

DÁIL ÉIREANN

AN COMHCHOISTE UM IOMPAR JOINT COMMITTEE ON TRANSPORT

Dé Máirt, 24 Márta 2026

Tuesday, 24 March 2026

Tháinig an Comhchoiste le chéile ag 11 a.m.

The Joint Committee met at 11 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Grace Boland,	Lorraine Clifford-Lee.
Cathal Crowe,	
Roderic O'Gorman,	
Louise O'Reilly,*	
Darren O'Rourke.*	

* In éagmais / In the absence of Deputies Louis O'Hara and Pa Daly.

I láthair / In attendance: Deputies Ciarán Ahern and Gillian Toole.

Teachta / Deputy Shane Moynihan sa Chathaoir / in the Chair.

General Scheme of the Dublin Airport (Passenger Capacity) Bill 2026: Discussion (Resumed)

An Leas-Chathaoirleach: Cuirfimid tús leis an gcrúinniú. Is cruinniú é seo den chomhchoiste iompar.

Deputy O'Rourke will substitute for Deputy Daly and Deputy O'Reilly will substitute for Deputy O'Hara. Apologies have been received from Senators Duffy and Cosgrove. I see Deputies Ahern and Toole are here. I will try and bring them in towards the end. We are going to go for five minutes per member and will proceed on the basis of the speaking order rota.

The purpose of our meeting is to resume our pre-legislative scrutiny of the general scheme of the Dublin Airport passenger capacity Bill 2026. Today's meeting will be in two separate sessions.

On behalf of the committee, I am pleased to welcome the following witnesses from the Dublin Airport Authority, DAA: Nick Cole, CEO of DAA International and deputy CEO of the DAA; Vincent Harrison, chief commercial and development officer; Gary McLean, managing director; and Miriam Ryan, chief governance and strategy officer.

I need to read the note on privilege. Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative they comply with any such direction.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I invite Mr. Cole to make the opening statement on behalf of the DAA.

Mr. Nick Cole: On behalf of the DAA, I thank the Chair and committee members for their invitation to attend. We appreciate the opportunity to address the committee as it carries out the pre-legislative scrutiny of this important proposed legislation.

A few brief words about me. As the committee may know, I was recently appointed the deputy CEO of the DAA. Most of my working life has been spent in aviation. I previously held roles at Heathrow and Stansted airports before moving to international roles in the Middle East. I joined the DAA Group in 2017, and have been leading our international business since 2018.

I am joined here by three of my executive colleagues, namely: Vincent Harrison, our chief commercial and development officer, who leads for us on planning matters; Gary McLean, the managing director of Dublin Airport, which last year celebrated a record year, and Miriam Ryan, our chief governance and strategy officer, who leads on sustainability and community engagement.

I wish to talk about the economy and connectivity. Dublin Airport is critical piece of national infrastructure, the economic impact of which is felt nationwide. The airport directly and indirectly supports more than 116,000 jobs across Ireland and contributes approximately €10 billion in gross value added annually.

For an island nation, air connectivity is a lifeline, not a luxury. We have punched way above our weight in developing Dublin Airport as an international hub. The fact that Ireland has the fourth best connected European airport to North America proves this. However, that connectivity is constrained and under threat due to the cap. The ongoing uncertainty discourages airlines from investing in new routes Ireland wants, such as direct flights to India and Brazil. It sends a signal to international businesses that good connectivity is not a given. It encourages competitor airports, such as Manchester and Glasgow, to lure flights away and it causes price increases and reduced choice for Irish consumers. This is not theory, it is fact. For winter 2024-25, the Irish Aviation Authority, IAA, took the cap into account when allocating slots to airlines. Fares on European routes at Dublin Airport increased by 13% year on year, which is the highest of all the top 80 airports in Europe. Our capacity fell by 3%. The following winter, the cap was parked due to legal reasons. Capacity rose and air fares at Dublin were flat, in line with the European average.

This adjustment was the tip of the iceberg. In our view, removing the cap is as critical to aviation as corporation tax certainty is to foreign direct investment, FDI. With a decision imminent from the European Court of Justice that could force Ireland to significantly slash Dublin Airport's passenger numbers from 36.4 million last year to 32 million, the importance of this proposed legislation cannot be overstated. The blunt cap artificially restricting Dublin Airport must be resolved soon. We strongly welcome the Government's proposed legislation. In saying that, we appreciate that the committee must weigh up different viewpoints. I will address some of the concerns that have been raised.

There are some who suggest that capping Dublin benefits regional airports. The DAA plays a leading role in Ireland's connectivity at both Cork and Dublin. Last year, Cork had 3.5 million passengers and announced a €200 million expansion plan. Like Cork, Ireland's regional airports have grown at a much faster pace than Dublin in recent years. The reality is that Dublin is in competition with airports of similar scale. The winners when Dublin is capped are Edinburgh or Amsterdam. The regions do not gain, but Ireland loses. It is an own goal to pit Dublin against regional airports. We need a national strategy that supports the growth of both. Dublin also fulfils a different role as Ireland's hub airport, pooling both connecting and point-to-point traffic. This is vital in fighting off competition from other European airports. Far from being unbalanced, the concentration of traffic at Dublin Airport is in line with other European capital city airports and is key to its success as a hub.

There are those who suggest that removing the cap will lead to unconstrained growth. The DAA's mandate is to operate Dublin Airport for the benefit of Ireland and to ensure good connectivity. Removing the cap is about a continuation of incremental growth to ensure that we meet the needs of Ireland's growing population. It is not a growth free-for-all. There are also existing constraints. Our infrastructure has a certain capacity. We are approaching a point where we cannot facilitate more passengers without building new piers and stands, subject to planning permission, as part of our infrastructure application, which currently sits with Fingal County Council. Further expansion would also require permission. We will continue to be

subject to regulatory conditions at an EU and Irish level including environmental regulations. The Bill proposed by the Minister, Deputy O'Brien, will include environmental safeguards.

On the environment, we fully recognise that airports, airlines and the entire industry must play their role in national and global efforts to reduce climate change. The DAA and Dublin Airport have clear targets to reduce our carbon emissions, both those within our own control, scope 1 and scope 2, by 51% by 2030 for Dublin and Cork airports as part of the national climate action plan, and our own commitment to achieving net zero emissions by 2050, including scope 3, across our whole group. As airlines may discuss with the committee, emission reductions are being achieved through newer, quieter aircraft, new fuels and other innovations. The industry can and will continue to do all it can to address the emission challenge.

