

Supplementary Submission #4 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: [31 March 2026]
Re: Credibility of representations: provably false and misleading statements on the Oireachtas record

Dear [name redacted],

I write to file supplementary submission #4 to complaint CPLT(2026)00881.

On 24 and 25 March 2026, the Joint Oireachtas Committee on Transport held two further pre-legislative scrutiny sessions on the Dublin Airport (Passenger Capacity) Bill 2026. On 24 March, the witnesses were daa (the airport operator) and the Irish Aviation Authority (IAA). On 25 March, the witnesses were Ryanair, Aer Lingus, IATA, and Airlines for America (A4A).

The Oireachtas record from these and earlier sessions now contains 25 provably false, misleading, or internally contradictory statements, documented in Annex S4-A with exact quotes, transcript references, and evidence of falsity. A further systemic issue, the deliberate conflation of route design decisions with instrument procedure coding, is treated separately in Annex S4-A and in Section 1 below.

The purpose of this supplementary is to establish that the Commission should independently verify any representation made by daa or any party aligned with daa's position before concluding its preliminary assessment. Three categories are directly relevant to DG Environment: a false claim that a new EIA was conducted (Section 2.1), noise representations contradicted by daa's own monitoring equipment on the same day (Section 2.2), and consultation confined to Fingal County rather than County Meath where the principal noise impact falls (Annex S4-A, claim 20).

All quotes are sourced from attributed transcripts with paragraph numbers (Annexes S4-B and S4-C). Official Oireachtas reports are annexed for verification (S4-B1, S4-C1).

1. Definitions and terminology

A persistent technique in daa's communications, reproduced by AirNav Ireland, the Department of Transport, and ANCA, is the substitution of one concept for another. When asked whether flights follow the routes assessed in the Environmental Impact Statement, daa responds with data on Standard Instrument Departure (SID) compliance. These are different things.

A SID is a coded instrument flight procedure ensuring safe separation from terrain and other traffic. The SID for Runway 28R commands a 30-degree turn at the departure end. 95% SID compliance means 95% of aircraft are successfully following the instruction to turn over Ratoath and Ashbourne.

The route assessed in the 2004/2005 EIS was a straight-ahead departure. The EIS stated these tracks "were agreed with the Irish Aviation Authority to be a reasonable

assumption.” The entire environmental assessment, the noise contours, population counts, insulation eligibility zones, and the Board’s balancing of harms, was built on that route. The planning permission (Condition 3) requires operations to “accord with” the EIS.

When daa’s Managing Director cited “noise preferential corridor” compliance on 24 March (para 264), he was reporting compliance with the SID that was never environmentally assessed, measured against a corridor drawn around that SID after the fact. Compliance with the EIS Route is zero. 95% SID compliance at Dublin Airport is 95% non-compliance with the Environmental Impact Statement.

daa’s position that the EIS Route was merely “indicative” (McLean, para 132) admits of only two interpretations. Either daa does not comprehend the requirements of an environmental impact assessment under Directive 2011/92/EU, or daa knowingly submitted an EIS that did not represent the operations it intended. In either case, the environmental assessment on which An Bord Pleanála relied when overruling its Inspector’s recommendation of refusal has no binding relationship to the project actually built.

We suggest the Commission adopt the following defined terms in any correspondence with the Irish authorities:

For the purposes of this correspondence, the following defined terms (capitalised) are used:

- (a) “EIS Route”: the departure route assessed in the 2004/2005 Environmental Impact Statement and assumed in the 2007 planning permission (An Bord Pleanála Ref. PL06F.217429), being a straight-ahead departure from Runway 28R.
- (b) “2016 Consulted Routes”: the routes presented at three public information sessions in Fingal County in 2016, involving a 15-degree or 75-degree turn (Scenarios A and B). No planning application was ever filed. The consultation was confined to Fingal; zero events or materials were directed at County Meath. Never implemented.
- (c) “Initial Routes” (August 2022): the routes flown when the North Runway opened, involving a 30-degree or 75-degree turn. Replaced in February 2023. Never consulted, never assessed.
- (d) “Routes Flown” (February 2023 to present): 30-degree turn at approximately 400ft AGL, with more than 50% of departures making a further 56-degree right turn at waypoint DW128 (total deviation: 86 degrees from runway heading). Never consulted, never assessed. They differ from the EIS Route by up to 86 degrees.
- (e) “Instrument Flight Procedure” (“IFP”): the coded SID as published in the Irish AIP, designed by AirNav Ireland, coded by ASAP s.r.o., and approved by the IAA on safety grounds only. The IFP implements whichever route is chosen; it does not determine the route.
- (f) “Noise Preferential Route” (“NPR”): internationally, a route set to minimise overflown population, before the IFP is designed. daa uses this

term differently, defining the NPR as a corridor drawn around the existing SID after the fact.

Without this precision, responses will default to IFP compliance data that, while technically accurate, answers a question that was not asked.

