

File With

SECTION 131 FORM

Appeal No

ABP— 314485-22

Defer Re O/H

☐

Having considered the contents of the submission dated/received 21/12/24
 from Westjet I recommend that section 131 of the Planning
 and Development Act, 2000 ~~be~~ not be invoked at this stage for the following reason(s):

no w l88

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

Signed

[Signature]

EO

Date

21/12/24

Signed

[Signature]

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



Planning Appeal Online Observation

Online Reference
NPA-OBS-004136

BP40 to issue
JFK 2/12

Online Observation Details

Contact Name
Chris White-DeVries

Lodgement Date
21/12/2024 16:58:10

Case Number / Description
314485

Payment Details

Payment Method
Online Payment

Cardholder Name
Chris White-DeVries

Payment Amount
€50.00

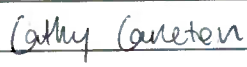
Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed


EO

Date

31/12/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 076 898 -21

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3QYW0EB1CW0EN5FC1b7STsyQ

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date



December 19, 2024
Submitted electronically

An Bord Pleanála
Fingal County Council

Re: Fingal County Council Planning Register Reference Number: F20A/0668
Re: An Bord Pleanála Appeal Reference Number: ABP-314485-22

To whom it may concern,

I am writing today to express WestJet's concerns regarding the draft regulatory decision on nighttime flights (North Runway Relevant Action – NRRRA). Having reviewed the draft decision and reports, there appear to be some significant difficulties and the draft decision would be a backward step that will significantly impact aviation and passenger numbers at Dublin Airport. More specifically:

- There are fundamental concerns with ABP's 'Draft Decision' (the "Draft Decision") (dated 11th September 2024) and supporting 'Inspectors Report' (dated 29th May 2024) issued in respect of Reg. Ref. PL06F.314485.
- In particular there are serious concerns as to the process followed and the resulting decision. The required process as set out in the 2000 Act (as amended by the 2019 Act) has not been adhered to and this has then resulted in a decision with serious consequences for the Applicant and all users of the Airport. As well as critical errors relating to process, there are errors in understanding, calculation and interpretation of submitted application documents.
- We wish to highlight our serious concerns with the following newly proposed conditions of the Draft Decision:
 - Condition 3(e): which, when taken together with *existing* condition 3(c) for the North Runway, means that in easterly winds, aircraft could neither arrive or depart from the North Runway, and all operations would be forced onto the South Runway between 06.00 and 08.00.
 - Condition 5: which provides for a 13,000 ATM night limit – resulting in profound impacts on current operations. The net effect of which would be to limit the number of movements to an annual average of 35 per night (11.30-07.00). Depending on interpretation, this could mean an average of between 41-42 per night during the summer and between 26 - 27 per night during winter or an average of c.99 per night during the 92- busy summer period and c.14 per night during the balance of the year. There are a number of calculation errors in the workings whereby this number was arrived at.
- ABP are now requested to fundamentally reexamine their process and decision to ensure that the correct process is followed including proper consideration of the requirement for the above operating restrictions and noise mitigation measures as set against the adopted Noise Abatement Objective (NAO).
- Section 9.7 of the 2019 Act states "*[m]easures or a combination of measures taken in accordance with the Aircraft Noise Regulation, this Act and the Act of 2000 for the airport shall not be more restrictive than is necessary in order to achieve the noise abatement objective*". The practical impact of this section is that if ABP are of the view that the NAO will be achieved by the existing noise mitigation measures or operating restrictions, which elements of the supporting documents appear to suggest, no additional noise mitigation measures or operating restrictions are permitted. The ABP 'Draft Decision' and Inspector's Report do not properly engage with the NAO, and the Draft Decision makes no clear determination on whether ANCA's RD meets the NAO. This is a critical error in the process undertaken by ABP. Following this, if ABP determined that additional or modified noise mitigation measures or operating restrictions were required (such as those proposed to be imposed by conditions 3(e), 5 and 6), the Balanced Approach must be applied by ABP to identify and select possible mitigation measures. This has not occurred.



- In conclusion, the new draft conditions introduced by ABP are non-compliant with EU Regulation 598 and the 2019 Act.
- In our view the proposed restriction on North Runway use as set out in condition (3e) and proposed movement limit as set out in condition 5 are neither justified nor required to achieve the NAO, and would have catastrophic impact on operations at Dublin Airport, and we ask that they are removed.

For context, WestJet has flown to Dublin since 2014 and has steadily increased our presence in the commercial air service market between Canada and Ireland. Further, we have grown in seat capacity nearly 4-fold in the past decade, growing from a single narrow-body route to three routes, including the first ever wide-body service from Calgary to Dublin. WestJet flew approximately 79,000 seats from Dublin in 2024, compared to the 18,000 we operated in 2014. We anticipate operating approximately 85,000 seats in 2025.

Dublin remains an important market for WestJet. We recently celebrated our 10th anniversary of connecting Ireland and Canada. We respectfully request you consider the above mentioned points. WestJet hopes to continue to grow at Dublin, which is a critical enabler of economic growth for Dublin and Fingal County.

Sincerely,

Chris White-DeVries

Chris White-DeVries
Senior Manager, Airport Affairs
WestJet