

Supporting Dossier: Systemic Breach of EU Environmental and Aviation Law at Dublin Airport

Submitted in Support of European Commission Complaint

Submitted by: North Runway Technical Group (NRTG), Ireland

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At a Glance

Dublin Airport's North Runway has operated since 2022 with flight paths that were never environmentally assessed, never consulted upon, and remain unenforced after more than 180 weeks. Aircraft turn 30-86 degrees at 400 feet over residential areas instead of continuing straight ahead as assessed in the 2007 Environmental Impact Statement. Over 8,000 homes are affected; none were consulted.

Six EU instruments are breached:

1. Directive 2011/92/EU (EIA): material change to a major project with no screening, no assessment, no revised consent.
2. Directive 2002/49/EC (Environmental Noise): 343% increase in night noise exposure documented by the competent authority, with zero enforcement actions in five years.
3. Regulation 598/2014 (Airport Noise): the competent authority (ANCA) is embedded within the local authority and directly funded by the airport operator it regulates. None of the four Balanced Approach pillars is functioning.
4. EASA Regulation 139/2014 (Aerodromes): no wildlife hazard assessment for turning departures that overfly bird habitat the airport itself created.
5. Regulation 2017/373 (ATM/ANS): flight procedures approved on minimum safety standards only, with noise abatement requirements ignored.
6. Aarhus Convention (via Regulation 1367/2006 and Directive 2003/35/EC): no consultation of affected communities, no effective enforcement remedy, and systematic provision of false environmental information through the complaint system.

The breaches are not isolated. Each body that has attempted to enforce any constraint on Dublin Airport has been met with High Court litigation or legislation to remove the

constraint. The Dublin Airport (Passenger Capacity) Bill 2026 would prohibit any future passenger cap, functioning as a permanent legal shield against environmental constraints. The Advocate General in Case C-857/24 has already found the existing cap to be a valid operational constraint under EU law.

The Commission is asked to open an infringement procedure against Ireland.

1. Executive Summary

Dublin Airport's North Runway (10L/28R) has operated since August 2022 in breach of its 2007 planning permission. Aircraft departing to the west turn 30-86 degrees at approximately 400 feet above ground level instead of continuing straight ahead for five nautical miles as assessed in the Environmental Impact Statement (EIS). This material change was never subjected to environmental re-assessment, was never consulted upon with the affected communities, and has expanded the noise footprint by approximately 360% in the directly overflowed corridor, and the turning departures pass immediately adjacent to Ashbourne (4,155 houses, approximately 16,000 residents), none of whom were consulted or assessed.

The breach is confirmed by An Bord Pleanála's Inspector (section 12.6.75, reference PL06F.314485), by the Irish Aviation Authority (FOI 2025.122), and by daa's own 2023 EIAR Supplement. Despite this, the planning enforcement authority (Fingal County Council) has failed to enforce after more than 180 weeks. Every body that has attempted to enforce any constraint on Dublin Airport's growth has been met with litigation or legislation to override the constraint.

This dossier identifies breaches of six EU instruments and requests the European Commission to open an infringement procedure against Ireland.

2. Background

2.1 The 2007 Planning Permission

Planning reference F04A/1755 (ABP appeal reference PL06F.217429; Annexes A1 and A5) granted daa plc authority to construct the North Runway subject to Condition 1, which required that the development "shall be carried out in accordance with the plans and particulars and the Environmental Impact Statement lodged with the application" as amended by further plans received in 2005, 2006, and 2007 (see Annex A5 for full verbatim text). The EIS (2004-2005) depicted all departures continuing straight ahead to the west for five nautical miles, climbing to 3,000 feet before turning (Annex A2). Noise contours, Public Safety Zones (PSZs; Annex A3), and wildlife assessments were calculated on this basis. The PSZs were scientifically modelled by Environmental Resources Management (ERM) between 2000 and 2003, jointly commissioned by the Department of Transport and the

Department of Environment at taxpayer expense. They defined inner and outer risk zones for each runway end and informed land-use planning restrictions in the Fingal Development Plan. When the departure route was changed to 30-86 degree turns, the actual flights exited the PSZ envelope almost immediately after take-off, rendering the zones obsolete. No revised PSZs have been published for the actual routes, and neither Department accepts responsibility for them.

The 2007 Terminal 2 planning permission imposed a passenger cap of 32 million per annum.

2.2 What Changed

When the North Runway opened in August 2022, departures from Runway 28R turned sharply north at approximately 400 feet AGL. The routes were designed by AirNav Ireland, a separate State-owned air navigation service provider. daa itself stated it was "greatly surprised" by the routes. In 2023, the departure routes were revised again, shifting the noise impact to approximately 30,000 residents of East Meath who had never been consulted.

This was the fourth set of flight paths for the same runway:

1. 2005 EIS: straight ahead over agricultural land (assessed, permitted)
2. 2016 consultation: 15/75 degree divergence (consulted, application withdrawn)
3. August 2022 opening: AirNav-designed routes overflying Fingal communities (never consulted)
4. February 2023 revision: 30-86 degree turns overflying East Meath (never consulted)

2.3 Why the Deviation Occurred

The 2021 "final safety review" discovered that ICAO Document 9643 and EU Regulation 2017/373 require a 30-degree divergence between the North Runway departure track and the South Runway missed approach track for segregated parallel operations. AirNav Ireland, which had never operated a parallel runway airport, had been unaware of this requirement throughout the EIS process (2004-2005) and the consultation process (2016).

