

Irish Aviation Authority
The Times Building
11-12 D'Olier Street
Dublin 2
D02 T449

21 September 2023

By email:consultation@iaa.ie

Re: Draft Decision on Summer 2024 Coordination Parameters at Dublin Airport dated 8th September 2023

Dear Sirs,

We refer to the above draft decision on Summer 2024 Coordination Parameters at Dublin Airport dated 8 September 2023 ("**the draft Decision**").

We wish to address the obligations arising from Planning Permission FCC Reg Ref: F04A/1755; ABP Ref No PL06F.217429 ("**the NR Planning Permission**") and in particular condition 5 of the said NR Planning Permission.

The draft Decision addresses the potential impact of Condition 5 on the declaration of capacity at Dublin Airport at §3.31-3.37 in particular. The draft Decision refers to the Enforcement Notice issued by Fingal County Council ("**FCC**") on 28 July 2023 in respect of alleged non-compliance by daa with Condition 5, as well as the subsequent judicial review proceedings, entitled **daa-v- Fingal County Council & the Irish Aviation Authority** and bearing **Record Number High Court Record No 2023/916 JR** (the "**Proceedings**"), brought by daa in respect of the Enforcement Notice.

Since the draft Decision issued, FCC has filed and served its opposition papers in the Proceedings and, in that context, has exhibited the Planning Report dated 18th July 2023 which underpins the decision to issue the Enforcement Notice (and which was previously not disclosed to daa or made publicly available). As a Notice Party to the Proceedings, the IAA will have been served with FCC's opposition papers and will now be in possession of the Planning Report of 18th July 2023.

daa has considered FCC's opposition papers, remains of the view that it has a good basis to challenge the Enforcement Notice and will be filing replying papers in due course.

However, pending the resolution of the Proceedings, we request that the IAA takes account of the Planning Report before making its final decision on coordination parameters for Summer 2024. daa wishes to reiterate that, in discharging its functions as Competent Authority under Council Regulation 95/93 ("**the Slot Regulation**"), the IAA should take decisions which are consistent with the conditions attached to the

planning permission which have been granted in respect of Dublin Airport. Any decision by IAA on the coordination parameters which are to be implemented during Summer 2024 should be consistent with an appropriate interpretation of the terms of the NR Planning Permission and Condition 5.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simon Fagan', written in a cursive style.

Simon Fagan

Head of Planning & Regulation – Dublin Airport