

Supplementary Submission #1 to European Commission

Complaint ref: CPLT(2026)00881 Filed: 2 March 2026

To: European Commission, DG Environment (EC-CPLT-ENV@ec.europa.eu) From: Gareth O'Brien BE (Civil) MSc, North Runway Technical Group Date: 12 March 2026
Re: Supplementary information linking complaint CPLT(2026)00881 to Commission Decision C(2026) 919

Dear [name redacted],

I write to supplement the formal complaint registered as CPLT(2026)00881 (filed 2 March 2026) concerning systemic breaches of EU environmental law at Dublin Airport, Ireland. Thank you for acknowledging receipt.

This supplementary draws the case handler's attention to a connection between this complaint and a recent Commission finding on the same airport. Decision C(2026) 919 was issued by DG MOVE under Regulation (EU) 598/2014. I draw it to your attention because the structural failures it identified, in particular the independence and capacity of the competent authority (ANCA), are the same failures that underpin the environmental law breaches in this complaint. A further supplementary incorporating domestic parliamentary evidence will follow separately.

The environmental baseline problem (Directive 2011/92/EU)

The core of complaint CPLT(2026)00881 is that Dublin Airport's North Runway has been operating since August 2022 under flight paths that were never subject to environmental impact assessment.

The 2007 planning permission and Environmental Impact Statement authorised straight-ahead departures over agricultural land where development had been restricted for noise and safety. The actual departure routes involve 30 to 86 degree turns commencing at 400 feet above ground level over different, more densely populated areas. The assessed route corridor contains 1,077 homes. The actual routes affect 3,895 homes, a 360% increase. No EIA was conducted for this material change.

The statutory noise zones incorporated into Ireland's Regional Spatial and Economic Strategy derive from the 2007 EIS and its straight-ahead departure assumption. These zones have not been updated to reflect actual operations. ANCA's own data documents a 343% increase in population exposed to 55 dB Lnight since the 2019 baseline.

All noise contour modelling produced since 2022, including by consultants engaged by ANCA, takes the present flight paths as given and compares scenarios within those paths (for example, different numbers of movements on the same routes). None of it compares the routes assessed and authorised by the 2007 planning permission with the routes actually flown.

The routes currently flown were verified by the IAA as meeting minimum safety standards for instrument flight procedures, but the IAA has confirmed (FOI 2025.122; see

complaint Annex G2) that it did not assess planning permission compliance, Noise Preferential Route compliance, or noise compliance when approving those procedures. daa has publicly conflated the IAA's minimum safety verification with environmental authorisation of the routes, a claim the IAA itself has denied.

An environmental baseline built entirely on unauthorised operations normalises the very deviation that has not been assessed under Directive 2011/92/EU. This is the central allegation in complaint CPLT(2026)00881.

Domestic parliamentary proceedings

On 4 March 2026, the Department of Transport appeared before the Joint Oireachtas Committee on Transport and Communications for pre-legislative scrutiny of the Dublin Airport (Passenger Capacity) Bill 2026. Senior officials made concessions on the public record that corroborate the structural failures alleged in this complaint, including confirming that affected communities in County Meath were not consulted, that ANCA monitors only for noise compliance (not planning compliance), that daa provides the underlying data, and that no body accepted responsibility for flight path compliance when directly asked by committee members. On 18 March, affected communities will give oral evidence to the same committee for the first time. A detailed supplementary incorporating the parliamentary record from both sessions will follow.

Request to DG Environment

I respectfully request that the case handler be made aware of Decision C(2026) 919 (see below). The two matters are legally distinct: C(2026) 919 concerns the procedural adequacy of a Balanced Approach assessment under Regulation 598/2014, while this complaint concerns a material change to a project that was never assessed under Directive 2011/92/EU. However, the Commission's finding that the competent authority's assessment process was non-compliant is relevant context for this complaint, because the same authority (ANCA) and the same institutional structure underpin both the Balanced Approach failure and the absence of environmental impact assessment for the flight path change.

Matters for DG MOVE: Regulation 598/2014 and Decision C(2026) 919

The following matters concern Regulation (EU) 598/2014 and may fall within DG MOVE's competence. I respectfully ask that they be referred accordingly.

On 10 February 2026, the Commission issued Decision C(2026) 919 concerning noise-related operating restrictions at Dublin Airport. The Decision found that An Coimisiún Pleanála's (ACP) process for adopting night flight restrictions did not comply with Regulation 598/2014 because only operating restrictions (Pillar 4) were assessed, without assessing the other three Balanced Approach pillars: reduction of noise at source, land-use planning and management, and noise abatement operational procedures. ANCA prepared the underlying assessment on which ACP relied.

Our complaint identifies the same structural failure in greater detail:

1. ANCA has documented a 343% increase in population exposed to 55 dB Lnight since the 2019 baseline and has taken zero enforcement actions in five years.
2. ANCA is embedded within Fingal County Council, has no separate legal personality, and is directly and statutorily funded by the airport operator (daa) through a levy under s.5 of the Aircraft Noise (Dublin Airport) Regulation Act 2019. Our complaint argues that ANCA does not meet the independence requirements of Article 3(2) of Regulation 598/2014.
3. Decision C(2026) 919 identified a procedural omission in a single decision. Our complaint suggests that the problem extends further: none of the four Balanced Approach pillars is functioning at Dublin Airport, indicating a structural and on-going failure across the regulatory framework rather than an isolated procedural gap.
4. The Dublin Airport (Passenger Capacity) Bill 2026, currently before the Oireachtas, would remove operating restrictions without any Balanced Approach assessment. The Bill's Head 4(5) attempts to declare by primary legislation that the passenger cap does not fall within the scope of Regulation 598/2014, which appears inconsistent with the Commission's treatment of capacity-related restrictions at Dublin Airport in Decision C(2026) 919.
5. ACP cannot comply with Decision C(2026) 919, on the basis of ANCA's assessment, without first comparing the departure routes assessed and authorised by the 2007 planning permission with the routes actually operated since 2022. An environmental baseline that takes unauthorised operations as its starting point cannot satisfy the Balanced Approach requirements of Regulation 598/2014.

I respectfully request that DG MOVE assess the compatibility of the Passenger Capacity Bill 2026 with Regulation 598/2014 before the Bill is enacted.

The full complaint and 69 supporting annexes are available at www.dublin-north-runway.com/submission-annexes/.

Yours faithfully,

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