Rather than turning the missed approach (as Heathrow, Gatwick, Amsterdam, Berlin, and Brussels all do), AirNav turned the departure, directing it over residential areas. An Alternative Means of Compliance (AltMoC) pathway exists under EU regulations and has been used elsewhere in the EU for this exact purpose. The IAA confirmed in May 2025 that it "is available to work with stakeholders" on an AltMoC proposal. Neither daa nor AirNav has submitted one.

2.4 Scale of Impact

GIS analysis by NRTG (Annex B1; two metrics, clearly defined methodologies):

- Approved route (1.5km corridor either side of SID, first 15km, including both southbound and northbound turns modelled on the departure tracks of the original south runway as specified in the EIS): 1,077 homes directly overflown
- Actual routes (30-86 degree turns, same 1.5km corridor): 3,895 houses directly overflown (360% of the permitted number, like-for-like comparison)
- 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. Including Ashbourne, 8,050 homes are affected by the actual departure routes, none of which were consulted or assessed. The approved straight-ahead route passes over agricultural land with no equivalent population centre.
- Approximately 30,000 residents affected

daa's own 2023 EIAR noise data (Annex C1):

- Night noise increase: +10 to +12 dB Lnight at worst-affected locations
- 2035 adverse-to-beneficial ratio: 51:1 (9,456 adverse vs 185 beneficial)
- High-impact exposure (55 dB Lnight): nearly 5x increase (315 to 1,463 people)
- After all mitigation: 8,301 people still adversely affected in 2035
- Additional awakenings: +59% increase by 2035

3. Breach 1: Directive 2011/92/EU (Environmental Impact Assessment)

3.1 Applicable Provisions

Article 2(1): "Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects."

Article 8a(4) (inserted by Directive 2014/52/EU): "Member States shall ensure that the features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are implemented by the developer."

3.2 The Breach

The 2007 EIS assessed straight-ahead departures. The material change to 30-86 degree turns at 400 feet AGL affects entirely different populations, creates fundamentally different noise contours, and exposes different wildlife habitats. This is a material modification to a project with significant environmental effects. No screening determination was made, no new EIA was conducted, and no revised consent was granted.

3.3 Evidence

(a) ABP Inspector Karen Hamilton (section 12.6.75, reference PL06F.314485, 29 May 2024; Annex J4): "The Board will note that the flight patterns submitted in the applicant's supplementary information... differ to those submitted in the original EIS for the NR application."

(b) daa's own EIAR Supplement (September 2023; Annex C7) acknowledged "actual flightpaths from North Runway upon commencement differing from assumed flightpaths used for modelling/assessment purposes in the EIAR."

(c) IAA report (FOI 2025.122, May 2025; Annex G3): Confirmed it "assessed these IFPs which were submitted by AirNav Ireland and, finding that they did comply with minimum safety standards, approved them." No planning, environmental, or noise compliance was checked.

(d) In the ABP Relevant Action process (PL06F.314485), daa did not apply for retention or regularisation of the altered flight paths. ABP's jurisdiction was confined to the application made. The altered flight paths therefore remain unauthorised development.

(e) The Public Safety Zones modelled by ERM (2000-2003; Annex D8) for the proposed North Runway were based entirely on straight-ahead departures. The actual turning departures exit the PSZ envelope almost immediately, meaning that the risk zones which informed land-use planning in the Fingal Development Plan no longer correspond to reality. No revised PSZs have been prepared.

(f) A Noise Preferential Route is a route set by government to minimise the number of people overflown by departing aircraft; Standard Instrument Departures are then designed to comply with it (UK Department for Transport, Impact Assessment DfT00393, 2017; Annex K1). At Dublin Airport, daa has inverted this hierarchy. daa brands the actual SID corridor "the NPR" or "the Environmental Corridor" in its public communications, implying compliance with the assessed route. The NPR assessed in the 2007 EIS contains 1,077 homes within the first 15km (1.5km corridor). The corridor daa calls "the NPR" contains 3,895. daa has unilaterally expanded its definition of the noise-preferred route by 360% and rebranded the unauthorized path as the approved one. This misrepresentation is deployed systematically in response to noise complaints (Annex E5: four template letters spanning February to August 2024) and in public statements, creating a false impression of regulatory compliance.

3.4 Request

Ireland should be required to conduct a proper EIA for the actual flight paths in operation, or to revert to the assessed routes. The material modification should not be permitted to continue without independent environmental assessment. Any such assessment must be performed independently of daa and independently of any contractor or consultant instructed and paid by daa. The depth of distrust between affected communities and daa, after years of false claims, fabricated terminology, terminated engagement, and zero corrective action, is such that no assessment commissioned or funded by daa will command any credibility among the populations it purports to assess. An EIA performed by a daa-appointed consultant would not satisfy the requirement for independent assessment and would fail to restore public confidence in the integrity of the environmental process.

