

Complaint to the European Commission

Complaint Form: Breach of EU Law by a Member State

To: European Commission, Directorate-General for Environment (environment-complaints@ec.europa.eu)

Copy: Directorate-General for Mobility and Transport (move-infraction@ec.europa.eu)

Date: 2 March 2026

Section 1: Identity and Contact Details

1.1 Surname: O'Brien

1.2 First name: Gareth

1.3 Organisation: North Runway Technical Group (NRTG)

1.4 Address: 24 White Ash Park, Ashbourne, County Meath, A84 H563, Ireland

1.5 Email: gobrien@yupon.com

1.6 Telephone: Available on request

1.7 Nationality: Irish

NRTG is a voluntary group of qualified aviation professionals, including commercial and private pilots, civil engineers, and aviation safety specialists, who have been examining the technical, environmental, and governance aspects of Dublin Airport's North Runway operations since 2022.

Section 2: How Has EU Law Been Infringed?

2.1 National Measures in Breach

Ireland has failed to enforce planning conditions governing Dublin Airport's North Runway, resulting in the airport operating since August 2022 in breach of its 2007 environmental authorisation. Specifically:

(a) The 2007 Environmental Impact Statement (EIS) assessed straight-ahead departures. Actual departures turn 30-86 degrees commencing at 400 feet AGL proceeding over residential areas never assessed or consulted. No new or revised Environmental Impact Assessment has been conducted for this material change. The Public Safety Zones, scientifically modelled by ERM (2000-2003) at taxpayer expense for straight-ahead operations, have been rendered obsolete by the turning departures, and neither the Department of Transport nor the Department of Housing accepts responsibility for them.

(b) The Aircraft Noise Competent Authority (ANCA) is embedded within Fingal County Council, which derives rate income from daa (the airport operator). Under section 5 of the

Aircraft Noise (Dublin Airport) Regulation Act 2019, daa pays ANCA a direct levy funding the full costs of ANCA's regulatory functions. The regulator is directly and statutorily funded by the entity it regulates. ANCA is neither functionally nor financially independent, contrary to EU requirements.

(c) The planning enforcement authority (Fingal County Council) has failed to enforce after more than 180 weeks. When enforcement has been attempted on other conditions, it has been blocked by High Court stays and, in the case of the passenger cap, by the introduction of primary legislation to remove the condition.

(d) No wildlife hazard assessment has been conducted for the revised departure route, despite departure turns commencing at 400 feet AGL and overflying self-created bird habitat at approximately 2,000 feet, at or below ICAO's recommended minimum.

(e) AirNav Ireland's own briefing to the Department of Transport (FOI 2025.122; Annex G2) lists "noise abatement requirements" as a design consideration for Instrument Flight Procedures. Despite this, the IFPs for the North Runway were designed and approved against minimum safety standards only, with no noise abatement assessment conducted. The airport's own Noise Abatement Operational Procedure (NAOP 3.2.1, requiring centreline tracking to 750 feet) directly conflicts with the published departure procedure, which turns at 650 feet MSL.

2.2 EU Law in Question

Six EU instruments are breached:

1. Directive 2011/92/EU (Environmental Impact Assessment): Articles 2(1) and 8a. Material change to flight paths without environmental re-assessment.
2. Directive 2002/49/EC (Environmental Noise): Articles 7-8 and Annex V. Obsolete noise maps from 2007 EIS; no action plan for new noise corridors; ANCA reports 343% increase in night noise exposure since 2019 with zero enforcement.
3. Regulation (EU) 598/2014 (Airport Noise): Articles 3 and 6. ANCA is not independent (embedded within Fingal County Council, rate income from daa, directly funded by daa via a statutory levy under section 5 of the 2019 Act, no separate legal personality, no independent budget). In addition, the Balanced Approach has not been applied: none of the four pillars is functioning. The statutory noise zones (inner/outer, from the 2007 EIS) that carry weight through the Regional Spatial & Economic Strategy (RSES) have not been updated for the actual flight paths. When Fingal's elected members attempted to address the inadequacy of the noise insulation scheme through the Development Plan, the Minister directed its removal (upheld in *FoIE v Minister* [2024] IEHC 588). Commission Decision C(2026) 919 confirmed that all four pillars must be assessed before operating restrictions are adopted or removed. The Passenger Capacity Bill would remove the cap without any such assessment.