The cap does nothing to help the industry to achieve this. As members are aware, the cap was never intended as an environmental sustainability measure; it was a blunt instrument to manage congestion on nearby roads. Concerns about national aviation emissions and climate change are best addressed in the relevant climate and environmental policy, both national and international, and not through planning conditions.

Turning to the all-important matter of community, community engagement is and remains a key part of our strategy and a priority for the DAA. To date, we have committed over €50 million in community-related funds, schemes and initiatives to improve the lives and welfare of our neighbours. We are pleased that 50% of all flights to and from the airport are now quieter, next-generation aircraft, and we continue to incentivise this. Though not complacent, we are encouraged that research undertaken by RED C shows a large majority of Fingal residents, at 82%, continue to view Dublin Airport as a positive force in their community.

Careful planning since the 1960s has meant that Dublin Airport is still largely surrounded by green fields. Since the opening of north runway, far fewer homes located in densely populated areas are overflown. I recognise this is small comfort for those who continue to be impacted or who are impacted for the first time. This is why mitigation and ongoing engagement with those most impacted is a key priority.

We have a comprehensive suite of mitigations that we have benchmarked against other leading European airports. We have offered to fully buy out 41 homes, with a 30% premium above market value. We have fully insulated 200-plus homes, at an average cost of between €80,000 and €100,000 per home. Last year we announced a new bedroom insulation scheme for another 1,000 homes, providing a grant of €30,000 per home. We have also insulated five local schools.

Our €10 million community fund supports local groups, benefiting more than 100 projects last year with €500,000 in funding. Our Elevate '25 initiative provided €2 million for educational and well-being projects in local schools in north Dublin and east Meath. Our community team conducted hundreds of home and school visits last year. We also held ten meetings of two independently chaired community groups. We are listening and we are acting.

The DAA has a mandate to ensure the connectivity of Ireland and, in doing so, to balance national, local and environmental interests. As members and those crafting this legislation would likely agree, squaring this circle is not easy. It requires nuance and not a blunt cap. This

is why we urge members to support the Bill. I thank the committee very much and we will be pleased to take members' questions.

An Leas-Chathaoirleach: I thank Mr. Cole. As I advised members at the start of the meeting, I propose we take five minutes per speaker, as per the speaking order that has been shared. I will then bring in Deputies Toole and Ahern after the members have completed their first round of questions.

Senator Lorraine Clifford-Lee: I thank the witnesses for coming before the committee. The use of wrong flight paths is an issue the witnesses are aware of, and it is of grave concern to many communities in north County Dublin. Since the opening of the new runway it has been of particular concern to people in Ballyboughal, Coolquay, Kilsallaghan, Ashbourne and beyond. We now have flights over areas that never expected to be under a flight path. People conducted their own due diligence and built houses specifically to avoid flight paths that were granted planning permission. Why does the DAA still permit hundreds of flights every day to fly the incorrect flight paths? The witnesses might recall that one of the witnesses before us last week, Mr. Gareth O'Brien, presented a technical solution. Has the DAA examined this technical solution or any other technical solution?

Mr. Nick Cole: I thank Senator Clifford-Lee for her questions. Mr. McLean leads for us on flight paths and I will ask him to address these questions.

Mr. Gary McLean: To clarify, we consulted in 2016 on the flight paths for the north runway. There was open community forum engagement on these flight paths. The flight paths-----

Senator Lorraine Clifford-Lee: I am speaking about the new northern runway and the incorrect flight paths. My time is constrained and I ask Mr. McLean to keep his comments to this.

Mr. Gary McLean: I am referencing the northern runway flight paths. We consulted on them back in 2016, when we ran open forums and opened up for consultation and input from communities.

They are the flight paths that are still flown today and have been flown-----

Senator Lorraine Clifford-Lee: There are flights that are not adhering to the flight path contained in the grant of planning permission.

Mr. Gary McLean: The planning permission is a separate process. Back in 2004, if that is what the Senator is referring to, indicative paths were used. Assumptions were used.

Senator Lorraine Clifford-Lee: I am referring to the flights that are flying out on the northern runway since its opening over two years ago. They are now flying over areas such as Ballyboughal, Coolquay, Kilsallaghan and places like that. Is Mr. McLean aware that the flights are not following the correct flight paths?

Mr. Gary McLean: The flight paths today are following the flight paths that were consulted on in 2016.

Senator Lorraine Clifford-Lee: Is Mr. McLean saying that what the communities are reporting - hundreds of flights flying over and not taking the correct routes - is not happening?

Mr. Gary McLean: What I am saying is that they are flying the standard instrument departure, SID, that was designed in advance of the opening of the runway. They are flying compliantly with that SID, which is what the consultation in 2016 was based on. I appreciate that that is new noise for those communities.

Senator Lorraine Clifford-Lee: Clearly, that is not what is happening. I want to discuss the voluntary buyout scheme. It has been in place since 2016. There was reference to the 41 families who have been made an offer under the voluntary buyout scheme. The scheme has not been updated since 2016. It does not reflect current property values. People, particularly those in St. Margaret's, are afraid that what will be offered to them will be far below what their houses are worth. On the reinstatement value, and I am talking about St. Margaret's, which is 18 km from O'Connell Bridge, they are concerned that the red book value is not comparing like with like. You are comparing houses in, perhaps, adjoining counties such as Louth and Meath, which is obviously not the same as a house in County Dublin that is 18 km from O'Connell Bridge. Is the DAA willing to take another look at the terms of that and at the August 2026 deadline that has been put in place for families? As you can imagine, it is a huge decision for a family to take that buyout. Very many families in St. Margaret's have been there long before the airport has been there. They have been there for generations. Can the witnesses see that it is putting them up against the clock in this way?

The buyout scheme does not include stamp duty or any fee for disturbance of the families and the potential that their homes may present in the future. It is a very risky decision for a family to take because there are not many homes in the locality, there is a risk around planning permission in that, if a site is miraculously acquired, whether they will planning permission. Can the witnesses not look at the terms of this scheme and revise because it is a very low number of families.