4. Breach 2: Directive 2002/49/EC (Environmental Noise)

4.1 Applicable Provisions

Articles 7-8 and Annex V: Member States shall ensure that strategic noise maps and noise action plans are prepared for major airports (defined in Article 3(p) as airports with more than 50,000 movements per year). Maps must be reviewed and revised at least every five years.

Article 8(1): Action plans shall be designed to manage noise issues and effects, including noise reduction if necessary.

4.2 The Breach

(a) ANCA produces noise maps that reflect actual operations, but these maps normalise the breach: they treat the unauthorised turning routes as the baseline rather than measuring the deviation from the assessed straight-ahead routes. No comparison of the actual noise impact against the 2007 EIS noise contours has been conducted by any State body.

(b) ANCA, the Aircraft Noise Competent Authority designated under Regulation 598/2014, has published annual Noise Mitigation Effectiveness Review Reports for 2021-2024 (Annexes C2-C5). These reports document escalating noise impact:

- 2022: Night noise exposure +10%, 65 dB Lden +16%; one Noise Abatement Objective not met
- 2023: 55 dB Lnight population +191%; noise-limit NAO "not achieved"
- 2024: 65 dB Lden +22%, 55 dB Lnight +343% vs 2019 baseline

Despite four years of documented escalation, ANCA has taken zero enforcement actions and implemented zero new noise mitigation measures.

(c) daa refused to submit updated noise modelling to ANCA when formally requested in April 2024, claiming the ABP appeal prevented submission. This claim has no legal basis.

(d) The noise complaint system requires all reports to be made to daa (the source of the noise), not to ANCA. Responses use template language containing the fabricated "NPR or environmental corridor" terminology (Annex E5), ensuring that every on-track aircraft is deemed compliant regardless of whether the track itself is authorised. The system has been modified to suppress reporting: requiring account registration, adding email verification, introducing a 1-hour delay to the Webtrak system (preventing real-time identification of noisy aircraft), and adding additional steps to file a report.

4.3 The Noise Mechanism

Turns locate the high-noise footprint over residential areas and make worse the noise exposure in those areas. The effect has two components. First, the track itself: the turning departure overflies different and more densely populated areas than the assessed straight-ahead route. Second, the aerodynamics: when an aircraft banks through a turn, a component of the wing's lift is directed sideways rather than upward, reducing climb efficiency. The aircraft gains altitude more slowly than in a straight-ahead, wings-level climb into the prevailing wind. The result is that aircraft are both over the wrong areas and lower over those areas than they would be at the same distance along the approved route, compressing the high-noise footprint over residential communities rather than dispersing it over agricultural land.

The turning departure also represents an objective reduction in safe operating margins. A turn at 400 feet AGL (650 feet MSL) in a heavy transport aircraft leaves less margin for recovery in the event of an engine failure or windshear encounter than a straight-ahead, wings-level climb at the same point. This does not constitute a breach of safety standards, but it is a measurable degradation compared to the assessed straight-ahead departure, undertaken without any corresponding safety benefit.

4.4 Request

Ireland should be required to: (a) prepare current noise maps reflecting the actual flight paths independently of daa; (b) prepare an action plan that addresses the 30-86 degree departure routes; (c) ensure a reconstituted ANCA takes enforcement action in response to the documented escalation; (d) transfer the noise complaint system from daa to ANCA or another independent body, so that complaints about airport noise are received and assessed by a body other than the source of that noise; and (e) require that complaint responses be factually accurate, removing all marketing terminology, including the fabricated "NPR" designation that daa applies to the unauthorised SID corridor.

5. Breach 3: Regulation (EU) 598/2014 (Airport Noise)

5.1 Applicable Provisions

Article 3(2): "The competent authorities shall be independent of any organisation which could be affected by noise-related action. That independence may be achieved through a functional separation."

Recital 12: The competent authority responsible for adopting noise-related operating restrictions "should be independent of any organisation involved in the airport's operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport." Article 3(2) adds that this "independence may be achieved through a functional separation."

Article 6: Requires that, before noise-related operating restrictions are introduced, the competent authority shall assess the noise situation and identify available measures using the Balanced Approach. The Balanced Approach comprises four pillars: (1) reduction of noise at source, (2) land-use planning and management, (3) noise abatement operational procedures, and (4) operating restrictions.

5.2 Breach A: Independence of the Competent Authority

ANCA is a department within Fingal County Council. It has no separate legal personality, no independent budget, and no independent staff structure. Fingal County Council derives significant rate (property tax) income from daa. Beyond that general revenue dependency, section 5 of the Aircraft Noise (Dublin Airport) Regulation Act 2019 requires daa to pay ANCA a direct levy to fund ANCA's regulatory functions: daa pays a monthly, biannual, or annual charge set by ANCA itself, covering the full costs of ANCA's operations under Regulation 598/2014. The regulator is directly and statutorily funded by the entity it regulates.

ANCA has published four years of annual reports (Annexes C2-C5) showing escalating noise (343% increase in 55 dB Lnight exposure since 2019). It has taken zero enforcement actions in its five years of existence. It has implemented zero new noise mitigation measures. It has stated publicly that it has "no authority over flight path design or operation."

