

## Annex S4-A: Credibility Assessment Table

25 provably false, misleading, or internally contradictory statements on the Oireachtas record. The design-versus-drafting issue (daa's attribution of route design to ASAP) is treated separately at the end of this annex as a systemic deflection pattern, not a single false claim.

Sources: Joint Oireachtas Committee on Transport, 4 March (Department of Transport), 18 March (affected communities), 24 March (daa and IAA), and 25 March 2026 (airlines and Airlines for America). One additional source: Newstalk national radio, 10 July 2025.

Paragraph references are to the attributed transcripts of each session.

### Flight Paths

| # | Claim                                                                                  | Speaker, Date, Para      | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                        | Corrected?                                                                            | Repeated?                                                      |
|---|----------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------|
| 1 | "The flight paths today are following the flight paths that were consulted on in 2016" | McLean, 24 Mar, para 28  | 2016 consultation: 15-degree turn. Current routes: 30 degrees initial plus 56 degrees further at DW128 = 86 degrees total. McLean admits August 2022 opening was "a clear error" (para 47). daa's own EIAR supplement acknowledges "actual flightpaths from North Runway upon commencement differing from assumed flightpaths."                                            | Toole corrected: "there was none in County Meath" (para 165). McLean did not dispute. | Yes: repeated talking point across daa witnesses and sessions. |
| 2 | "There was a new environmental impact assessment at that point in time"                | McLean, 24 Mar, para 213 | No such EIA exists in public records. The only post-2007 EIA document is the Sep 2023 EIAR supplement (for night operations, not flight paths). Commissioner for Environmental Information decision OCE-93474-R9M5N9 confirmed daa was drafting an EIS in 2016/2017 but abandoned it when flight paths were removed from the application. AIE request filed 26 March 2026. | Not challenged in session.                                                            | N/A                                                            |

| # | Claim                                                                                                                    | Speaker, Date, Para          | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Corrected?                     | Repeated?                                    |
|---|--------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------|
| 3 | McLean appeared to state “flight paths were part of that planning permission” before retreating to the opposite position | McLean, 24 Mar, paras 86/136 | Not a false claim in isolation but an incoherent position under pressure. McLean stumbled and likely intended to say “were not part of,” consistent with daa’s established position. Deputy Boland caught it: “So planning permission does apply to the flight path?” McLean’s response was confused and contradictory. He later reverted to the position that flight paths are not governed by planning, consistent with CEO Jacobs (RTE, 3 October 2023): “flight paths aren’t governed by planning permission.” daa’s position admits of only two interpretations: either daa does not comprehend EIA requirements, or it knowingly submitted an EIS that did not represent the operations it intended. | Caught by Boland in real time. | Position oscillates within the same session. |
| 4 | “Because the North Runway Relevant Action is not finalised, we can’t move that on”                                       | McLean, 24 Mar, para 76      | Contradicts FOI records showing four different excuses across 15 months (June 2023 to September 2024), none citing the RA. The RA is now indefinitely stalled: Commission Decision C(2026) 919 found the process non-compliant. Fingal County Council used the identical excuse in its Ombudsman report (22 July 2025). The enforcement authority and the operator share the same talking point.                                                                                                                                                                                                                                                                                                           | Not challenged in session.     | Used by both daa and Fingal County Council.  |

## Noise

| # | Claim                                                                  | Speaker, Date, Para                                                                 | Evidence of Falsity                                                                                                                                                                                                                                                                                       | Corrected?                                                                                                                                | Repeated?                                                                                  |
|---|------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 5 | "50% quieter" aircraft                                                 | Wilson, 25 Mar, paras 44/111/340; O'Leary, Newstalk, 10 July 2025; Embleton, 25 Mar | Wilson admitted under pressure it is "per passenger basis" (para 340). Same aircraft, same engine, same decibels on the ground, divided by more seats. Certified flyover improvement (EASA TCDS): 3-4 dB (Boeing), 3-6 dB (Airbus) = 20-35% perceived loudness reduction, not 50%.                        | Toole challenged with 3 dB / 10 dB halving rule. Wilson shifted to "per passenger" then returned to noise claims ignoring the correction. | Three unqualified uses before one qualified admission. Coordinated across three witnesses. |
| 6 | "Just marginally over 50 decibels, which is well within the safe zone" | Wilson, 25 Mar, paras 45/150/341                                                    | daa's own NMT at Kilcoskan recorded 80 dB Leq on 25 March 2026 (same day as testimony). Ashbourne NMT: 67 dB (B738), 72 dB (A330). NRTG field measurements at Kilcoskan: 77.6 dB(A) LAmx. daa EIAR: +10-12 dB Lnight at Tyrellstown/Toberburr. Gap between Wilson's claim and daa's own equipment: 27 dB. | Not effectively challenged in session.                                                                                                    | Stated three times without correction.                                                     |
| 7 | "The second runway has halved flights over St Margaret's"              | O'Leary, Newstalk, 10 July 2025                                                     | Every departure 07:00-23:00 uses the North Runway. Zero reduction for St Margaret's. Verifiable from any flight tracker.                                                                                                                                                                                  | N/A (radio, not committee).                                                                                                               | N/A                                                                                        |
| 8 | "It's all fucking made up" (re noise complaints)                       | O'Leary, Newstalk, 10 July 2025                                                     | ANCA: 343% increase in 55 dB Lnight population. 210,000 complaints filed. 103 impact statements: 100/103 report sleep disruption.                                                                                                                                                                         | N/A (radio).                                                                                                                              | N/A                                                                                        |