An Leas-Chathaoirleach: We are out of time for answers. Keep your answers precise, please.

Ms Miriam Ryan: We completely understand the significant impact this has on families and the difficult decision that it is, which is why we have spent a lot of time with the families who are impacted. We have met practically all of those 41 people we have offered the voluntary dwelling purchase scheme to.

To clarify what the voluntary purchase scheme allows, the Senator is correct in saying that it is based on the red book value of the property, but it also has an uplift of 30% on that market value, and that market value is determined as though the runway was not actually in operation. We have a very extensive process whereby there is an independent valuation undertaken of the property, if there is not agreement. We also pay for the families to get their own independent valuation done as well.

Senator Lorraine Clifford-Lee: But are they comparable properties?

An Leas-Chathaoirleach: I am not going to open up this again. I am going to wind up now in respect of the members.

Ms Miriam Ryan: If there is no agreement, then it goes to a separate adjudicating body in respect of that. We also offer relocation expenses.

An Leas-Chathaoirleach: I ask you to wind it up there, Ms Ryan, if you can, please.

Ms Miriam Ryan: We cover the cost of stamp duty. We actually cover the cost of the property, the 30% uplift and the expenses.

An Leas-Chathaoirleach: Thank you, Ms Ryan.

Senator Lorraine Clifford-Lee: Is the DAA willing to extend the deadline?

An Leas-Chathaoirleach: Sorry, Senator, I am going to move on. Deputy Boland, please.

Senator Lorraine Clifford-Lee: Just the deadline question.

An Leas-Chathaoirleach: If everybody keeps to their time, we will be able to have a second round for everyone. I want to be fair to everyone.

Senator Lorraine Clifford-Lee: They did not answer my question.

An Leas-Chathaoirleach: Deputy Boland.

Deputy Grace Boland: The witnesses are very welcome. Does the environmental impact statement contain the flight paths? How many? Just one, is it? How is adherence to that flight path monitored and where can I get the percentage of adherence?

Mr. Gary McLean: We have noise preferential corridors, which are set around the flight paths that were designed and introduced with the opening of the north runway. We monitor compliance with those corridors. That is published and publicly available.

Deputy Grace Boland: What is the percentage of adherence?

Mr. Gary McLean: The majority of airlines are adhering to the noise corridors. There are reasons flights might deviate, such as the weather. Every time a flight is non-compliant with the corridor, we follow up-----

Deputy Grace Boland: Will the witnesses send a note to the committee outlining the adherence since the northern runway opened in 2022?

Mr. Gary McLean: We can provide that.

Deputy Grace Boland: I live in north County Dublin. I go all over the constituency. I have been out in Rolestown, Oldtown, Ballyboughal and Corrstown. I have been on flights that take off and turn right when they are barely off the runway. That is not what used to happen. We need to deal in facts. The impact that the northern runway has had on the area has been huge. The Fingal and Meath local authorities are trying to plan, develop and support communities. This has had a huge impact. To be quite honest, the engagement from the DAA with communities and local authorities has been shockingly poor. What is the DAA going to do to address the issues this northern runway is having on local communities in Fingal and Meath?

Mr. Nick Cole: I thank Deputy Boland for the question. As I think we have said, the community is really important to us. We have a dedicated community team, which reports to Ms Ryan-----

Deputy Grace Boland: I am asking about the flight path. Can the response stick to the flight path?

Mr. Nick Cole: When we opened the north runway, we understood and realised straight away that there was a challenge regarding the aircraft flying compliantly with what we expected. That was a clear error and we apologised for that at the time and went quickly to fix that. What we are now flying is aligned to what was consulted on in 2016. We take that seriously and monitor compliance with the preferential-----

Deputy Grace Boland: What happened with the 2016 consultation? That never went ahead.

Mr. Gary McLean: No, it did go ahead. In 2016, we did extensive consultation in a number of locations in the area and online.

Deputy Grace Boland: Then why was the local authority granting planning permission for houses to be built in areas that were assumed to not be under the flight path?

Mr. Gary McLean: The consultation was clear in relation to what direction and where that flight path would go.

Deputy Grace Boland: What was that? Was it to fly straight out?

Mr. Gary McLean: No. The original planning permission was based on indicative flight paths that had a straight-out element.

Deputy Grace Boland: Is Mr. McLean saying planning permission does apply to the flight path?

Mr. Gary McLean: No, it does not apply.

Deputy Grace Boland: So why mention it?

Mr. Gary McLean: Flight paths were not part of that planning permission. Hence, when we eventually agreed to move on with the development of the north runway and the infrastructure, we engaged and consulted around what the requirements were and we went into detailed design around the-----

Deputy Grace Boland: Then why was it such a surprise to the communities in both Meath and Fingal?

Mr. Gary McLean: It was publicly available information that was consulted on in 2016.

Deputy Grace Boland: Let us get back to it. Dublin Airport's own aeronautical information publication, AIP, the official reference document for the aerodrome, contains a noise abatement section that says pilots must not turn below 700 ft, yet the same document says that strict compliance with the SID is mandatory even though the published SID for the northern runway commands a turn below 750 ft. What is the story there? Why is there such contradiction?

Mr. Gary McLean: The legislation and the safety regulation require a turn and a divergence from the other flight paths immediately after take-off. That is different for all aircraft. What happens then is aircraft turn at a 30 degree angle from the southern runway flight paths, which is a requirement under International Civil Aviation Organization, ICAO, safety regulations.

Deputy Grace Boland: That does not seem to make sense. Why are they turning so quickly? We all see it. They are turning unbelievably low and that was not the case before the northern runway was opened.

Mr. Gary McLean: It has been the case-----

Deputy Grace Boland: What is the requirement for that?

Mr. Gary McLean: I do not have the wording in the regulation in front of me, but it says that divergence must occur immediately after take-off. That is deemed to be a safe height at which an aircraft can turn.

Deputy Grace Boland: What is that safe height?

Mr. Gary McLean: It is different for all aircraft.

Deputy Cathal Crowe: The community fund disbursed last year was €500,000. It was mentioned it is an overall fund of €10 million. In the very different realm of wind turbines, there is also a community fund. Controversially, that fund gets spent and disbursed in a 16 km radius. To what extent is this fund benefitting actual local groups, as opposed to a scatter of groups which may be far beyond the airport curtilage?