ANCA's performance record is consistent with a body that is structurally incapable of acting against the entity that directly funds its existence.

5.3 Breach B: Failure to Apply the Balanced Approach

Commission Decision C(2026) 919 (10 February 2026) found Ireland's process for adopting night flight restrictions at Dublin Airport non-compliant with Regulation 598/2014 because the competent authority considered only operating restrictions (Pillar 4) without assessing the other three pillars. The same failure is structural and ongoing across all four pillars.

Pillar 1: Reduction of Noise at Source

Zero new noise mitigation measures have been implemented in five years. The Dublin Airport Noise Action Plan 2024-2028 records no new noise abatement measures at source beyond fleet modernisation occurring independently of any regulatory action by ANCA.

Pillar 2: Land-Use Planning and Management

This is the most significant failure. Two parallel noise zone systems operate around Dublin Airport, with different origins and different update histories:

(a) The inner and outer noise zones and Public Safety Zones (PSZs), derived from the 2007 EIS, are based on straight-ahead departures that have never been flown from the North Runway. These zones are referenced in the Regional Spatial and Economic Strategy (RSES) (RPO 8.19), which mandates that within the Inner Airport Noise Zone, new residential development "shall be actively resisted," and within the Outer Noise Zone it "shall be strictly controlled." These zones carry statutory weight through the planning hierarchy and have informed planning decisions for nearly two decades. They have not been updated for the actual flight paths.

(b) The operational noise zones (A through D), established by ANCA and incorporated into the Fingal and Meath County Development Plans, were expanded by ANCA in 2024 to reflect actual operations. This expansion widened eligibility for noise insulation.

The inner and outer zones, which do the statutory work of resisting and controlling development, remain based on the fictional straight-ahead route. The A-D zones, which were updated, do not carry the same statutory weight through the RSES hierarchy.

The consequences are directly observable in County Meath. The Meath Noise Action Plan 2024-2028 (Annex C10) confirms that "no part of County Meath falls within Noise Zone A" and only a portion falls within Zones B and C. Yet Meath County Council imposed noise insulation conditions on 364 residential units at Ratoath (Beo Properties Ltd, MCC ref 25/60637). On appeal (ACP-323566-25, Annexes J6 and J7), the ABP Inspector found the site was in an "unzoned" area under the Meath CDP and concluded that "in so far as the Development Plan is concerned, no particular noise insulation or noise impact assessment is required." The Inspector recommended removing the noise condition. ABP overrode its own Inspector and imposed Condition 8, requiring a Noise Impact Assessment "given the sites location in Zone D of the Dublin Airport Noise Zone," a classification from the daa/ANCA system that does not exist in the Meath CDP. The statutory zone system said no conditions were needed; the operational zone system said they were; ABP used the latter, but the former carries the statutory weight through the RSES hierarchy.

Those conditions are the right thing to do: without them, homebuyers would purchase properties under an active departure path with no noise protection. NRTG itself recommended such conditions in its Planning Observation to Meath County Council as a practical measure to protect buyers. The problem is not that the conditions are being

imposed but that (a) the two parallel zone systems produce contradictory planning outcomes, (b) the cost falls on developers and homebuyers rather than on daa, whose unauthorized operations created the need, and (c) the entire situation is a symptom of the failure to enforce Condition 1 or reconcile the statutory noise zones with actual operations.

The position is further entrenched by FoIE v Minister [2024] IEHC 588 (Annex H9; currently on appeal). When Fingal's elected members inserted text into the Development Plan recognising the inadequacy of the noise insulation scheme and seeking to expand insulation to all areas exposed to 40 dB Lnight, the Office of the Planning Regulator recommended removal and the Minister directed the text be deleted. The High Court upheld the direction, finding that noise mitigation measures are exclusively ANCA's function under the 2019 Act, and that elected members cannot insert development plan objectives that conflict with that function. This creates a closed loop: the statutory noise zones do not reflect actual operations; the planning authorities that see the impact cannot address it through their development plans; and ANCA, which has exclusive competence, has taken no action.

The ICAO guidance on the Balanced Approach, quoted in the Dublin Airport NAP itself (Annex C9, page 56), requires "defining and updating zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth." The Dublin Airport NAP's own data shows that between 2016 and 2023, the population exposed to 55-59.9 dB Lnight increased from 375 to 4,297 (an eleven-fold increase) while total movements increased only 12%. The zones that matter for planning decisions have not been reconciled with these figures.

Pillar 3: Noise Abatement Operational Procedures

The airport's own Noise Abatement Operational Procedure (NAOP 3.2.1) requires tracking the runway centreline to 750 feet. The published SID requires turning at 650 feet MSL (400 feet AGL). The airport's noise abatement rules and its published departure procedure are in direct conflict. This is detailed further in Breach 5 (Regulation 2017/373).

Pillar 4: Operating Restrictions

Commission Decision C(2026) 919 (Annex H8) found the process for adopting night flight restrictions non-compliant. The Passenger Capacity Bill 2026 (Annex H1) would remove the passenger cap without any assessment of the other three pillars and would prohibit the future imposition of any such cap.

