

To Whom This May Concern,

I wish to submit an observation on the 'Draft Decision on Winter 2024 Coordination Parameters at Dublin Airport' report recently published.

There has been much discussion within the report regarding Condition 3 of ABP ref. PL06F.220670;

"2.22 The Coordination Committee members voted overwhelmingly (93%) in support of the proposition/view that Condition 3 is ambiguous, and should not be 'considered' for the W24 declaration until it is clarified."

It is pointed out that there are court proceedings in place awaiting a return to the High Court in approx June 2024, which themselves are awaiting a determination on the 'Relevant Action' application from the daa. It should be noted that the Relevant Action concerns Conditions 3(d) and 5 of the north runway's planning permission and does not impact on Condition 3 of Terminal 2's planning. As such, any findings in relation to this relevant action will not affect the 32million passenger cap.

The daa in 2018 sought to change wording of condition no.3 of their planning permission for Terminal 2 to specifically discount the passengers that are causing this 'ambiguity'. (see daa letter to ABP from June 2018;

<https://planningapi.agileapplications.ie/api/application/document/FG/634827>)

The following is taken directly from the An Bord Pleanala Inspectors report (Inspector's Report ABP-305458-19 - available from

<https://www.pleanala.ie/anbordpleanala/media/abp/cases/reports/305/r305458.pdf>) from 2020 written in response to an application by the daa to clarify aspects of their planning permission.

"ABP ref. PL06F.220670 Section 146A

In 2018, the Dublin Airport Authority made a request to the Board under S.146A to amend the wording of condition no. 3 in order to remove connecting passengers from the scope of the condition. The amended wording sought included the words highlighted as follows:

*3. The combined capacity of Terminal 2 as permitted together with Terminal 1 shall not exceed 32 million **origin-destination** passengers per annum unless otherwise authorised by a further grant of planning permission.*

The Board Direction of August 2018 stated:

It is considered that the alteration sought would be material in planning terms, and cannot, therefore be considered under S.146A of the Act. The Board considered that the proposed alteration would enable greater throughput of overall passenger numbers through the airport. This greater level of activity would have material planning consequences (in terms of movement

and access to the airport, airport capacity, and also in relation to planning policy relation to the airport) and would go beyond what was permitted in the permission granted.”

It is clear from their own submissions that the daa have acknowledged that passengers outside of their own 'origin-destination' designation count towards the 32million ppa planning cap. Given that ABP has already directed that removing these additional passengers from the 32million ppa planning cap would have material planning consequences, I find it difficult that these parties can persist in perceiving 'ambiguity' where there actually is none. There have been no changes to planning permission granted that affect this cap and this draft decision should both acknowledge this as well as plan slot allocation to ensure compliance with existing planning permissions.

Additionally, recently published national CSO statistics (<https://www.cso.ie/en/releasesandpublications/ep/p-as/aviationstatisticsquarter4andyear2023/>) show that passenger numbers in Dublin airport for 2023 were 33,259,959, well in excess of their daa's planning permission. As such, I feel the IAA should be showing reticence to allowing intentional and deliberate breaching of planning regulations. By rolling "*forward all airfield parameters from W23 to W24*" it is baking in non-compliance with planning permission and should not be facilitated.

Kind regards,
Dr. Brian Murphy,