Ms Miriam Ryan: The focus of the community fund is very much on close areas and areas directly under the flight path. That is the basis on which we disburse money.

Deputy Cathal Crowe: Okay, but there must be terms of reference for the area.

Ms Miriam Ryan: Absolutely, there are. There is a whole-----

Deputy Cathal Crowe: Do they have to be a certain number of kilometres from the airport?

Ms Miriam Ryan: It does not specify kilometres, but it focuses on areas directly under the flight paths, those closer in, and those that are most significantly affected. All the terms and conditions are transparently available on our website.

Deputy Cathal Crowe: Will Ms Ryan submit the terms of the scheme to the committee so we can see them in due course?

Ms Miriam Ryan: Of course.

Deputy Cathal Crowe: Is the Dublin Airport Authority willing to extend the August 2026 deadline it imposed on families for the voluntary buy-out scheme? Will the deadline be extended or is it quite rigid?

Ms Miriam Ryan: The deadline has already been extended by three years. Initially, the scheme was due to be in place for one year, and then it was extended. However, the voluntary dwelling purchase scheme is updated every two years, so those who are within the contour will remain eligible to apply to it, as long as they remain within the contour designated under the planning conditions. That is the 69 dB contour.

Deputy Cathal Crowe: Given that this has been going on for a long time and the legislation is now finally happening, but will not happen overnight, I do not see why everyone has to be so welded to the idea of August. There are voices in the communities and representatives like Senator Clifford-Lee who are looking for an extension. Will the DAA give a commitment today that it will extend it further?

Ms Miriam Ryan: We will certainly consider it and come back on it.

Deputy Cathal Crowe: The DAA might also come back to the local representatives on the committee in that regard.

Has the DAA examined any other solution for the northern runway in light of what we have been discussing this morning?

Mr. Gary McLean: I think I mentioned the last time I was here that we have engaged with numerous airports that have similar operations around processes they have undertaken relating to changes to flight paths. We also got special consultancy advice and that was all done at the time in good faith, in the belief there would be an outcome to the north runway relevant action, which was to reset the baseline for operations at the airport. We have started to look at that process. However, because the north runway relevant action has not been finalised, we cannot move it on beyond that initial review.

Deputy Cathal Crowe: Along the lines of what Deputy Boland asked earlier about sharp turns as planes rise in the air, my understanding is that any divergence from the regular take-off or landing path needs divergent tower clearance from AirNav Ireland.

Mr. Gary McLean: All aircraft are under the control of the tower on departure and it follows the standard instrument departure, SID. SID compliance is monitored and the noise preferential corridors I referenced earlier are narrower-----

Deputy Cathal Crowe: How many times have flight paths diverged from the regular flight path?

Mr. Gary McLean: Very seldom, but I do not have that information with me today.

Deputy Cathal Crowe: Will the DAA also supply the committee with those figures?

Mr. Gary McLean: Yes.

Deputy Cathal Crowe: On noise pollution, the DAA has done extensive work with the local community in trying to soundproof houses and undertake certain measures. I did not see anything in the opening statement about non-compliance. Where is the DAA at with that? Two years ago, the former Oireachtas committee on transport went to Amsterdam Schiphol Airport and to Rotterdam to look at this specific issue. It is a hugely hot issue and the Dutch cautioned us. They said that Ireland Inc. and all other countries will be running the gauntlet on this in years to come because noise regulation is going to get a lot stricter. What is the non-compliance rate with that? How often has the DAA been hauled over on noise pollution?

Mr. Gary McLean: We were focusing on compliance, as I mentioned, with the corridors. We publicly report on that information and compliance in general is good.

Deputy Cathal Crowe: Mr. McLean says compliance is good. What is the non-compliance rate? That is my question. There must be a rate. This is measured so there are metrics.

Mr. Gary McLean: Yes, it is measured for all flights.

Deputy Cathal Crowe: What is the figure?

Mr. Gary McLean: I do not have it with me today.

Deputy Cathal Crowe: Surely, when representing the DAA, Mr. McLean should have the top-line figures for non-compliance. That is the DAA's line of defence. What is the non-compliance rate?

Mr. Gary McLean: It is in the region of 90%, but I do not have the exact figure with me.

Deputy Cathal Crowe: Non-compliance is in the region of 90%.

Mr. Gary McLean: No, compliance is.

Deputy Cathal Crowe: Therefore, non-compliance is 10%.

Mr. Gary McLean: Yes, but there are multiple factors and other reasons as to why. Without going through the detail of the reasons for that, it is hard to give-----

Deputy Cathal Crowe: Mr. McLean should have better figures when he comes in here. I ask him to supply us with that figure in writing. That is the third request for written detail.

Deputy Darren O'Rourke: Mr. Cole referred to airlines cutting capacity by 3% last winter because of the passenger cap. Is it not usual for airlines to cut their capacity in the winter period, based on demand? How does that 3% compare with European counterparts?

Mr. Vincent Harrison: The reason for the cut in capacity in the previous winter season - we are just this week reaching the end of the current winter season, which, for reference, is a five-month period - was the single occasion for winter planning when a capacity restriction was introduced by the Irish Aviation Authority, IAA, representatives of which will be in with the committee later. It was as a result of the reduction in the number of slots made available that capacity at the airport was reduced. The Deputy is correct that, from season to season, there can be market changes in activity, but that was an imposed reduction, which meant that what the airlines filed for was greater than the slots they were granted. That process has, for legal reasons, not occurred subsequently. There are differences between the level of activity in the summer and winter, but winter to winter, there was a reduction despite the fact that there was growth in general across the year. What we saw as a result of that was a significant fare increase. That is based on research conducted independently across 80 airports in Europe, which demonstrated that for that season, the rate of increase in air fares in Dublin-----

Deputy Darren O'Rourke: I thank Mr. Harrison. I am going to interrupt-----

Mr. Vincent Harrison: -----was the highest in Europe.

Deputy Darren O'Rourke: -----just in the interests of time, but I thank Mr. Harrison.

Mr. Cole made a comparison between the cap and corporation tax. Does he not agree with the concerns that have been articulated that the corporation tax we have in Ireland is not the State exempting itself from environmental law, courts of appeal or leave to appeal, or giving executive powers to the Minister in relation to the planning system? Does he have any concern in respect of those elements?