5.4 The Cumulative Effect

None of the four pillars of the Balanced Approach is functioning at Dublin Airport. The Regulation requires that operating restrictions be considered only after the other three pillars have been properly assessed. Ireland's approach is the inverse: it is removing operating restrictions (via the Passenger Capacity Bill) while leaving the other three pillars inoperative.

5.5 Request

(a) ANCA should be reconstituted as an independent body with its own legal personality, autonomous funding (not levied on the regulated entity), staff, and enforcement powers, consistent with Article 3 of Regulation 598/2014.

(b) Ireland should be required to transparently apply the Balanced Approach in full, including reconciling the statutory noise zones (inner/outer) and PSZs with actual operations before any operating restriction is removed or relaxed.

(c) The Commission should assess whether the removal of the passenger cap via the Passenger Capacity Bill 2026, without a proper Balanced Approach assessment, is consistent with Regulation 598/2014.

6. Breach 4: EASA Regulation (EU) 139/2014 (Aerodromes)

6.1 Applicable Provisions

ADR.OPS.B.020: The aerodrome operator shall (a) assess the wildlife hazard on, and in the surrounding of, the aerodrome; (b) establish means and procedures to minimise the risk of collisions between wildlife and aircraft; and (c) notify the appropriate authority if conditions are conducive to a wildlife hazard problem. The associated Acceptable Means of Compliance (AMC1 ADR.OPS.B.020) requires a wildlife risk management programme covering an area within 13km of the aerodrome.

ADR.OR.C.005: The aerodrome operator "shall ensure the design and maintenance of the flight procedures."

6.2 The Wildlife Hazard Breach

daa was required by its 2004 EIS to create compensatory bird habitat (woodland, scrub, hedgerows, grassland, bird nesting boxes) to offset hedgerow destruction from North Runway construction. daa purchased farmland at Thorntown in 2017 and developed it into a bird-rich habitat (Annex D3). When the departure route was changed, turning departures now commence at 400 feet AGL and overfly the Thorntown habitat at approximately 2,000 feet, which is at or below ICAO's recommended minimum altitude over bird-rich areas.

Original EIS bird surveys (2001-2002; Annex A4) recorded 177-181 birds per hour along the planned straight-ahead route, with Lapwing peaks of 450 birds in 10-minute scans. Key strike-risk species include Lapwing (red-listed), Rook, and Woodpigeon. Protected sites nearby include Malahide Estuary SAC/SPA (4.2km, average 1,217 Brent Geese), Baldoyle Bay SAC/SPA (7.25km), and Rogerstown Estuary SAC/SPA (7.75km).

No wildlife hazard assessment has been conducted for the revised departure path. No notification to IAA or EASA of increased strike risk has been made.

The turns initiate at 400 feet AGL, and aircraft overfly the Thorntown habitat at approximately 2,000 feet, at the lower bound of ICAO's recommended minimum altitude over bird-rich areas. EASA Safety Information Bulletin 2021-07 (Annex D7), issued for rotorcraft operations, identifies 2,500 feet AGL as the threshold below which bird strike likelihood and severity increase, confirming the recognised risk at these altitudes.

A formal hazard notice was filed with the IAA and Department of Transport on 6 July 2025 (Annex D1). An AIE (Access to Information on the Environment) request for all wildlife strike hazard assessments was filed on 13 August 2025 (Annex D2).

6.3 The IFP Design Responsibility Breach

AirNav Ireland confirmed (FOI 2025.122, May 2025) that IFP design considerations include "noise abatement requirements." Despite this, the IFPs for the North Runway were designed and approved without any noise assessment or NPR compliance check. The IAA confirmed it assessed compliance with minimum safety standards only.

Under ADR.OR.C.005, daa as aerodrome operator is responsible for ensuring that flight procedures are designed and maintained in line with regulatory requirements. daa delegated this responsibility to AirNav, which subcontracted it to a third-party certified entity (ASAP, Bratislava). Neither daa nor AirNav ensured that the resulting IFPs accounted for the 2007 planning permission, the EIS flight paths, or noise abatement requirements.

6.4 Request

Ireland should be required to: (a) conduct a comprehensive wildlife hazard assessment for the actual departure routes; (b) suspend operations on non-compliant routes until the assessment is complete; and (c) ensure IFP design accounts for environmental as well as safety considerations.

7. Breach 5: Regulation (EU) 2017/373 (ATM/ANS)

7.1 Applicable Provisions

EU Regulation 2017/373 governs the provision of air traffic management and air navigation services, including the design of Instrument Flight Procedures. AirNav Ireland confirmed (FOI 2025.122, May 2025; Annex G2) that IFP design considerations under this framework include "noise abatement requirements" alongside safety and operational factors.

7.2 The Breach

AirNav Ireland's own briefing to the Department of Transport (FOI 2025.122, May 2025; Annex G2) lists "noise abatement requirements" as a design consideration for IFPs. The IAA confirmed (Annex G3) that the IFPs were approved against minimum safety standards only. No noise abatement assessment was conducted. The airport's own Noise Abatement

Operational Procedure (NAOP 3.2.1) requires tracking the runway centreline to 750 feet; the published SID requires turning at 650 feet MSL (400 feet AGL), a direct conflict between the airport's noise abatement rules and the published departure procedure.