4. EASA Regulation (EU) 139/2014 (Aerodromes): ADR.OPS.B.020 and ADR.OR.C.005. No wildlife hazard assessment for revised flight path; daa has failed to ensure IFP design accounts for environmental considerations despite being the responsible aerodrome operator.
5. Regulation (EU) 2017/373 (ATM/ANS): AirNav Ireland's own briefing (FOI 2025.122; Annex G2) lists "noise abatement requirements" as an IFP design consideration. The IFPs were approved against minimum safety standards only, with no noise abatement assessment. The airport's NAOP 3.2.1 (centreline to 750 feet) conflicts with the published SID (turning at 650 feet MSL).
6. Aarhus Convention (as incorporated into EU law via Regulation (EC) 1367/2006 and Directive 2003/35/EC): Articles 4, 5, 6, and 9. Systematic failures of information access, public participation (the 2004-2007 EIS process assessed straight-ahead departures; the 2016 consultation on changed flight paths was confined to Fingal, excluding Meath; neither process consulted on what was actually implemented), and access to justice (prohibitively expensive, enforcement blocked by litigation/legislation).

2.3 Problem Description

Dublin Airport's North Runway has operated since August 2022 in breach of its 2007 planning permission (ABP reference PL06F.217429 / Fingal reference F04A/1755). Aircraft departing to the west turn 30-86 degrees commencing at 400 feet above ground level (650ft MSL) instead of continuing straight ahead for five nautical miles to 3,000ft MSL as assessed in the Environmental Impact Statement. GIS analysis shows the approved route directly overflies 1,077 homes (1.5km corridor either side of the SID centreline, first 15km, including a southbound turn matching the legacy south runway departure pattern); the actual turning routes directly overfly 3,895 houses using the same methodology, 360% of the permitted number. Beyond the directly overflown corridor, the turning departures pass immediately adjacent to Ashbourne, the largest town in East Meath, with 4,155 houses (approximately 16,000 residents) all within 3km of SID centreline tracks but none within the approved route's corridor. Including Ashbourne, 8,050 homes are affected by the actual departure routes, none of which were consulted or assessed. The noise impact is compounded by the aerodynamics of the turning departure: banked turns reduce climb efficiency, keeping aircraft closer to the ground and louder over the affected areas than a straight-ahead departure would be at the same distance.

The deviation is confirmed by ABP's own Inspector (section 12.6.75 of the report on reference PL06F.314485), by the IAA (FOI 2025.122, May 2025), and by daa's own 2023 EIAR Supplement.

A comprehensive supporting dossier accompanies this complaint form, detailing each EU law breach with evidence references.

2.4 EU Funding

daa does not directly receive EU funding for the North Runway. However, the failure to enforce environmental law provides daa with a competitive advantage by avoiding the costs of compliance, which may constitute a form of indirect State aid through non-enforcement. Ireland has also faced EU infringement proceedings regarding Ringsend Wastewater Treatment Plant, whose capacity is further strained by unrestricted airport growth.

2.5 Charter of Fundamental Rights

Article 37 of the Charter of Fundamental Rights of the European Union provides that "a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development."

The approximately 30,000 residents overflown in breach of the planning permission are being subjected to unassessed environmental harm. The proposed Passenger Capacity Bill 2026 would further remove environmental protections by prohibiting the imposition of any future passenger cap. The right to environmental protection under Article 37 is being systematically undermined.

Section 3: Previous Action Taken

3.1 Administrative Remedies

The following administrative remedies have been pursued:

(a) Fingal County Council: Warning Letter issued September 2022 citing 9 categories of non-compliance. Enforcement notices issued on 2 of 9 categories only (night flights July 2023, passenger cap June 2025). Both enforcement actions blocked (High Court stay; Passenger Capacity Bill). When asked directly about Condition 1 enforcement, Fingal confirmed "no further update" was available (7 May 2025). Flight path breach unenforced after 180+ weeks.

(b) An Bord Pleanála: Relevant Action (PL06F.314485) conducted 2024. Inspector acknowledged deviation but daa did not apply for retention of altered flight paths. ABP's jurisdiction confined to the application made.

(c) Ombudsman: Case OMB-158504-Q7T9Q4 (Fingal enforcement failure) open since April 2025; investigator found Fingal's response "unsatisfactory." Case OMB-163546-W7H8X9 (Department governance failure) closed December 2025.

(d) IAA, AirNav, ANCA, EPA, Department of Transport, Meath County Council: All deny competence or refuse to act.

(e) Corporate Enforcement Authority: Declined jurisdiction (1 May 2025).

(f) SIPO: Complaint filed August 2025 re daa CEO conflict of interest.