Mr. Nick Cole: From our perspective, we feel that a lifting of the cap is not a free-for-all. There will be safeguards in this new legislation. There are environmental safeguards. We will have to do environmental impact surveys, etc., and there are other limitations on growth. The State does limit itself. We will comply with all relevant legislation and ensure that any growth

we continue to deliver in Dublin Airport is part of this new legislation. It will not be a free-for-all. We will still be monitored and will comply.

Deputy Darren O'Rourke: The witnesses heard last week, and have heard here this morning, clear criticism of the DAA and its non-compliance with planning, for example, for flight paths. Fingal County Council issued a warning letter in September 2022. Over 180 weeks later, we are no further on. I listened to Mr. McLean. I was a member of the previous transport committee. In June 2024, we heard that the DAA would review the flight paths. At that stage, there was acknowledgement that there were deviations and there were houses being flown over that were not intended to be flown over. I have significant questions about the 2016 consultation and absolute criticism in terms of compliance with the 2007 planning and environmental impact statement.

Mr. McLean said he had engaged with other airports and brought in specialist consultants but that the relevant action was the problem in terms of moving the flight paths. I do not accept that. The flight paths need to be corrected. The DAA has the capacity to do it but is not doing it. What does Mr. McLean say to that contention?

Mr. Gary McLean: We have had loads of good suggestions around changing flight paths. That is why-----

Deputy Darren O'Rourke: Why do they not act on any of them?

Mr. Gary McLean: Any review needs to be done as part of an holistic review of airspace, such as any changes, impacts, new areas and, potentially, other airports. What we were recommending at the time was an holistic review of airspace in which we considered all suggestions. It was an extensive process we would have to follow as required under regulation and as heard from in other airports.

Deputy Darren O'Rourke: Is that advanced at this stage?

Mr. Gary McLean: No, it has not advanced because we need a baseline of north runway relevant action before we can understand what that baseline is-----

Deputy Darren O'Rourke: I do not accept that.

Mr. Gary McLean: -----and before we start to understand the impact of different changes.

An Leas-Chathaoirleach: I do not know to whom this is most appropriately directed. What modelling has the DAA done on the expected volumes of travel for the next five years if this legislation is passed?

Mr. Vincent Harrison: Two issues will impact the level of volume. One is the demand we see that is currently not being met. The legislation itself is only one component because the removal of the cap also needs, within our planning framework, to be met by the introduction of new infrastructure. That is why we have an infrastructure application to put in place the necessary infrastructure to meet the demand we see happening in the coming years. We will undoubtedly, due to the slow passage of the planning application, see constrained demand for a number of years. We see that growth being in low single digits because what we are talking about is some of our main carriers not having the availability to base more aircraft at the airport early morning. We will be infilling on available capacity throughout the day.

An Leas-Chathaoirleach: Is there a target for the growth levels you want to see if that infrastructure application were passed and the additionality were made to the airport?

Mr. Vincent Harrison: We do not set a target *per se* for growth for the airport. We view the mandate of the company and the airport as being to provide the facilities to meet the demand that benefits the wider economy.

An Leas-Chathaoirleach: In the next five years, what do you expect the passenger throughput of the airport to be?

Mr. Vincent Harrison: We expect passenger throughput to be constrained at 1% or 2% per annum growth until we see significant infrastructure and pier development advanced.

An Leas-Chathaoirleach: So, 40 million passengers of that-----

Mr. Vincent Harrison: That is within the period to approximately 2030.

An Leas-Chathaoirleach: Outside of that, what if infrastructural enhancements are made?

Mr. Vincent Harrison: As some of the infrastructure is brought on stream, that enables more of what I call mainstream demand in the airport to be developed. There have been references to some of the new markets we would like to connect to in Asia and South America. They benefit from the fact that flights to those destinations typically leave in the evening time. There is available capacity for certain types of traffic, but some of our main carriers are heavily constrained.

An Leas-Chathaoirleach: It sounds to me that you have done some work on modelling. I turn to the question of divergence of flight paths. How is that captured in data? Is there reporting on that every month? Do you see a report every month on how many flights diverged from their paths? How is that monitored, and oversight implemented on those flight paths?

Mr. Gary McLean: As I said, all flights are compliant with the flight path as such. It is this noise preferential corridor-----

An Leas-Chathaoirleach: For clarity, how do you know they are compliant? What mechanisms are in place to inspect compliance?

Mr. Gary McLean: The way flight paths work is that they are programmed into aircraft. The aircraft follow the code within the flight path. We can see that monitoring and we share the outputs of that. We might measure against the noise preferential corridor, which is a narrower corridor than the flight path of the approved SID.

An Leas-Chathaoirleach: Are there bands within that flight path so that all flight paths happen with 5%, 10% or 15% of this band, or is it a static distance they have to be inside?

Mr. Gary McLean: It is a static distance. The SID might be represented as a line, but obviously it is a compliant corridor of approximately a mile either side in which aircraft can operate and still be compliant with the SID.

An Leas-Chathaoirleach: Inside that mile, how many of those flights operate in the centre, or is it spread across the mile spectrum?

Mr. Vincent Harrison: Primarily they are in the centre, but there can be various reasons as to-----

An Leas-Chathaoirleach: What percentage of flights are within, say, 10% of the centre?

Mr. Gary McLean: It depends on what flight path they are actually on. Within the departure of the northern runway, for example, which is the one we are probably primarily talking about, there are aircraft going north that would use the right-hand side of that corridor. If they were going south, they would naturally veer earlier off the centre line towards the left.

An Leas-Chathaoirleach: Are you in a position to provide a report on all the flight paths on either runway that can say what percentage of flights fall within the sections of the mile flight line?

Mr. Gary McLean: Yes, we have all that information.

An Leas-Chathaoirleach: Will you provide that for the committee in regard to the past 24 months?

Mr. Gary McLean: Yes.

An Leas-Chathaoirleach: Thank you.

Deputy Roderic O'Gorman: When the officials from the Department of Transport came before us, I asked them if there was a target for the number of passengers going through the airport or a ceiling on the number of movements through the airport. They said they did not have any. They basically said they were agnostic on the throughput issue. Does the DAA have a target or a ceiling for the number of passengers it wants to see going through Dublin Airport?