2. Claims in detail

2.1 McLean’s “new EIA” claim

On 24 March, daa’s Managing Director Gary McLean was asked about the environmental assessment basis for the routes introduced when the North Runway opened. The question concerned the 2016 route consultation and the subsequent route change, not the September 2023 EIAR supplement on night operations. McLean stated:

“So we would have obviously reassessed the impact of the design SIDs in line with the opening of the new runway. So, yeah, there was a new environmental impact assessment at that point in time, which was more or less the same as what would have been done back in 2004.” (para 213)

“At that point in time” and “more or less the same as what would have been done back in 2004” place this claimed assessment in the 2016 period, when daa was consulting on route options, not in 2023 when the EIAR supplement on night operations was produced. McLean is claiming that daa conducted an EIA for the departure routes around 2016. No such assessment exists in public records. The Commissioner for Environmental Information (decision OCE-93474-R9M5N9) confirmed daa was drafting an EIS in 2016/2017 but abandoned it when the request for change of routes was removed from the application.

An AIE request was filed on 26 March 2026 seeking production of this claimed assessment (statutory response: approximately 26 April). If it exists, daa has concealed it from the affected public and the planning authority. If it does not, daa’s Managing Director made a false statement about EIA compliance on the Oireachtas record. This should be read alongside supplementary #3, which demonstrated that 42% of the original EIS is invalidated by the route change.

2.2 Noise claims versus daa’s own monitoring equipment

Ryanair’s COO Eddie Wilson stated on 25 March that noise levels are “just marginally over 50 decibels, which is well within the safe zone” (para 45), repeating the figure twice more (paras 150, 341). On the same day, daa’s own Noise Monitoring Terminals recorded:

- Kilcoskan National School: Leq 80 dB, flight RYR87AA (Ryanair Boeing 737 MAX 8), 3,100 ft, 12:05
- Ashbourne RC: Leq 67 dB, flight RYR8AT (Ryanair Boeing 737 MAX 8), 4,900 ft, 12:16
- Ashbourne RC: Leq 72 dB, flight EIN105 (Aer Lingus Airbus A330-200, from Düsseldorf), 4,100 ft, 11:41

The gap between Wilson’s claim and daa’s own equipment at Kilcoskan is 27 dB. Wilson appears to be quoting an averaged metric (such as Lden) that spreads overflight noise energy across the full daytime period, producing a figure that does not describe what anyone actually hears during an overflight. Screenshots are annexed (S4-E).

Wilson also stated three times that aircraft are “50% quieter” (paras 44, 111, 340). Under challenge, he retreated to “a 50% reduction on a per-passenger basis” (para 340), then immediately returned to his original claims. The “per passenger” formulation divides the same noise level by more seats: arithmetic, not acoustics. Actual certified improvement (EASA TCDS): 3-6 dB, or 20-35% perceived loudness reduction. This talking point appeared from three witnesses across sessions (Wilson, Embleton/Aer Lingus, Cole/daa).

2.3 Sununu: “nullify the court” and retaliation threats

On 25 March, Chris Sununu, President of Airlines for America, stated:

“As it pertains to the court, my understanding is this quick legislative action would effectively nullify what the court says.” (para 369)

The “court” is the CJEU, considering Case C-857/24. The AG Opinion (12 February 2026) concluded the passenger cap is a valid “operational constraint.”

Sununu confirmed White House and US DOT meetings “this week” (paras 32, 117) and stated: “No country will take as immediate retaliation effects as the United States probably would” (para 118).

The legislation Sununu urges Ireland to enact removes operating restrictions without requiring a new EIA, contrary to Directive 2011/92/EU. The legislative timetable is being set by a foreign lobby group whose stated objective is to prevent the CJEU from ruling, creating pressure to proceed before the Commission can complete its preliminary assessment.

2.4 Moriarty: “no past or present harm”

Aer Lingus’s Chief Corporate Affairs Officer stated:

“US airlines have not suffered any past or present harm in relation to the passenger cap because of the legal strategy that has been implemented that has resulted in a stay on the enforcement of the passenger cap and the reference to the Court of Justice of the European Union.” (para 181)

Moriarty’s point is that the stay prevents current harm. But Airlines for America’s complaint to the US DOT (DOT-OST-2026-0067) is premised on harm to US carriers, and the legislative timetable is driven by claimed urgency. Ireland’s largest transatlantic carrier has told the Oireachtas that the stay has prevented any harm from materialising.

3. Coordination and the daa “Facts” document

Six talking points appear from multiple witnesses across sessions:

Talking point	daa (24 March)	Airlines (25 March)	Media
Routes = 2016 consulted	McLean	Wilson	Jacobs (RTE, Oct 2023)
50% quieter	Cole	Wilson, Embleton	O'Leary (Newstalk)
Cap is about roads	daa (ongoing position)	Wilson	O'Leary
Cap is illegal		Sununu, Glatz, Wilson	O'Leary
Live near airport, accept it		Wilson	O'Leary
Wrong year for runway		Wilson ("put in place in 2016"; opened 2022)	O'Leary ("gave planning permission in 2015"; granted 2007 by ABP, not Fingal)

These are not spontaneous misrepresentations. daa publishes "Facts on Noise Management and Mitigation at Dublin Airport" on its website (annexed as S4-F), containing the same talking points in polished form: the EIS routes were "indicative" and "did not form part of the planning approval"; routes are "now substantially aligned with the information previously communicated by daa in 2016" (they differ by 71 degrees); "modern aircraft are up to 50% quieter" (a footnote reveals this refers to ground start-up noise, not flyover). The Aircraft Noise Competent Authority's logo appears on the document. This is a curated, regulator-endorsed information strategy.