3.2 Judicial Remedies

The complainant has not initiated judicial proceedings due to the prohibitive cost (estimated EUR 10,000/day for a High Court hearing) and the absence of legal aid for environmental planning cases. One affected residents' group has initiated judicial review against An Coimisiún Pleanála over the Relevant Action decision on night flights and runway operating hours, illustrating the cost burden rather than resolving the underlying flight path breach. The IAA's statutory liability shield (s.16(2) IAA Act 1993) prevents the duties conferred by s.14 from being enforced by court proceedings.

Section 4: Prior Contact with EU Institutions

4.1 A communication to the Aarhus Convention Compliance Committee is being submitted simultaneously with this complaint.

4.2 A petition to the European Parliament Petitions Committee (PETI) is being submitted simultaneously.

4.3 No prior complaint to the European Commission has been made on this subject.

Section 5: List of Supporting Documents

A comprehensive supporting dossier accompanies this complaint with full analysis of all six EU law breaches.

The following 69 supporting annexes are organised by category and referenced by alphanumeric code throughout the dossier. Where a primary source document is accompanied by a summary, both are included.

Nine annexes are marked [Key]: these are uploaded with this complaint. The complete set of 69 annexes is available for download at:

<https://www.dublin-north-runway.com/submission-annexes/>

Category A: Planning Permission and EIS (2007)

- **A1 [Key]: ABP decision and conditions (PL06F.217429 / F04A/1755)**
- A2: EIS Appendix G3: departure route maps (straight-ahead NPR)
- A3: EIS noise zones and safety zones (2007, extracted from EIS figures)

- A4: EIS bird survey data (Appendix B, December 2004)
- A5: Condition 1 text (verbatim, with context)

Category B: Flight Path Evidence

- **B1 [Key]: GIS analysis: 1,077 vs 3,895 directly overflowed households (1.5km corridor, first 15km, like-for-like); plus 4,155 in Ashbourne within 3km of SID tracks; 8,050 total affected; newly-affected analysis (538 to 8,050, 15x increase); excluded legacy areas (approximately 4,000 homes). Includes landscape map and methodology.**
- B2: NRTG visual comparison (10-page EIS vs EIAR route comparison)
- B3: EIAR modelled routes (Figure 13B-3, North Runway)
- B4: ADSB flight track plots showing actual departure routes
- B5: RNAV-1/RNP-1 deviation analysis (12km actual vs 1NM design tolerance)

Category C: Noise Evidence

- C1: EIAR Chapter 13: Aircraft Noise and Vibration (Bickerdike Allen Partners, 52 pages)
- C2: ANCA Noise Mitigation Effectiveness Review Report 2021
- C3: ANCA Noise Mitigation Effectiveness Review Report 2022
- C4: ANCA Noise Mitigation Effectiveness Review Report 2023
- **C5 [Key]: ANCA Noise Mitigation Effectiveness Review Report 2024 (343% increase in 55 dB Lnight exposure)**
- C6: NRTG noise analysis: 11km vs 6.84km to 55 dB(A) contour
- C7: daa EIAR Supplement (September 2023), including flight path admission
- C8: Summary of ANCA Reports (prepared for Ombudsman)
- C9: Dublin Airport Noise Action Plan 2024-2028 (Fingal/ANCA, December 2024), including population exposure tables and ICAO BA guidance
- C10: Meath Noise Action Plan 2024-2028, confirming "no part of County Meath falls within Noise Zone A"

Category D: Wildlife and Safety Evidence

- D1: Formal bird strike hazard notice (6 July 2025)

- D2: AIE request for wildlife assessments (13 August 2025)
- D3: Thorntown habitat documentation (daa bird sanctuary, compensation habitat, land ownership)
- D4: IAA Safety Report (10 September 2023), IAA dismissal, IAA meeting (20 June 2024) revealing dependent mode workaround, and AirNav's refusal to study alternatives
- D7: EASA Safety Information Bulletin 2021-07 (bird strike risk mitigation in rotorcraft operations)
- D8: ERM Public Safety Zones report (2000-2003, 46 pages)
- D9: PSZ 28R overlay vs actual radar tracks (map)

Category E: Consultation Evidence

- E1: daa 2016 consultation report (flight paths and change to permitted operations)
- E2: Red C Research survey results (3 of 261 respondents from Meath)
- E3: Venue locations and advertising reach documentation (all events and advertising in Fingal)
- E4: Maps showing consulted routes vs actual routes (side-by-side comparison)
- E5: daa noise complaint response templates (four letters, February-August 2024): verbatim template responses issued to complainants, confirming use of fabricated "NPR or environmental corridor" terminology