Mr. Nick Cole: From our perspective, our job is to make sure we provide the country of Ireland with the best connectivity to the rest of the world that we possibly can. That will always be incremental. In regard to an absolute ceiling, if you were to look at, let us say, 50 million passengers, we are certainly looking at in the region of the late 2030s to early 2040s as far as that goes. What we have found is that we do not want to do just-in-time planning. We want to focus on the future and make sure we have got a really long-term lens on what we are looking to do. There is not an absolute number and I think what we-----

Deputy Roderic O'Gorman: I am sorry to cut across Mr. Cole but the Minister, Deputy O'Brien, has put out the figure of 60 million, which is about what JFK did last year. Is that in Mr. Cole's horizon?

Mr. Nick Cole: At the moment, we are certainly focused on the 50 million for the end of the 2030s and early 2040s. Technology could change dramatically by then. We are using a crystal ball and what we would rather do is look at the near and medium term as we go through 40 million, 45 million and 50 million passengers.

Deputy Roderic O'Gorman: Mr. Harrison spoke earlier about a 1% to 2% growth per year in the current constrained growth situation. What would he expect annual growth to be when the constraints, such as the cap and the inadequate terminal infrastructure, are removed? What would he be expect to be unconstrained annual growth at the airport?

Mr. Vincent Harrison: I would say that by the time the infrastructure is complete, we would probably have seen about 3 million annual capacity that has not been provided for. There is the potential for that level of increase to happen as the infrastructure is completed. That would displace demand back home-----

Deputy Roderic O'Gorman: That is 3 million on top of-----

Mr. Vincent Harrison: Maybe 40 million.

Deputy Roderic O'Gorman: Up to 43 million. Okay. Is it fair to say that once this cap is removed, the DAA will be the driving force in setting the size of Dublin Airport? If we have a Department that is agnostic, it is ultimately the DAA's board that sets how big Dublin Airport is or that drives that policy on a national basis.

Mr. Vincent Harrison: If we take the way the system is structured, we respond to the broader demand that is represented by our airlines. We are right into the process currently.

Deputy Roderic O'Gorman: So it is the airlines, ultimately.

Mr. Vincent Harrison: Then we submit that to our economic regulator as a proposal to invest, as the price regulator. It will then form an opinion as to whether that level of infrastructure we are proposing is allowed.

Deputy Roderic O'Gorman: The regulator makes the decision but the DAA makes the proposal and the proposal is on foot of what the DAA hears from the airlines.

Mr. Vincent Harrison: Correct.

Deputy Roderic O'Gorman: I thank Mr. Harrison. Head 12 of the Bill we are discussing exempts this Bill from consideration under the climate action Act. Does the DAA think that is necessary?

Ms Miriam Ryan: As an airport authority and as part of the broader aviation environment, we absolutely recognise the role we have to play in addressing the national and global effort to address emissions. The cap was never put in place to address emissions. It was to address local traffic impact primarily. It was not put in place in the first place in order to address emissions issues. We have been advised that what has been proposed by the Minister, Deputy O'Brien, will maintain a requirement for environmental assessments.

Deputy Roderic O'Gorman: I am sorry to cut across Ms Ryan but is it necessary for the removal of the cap?

Ms Miriam Ryan: As it stands, aviation is not caught within the climate action framework. It is only domestic aviation, which is a very small amount of the total aviation in Ireland. International aviation is caught by the carbon offsetting reduction scheme for international aviation, CORSIA, and the EU emissions trading system, ETS.

Deputy Roderic O'Gorman: If it is not caught, I do not really understand why it is exempted. If it is not caught within the remit, what is the point of exempting it if it is not going to make any difference?

Ms Miriam Ryan: I do not think that is a question for us to answer.

Deputy Roderic O'Gorman: We could not get an answer from transport officials. The DAA made a point of not wanting to engage in just-in-time planning. Why did the application to extend the cap from 32 million to 40 million, considering it is so existential in the DAA's argument, come in so late?

Mr. Vincent Harrison: We engaged with An Bord Pleanála, as it was at the time, in 2018. We had pre-engagement at the time when we would have been in a position to make a direct application for the infrastructure to An Bord Pleanála. That process was then overtaken by the introduction of ANCA and its establishment under the auspices of Fingal County Council.

Deputy Roderic O'Gorman: ANCA is noise-----

An Leas-Chathaoirleach: We have to move on.

Mr. Vincent Harrison: That process took a number of years to conclude. At the time, as the runway application was urgent, particularly in terms of the potential expiry of that planning application, we prioritised the delivery of the runway. We were also expressly informed by Fingal and An Coimisiún Pleanála that they could not accommodate both applications at the same time.

An Leas-Chathaoirleach: Thank you, Mr. Harrison. I call Deputy Louise O'Reilly.

Deputy Louise O'Reilly: I thank our witnesses. In response to a question from my colleague, Deputy O'Rourke, Mr. Cole said the lifting of the cap would not be a free-for-all and that they would still be monitored and would comply. The cap was knowingly broken in 2019, 2023, 2024 and 2025. With the greatest of respect, why would anyone have any confidence that the DAA will comply and uphold any regulations? It has not until now. I am very disturbed to hear it will be the airlines in the driver's seat when it comes to expansion, not officials or the DAA, and that the DAA is content to sit back and allow the airlines to just expand at will as required. Will Mr. Cole comment on that?

Mr. Nick Cole: From our perspective, there was a legislative process which exempted us from the cap for two years. We have used that which gets us into the position we are in now. The DAA's view is very much that we want to expand Dublin Airport for the good of Ireland and for the people of Ireland. At the moment, there are 36.4 million people who want to fly from Dublin Airport. We want to make sure we keep pace with them as we continue to develop.

Deputy Louise O'Reilly: I asked a question. Why would anyone have confidence that the DAA will comply when it did not comply in 2019, 2023, 2024 or 2025? Why would other years be different? I think the answer is they will not but I am willing to hear from Mr. Cole if they will.

Mr. Nick Cole: As I said, from our perspective we have a stay on that right now as far as the cap goes. We have some exemption to go over the cap because there is demand here for the people of Ireland to fly in and out.

Deputy Louise O'Reilly: This will be entirely demand led. It will be led by the airlines, not by the Minister or the Department.

Mr. Nick Cole: There are a number of factors. We are part of it, the airlines are part of it and the IAA sets slots. It is a variety of stakeholders.

