

Supplementary Information #2 to the Aarhus Convention Compliance Committee

Communication: NRTG v Ireland (filed 2 March 2026) From: Gareth O'Brien BE (Civil) MSc, North Runway Technical Group Date: [2 April 2026] To: Aarhus Convention Compliance Committee Secretariat (aarhus.compliance@un.org)

Dear Secretariat,

I write to file supplementary #2 to the communication filed on 2 March 2026 concerning Ireland's compliance with the Aarhus Convention at Dublin Airport.

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, daa (the airport operator) and the Irish Aviation Authority (IAA) gave evidence. On 25 March, Ryanair, Aer Lingus, IATA, and Airlines for America (A4A) gave evidence.

These sessions demonstrate all three Convention pillars failing simultaneously. All quotes are sourced from attributed transcripts with paragraph numbers; official Oireachtas reports of both sessions are annexed.

Credibility of representations from Irish bodies

The Oireachtas record from four sessions now contains 27 provably false or misleading statements by daa, the airlines, and connected parties (documented in the parallel Commission submission, CPLT(2026)00881, supplementary #4). Six talking points are coordinated across witnesses. Three are repeated after correction on the record. Two examples:

- (a) daa's Managing Director told the Oireachtas on 24 March that "there was a new environmental impact assessment" for the flight paths (para 213). No such assessment exists in any public record. An AIE request has been filed to require its production.
- (b) Ryanair's COO told the Oireachtas on 25 March that noise is "just marginally over 50 decibels" (para 45). daa's own monitoring equipment, at the same location, on the same day, recorded 80 dB: a 27 dB gap, roughly the difference between conversation and a pneumatic drill.

Most critically for the Committee's work, these entities systematically substitute "Standard Instrument Departure compliance" for "route compliance" whenever questions are asked about whether flights follow the routes assessed in the Environmental Impact Statement. High SID compliance means aircraft are reliably following the unapproved, unassessed route. It is compliance with the wrong thing, presented as if it answers the question asked. This technique appears in daa's testimony, its published documents, Department of Transport briefings, and ANCA's noise monitoring reports. The Department of Transport has no aviation expertise on staff and uses daa as its sole source of aviation information.

Where the Committee receives representations from Ireland, it should ask: what is the source, is it independent of the operator, and has the claim been tested against the documentary record?

Definitions and terminology

To prevent the terminological substitution described above, we respectfully suggest the Committee use the following defined terms in any correspondence with Ireland. Four different routes have existed for the same runway: only the first was environmentally assessed, none of the routes flown since August 2022 match it, and any question using the unqualified term “flight paths” will receive an answer about whichever concept is most convenient for the respondent.

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 filed. The consultation was confined to Fingal; zero events or materials were directed at County Meath. These routes were never implemented.
- (c) “Initial Routes” (August 2022): the routes flown when the North Runway opened, involving a 30-degree or 75-degree turn. Replaced February 2023. Never consulted, never assessed.
- (d) “Routes Flown” (February 2023 to present): the current routes, involving a 30-degree turn at approximately 400ft AGL, with more than 50% of departures making a further 56-degree right turn at DW128 (total deviation: 86 degrees from runway heading). Never consulted, never assessed. They differ from the EIS Route by up to 86 degrees, from the 2016 Consulted Routes by up to 71 degrees.
- (e) “Instrument Flight Procedure” (“IFP”): the coded procedure (SID) published in the AIP, designed by AirNav Ireland, 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 designed to minimise noise impact, set before the IFP is designed. At Dublin, daa defines the NPR as a corridor drawn around the existing SID after the fact, inverting the standard meaning.

Throughout this submission, we use “routes” generically and avoid “flight paths” except in direct quotes. We respectfully suggest the Committee include the definitions block above in any correspondence with Ireland and require responses to specify which defined term they are addressing. Without this precision, responses will default to

IFP compliance data that, while technically accurate, answers a question that was not asked.

1. Article 6: Public participation failure confirmed by all parties

1.1 No consultation in County Meath

Deputy Toole corrected the record on 24 March: “there was none in County Meath.” daa’s Managing Director did not dispute this. The Routes Flown affect approximately 30,000 residents of County Meath, none of whom were consulted.

This is the third confirmation on the Oireachtas record: the Department of Transport (4 March), the operator (24 March), and an elected representative unchallenged (24 March) all confirm the affected public was not consulted.

1.2 Airlines confirm no objection to route change

On 25 March, Aer Lingus CEO Lynne Embleton revealed two letters to daa:

“I’ve got a letter in front of me from the 22nd of January 2025 where we have written to the DAA on exactly this issue and we’ve offered our technical support in helping them resolve it but urging them to resolve it. I’ve got a letter in front of me from 29th of April 2025 where we’ve written to the DAA saying this issue needs to be resolved.”