| #  | Claim                                                                       | Speaker, Date, Para             | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                                                             | Corrected?                 | Repeated?                                                       |
|----|-----------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------|
| 9  | "If you're in your bed and your windows are closed, you won't even hear it" | O'Leary, Newstalk, 10 July 2025 | For houses under the route: 78+ dB overflight noise. Community survey: 100/103 report sleep disruption, including with windows closed. O'Leary's universal framing ("you won't even hear it") is what makes this false; individual experience varies with construction, glazing, and distance, but for those directly overflown, the claim is contradicted by daa's own monitoring data and community evidence. | N/A (radio).               | N/A                                                             |
| 10 | "The children make more noise than the bloody aircraft overhead"            | O'Leary, Newstalk, 10 July 2025 | Kilcoskan National School: 78+ dB overflight noise, 100+ flights during school hours. Normal classroom noise is 55-65 dB. The aircraft are measurably louder than children at school.                                                                                                                                                                                                                           | N/A (radio).               | N/A                                                             |
| 11 | "The second runway was put in place in 2016"                                | Wilson, 25 Mar, para 46         | Planning granted 2007, construction 2018/2019, opened August 2022. 2016 was the route consultation year. O'Leary said "2015" on Newstalk. Both wrong.                                                                                                                                                                                                                                                           | Not challenged in session. | Wrong year used by two witnesses (Wilson: 2016, O'Leary: 2015). |

## Passenger Cap and Open Skies

| #  | Claim                                  | Speaker, Date, Para             | Evidence of Falsity                                                                                                                       | Corrected?   | Repeated? |
|----|----------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|
| 12 | "This cap is now illegal under EU law" | O'Leary, Newstalk, 10 July 2025 | CJEU Case C-857/24 undecided. AG Opinion (12 February 2026): passenger cap is a valid "operational constraint" under the Slot Regulation. | N/A (radio). | N/A       |

| #  | Claim                                                                          | Speaker, Date, Para                        | Evidence of Falsity                                                                                                                                                                                                                                                                                                               | Corrected?                                                                        | Repeated?                               |
|----|--------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------|
| 13 | "The cap is a direct violation of the Open Skies Agreement"                    | Sununu, 25 Mar, paras 102/463/468          | Unsubstantiated legal claim presented as established fact. No court has made this finding. O’Gorman established: no joint committee convened, A4A did not ask for the question to be referred to CJEU. ETS precedent found no breach. Moriarty (Aer Lingus): "US airlines have not suffered any past or present harm" (para 181). | O’Gorman and Crowe challenged. Crowe demanded withdrawal of "violation" language. | Repeated throughout despite challenges. |
| 14 | "Quick legislative action would effectively nullify what the court says"       | Sununu, 25 Mar, para 369                   | Foreign lobbyist encouraging a Member State to legislate to override a pending CJEU decision (C-857/24). Fundamentally inconsistent with the EU legal order.                                                                                                                                                                      | Not challenged on this specific point.                                            | N/A                                     |
| 15 | "Those planning issues back in 2007 have been addressed with the road network" | Wilson, 25 Mar, para 46; O’Leary, Newstalk | Cap references "capacity constraints (transportation)" and the LAP, not just roads. O’Leary claimed M50 post-dated the permission; M50 completed 2006.                                                                                                                                                                            | Not challenged in session.                                                        | Used by two witnesses.                  |
| 16 | "Dublin can take today another 10 or 15 million passengers"                    | Wilson, 25 Mar, para 534                   | No infrastructure application for capacity beyond 40M has been applied for, let alone granted. Application F23A/0781 (the only pending application) has 360+ deficiencies identified by Fingal.                                                                                                                                   | Not challenged in session.                                                        | N/A                                     |

