

Petition to the European Parliament Committee on Petitions (PETI)

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Petitioner Details

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Subject

Systematic breach of EU environmental and aviation law at Dublin Airport, Ireland, arising from the operation of the North Runway (10L/28R) in breach of its environmental authorisation, the structural failure of regulatory enforcement, and the introduction of legislation designed to permanently shield the airport from environmental constraints.

Summary

Dublin Airport's North Runway has operated since August 2022 with flight paths that breach its 2007 planning permission. Aircraft departing to the west turn 30-86 degrees at 400 feet above ground level instead of continuing straight ahead as assessed in the Environmental Impact Statement. GIS analysis shows the approved route directly overflies 1,077 homes; the actual turning routes directly overfly 3,895 (360% of the permitted number, using the same 1.5km corridor methodology). The departures also pass immediately adjacent to the town of Ashbourne (4,155 houses, approximately 16,000 residents). Including Ashbourne, 8,050 homes are affected by the actual departure routes, none of which were consulted or assessed. The turning departure is also aerodynamically less efficient: banked turns reduce climb performance, keeping aircraft lower over residential areas than a straight-ahead departure would. Approximately 30,000 residents of East Meath and North Fingal are overflown. No new Environmental Impact Assessment has been conducted for this material change.

Despite the planning enforcement authority (Fingal County Council) issuing a Warning Letter in September 2022 identifying nine categories of non-compliance, more than 180 weeks have elapsed with no enforcement of the flight path breach. Every body that has attempted to enforce any constraint on Dublin Airport's growth has been met with either High Court litigation by the airport operator and airlines, or legislation by the Government to remove the constraint. The Dublin Airport (Passenger Capacity) Bill 2026, currently before the Oireachtas, would not merely remove the 32 million passenger cap but would prohibit the imposition of any future passenger cap, functioning as a legal shield against all environmental constraints.

EU Law Dimension: Why This Is an EU Matter

This petition concerns the implementation and enforcement of EU law in Ireland. The issues raised go beyond a domestic planning dispute and engage obligations that Ireland has undertaken as a Member State:

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

The 2007 EIS assessed one set of flight paths. A materially different set is in operation. No screening determination and no new EIA have been conducted. This is a failure to apply Article 2(1), which requires assessment before consent is given for projects with significant environmental effects. The Public Safety Zones, scientifically modelled for straight-ahead operations by ERM (2000-2003) at taxpayer expense and used to guide land-use planning, have been rendered obsolete by the turning departures. Neither the Department of Transport nor the Department of Housing accepts responsibility for them.

2. Environmental Noise (Directive 2002/49/EC)

Ireland continues to rely on noise mapping from 2007. No mapping has been conducted for the actual flight corridors. ANCA (the Aircraft Noise Competent Authority) has reported a 343% increase in night noise exposure since 2019 but has taken zero enforcement actions in five years.

3. Airport Noise Competent Authority and the Balanced Approach (Regulation (EU) 598/2014)

ANCA is embedded within Fingal County Council, which derives rate income from daa (the 100% State-owned airport operator). ANCA has no separate legal personality, no independent budget, and no independent staff. 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 not functionally independent as required by Article 3.

Beyond the independence question, the Balanced Approach mandated by Article 6 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 and Economic Strategy have not been updated for the actual flight paths. When Fingal's elected members attempted to address the inadequacy of noise insulation through the Development Plan, the Minister directed its removal (upheld in *FoIE v Minister* [2024] IEHC 588, now on appeal). Commission Decision C(2026) 919 confirmed that all four pillars must be assessed, yet the Passenger Capacity Bill would remove operating restrictions without any such assessment. Meanwhile, at Ratoath (ACP-323566-25), ABP's own Inspector found the development site was "unzoned" under the Meath CDP and that no noise conditions were required, yet ABP overrode the Inspector and imposed noise insulation conditions referencing daa's Zone D classification, which does not exist in the Meath CDP. The two parallel zone systems produce contradictory planning outcomes, and the cost of insulation falls on homebuyers rather than on daa, whose unauthorized operations created the need.

4. Aerodrome Safety (EASA Regulation (EU) 139/2014)

daa, required by its own EIS to create compensatory bird habitat at Thorntown, now has turning departures commencing at 400 feet AGL that overfly the Thorntown habitat at approximately 2,000 feet, at or below ICAO's recommended minimum altitude over bird-rich areas. No wildlife hazard assessment has been conducted for the revised route, in breach of ADR.OPS.B.020.

5. ATM/ANS (Regulation (EU) 2017/373)

Noise abatement requirements, listed as a design consideration for Instrument Flight Procedures, were not applied. IFPs were approved against minimum safety standards only.

6. Aarhus Convention

The 2004-2007 EIS process (including oral hearing) assessed straight-ahead departures. The 2016 daa-led consultation on changed flight paths was confined to Fingal County, excluding Meath where the majority of the impact falls. The consulted routes were never implemented. No consultation of any kind has occurred for the routes actually in operation since 2022. No effective enforcement mechanism exists. The IAA's statutory liability shield prevents proceedings against the regulator. A simultaneous communication to the Aarhus Convention Compliance Committee accompanies this petition.