The IAA confirmed (FOI 2025.122; Annex G3) that the 30-degree divergence requirement can be achieved by turning the missed approach rather than the departure. This is standard compliance, not an alternative: Heathrow, Gatwick, Amsterdam, Berlin, and Brussels all achieve the required divergence by turning the missed approach (Annex J2). The IAA stated: "In principle, the missed approach procedure for 28L could turn left to ensure a divergence of at least 30 degrees" (IAA CEO Fitzpatrick submission to Oireachtas Transport Committee, 7 November 2023; Annex J5). The IAA also confirmed that an AltMoC pathway exists for alternative approaches where less than 30 degrees of divergence is acceptable, and that this pathway has been used elsewhere in the EU. Neither daa nor AirNav has pursued either option.

An AltMoC may not even be necessary. No attempt has ever been made to install a straight-ahead departure from Runway 28R on the basis of existing safety standards. Modification of the 28L missed approach procedure may well be feasible within the existing regulatory framework, without recourse to an AltMoC pathway. The reason this remains unknown is that daa did not instruct or fund AirNav to perform an assessment or review of the NRTG proposal to do precisely that. When daa was asked in October 2023 to have AirNav review the proposal, the request was not carried out (see section 9.3).

7.3 Request

Ireland should be required to: (a) ensure that IFP design at Dublin Airport accounts for noise abatement requirements, as AirNav Ireland's own briefing acknowledges is required; and (b) ensure that the feasibility of a compliant departure route is properly assessed, whether through modification of the missed approach, an AltMoC submission, or both.

8. Breach 6: Aarhus Convention (as Incorporated into EU Law)

8.1 Applicable Provisions

The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters is incorporated into EU law through Regulation (EC) 1367/2006 and Directive 2003/35/EC (amending Directives 85/337/EEC and 96/61/EC).

8.2 The Breaches

The Aarhus Convention breaches are detailed in full in the separate communication to the Aarhus Convention Compliance Committee filed simultaneously with this complaint. In summary:

(a) Articles 4 and 5 (Information): daa has misrepresented the flight path change as a "safety requirement" and claimed IAA "approval" for routes that were verified for compliance with minimum safety standards only. Updated noise data has been withheld from ANCA. No wildlife hazard assessment has been published for the actual routes.

(b) Article 6 (Public Participation): The 2004-2007 EIS process (including oral hearing) was the formal statutory consultation, and it assessed straight-ahead departures only. The 2016 daa-led consultation on changed flight paths (15/75 degree divergence) was confined to Fingal County, excluding Meath where the majority of the noise impact falls. That consultation was withdrawn before any decision. Neither process consulted on what was actually implemented (30-86 degree turns). No subsequent consultation has occurred for the 2023 revision that affected 30,000 East Meath residents.

(c) Article 9 (Access to Justice): No effective remedy exists. Fingal has failed to enforce for 180+ weeks. All other bodies deny competence. Every enforcement action attempted has been blocked by litigation or legislation. The only judicial remedy (High Court) is prohibitively expensive. 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.

8.3 Request

Ireland should be required to ensure compliance with the Aarhus Convention in relation to Dublin Airport, including conducting proper consultation with all affected communities, providing accurate environmental information, and ensuring that effective and affordable enforcement mechanisms exist.

9. The Enforcement-Blocked Pattern

9.1 A Systematic Response to Enforcement

The individual breaches described above share a systemic dimension. Ireland does not merely fail to enforce environmental law at Dublin Airport; it actively undermines any body that attempts enforcement:

1. Fingal enforces night flight condition (July 2023; Annex F1): daa obtains a High Court stay.
2. IAA includes passenger cap in slot coordination parameters (October 2024): six airline entities (Aer Lingus, Ryanair, A4A, Delta, JetBlue, United) bring three sets of High Court proceedings ([2024] IEHC 624; Annex H6); Court stays the cap and refers to CJEU (Case C-857/24).
3. Fingal enforces passenger cap (June 2025): Government introduces the Dublin Airport (Passenger Capacity) Bill 2026 (Annex H1) to remove the cap permanently.

4. Seven remaining categories from Fingal's September 2022 Warning Letter (including flight paths): unenforced after more than three and a half years.

9.2 The Advocate General Opinion (12 February 2026)

In Case C-857/24, Advocate General Manuel Campos Sanchez-Bordona issued an opinion (Annex H5) supporting the IAA on all points: the passenger cap is a valid "operational constraint" under the Slot Regulation (point 52), historic slots are "mere rights of use" and not property rights (points 78-79), and proportionate slot coordination is the correct approach.

Despite the AG opinion vindicating the IAA's approach, the Government continues to legislate to remove the cap. This sends a clear message to every regulatory body in Ireland: enforcement of environmental constraints on Dublin Airport will be overridden.

9.3 Departmental Capture

FOI 2025.122 (June 2025; Annexes G2-G3) found only two records of Department of Transport oversight of flight path compliance across nearly three years. Both were last-minute requests for a ministerial meeting. FOI 2023.0144 (Annex G1) revealed that Department staff asked AirNav to draft the Department's own responses to public complaints about flight paths. Verbatim identical language (Annex G5) appeared in the daa CEO's letter to the Transport Committee and the Minister's response six days later. The Department functions not as an independent overseer but as a channel for the regulated entities' communications.

