

Mr Declan Fitzpatrick
CEO
Irish Aviation Authority
The Times Building
11-12 D'Olier St
Dublin 2, D02 T449

[X] Sept 2024

Re: Dublin Airport Traffic Cap

Dear Mr Fitzpatrick,

I write in my capacity as Minister for Transport to reconfirm this Government's National Aviation Policy, which is to promote and deliver growth in air traffic, tourism and related jobs on the island of Ireland. To support this growth policy, the Government, working with the DAA and Fingal County Council, successfully developed and opened the 2nd runway at Dublin Airport in 2022, which doubled runway capacity of Dublin to 60m passengers p.a.

We are aware of the 2007 planning condition which purported to limit passenger traffic at Dublin Airport to 32m passengers p.a. ("**the Cap**"). These conditions were imposed at that time to address the concerns that road access to Dublin Airport would be overwhelmed if traffic exceeded 32m. Clearly such concerns no longer apply given the substantial improvements over the last 15 years to road infrastructure around Dublin Airport, and the successful switch of airport traffic to public transport, with over 20% of passengers now using Dublin Airports' extensive range of bus services to/from the airport.

This Government is aware that the DAA applied in December 2023 to Fingal County Council to remove this outdated and no longer relevant 2007 planning condition. This Government is committed to its removal so that the growth objectives of our National Aviation Policy can be delivered. The issue to be addressed now is how best to deliver this Government's growth policy while awaiting the outcome of this planning application, which could take between 2 to 3 years to resolve if delayed by Court Appeals.

The IAA is the competent authority in Ireland for the allocation of slots at Dublin and other Irish Airports ("**the Slot Regulations**"). We are aware that the IAA has taken into account the Cap in May 2024 when it limited the slots for the Winter 2024 season at Dublin Airport to a 14.4m seat cap. The DAA, Ryanair and Aer Lingus, have applied to judicially review this Winter slot cap with a hearing on all three applications scheduled for December 2024.

Section 10 of the Aviation Regulation Act, 2001 (as amended) ("**the Act**") states the following:

"10.—(1) The Minister may give such general policy directions (including directions in respect of the contribution of airports to the regions in which they are located) to the Commission as he or she considers appropriate to be followed by the Commission.

In this context I am issuing the IAA with the following policy directions using my Ministerial powers under section 10(1) of the Act:

- (A) The IAA should not take account of the Cap when exercising its function to determine slot allocations at Dublin Airport - until such time as DAA's current application to remove the Cap has been finally determined by Fingal CoCo with all appeal avenues to An Bord Pleanala and/or courts exhausted.**
- (B) The IAA will issue a new decision to facilitate all airline slot requests for additional flights to/from Dublin Airport for the Winter 2024 (and again in Summer 2025) at Dublin Airport to facilitate the growth of Irish Aviation.**

These policy directions are consistent with Ireland's published National Aviation Policy and this Government's air transport strategy, which is to deliver growth in aviation, tourism and jobs, while at all times respecting the planning process, and allowing Fingal County Council the time and space to carry out its planning mandate, but without hampering aviation growth during the interim period, which would conflict with Ireland's aviation policy.

If you need further advice or clarification on this direction, please contact the Secretary General of my Department. The Department of Transport looks forward to working with the IAA and the DAA to realise our ambitious growth objectives for Irish aviation over the coming years.

Yours sincerely,

Eamon Ryan TD
Minister for Transport