7. The Systemic Dimension

Ireland is not merely failing to enforce specific provisions. It is actively undermining enforcement through a pattern of litigation and legislation:

- Fingal enforces night flights (July 2023): daa obtains a High Court stay
- IAA includes passenger cap in slot coordination (October 2024): six airline entities bring three sets of High Court proceedings; referred to CJEU (Case C-857/24)
- Fingal enforces passenger cap (June 2025): Government introduces legislation to remove it permanently
- Advocate General supports IAA (12 February 2026): Government continues to legislate to remove the cap

This pattern indicates a systemic failure of the Member State to ensure effective implementation of EU environmental directives, not an isolated instance of non-compliance.

The Request

The petitioner respectfully requests the Committee on Petitions to:

1. Accept this petition and declare it admissible.
2. Request a report from the European Commission on the status of EU environmental law implementation at Dublin Airport, specifically:
 - Whether a new, independently conducted EIA is required for the material change to flight paths (any such assessment must be independent of daa and of any consultant instructed and paid by daa, given the complete breakdown of trust between affected communities and the airport operator)
 - Whether ANCA meets the independence requirements of Regulation 598/2014
 - Whether the Passenger Capacity Bill 2026 is compatible with EU environmental law
3. Hold a hearing with representatives of the European Commission and Irish authorities to examine the enforcement failures and the systemic undermining of environmental constraints at Dublin Airport.
4. Keep the petition open until:
 - Ireland has either conducted a proper, independently performed EIA for the actual flight paths or

- reverted to the assessed routes
 - ANCA has been reconstituted as an independent body
 - Effective enforcement mechanisms have been demonstrated
 - The compatibility of the Passenger Capacity Bill with EU law has been assessed
5. Inform the petitioner of any action taken by the Commission in response to the formal complaint submitted simultaneously with this petition.

Evidence Summary

A comprehensive supporting dossier has been prepared and submitted to the European Commission as part of a formal complaint filed simultaneously with this petition. The dossier covers all six EU instruments breached and is available to the Committee on request. Key evidence includes:

- GIS analysis: 1,077 homes directly overflowed on approved route vs 3,895 on actual routes (360% of permitted number, like-for-like 1.5km corridor, first 15km); plus 4,155 houses in Ashbourne (approximately 16,000 residents) within 3km of SID tracks; 8,050 total affected
- Fingal Warning Letter (September 2022): 9 categories of non-compliance, more than 180 weeks without enforcement of flight path breach; Fingal confirmed "no further update" on Condition 1 enforcement (May 2025)
- ABP Inspector's Report (PL06F.314485, section 12.6.75): confirming flight paths differ from EIS
- FOI 2025.122: AirNav and IAA briefings confirming neither body mandated the current routes and that an AltMoC solution exists
- ANCA reports 2021-2024: 343% increase in night noise exposure, zero enforcement
- EIAR Chapter 13 (daa's own noise data): 51:1 adverse-to-beneficial ratio by 2035
- AG Opinion in Case C-857/24 (12 February 2026): vindicating the IAA's inclusion of the passenger cap in slot coordination
- General Scheme of the Dublin Airport (Passenger Capacity) Bill 2026
- Ombudsman case files documenting Fingal's enforcement delays and the investigator's 'unsatisfactory' finding
- Bird strike hazard notice (July 2025): turning departures commencing at 400 feet AGL, overflying self-created bird habitat at approximately 2,000 feet
- Corporate enforcement campaign: 14 letters to all bodies in the accountability chain, documenting the pass-the-parcel of responsibility

Annex List

The following 12 documents are provided with this petition, drawn from the full 69-annex set submitted to the European Commission (available to the Committee on request). The first five documents establish the core complaint; the remaining seven provide supporting context.

Core documents:

- B1: GIS analysis: 1,077 vs 3,895 households directly overflowed (1.5km corridor, first 15km, like-for-like);

plus 4,155 in Ashbourne within 3km of SID tracks; 8,050 total affected

- F1: Fingal County Council Warning Letter (21 September 2022, ENF 22/166B)
- G2: FOI 2025.122: AirNav Ireland briefing to Department of Transport (13 May 2025)
- H1: General Scheme of the Dublin Airport (Passenger Capacity) Bill 2026
- H8: Commission Decision C(2026) 919 final (10 February 2026)

Supporting documents:

- A1: ABP decision and conditions (PL06F.217429 / F04A/1755), including Condition 1
- C5: ANCA Noise Mitigation Effectiveness Review Report 2024 (343% increase in 55 dB Lnight exposure since 2019)
- G3: FOI 2025.122: IAA report on IFP approval (13 May 2025)
- H5: Advocate General Opinion in Case C-857/24 (12 February 2026)
- H7: NRTG submission to Joint Committee on Transport (February 2026)
- I2: Completed community impact statements from 103 affected residents (February 2026)
- J6: ABP Commission Order ACP-323566-25 (Beo Properties, Ratoath): noise condition imposed despite site being "unzoned" under Meath CDP

The full annex set (categories A through K, 69 annexes) covers planning permission, flight path evidence, noise data, wildlife and safety, consultation records, enforcement history, FOI releases, legislation, community impact, and technical proposals. The complete annex list with descriptions appears in the European Commission complaint dossier.

Both the petition subset and the full set are available for download at:

www.dublin-north-runway.com/submission-annexes/

Submitted by:

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