The content of those communications is itself misleading. In October 2023, daa asked AirNav Ireland to review NRTG's proposal for a modified missed approach procedure that would allow a straight-ahead departure from Runway 28R. During a meeting at daa headquarters, AirNav staff objected to the proposal on the basis that it required a missed approach climb gradient exceeding 2.5%, which they claimed was a maximum. NRTG had given Rome Fiumicino (4.5%) as an example of where a gradient above 2.5% was already in operation, and subsequently provided Cork Airport (6.6%, managed by daa, with terminal services provided by AirNav) as another example. The context was a request to review a specific, technically grounded proposal from NRTG, not to study Rome Fiumicino in the abstract.

daa CEO Kenny Jacobs subsequently adopted the label "Rome Fiumicino option" (reflecting the example given during the meeting) and stated in a letter to the Oireachtas Joint Committee on Transport and Communications (JCTC-33-1216, 4 April 2024; Annex G7) that AirNav had "recently completed" a review and that "the output of the review reaffirms that this is a complex proposal." When NRTG subsequently filed an AIE request to AirNav seeking all work products from this claimed review, AirNav responded (7 July 2025; Annex G8) that "no additional modelling, simulations, or technical assessments beyond the regulatory review and discussion with A.S.A.P. were commissioned or undertaken by AirNav Ireland. No internal reports, technical studies, or presentations were prepared by

AirNav in this context." The only records AirNav identified were: an email from daa requesting a review (1 November 2023), an internal email summarising a single meeting with AirNav's subcontractor A.S.A.P. (5 November 2023), and AirNav's letter to daa (17 November 2023) stating that a proper aeronautical study would require "considerable resources" and "a significant period of time." No review was conducted. The daa CEO's claim to the Oireachtas was false. The Minister for Transport then reproduced Jacobs' language verbatim in his own response six days later (10 April 2024), demonstrating that the Department adopted the false claim as ministerial policy without independent verification. Had the NRTG solution been studied and some version adopted, it could have been implemented in the first half of 2024.

10. The Chilling Effect: The Passenger Capacity Bill 2026

10.1 Beyond the Removal of One Condition

The Dublin Airport (Passenger Capacity) Bill 2026 would not merely remove the 32 million passenger cap. It would prohibit the imposition of any future passenger cap on Dublin Airport.

10.2 Why This Matters for EU Law

The passenger cap is a near-perfect proxy for all environmental load: noise, flights, wastewater, water demand, road congestion, and air quality. Any planning condition or environmental regulation that effectively limits passenger throughput would, under this legislation, be challengeable as a de facto prohibited cap.

A noise condition, wastewater discharge limit, or traffic management requirement attached to a future airport development that has the practical effect of limiting passengers could be challenged as falling within the prohibition. The Bill would function as a legal shield against all meaningful environmental constraints on Dublin Airport.

10.3 EU Law Consequences

Unrestricted growth without effective environmental controls will place Ireland in breach of:

- Directive 2011/92/EU (EIA): growth beyond assessed levels without re-assessment
- Directive 2002/49/EC (Environmental Noise): failure to implement effective noise management
- Regulation (EU) 598/2014 (Balanced Approach): absence of an independent, effective ANCA
- Urban Wastewater Treatment Directive: additional load on Ringsend WWTP, already in persistent breach and subject to ongoing EU infringement proceedings

- European Climate Law: Head 12 of the Bill explicitly exempts itself from Ireland's Climate Action Act
- Aarhus Convention: removal of public participation rights in environmental decision-making

10.4 Fiscal Risk

The financial consequences of EU non-compliance (infringement fines) are borne by the Irish taxpayer, not by the airlines or airport operator that benefit from unrestricted growth. The Commission may wish to consider whether Ireland's current trajectory, removing enforceable constraints while the underlying breaches persist, constitutes a systemic failure to implement EU environmental law.

11. The Accountability Vacuum

11.1 The Pass-the-Parcel

Every regulatory body in the chain disclaims responsibility:

| Body | Claimed Position | What the Evidence Shows |

||||

| IAA | Safety compliance only; "no public interest mandate" | Has enforcement powers over AirNav via High Court (ANTA 2022, s.74B). Has never used them. Minister can direct the IAA under s.7 IAA Act 1993. Has never done so. Chicago Convention Annex 16 (Environmental Protection) is within the IAA's statutory mandate, but covers engine noise certification, not flight path routing. |

| ANCA | "No authority over flight path design or operation" | Own reports show 343% night noise increase; zero enforcement in 5 years. Structurally conflicted: embedded in Fingal, which derives rate income from daa. |

| Fingal CoCo | Still "examining" after 180+ weeks | Confirmed "no further update" on Condition 1 (May 2025). Ombudsman investigator found response "unsatisfactory." Cited "change in staff" for further delays. |

| Dept of Transport | No technical expertise; routes queries to AirNav | FOI found only 2 records of oversight in 3 years. Staff asked AirNav to draft ministerial responses. |

| AirNav | "Too complex"; role is "technical and facilitative" | Will not act without daa instruction and funding. Has never been directed by the Minister. |

