

Annex G6: Department Staff Asking AirNav to Draft Ministerial Responses

Source

FOI 2023.0144: Department of Transport records relating to North Runway flight paths (released November 2023). Eleven records covering March to October 2023.

Summary

These emails demonstrate that the Department of Transport has no independent aviation expertise and relies entirely on AirNav Ireland and daa to draft responses to public complaints about flight paths. The Department functions as a post office, forwarding constituent complaints to the regulated entities and sending back their responses on ministerial letterhead.

Key Email 1: Department Asks AirNav to Draft Replies to Three Complaints

Date: 21 July to 1 August 2023

From: Daragh Phelan (Department of Transport) to Deirdre Forrest (AirNav Ireland)

Subject: Correspondence from public on flight paths/noise

Phelan forwarded three public representations (Rep 792.2023 Greystones, Rep 977.2023 Maynooth, Rep 869.2023 Castleknock) to daa, asking for material for ministerial responses. daa responded that these areas were likely arrivals-related and that AirNav was "better placed to determine if these are violations."

Phelan then forwarded to AirNav, asking them to respond by close of business Tuesday 1 August, noting: "we are now quite far outside the usual timeframe" and "coming under some pressure from the Minister's Office."

AirNav's Deirdre Forrest provided substantive responses for each area, including the line: "Fundamentally, even with the introduction of the new North runway at Dublin Airport, there has been no changes to the flight procedures further out from the airport."

Key Email 2: Department Explicitly Asks AirNav to Approve Specific Language

Date: 9 August 2023

From: Daragh Phelan (Department of Transport) to Deirdre Forrest (AirNav Ireland)

Subject: Rep 1339.2023, flight over Blanchardstown

After receiving a complaint about a very low, loud aircraft over Blanchardstown village at 5:20am, Phelan forwarded the complaint to AirNav. AirNav confirmed the flight was operating in accordance with published procedures.

Phelan then asked: "Can I just check if the following line would apply to this rep... 'Fundamentally, even with the introduction of the new North runway at Dublin Airport, there has been no changes to the flight procedures further out from the airport'" and asked whether they could change "flight procedures" to "flight paths" for the constituent.

AirNav confirmed: "Yes all ok with us."

The Department was not merely forwarding AirNav's language; it was asking AirNav to approve specific wording for ministerial replies to constituents. The ministerial response to the constituent would carry the authority of the Minister's office, but the content was drafted and approved by the entity responsible for the flight procedures being complained about.

Key Email 3: Senior Department Official Questions AirNav About Divergence

Date: 5 May 2023

From: Ethna Brogan (Assistant Secretary for Aviation, Department of Transport) to Peter Kearney (CEO, AirNav Ireland)

Subject: North Runway flight paths

After Minister Ryan met with parliamentary colleagues about community concerns, Brogan wrote to AirNav's CEO with six specific technical questions:

1. Give a full, detailed, technical explanation for the 30-degree divergence on westerly departures from the North Runway.
2. Why was the missed approach flight track on the South Runway not adjusted?
3. Is it possible to adjust the missed approach to allow a no-divergence track for westerly departures?
4. Is it possible to adjust the missed approach to allow a 15-degree divergence for westerly departures?
5. Why is there 30-degree divergence for westerly departures but only 15-degree for easterly?
6. Why is the divergence happening closer than anticipated in the modelling?

AirNav CEO responded with a paper (attached to the email, not in the body). Brogan forwarded internally, noting she would arrange a call to "probe some of these details a little further."

This demonstrates the Department was aware from early May 2023 that the North Runway flight paths diverged from what was modelled, and was actively questioning AirNav about it at the most senior levels. Despite this awareness, the Department took no enforcement action, issued no directions, and continued to rely on AirNav and daa for all public communications on the subject.

The Pattern

Across the FOI 2023.0144 records, the pattern is consistent:

1. A constituent writes to the Minister about aircraft noise or flight paths
2. The Department forwards the complaint to AirNav or daa
3. AirNav or daa provides the substantive response
4. The Department sends it back to the constituent on ministerial letterhead, sometimes with minor wording changes approved by AirNav

The Department of Transport has no aviation expertise, produces no independent analysis, and exercises no oversight. It functions as an intermediary that presents the regulated entities' communications as Government policy.

Aarhus Relevance

This is directly relevant to Articles 4 and 5. The public writes to the Government seeking environmental information about flight paths. The Government has no information of its own and obtains it exclusively from the entities responsible for the flights. The responses are drafted by AirNav and daa, not by the

Department. The public is therefore receiving information from the source of the environmental impact, presented under the authority of the Government, with no independent verification. This is not access to environmental information as contemplated by the Convention; it is the regulated entity controlling the information flow while wearing the Government's letterhead.