

20160916-DTTS-ACR

Department of Transport, Tourism and Sport
Kildare Street
Dublin 2

Sent by email to:
bronaghtreacy@dttas.ie

16.09.16

RE: Consultation on the Independent Review of Airport Charges Regulation in Ireland and Compliance with Section 15 Climate Action and Low Carbon Development Act 2015

Dear Sir/Madam,

We refer to the notice on public consultation by the Department of Transport, Tourism and Sport and wish to submit the following.

It is noted that that this consultation follows a provision in The National Aviation Policy (NAP) published in August 2015, which "*commits to an independent review of airport charges regulation.*"

However the National Aviation Policy 2015 is no longer fit for purpose since Section 15 of the Climate Action and Low Carbon Development Act 2015 subsequently came into force. (See Attachment)

We are further concerned that the same consideration applies to the two documents attached to the consultation advertisement, namely:

1. "Review of the Regulatory Regime for Airport Charges in Ireland" March 2016 by Indecon Economic Consultants, who were engaged by the Department to review airport charges regulation in Ireland. Despite the Climate Action and Low Carbon Development Act 2015 being enacted, no consideration is given to climate mitigation in the report.
2. The DTT&S consultation briefing. This states that following competitive tender Indecon Economic Consultant were appointed and that the terms of reference included "A key question for the review is the extent to which regulation may be necessary in order to deliver one or more key (government) policy objectives."

The failure by Indecon to address the Climate Action and Low Carbon Development Act 2015, undermines the basis of the consultation process now under way.

DTT&S needs to address, as a preliminary legal matter, compliance of the content of the consultation documentation informing this consultation, with the obligations on the Department under Section 15 Climate Action and Low Carbon Development Act 2015.

It is submitted that it is matter of fact that the consultation documentation fails to make any reference to consideration of climate mitigation in airport regulation.

Section 15 Climate Action and Low Carbon Act 2015 requires that all Government Departments and public bodies 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."*

This means that the functions for which DTT&S has oversight under the Aviation Regulation Act 2001, State Airports Act 2004 and Aviation Act 2006, including the regulation of airport charges must comply with this objective.

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

"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%**.¹

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. This means that the continuation of the

¹ http://ec.europa.eu/clima/policies/transport/aviation/index_en.htm
states :

current low cost regime for European and international aviation and range of direct and indirect subsidies which sustains including lack of fuel taxation, is no longer tenable.

We request that this consultation process be suspended and a revised consultation be initiated that is properly informed by the requirement to address climate mitigation under the Climate Action and Low Carbon Development Act 2015.

Yours sincerely

Ian Lumley,

Built Environment Unit
An Taisce – The National Trust for Ireland

ATTACHED

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.