

**20160916-CfAR-CA**

Commission for Aviation Regulation,  
3<sup>rd</sup> Floor,  
Alexandra House  
Earlsfort Terrace  
Dublin 2  
D02 W773

Sent by email to:  
[info@aviationreg.ie](mailto:info@aviationreg.ie)

16.09.16

**RE: Response on Consultation on the Process for Consideration of Supplementary Capex Allowance and Compliance with Section 15 Climate Action and Low Carbon Development Act 2015 in content of Commission Paper 5/2016**

Dear Sir/ Madam,

We wish to declare An Taisce as an environmental Non Government Organisation concerned with Climate Change and sustainable resource consumption as an Interested Party as defined in section 4.2 of Commission Paper 5/2016.

We wish to make a submission on the public consultation advertisement on the above.

We request as a preliminary legal matter that you address and determine the legal compliance of the content of Commission Paper 5/2016 with the obligations of the Commission for Aviation Regulation as a public body under Section 15 Climate Action and Low Carbon Development Act 2015.

It is submitted that it is matter of fact that Commission Paper 5/2016 fails to make any reference to consideration of climate mitigation in airport capital investment.

Section 15 Climate Action and Low Carbon Development Act 2015 requires that all public bodies including yours shall in the exercise of their functions have regard to "*the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*". (Attached)

This means that the functions that you exercise under the Aviation Regulation Act 2001, State Airports Act 2004 and Aviation Act 2006, including your

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principal function of determining the Capex Allowance setting the maximum level of charges at Dublin Airport must comply with this objective.

Commission Paper 5/2016 is not fit for purpose in determining your consideration of the Supplementary Capex Allowance as it makes no reference to climate emissions or the requirement for emission mitigation in airport investment and regulation.

The UN Paris Agreement 2015 requires limiting global temperature increase to less than 2 degrees and as near as possible to 1.5 degrees over pre industrial levels.

The most recent information published by the EU states :

“Someone flying from London to New York and back generates roughly the same level of emissions as the average person in the EU does by heating their home for a whole year. Direct emissions from aviation account for about **3% of the EU’s total greenhouse gas emissions**. The large majority of these emissions comes from international flights.

By **2020**, global international aviation emissions are projected to be **around 70% higher** than in 2005 even if fuel efficiency improves by 2% per year. The ICAO forecasts that **by 2050 they could grow by a further 300-700%**.<sup>1</sup>

The EU has included aviation within the EU in the Emissions Trading Scheme. The continued growth in international aviation and the lack of current alternative technologies by plane manufacturers is incompatible with the targets in the Paris Agreement 2015.

Further to the provision of Section 4.2 of **Commission Paper 5/2016** please advise how you propose to address your obligations in relation to Section 15 Climate Action and Low Carbon Development Act 2015

Yours sincerely

Ian Lumley,

**Built Environment Unit  
An Taisce – The National Trust for Ireland**

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<sup>1</sup> [http://ec.europa.eu/clima/policies/transport/aviation/index\\_en.htm](http://ec.europa.eu/clima/policies/transport/aviation/index_en.htm)

## **ATTACHMENT**

Section 15 of the Climate Action and Low Carbon Development Act 2015 requires

### **Duties of certain bodies**

**15.** (1) A relevant body shall, in the performance of its functions, have regard to—

- (a) the most recent approved national mitigation plan,
- (b) the most recent approved national adaptation framework and approved sectoral adaptation plans,
- (c) the furtherance of the national transition objective, and
- (d) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.