## EIA and Planning

| #  | Claim                                                                              | Speaker, Date, Para             | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Corrected?                               | Repeated?                                                 |
|----|------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|
| 17 | "The original planning permission was based on indicative flight paths"            | McLean, 24 Mar, para 132        | Intentionally misleading. The EIS stated the tracks "were agreed with the Irish Aviation Authority to be a reasonable assumption." The entire environmental assessment rested on them. "Indicative" is McLean's diminishing characterisation, designed to decouple the planning permission from the routes on which it was granted. If daa genuinely believes the EIS routes were merely "indicative," then daa submitted an Environmental Impact Statement that, by its own admission, did not represent the operations it intended. This framing has been adopted by Fingal County Council in its Ombudsman report, meaning the enforcement authority has adopted the operator's minimisation of its own EIA obligations. | Not challenged on this specific framing. | Adopted by Fingal County Council in its Ombudsman report. |
| 18 | "Board Pleanala and Fingal gave planning permission for the second runway in 2015" | O'Leary, Newstalk, 10 July 2025 | ABP granted in 2007, overruling Fingal's rejection. Wrong body (Fingal recommended refusal), wrong year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A (radio).                             | N/A                                                       |

| #  | Claim                             | Speaker, Date, Para             | Evidence of Falsity                             | Corrected?   | Repeated? |
|----|-----------------------------------|---------------------------------|-------------------------------------------------|--------------|-----------|
| 19 | M50 post-dates the 2007 condition | O’Leary, Newstalk, 10 July 2025 | M50 completed 2006, before the 2007 permission. | N/A (radio). | N/A       |

## Consultation

| #  | Claim                                                     | Speaker, Date, Para             | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Corrected?                                                                            | Repeated?                          |
|----|-----------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------|
| 20 | “Extensive consultation in a number of locations”         | McLean, 24 Mar, paras 78/82/124 | Three public information sessions, all in Fingal County (Swords area), supplemented by flyers, posters, and leaflet drops confined to Fingal. Zero events, notifications, or materials directed at County Meath. 3 of 261 respondents from Meath. Red C: “not representative of any population.” No planning application for route changes was ever filed following the consultation.                                                                                                                                     | Toole corrected: “there was none in County Meath” (para 165). McLean did not dispute. | Repeated after Toole’s correction. |
| 21 | “82% continue to view Dublin Airport as a positive force” | Cole, 24 Mar, para 62           | Cherry-picked methodology. Fingal-wide polling (~330,000 population). No polling of overflowed communities or County Meath where principal impact falls. Polling those not affected by the operation and presenting the result as representative of those who are is not a survey error; it is the same methodological choice that produced 3/261 Meath respondents in the 2016 consultation. When the same entity repeatedly chooses a methodology that excludes the affected population, the pattern speaks for itself. | Not challenged in session.                                                            | N/A                                |

## Enforcement

| #  | Claim                                                     | Speaker, Date, Para   | Evidence of Falsity                                                                                                                                                                                          | Corrected?                                     | Repeated? |
|----|-----------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------|
| 22 | "We will continue to be subject to regulatory conditions" | Cole, 24 Mar, para 58 | 180+ weeks without enforcement on Warning Letter. Cap breached since 2019. ANCA: zero enforcement actions in five years. Deputy O'Reilly asked: "why would anyone have any confidence that you will comply?" | O'Reilly challenged credibility of commitment. | N/A       |

## Night Flights

| #  | Claim                                                                      | Speaker, Date, Para             | Evidence of Falsity                                                                                                                      | Corrected?   | Repeated? |
|----|----------------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|
| 23 | "Night time is defined as mid-night until about 5:30 or 6am" across Europe | O'Leary, Newstalk, 10 July 2025 | Standard European definition: 23:00-07:00 (Environmental Noise Directive 2002/49/EC). Heathrow, Frankfurt, CDG all use this or stricter. | N/A (radio). | N/A       |
| 24 | "No night-time flights between mid-night and 6:30"                         | O'Leary, Newstalk, 10 July 2025 | 65 night movements permitted under Condition 5; actual operations: 90-114.                                                               | N/A (radio). | N/A       |