| daa | "Devolved responsibility" to AirNav | Legally responsible for IFPs under EU 139/2014. CEO briefed Oct 2023 that options existed; chose not to act. CEO falsely told Oireachtas that AirNav had "recently completed" a review (no such review was done). Board "refuses further engagement." |

| EPA | No role when source is aviation | Directs complainants elsewhere |

| Dept of Housing | Per transport PSZs are "a matter of planning permission" | No response to correspondence (November 2025). Jointly commissioned the ERM PSZ study but

demonstrates no enforcement responsibility. |

| Meath CoCo | Not their responsibility | Despite 30,000+ of their residents being overflowed. Correctly imposing noise insulation conditions on developments outside statutory noise zones (e.g. Beo Properties, Ratoath) to protect homebuyers, but without clear statutory basis (planning officer acknowledged "that's a good question" when asked the legal basis). Cost of insulation borne by developers and homebuyers rather than daa. |

11.2 Unused Statutory Powers

The failure is not in the legislation. The Minister has express statutory powers to direct the IAA (IAA Act 1993, s.7), direct AirNav (ANTA 2022, s.5), issue guidelines to daa (State Airports Act 2004, s.9(4)(c)(ii)), and make airport safety regulations (State Airports Act 2004, s.16(1)). The IAA can enforce against AirNav with High Court backing (ANTA 2022, s.74B) and can grant aerodrome licences subject to conditions (S.I. 355/2008, Art.6) and revoke, suspend, or amend licences (Art.9). None of these powers has been used in relation to the North Runway.

11.3 Regulatory Funding: Service Providers, Not Overseers

The funding model of the two aviation regulators (IAA and ANCA) reinforces the accountability vacuum. The IAA receives no State funding. Its revenues are generated entirely through charges and fees raised from the airlines and regulated entities it oversees. The AAIU (Air Accident Investigation Unit) has previously established that neither the IAA nor the Department of Transport is performing an oversight role over the aviation industry. The result, as NRTG has observed, is that the aviation industry appears to be operating in an environment of zero oversight, with the IAA functioning less as a State body than as a service provider to the industry it is supposed to regulate.

AirNav Ireland similarly receives no State funding. All of its revenue comes from airlines: en-route charges collected via Eurocontrol and terminal charges collected directly from the carriers. The Department of Transport relies on AirNav as its source of technical aviation knowledge for performing oversight functions, yet the body presented as the independent air traffic controller with aviation expertise is, once again, a service provider to the industry, not an independently funded, disinterested statutory entity.

The Department's lack of in-house aviation expertise is not a new discovery. It was formally established by the AAIU in its investigation of the Rescue 116 helicopter crash (Report No. 2021-008, 5 November 2021), which killed all four crew members. The Department told the investigators: "DTTAS informed the Investigation that it did not have specialist aviation expertise within the Department to discharge such oversight." The AAIU recommended (IRLD2021031) that the Minister ensure the Department had "sufficient specialist aviation expertise" to discharge effective oversight of the IAA. In November 2021, the Minister told the Dáil he "fully accepts" the recommendations. In June 2025, a Freedom of Information request (TRA-FOI-2025-0121; Annex G9) confirmed that no records exist outlining qualifications, competencies, or training requirements for Aviation section staff. The organisational chart released under the same request showed 49 staff in the Aviation

section, all generalist civil servants, with no role requiring aviation knowledge. Three and a half years after accepting the AAIU recommendation, the Department confirmed under FOI that the expertise still does not exist and no programme to acquire it has been created.

The result is that none of the three bodies in the aviation regulatory chain (IAA, AirNav, ANCA) is independently funded. The IAA and AirNav are funded by the industry they regulate. ANCA is funded directly by the airport operator it regulates (section 5, Aircraft Noise (Dublin Airport) Regulation Act 2019). There is no independently funded, disinterested regulatory body with both the technical capability and the mandate to assess and enforce environmental compliance of flight paths at Dublin Airport.

12. Requested Actions

The Commission is requested to:

1. Open an infringement procedure against Ireland for failure to comply with Directive 2011/92/EU, Directive 2002/49/EC, Regulation (EU) 598/2014, EASA Regulation (EU) 139/2014, and Regulation (EU) 2017/373.
2. Require Ireland to conduct a proper Environmental Impact Assessment for the actual flight paths in operation at Dublin Airport's North Runway, or to revert to the assessed routes.
3. Require Ireland to reconstitute ANCA as an independent body with genuine enforcement powers, consistent with Article 3 of Regulation 598/2014.
4. Require Ireland to conduct and publish a wildlife hazard assessment for the actual departure routes from Runway 28R, consistent with EASA Regulation 139/2014 (ADR.OPS.B.020).
5. Assess whether the Dublin Airport (Passenger Capacity) Bill 2026 is compatible with Ireland's obligations under EU environmental law, and inform Ireland of any concerns before the Bill is enacted.
6. Consider whether the systematic undermining of enforcement at Dublin Airport (through litigation, lobbying, and legislation) constitutes a failure to ensure effective implementation of EU environmental directives.

Annex Index

The following 69 supporting annexes are organised by category and referenced by alphanumeric code throughout this dossier and the accompanying complaint form. 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.

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