deadline as per Article 8(5) of the Slot Regulation read in conjunction with the IATA Worldwide Slot Guidelines).

The declared seasonal PATM Seat Limit confirms the maximum number of PATM seats which can be coordinated in the main passenger terminal at LTN during that scheduling season.”⁷

- 1.5 A PATM seat cap has been declared by LLA in the previous two seasonal capacity declarations. On foot of this seat cap declaration, ACL then allocates slots to air carriers and sets PATM Seat Allocations (total number of seats which an air carrier is permitted

⁵ Condition 7 of Planning decision of Department for Transport dated 13 October 2023, [DFT 21/00031/VARCON](#)

⁶ [Luton Local Rule 3](#)

⁷ [LTN Local Rule 3](#)

to operate across its allocated PATMs) for each air carrier. Air carriers must operate within their PATM Seat Allocation.

- 1.6 If an exceedance of the passenger cap is anticipated for a particular season, LLA⁸ is responsible for declaring a seasonal PATM Seat Limit. Luton Local Rule 3 sets out the procedure for coordinating the PATM seat allocation when a PATM seat limit is declared, and states that “[t]his limit only applies to flights that utilise the main passenger terminal. Cargo flights, Positioning flights, Technical flights and General Aviation flights remain unaffected by the planning condition”.
- 1.7 A PATM seat cap has been declared by LLA in the previous two seasonal capacity declarations. In the Winter 2024/25 season, “a limit of 7,100,000 seats was applied across all Passenger Transport Movements coordination in the W24 season and a maximum of 1211 movements in any 4-hour period”⁹. On foot of this seat cap declaration, ACL then allocates slots to air carriers and sets PATM Seat Allocations (total number of seats which an air carrier is permitted to operate across its allocated PATMs) for each air carrier. Air carriers must operate within their PATM Seat Allocation.

2 Stansted Airport

- 2.1 Stansted Airport is also subject to a passenger throughput limit imposed by way of a planning condition as follows:

*“The passenger throughput at Stansted Airport shall not exceed 43 million passengers in any 12-calendar month period. From the date of this permission, the airport operator shall report the monthly and moving annual total numbers of passengers in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate”.*¹⁰

- 2.2 Stansted Airport Ltd (“**STAL**”) is the body responsible for declaring coordination parameters in accordance with Article 6 of the Slot Regulation. STAL sets a limit on the number of seats which may be scheduled to operate at the airport, and a limit on the number of ATMs that may be scheduled at the airport.
- 2.3 Stansted Local Rule 4 on Administration of the Stansted 35mppa Condition¹¹ (“**Stansted Local Rule 4**”) provides that the passenger cap planning condition “shall

⁸ Unlike in Ireland, where the managing body of the coordinated airport’s (daa) only role under the Slot Regulation is as a member of the Coordination Committee, and the responsibility for the declaration of coordination parameters rests with the IAA, Article 6 of the UK Airports Slot Allocation Regulations 2006 which implemented the EU Slot Regulation provides that “*[t]he managing body at each coordinated airport shall determine the parameters for slot allocation biannually in accordance with Article 6 of the council regulation*”.

⁹ [LTN W24 Capacity Declaration](#)

¹⁰ Planning condition 8 is set out at Appendix 1, [London Stansted Airport Stansted Transformation Programme \(STN-TP\): Terminal Extension Planning Statement \(July 2023\)](#)

¹¹ [Stansted – Local Rule 4 Administration of the Stansted 35mppa Condition](#). Local Rule 4 dated October 2006 provides that the cap is 35 million pax per year. It therefore does not reflect the planning permission granted in 2021 allowing an increase to 43 million pax per year.

be administered by limiting the number of seats that may be scheduled to operate at the airport".

2.4 Stansted Local Rule 4 provides that:

"The seasonal seat limit is the total number of seats available for allocation. It is declared by STAL in advance of the initial coordination of each season and is regularly reviewed. It is set at a level to correspond to an annual throughput of 35 million passengers per annum, taking account of the following factors:

- The proportion of annual passengers expected to use the airport each season, taking account of the length of the season and other relevant factors;*
- The proportion of available seats expected to be occupied by passengers;*
- An overbooking factor based on the expected difference between scheduled seats at the time of the IATA Schedule Coordination Conference and actual seats operated."*