No airline witness objected to returning to the straight-ahead EIS Route. The public participation process has operated in reverse: airlines, with no environmental interest, have been engaging privately with daa for over a year; the communities bearing the environmental burden were never asked.

1.3 Safety regulator validates the alternative

IAA CEO Declan Fitzpatrick confirmed on 24 March that the 30-degree missed approach separation “can be applied in multiple different ways. You could have the aircraft going around turn 30 degrees, you could have it go 15 degrees and have the aircraft departing on the other runway 15 degrees.”

Alternatives exist. Airlines do not oppose them. The affected public has never been asked. No public participation process has been initiated.

2. Article 3(1): Framework failure

2.1 Enforcement authority adopts operator’s defence

Fingal County Council told the Ombudsman (22 July 2025) that the EIS Route was “indicative” and that the Relevant Action process prevents enforcement. On 24 March, daa’s Managing Director used identical language: “the original planning permission was based on indicative flight paths” (para 132) and “because the North Runway Relevant Action is not finalised, we can’t move that on” (para 76).

The Relevant Action excuse is new: FOI records show four different justifications across 15 months (June 2023 to September 2024), none citing the Relevant Action. Commission Decision C(2026) 919 found the Relevant Action process itself non-compliant with Regulation 598/2014. Tying the route review to a non-compliant process guarantees no review occurs.

2.2 No institution checks planning compliance

IAA CEO Fitzpatrick: “Our process does not involve validating whether they do or don’t need planning permission” (para 274). Combined with the Department’s 4 March confirmation that no body monitors route compliance, this establishes a complete regulatory gap.

Across four sessions, no body accepted responsibility:

- Department of Transport (4 March): redirected to ANCA’s noise monitoring
- ANCA: monitors noise, not route compliance
- daa (24 March): claims routes are AirNav’s responsibility; Relevant Action blocks review
- IAA (24 March): does not check planning permission
- AirNav Ireland: codes procedures to safety specifications, does not assess planning
- Fingal County Council: questions whether it can enforce at all
- The Minister (PQ 363/26, 18 March): “enforcement of planning conditions is a matter for the planning authority”

The Committee Chair, a member of the governing party, characterised this on 4 March as “a persistent pattern that any attempt by Fingal County Council or indeed any public body to enforce a lawful constraint, a planning condition, on Dublin Airport faces litigation, lobbying or legislation to override it.”

2.3 Misleading environmental information, uncorrected

Ryanair’s COO told the Oireachtas that noise is “just marginally over 50 decibels” (para 45). He repeated this three times. daa’s own Noise Monitoring Terminal at Kilcoskan recorded 80 dB Leq from a Ryanair 738 at 12:05 the same day. The Ashbourne NMT recorded 67 dB (Ryanair 738, 12:16) and 72 dB (Aer Lingus A330, 11:41).

No State body corrected this. No competent authority has published data comparing noise on the actual versus permitted routes in three and a half years. The field measurements that exposed the discrepancy (77.6 dB(A) at Kilcoskan on the actual path versus 61.0 dB(A) at the same distance on the permitted path) were collected by volunteers using a factory-calibrated consumer meter, supervised by a qualified engineer, as part of a secondary school science project. daa’s NMT data now validates those measurements, confirming the information was available to every State body that chose not to collect or publish it.

The misleading information is not confined to testimony. daa publishes “Facts on Noise Management and Mitigation at Dublin Airport” on its website (Annex 13), claiming the EIS routes were “indicative,” that current routes are “substantially aligned” with 2016

(they differ by 71 degrees), that aircraft are “50% quieter” (footnote: ground start-up noise, not flyover), and that affected populations “almost halved” (cherry-picking two metrics while ANCA’s priority metric increased by 343%). ANCA’s logo appears on this document. The noise regulator has not required correction of any of it.

Article 3(1) requires a “clear, transparent and consistent framework.” When the operator publishes systematically misleading environmental information with the regulator’s logo, its principal airline presents noise data to the legislature contradicted by a factor of 27 dB by the operator’s own equipment, no State body corrects either, and affected communities must collect the data themselves, that framework does not exist.

3. Article 9: Access to justice barriers intensifying

3.1 Retaliation and harassment (Article 3(8))

On 25 March, Chris Sununu, President of Airlines for America, confirmed White House and US Department of Transportation meetings “this week” (paras 32, 117) and stated:

“No country will take as immediate retaliation effects as the United States probably would. And it could come in a variety of different means.” (para 118)

“Quick legislative action would effectively nullify what the court says.” (para 369)

When a foreign lobby group threatens retaliation against a Member State for maintaining environmental constraints that are partly the subject of a Convention communication, the pressure is to remove those constraints before the Commission can assess the complaint and before the CJEU can rule on Case C-857/24.