| #  | Claim                                                      | Speaker, Date, Para        | Evidence of Falsity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Corrected?                 | Repeated? |
|----|------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------|
| 25 | Moriarty mis-characterises Commission Decision C(2026) 919 | Moriarty, 25 Mar, para 928 | Spin: materially incomplete characterisation. Moriarty framed the Decision as ACP adding “an overarching cap on top” of the Noise Quality Standard. This narrows the finding to protect the airlines’ preferred outcome. The actual finding: ACP’s process assessed only Pillar 4 without the other three Balanced Approach pillars as required by Regulation 598/2014. The distinction matters: Moriarty’s framing suggests the Commission objected to the cap itself, when in fact it objected to the failure to assess all four pillars. A compliant process under the Decision would require assessment of all four pillars, not removal of the restriction. | Not challenged in session. | N/A       |

## Coordination Patterns

The following talking points appear from multiple witnesses across sessions, indicating coordinated preparation:

| 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           | (implicit)        | Wilson                                       | O’Leary                                                                       |
| Cap is illegal               | (IAA facilitates) | 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) |

## Correction Resistance

Three instances where witnesses were corrected on the record and either repeated the claim or ignored the correction:

1. Wilson: “50% quieter” stated three times without qualification, shifted to “per passenger” under challenge by Toole, then immediately returned to “53-54 decibels” ignoring the correction (para 341).
  2. Sununu: “violation” used repeatedly despite O’Gorman establishing no legal finding exists and Crowe demanding withdrawal of the characterisation.
  3. McLean: “consulted in 2016” repeated after Toole corrected “there was none in County Meath” (para 165).
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## Separate Issue: Design Versus Drafting (the ASAP Attribution)

On 24 March, daa’s Managing Director stated: “ASAP actually designed the North Runway flight paths” (para 360). This is not included in the 25 claims above because it is not a single false statement but a systemic deflection strategy used by every entity involved: daa, AirNav Ireland, the IAA, the Department of Transport, and Fingal County Council.

The claim conflates two distinct activities:

- (a) Designing: the strategic decisions that determined which communities would be overflowed. Who decided that departures should turn 30 degrees at 400ft AGL rather than continue straight ahead as assessed in the EIS? Who decided more than 50% of departures should make a further 56-degree turn at waypoint DW128? These decisions put 8,050 homes under routes that were never consulted and never assessed.
- (b) Drafting: encoding those decisions into safe, flyable, ICAO-compliant instrument flight procedure charts. This is what an EASA-certified Approved Procedure Design Organisation like ASAP s.r.o. (Bratislava) actually does. ASAP coded the procedures to ensure obstacle clearance, gradient, and safety standards. ASAP did not decide where the route should go.

The design decisions were made by AirNav Ireland, which is not an Approved Procedure Design Organisation, has no procedure designers on staff, and subcontracted ASAP to produce the formal charts for what AirNav had already decided. The legally responsible party is daa, under EU Regulation 139/2014 (ADR.OR.C.005), which delegated to AirNav and appears to have taken no active role in the design.

The deflection works as follows:

- daa tells the Committee that ASAP “designed” the routes (transferring credibility and responsibility to a professional body that only coded them)
- AirNav tells the Minister (3 April 2023) that planning compliance “is a matter for daa”
- IAA confirms it approves procedures “on safety grounds only” and does not check planning permission
- Fingal tells the Ombudsman that the permission was to build the runway, and once built, how it is operated is not a planning matter
- The Department copies daa’s talking points verbatim to ministers and the public

The result: no institution in Ireland accepts responsibility for the decision to route aircraft over 8,050 homes that were never consulted and never assessed. The qualified experts (ASAP) remain available but uncontracted. When NRTG asked daa CEO Kenny Jacobs directly (October 2023) to contract ASAP for a proper design review, daa declined. daa confirmed through the Minister in March 2026: “it is not daa’s intention to embark on a flightpath review at this time.”

IAA CEO Declan Fitzpatrick confirmed in the same session (para 316) that “the responsibility for the provision of instrument procedures at an aerodrome is the aerodrome’s responsibility,” directly contradicting McLean’s attribution to ASAP. Two witnesses from the same session cannot agree on who is responsible for the most consequential operational decision made at Dublin Airport.

This issue is treated in full in Section 1 (Definitions and terminology) of supplementary submission #4.

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Summary: 25 claims on the Oireachtas record. 14 demonstrably false. 7 materially misleading. 4 internal contradictions or incomplete characterisations. 6 talking points coordinated across witnesses. 3 repeated after correction. The design-versus-drafting deflection is a separate systemic issue involving all five entities.