The enforcement authority and the operator share identical talking points. Fingal County Council told the Ombudsman (22 July 2025) that the EIS Route was "indicative" and cited the Relevant Action as the reason for inaction, mirroring daa's defence.

4. Regulatory gaps confirmed on the record

IAA CEO Declan Fitzpatrick confirmed that IAA's approval process "does not involve validating whether they do or don't need planning permission" (para 274). No institution in Ireland verifies whether actual operations comply with the environmental assessment on which planning permission was granted.

Aer Lingus's Moriarty characterised Commission Decision C(2026) 919 as objecting to "an overarching cap" (para 928). The actual finding: ACP assessed only Pillar 4 without the other three Balanced Approach pillars required by Regulation 598/2014. Moriarty's framing suggests the Commission objected to the cap; it objected to the failure to assess all four pillars.

5. Matters for DG MOVE referral

- (a) Airlines for America's lobbying: Sununu confirmed White House and US DOT engagement and explicit retaliation threats (Section 2.3). Relevant to Regulation

598/2014 and the Slot Regulation.

- (b) Wilson: “Dublin can take today another 10 or 15 million passengers” (para 534). No infrastructure application for capacity beyond 40M has been applied for. Application F23A/0781 has 360+ deficiencies.
- (c) Open Skies: Deputy O’Gorman established the violation claim has never been tested in court and A4A did not request a CJEU referral (paras 178-182).

6. Pending AIE requests

- (a) McLean’s claimed “new environmental impact assessment” (filed 26 March 2026, response approximately 26 April).
- (b) ASAP terms of reference and design brief for the North Runway SIDs (filed 28 March 2026, response approximately 28 April). McLean attributed route design to ASAP (para 360); Fitzpatrick confirmed responsibility lies with the aerodrome (para 316).

Results will be communicated in a future supplementary.

7. Wildlife hazard note

The IAA’s response to an AIE request (25 November 2025) confirmed: no route-specific wildlife hazard assessment for the actual 28R departure routes, no hazard report filed by daa under EASA ADR.OPS.B.020(c) despite operating over the Thorntown compensation habitat at 2,000 ft, and no IAA action on a hazard notice from NRTG. An appeal to the Commissioner for Environmental Information was filed on 26 March 2026. This will be developed in a future supplementary.

8. Request

- (a) That the Commission independently verify any representation from daa or any party aligned with daa’s position. The Department of Transport is not a separate source: it has no aviation expertise on staff (confirmed by FOI; the Minister, when asked directly how many staff hold professional aviation qualifications in PQs 17851-17853/26, did not state a number) and relies on the regulated entities as its sole source of aviation knowledge.
- (b) That the Commission request from Ireland the “new environmental impact assessment” referenced by daa’s Managing Director on 24 March 2026.
- (c) That the Commission note 25 provably false or misleading statements across four sessions, coordinated across witnesses and repeated after correction, constitutes a systemic credibility problem. The same claims appear in a regulator-endorsed document on daa’s website (Annex S4-F).
- (d) That the Commission assess whether the coordination between the enforcement authority (Fingal County Council) and the operator (daa), including identical talking points and identical inaction justified by the same stalled process, is consistent with the institutional capture alleged in the original complaint.

Annexes

- S4-A: Credibility assessment table (25 claims, plus separate treatment of the design-versus-drafting deflection)
- S4-B: Attributed transcript, 24 March 2026 (daa and IAA)
- S4-C: Attributed transcript, 25 March 2026 (Ryanair, Aer Lingus, IATA, A4A)
- S4-B1: Official Oireachtas Report, 24 March 2026
- S4-C1: Official Oireachtas Report, 25 March 2026
- S4-D: Sununu statements (timestamped Oireachtas TV URLs)
- S4-E: daa WebTrak NMT screenshots, 25 March 2026
- S4-F: daa, “Facts on Noise Management and Mitigation at Dublin Airport” (downloaded 28 March 2026)
- S4-G: Noise contour maps for three flights on 25 March 2026. Generated from FlightAware ADS-B track data using a simple spherical spreading model with atmospheric absorption. Reference noise levels calibrated against daa’s own Noise Monitoring Terminal readings (WebTrak) and independent field measurements. All predictions are within 2.5 dB of observed values and consistently underpredict (conservative). This is not professional noise mapping; it is a calibrated estimate intended to visualise the spatial extent of noise from individual flights. An AIE request for daa’s event-level NMT data (which would enable more precise modelling) was filed on 28 March 2026

Annexes S4-A through S4-F are attached to this email. Annexes S4-D (video clips) and S4-G (noise contour maps, 24 MB) are available at www.dublin-north-runway.com/submission-annexes/ due to file size. All annexes can be provided in hard copy on request.

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