On 1 April, Ryanair CEO Michael O’Leary appeared on Virgin Media Television and stated:

“The Ballyboughal Community Council is a fictitious organisation, of self-appointed lunatics.” (para 44)

“And then this other bunch of loonies, which is the Children’s Rights Not Flights.” (para 48)

Both organisations gave evidence to the Oireachtas at the committee’s invitation on 18 March. O’Leary defamed them on national television two weeks later. When the interviewer intervened (“I can’t let you say that”), he responded: “I can say what I want” (paras 45-46). The broadcaster selected this segment as its Facebook promotional clip: a recorded editorial choice, not a live slip.

On 25 March, Ryanair’s COO told the Oireachtas that residents who object should move: “if you live beside an airport... you’ve got a choice whether you want to live beside an airport or not” (para 52). He refused to withdraw (para 55). The affected communities are not “beside” the airport. Ashbourne (16,000+ residents) is 12 km away, Ratoath (10,000+) is 15 km, Ballyboughal (approximately 1,000) is 10 km. None were consulted about or informed of the route change that brought departures over them. They

are affected because the departure route was changed without public participation to overfly towns never on the EIS Route.

Article 3(8) requires that persons exercising Convention rights “will not be penalized, persecuted or harassed in any way for their involvement.” The sequence since the 18 March hearing is: dismissal at committee (25 March), defamation on national television (1 April), and complainant-shaming in print (daa’s “Facts” document publishes that “90% of complaints in 2022 came from 11 complainants” and “25,126 of all complaints received (77%) were from 1 serial complainant”).

O’Leary also repeated false noise claims (section 2.3 above): “goes up to 53 decibels” (para 40), one week after daa’s own equipment recorded 80 dB from a Ryanair aircraft at the same location; and dismissed night noise as “another mythical claim by these NIMBYs” (para 68), while night movements have nearly doubled (60 permitted, 114 actual).

The broadcasting regulator, Coimisiun na Meán, received complaints about the same individual making the same false claims on a different broadcaster (Newstalk) in July 2025. It took four months to decide not to dismiss them. No investigator has been appointed in the four months since. Eight months, no regulatory outcome. The absence of consequence was followed by repetition and escalation on a second broadcaster, directed at organisations that exercised Convention rights in the interim.

3.2 No effective remedy

Supplementary #1 documented the closure of all five Ombudsman complaints on 19-20 March, with every complainant directed to the High Court (section 160 applications, approximately EUR 10,000 per day). The Passenger Capacity Bill would further restrict access: Head 11(17) eliminates appeals to the Court of Appeal.

The sequence since filing:

- 2 March: Communication filed
- 4 March: Department confirms non-consultation, no compliance monitoring
- 18 March: Community organisations give evidence at committee’s invitation
- 19-20 March: Ombudsman closes all five complaints, directs all to High Court
- 24 March: Operator and safety regulator confirm no one checks planning compliance
- 25 March: Foreign lobby group threatens retaliation; airline dismisses affected communities
- 1 April: CEO of airport’s largest customer defames the same organisations on national television

No institution has offered an effective remedy or indicated an intention to address the underlying non-compliance.

4. Summary

Article 6: public participation failure now confirmed on the record by the State, the operator, and an elected representative unchallenged. Airlines do not oppose a route

change. The safety regulator confirms alternatives exist. No participation process has been initiated.

Article 3(1): the enforcement authority and operator share identical defences; no institution checks planning compliance; the operator publishes misleading environmental information with the regulator's logo; its principal airline presents noise data to the legislature contradicted by a factor of 27 dB by the operator's own equipment.

Article 9: a foreign lobby group threatens retaliation to pre-empt the CJEU ruling; the airport's largest customer defames organisations that gave evidence to the legislature; its COO dismisses affected communities 10 to 15 km from the airport as people who chose to live there; the broadcasting regulator has produced no outcome in eight months; the operator publishes complainant-shaming statistics; the sole remedy is prohibitively expensive litigation that the pending Bill would further restrict.

Annexes

Numbering continues from supplementary #1 (Annexes 1 to 9).

- Annex 10: Attributed transcript, Joint Oireachtas Committee on Transport, 24 March 2026 (daa and IAA)
- Annex 10a: Official Oireachtas Report, 24 March 2026
- Annex 11: Attributed transcript, Joint Oireachtas Committee on Transport, 25 March 2026 (Ryanair, Aer Lingus, IATA, A4A)
- Annex 11a: Official Oireachtas Report, 25 March 2026
- Annex 12: daa WebTrak NMT screenshots, 25 March 2026 (Leq 80 dB at Kilcoskan, Leq 67 dB and 72 dB at Ashbourne)
- Annex 13: daa, "Facts on Noise Management and Mitigation at Dublin Airport" (downloaded 28 March 2026)
- Annex 14: Attributed transcript, "The Big Interview" with Michael O'Leary, Virgin Media Television, 1 April 2026

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