Category F: Enforcement Evidence

- **F1 [Key]: Fingal County Council Warning Letter (21 September 2022, ENF 22/166B)**
- F2: OCR transcript of Warning Letter
- F3: Ombudsman Case 1 key correspondence (OMB-158504-Q7T9Q4): complaint, Fingal report, "unsatisfactory" finding
- F4: Ombudsman Case 2 closure decision (OMB-163546-W7H8X9)
- F5: Corporate Enforcement Authority declination letter (1 May 2025)
- F6: Corporate enforcement campaign summary: letters and responses (April-October 2025)
- F7: daa Board "no further engagement" response (2 May 2025)

- F10: Enforcement timeline: 180+ weeks from Warning Letter to date
- F11: Letter to Housing Minister re Public Safety Zone responsibility (11 November 2025)

Category G: FOI Releases

- G1: FOI 2023.0144: Department of Transport records (March-May 2023)
- **G2 [Key]: FOI 2025.122: AirNav Ireland briefing to Department of Transport (13 May 2025)**
- **G3 [Key]: FOI 2025.122: IAA report on IFP approval (13 May 2025)**
- G4: FOI 2025.0120: Department internal communications
- G5: Verbatim identical language: daa CEO to Minister (comparison extract)
- G6: Department staff asking AirNav to draft ministerial responses
- G7: daa CEO letter to Transport Committee (JCTC-33-1216, 4 April 2024)
- G8: AirNav AIE response (7 July 2025): no modelling, no reports, no technical assessments conducted
- G9: FOI 2025.0121: Department of Transport Aviation section staff qualifications and organisational chart (30 June 2025)

Category H: Legislative and Regulatory

- **H1 [Key]: General Scheme of the Dublin Airport (Passenger Capacity) Bill 2026**
- H2: IAA Act 1993, key sections (s.7, s.14, s.16(2))
- H3: ANTA 2022, key sections (s.5, s.74B)
- H4: State Airports Act 2004, key sections (s.9, s.13, s.16)
- H5: Advocate General Opinion in Case C-857/24 (12 February 2026)
- H6: High Court judgment [2024] IEHC 624 (stay on slot coordination)
- H7: NRTG submission to Joint Committee on Transport (February 2026)
- **H8 [Key]: Commission Decision C(2026) 919 final (10 February 2026), night flight restrictions non-compliance finding**
- H9: OPR Legal Digest Issue 07 (March 2025): FoIE v Minister [2024] IEHC 588 (noise insulation Ministerial Direction upheld) and daa v Fingal [2024] IEHC 589

Category I: Community Impact

- I1: Community impact statement template
- **I2 [Key]: Completed community impact statements from 103 affected residents (February 2026)**

Category J: Technical Proposal and Precedents

- J1: NRTG Technical Proposal V9 (August 2023)
- J2: International precedents: airports turning the missed approach (Heathrow, Gatwick, Amsterdam, Berlin, Brussels)
- J3: ABP Relevant Action: NRTG submission on Draft Decision (19 December 2024)
- J4: ABP Inspector's Report (PL06F.314485), key sections 12.6.75, 12.11.6, 12.6.113
- J5: IAA CEO Fitzpatrick JCTC submission (7 November 2023)
- J6: ABP Commission Order ACP-323566-25 (Beo Properties, Ratoath, 364 units): Condition 8 imposing noise insulation referencing "Zone D of the Dublin Airport Noise Zone" despite site being "unzoned" under Meath CDP
- J7: ABP Inspector's Report ACP-323566-25 (112 pages): paragraph 9.6.13 finding no basis in Meath CDP for noise conditions; Inspector recommended removing MCC's noise condition; ABP overrode the recommendation

Category K: Reference Sources

- K1: UK DfT Impact Assessment DfT00393 (2 August 2017): Noise Controls, Noise Preferential Routes at Designated Airports. Defines NPR as a government-set route to minimise people overflown, with SIDs designed to comply. Establishes the 1.5km swathe (1991) for track-keeping assessment.

Section 6: Personal Data

6.1 I authorise the European Commission to disclose my identity to the authorities of the Member State concerned (Ireland) in the course of investigating this complaint.

6.2 I understand that the Commission will inform me of how my complaint is handled.

Signed:

Gareth O'Brien BE (Civil) MSc
North Runway Technical Group

2 March 2026