Deputy Louise O'Reilly: The same variety of stakeholders that are consistently breaking the cap. Mr. Cole will understand that I am ten years representing this constituency and we are ten years pleading with the DAA to be good neighbours. The people who live beside the airport will tell you that it very much is not. On the radio last week, the Minister, Deputy O'Brien, said that he had spoken to the DAA about improving the scheme. Will Mr. Cole give a brief outline, or perhaps he might provide in writing for us, what those improvements are going to look like and when they will come into force?

Mr. Nick Cole: Ms Ryan will talk about schemes we have already put in place-----

Deputy Louise O'Reilly: Not the ones in place, the improvements - specifically what the Minister spoke about. What is going to be different? We know what is in place; you can take that as read.

Mr. Nick Cole: We remain in dialogue with the Minister on that issue.

Deputy Louise O'Reilly: He said there were going to be improvements to the buyout and insulation schemes. I assume that is what the dialogue is about. What are the improvements? When will we see them?

Mr. Nick Cole: We will come back to the Deputy on that.

Deputy Louise O'Reilly: The Minister was fairly confident these improvements have been agreed. It is a bit worrying that we cannot see them today.

At the previous hearing, Mr. Gareth O'Brien asked for an independent, qualified flight procedure designer to deal with the issues around the incorrect flight paths, for which I appreciate Mr. McLean has apologised. Is there a problem with that request? Would Mr. McLean accept that request? Is it a good idea and would he proceed on the basis of an independent, qualified flight procedure designer?

Mr. Gary McLean: All of our flight paths are designed by a flight procedure designer from an approved company. I think Mr. O'Brien was referencing ASAP, which is the company that actually designed the north runway flight paths. We would engage with a company like that when we went ahead with a further review, which the other Deputy referenced earlier. A company like that would give us advice on this.

Deputy Louise O'Reilly: Would Mr. McLean be in a position to agree the independent designer with the campaign groups that live locally?

Mr. Gary McLean: As I said, the company that was mentioned by Mr. O'Brien is actually the one that AirNav uses at the moment. There are no issues with that.

Deputy Louise O'Reilly: Mr. McLean would not have any issues with that. That is very good to know.

In terms of the planning permission that was withdrawn in 2020 and resubmitted in 2023, what was the reason for that delay?

Mr. Vincent Harrison: The application that was submitted in 2020 was for a temporary lift of the cap, or an operating lift of the cap. The feedback we received from the planning

authorities was that they were not in a position to progress with that and the consideration of the application for the runway at the time.

Deputy Louise O'Reilly: For what reason?

An Leas-Chathaoirleach: We will try to finish with this answer, please. Does Mr. Harrison have anything to add?

Mr. Vincent Harrison: No.

Deputy Louise O'Reilly: Why would they not proceed?

An Leas-Chathaoirleach: We will move on, but there will be a second round, Deputy O'Reilly.

Before I ask Deputy Toole to speak, I will tell the members what will happen. We will have five minutes for Deputy Toole and five minutes for Deputy Ahearn, and then we will do a second round of two minutes each. I have to step out for a little while, so is there any objection to Deputy Boland taking the Chair for that time? There is none. Deputy Boland is happy to take the Chair and Deputy Toole will be next to speak.

Deputy Grace Boland took the Chair.

Deputy Gillian Toole: I thank the witnesses for meeting us. I have a couple of points. To correct the record, Mr. McLean made the point that there was consultation and open forums in 2016. There was none in County Meath. The impact of that currently is that the DAA is now making submissions on planning applications relating to the south of Ratoath, County Meath. I wanted to clarify that point.

Let us look at the mission statement on the DAA's website. Speaking as somebody who has been involved in small business and so on, you try to adhere as closely as possible to your business vision and mission. You constantly go back and review, analyse and check. My background is in healthcare. In regard to the good neighbour policy, health impacts and modelling going forward in the event of the abolition of the cap if the Bill is passed, what type of modelling is the DAA doing on health impacts? We are currently aware of the €800 million per annum health impact as evidenced by Dr. Pat McCloughan in his report, which was referenced to the Brussels aviation study. How will the existence of per- and polyfluoroalkyl substances, PFAS, be factored into the modelling? Environmental Protection Agency, EPA, air quality monitoring has been sporadic. It was out of order for five months in 2023. In 2024 and 2025, there were sporadic monitoring issues.

I will move from health impacts and air quality issues to noise levels. A piece on quieter aircraft was contained in the pre-emptive media release in advance of the meeting. In the engine test lab, there was a 3 dB reduction in acoustic energy. Humans need a reduction of 10 dB to perceive sound half as loudly. I appreciate that the impact is lessened accordingly if someone moves X km farther away, but in an area such as the Coolquay, being on the ground and overflown there is still a 78 dB reduction. It is 13%, not 50%. Night should be 45 dB.

That is linked to the €800 million per annum health impact. What type of modelling is the DAA doing? It does not want to be a just-in-time operator but a forward planner. Is it doing modelling from an environmental, air quality and health impact perspective? What format is that taking? Why was Meath not consulted and what consultation will there be going forward?

The noise preferential corridor has takes no consideration whatsoever of the Ashbourne and Ratoath areas. The €50 million community compensation scheme effectively will cover 1,200 homes but there are approximately 6,850 new homes that were never extrapolated into that. What is going to happen there?

Ms Miriam Ryan: The Deputy has asked a lot there. The reason noise contours were put in place and mitigations aligned to those contours is that those are the areas that have greatest impact. That is why mitigation schemes are put in place to address the areas with the most impact. Regarding the insulation scheme and the voluntary dwelling purchase scheme, VDPS, that we have in place, we have looked at those in comparison with other schemes at other airports. Deputy O'Reilly also asked about those schemes earlier and our schemes are very good. They are very extensive and comprehensive in terms of the support they provide and the materials that they put in place for people. They are focused on the areas of most impact from a noise perspective.

In terms of air quality monitoring, we have agreed with the EPA a new monitor on the airport site and that is going ahead. In general, with regard to air quality compliance, the monitoring is showing that we are well within the thresholds that have been set by EPA for air quality. We are meeting all of the requirements in that regard.

The Deputy referred to the health study and mentioned the sum of €800 million. We are aware of that report and have reviewed it. We would query some of the methodologies used because they draw a direct comparison between Ireland and Belgium but the levels and the economic comparators are not-----

Deputy Gillian Toole: I will just cut across Ms Ryan-----

Ms Miriam Ryan: -----actually relevant across the two.

Deputy Gillian Toole: -----if I may. Is the DAA actually carrying out modelling in the area of health impacts for its projected growth out to the late 2030s?

Ms Miriam Ryan: There is a human health chapter as part of every environmental impact assessment report, EIAR, that we do.

An Cathaoirleach Gníomhach (Deputy Grace Boland): We will have to leave it there but I would ask that the DAA responds in writing to Deputy Toole's queries as her time is up, unfortunately.

Deputy Ciarán Ahern: I thank our guests for attending today. I read the opening statement with interest. Along with the statement, the DAA sent us a glossy presentation on sustainability at Dublin Airport. It is making a big play of its commitment to sustainability. How many tonnes of CO₂ have been eliminated from activities at Dublin Airport as a result of the sustainability measures that the DAA has undertaken? I understand that these relate to scope 1 measures in particular, which are really just measures within the DAA's control. These relate to the operation of the buildings and to ground operations. How many tonnes of CO₂ have been eliminated?

Ms Miriam Ryan: I do not have the precise number here but we can certainly send it on to the Deputy. However, I would say that it is not a play. We do not see it as a play. We see it as a very important issue to which we are very committed. We have invested hugely in it. We

have put a lot of money and effort into it. We have been leaders in terms of some of the initiatives that we have taken. We have been at the forefront in terms of new initiatives like geothermal investigations, for example, which we spent a lot of time doing last year. The aim was to identify what new sources there might be to help us to address our impact-----

Deputy Ciarán Ahern: I am sorry to interrupt but we are really tight on time. Ms Ryan does not have any figures on how much CO₂ has been eliminated yet. Does she have figures on what lifting the cap would mean from an emissions perspective? We have heard that there would be a 22% increase in emissions by 2031, which is about 750,000 tonnes of additional CO₂ going into the atmosphere. What is the airport doing to mitigate that and how much are its sustainability measures on the ground going to take away from that? Does Ms Ryan have any figures for that?

Ms Miriam Ryan: In terms of the carbon emissions that we have taken out or the amount that we have reduced by, we are firmly on track to meet our target in terms of a 51% decrease in emissions by 2030, which is what we are held to under the public service requirements.

Deputy Ciarán Ahern: Does Ms Ryan know where the DAA is at now, in 2026? Is it at 25%? Is it at 30%? Does she have anything on that?

Ms Miriam Ryan: I can come back to the Deputy with the actual numbers but we are on track to meet that 50% reduction by 2030.

We have made a commitment to be net zero by 2050 and we are also on track for that. We are also one of the very few companies in Ireland that have signed up to science-based targets, meaning our targets have been validated and reviewed by that very prestigious body and that came through last year. In terms of the future and the development, we put in a number of different scenarios which we looked at in terms of our infrastructure application and the final outcome in respect of that will very much depend on the extent to which we have new fuels being adopted, we have sustainable aviation fuel and we have new technologies being available. The committee will also have the airlines in their meeting tomorrow and will be able to tell members-----

Deputy Ciarán Ahern: That is all very good and I thank Ms Ryan. That is all future technology that is pie in the sky or that would require an area the size of Tipperary or possibly Connacht if we were to use biofuels to replace the current aviation fuels. We would have to set aside areas as large as that to grow these kinds of biofuels, so we are relying on future technology. Ms Ryan said that Dublin Airport commits to achieving net zero carbon emissions by 2050, including scope 3 emissions, which are related to the airlines using the airport. In the opening statement, on one hand the DAA commits to these plans but on the other it seems to pass responsibility for it to the airlines. If the airlines cannot reduce their emissions by 2050 in line with net zero targets, what is the DAA going to do? Would the DAA welcome being subject to the climate Act? The DAA is committing to it but is it willing to commit via law to these targets?

Ms Miriam Ryan: We have committed under existing regulations and international arrangements that are there under EU emissions trading systems and of course CEAP, which manages international aviation emissions and the entire aviation sector, and-----

Deputy Ciarán Ahern: Which are not counted.

Ms Miriam Ryan: -----the entire aviation sector has signed up to those. Airlines, airports, anybody that is involved in the aviation sector has been involved in those. I draw members' attention to Destination 2050, which is the aviation policy statement that is firmly fixed on that deliverable.

Deputy Ciarán Ahern: Rather than the climate Act not applying, would the DAA welcome the climate Act actually applying and actual rigorous targets being set for the airport?

Ms Miriam Ryan: Targets have already been signed up to by the aviation industry.

Deputy Ciarán Ahern: I am talking about legally binding emissions targets being set for Dublin Airport and all the airlines that use the airport.

Ms Miriam Ryan: Targets have already been signed up to by the aviation industry.

Deputy Ciarán Ahern: The statement refers to demand being set by the airlines. There are figures available saying they are not actually doing anything for the economy and that we actually have a net deficit when it comes to tourism leaving the country as opposed to money coming into the country. The Irish State seems to be losing out economically from expansion of the number of flights and we are potentially losing out from an environmental perspective. Would the DAA support an Irish aviation passenger tax?

An Cathaoirleach Gníomhach (Deputy Grace Boland): I am afraid we must move on.

Senator Lorraine Clifford-Lee: I am curious about the improved insulation and buy-out scheme. Deputy O'Reilly referred to it. When will the details of that be available and when does it start from?

Ms Miriam Ryan: We already have a very good level of scheme which we have benchmarked against other-----

Senator Lorraine Clifford-Lee: I am asking about the improved one that was referenced by the Minister.

Ms Miriam Ryan: Just last year we announced we will extend the R6 scheme to a wider number of houses and we have increased the grant amount for that by 50% to €30,000 per home. That benchmarks really positively against, for example, Gatwick Airport which, similar to Dublin Airport, has 40 million passengers but offers £4,300 per house whereas we offer €30,000 per house.

Senator Lorraine Clifford-Lee: Is there not an improved one pending?

Ms Miriam Ryan: It is already improved. It has been improved.

Senator Lorraine Clifford-Lee: So, that is it. It is not moving forward. Would the DAA not look at the compulsory purchase order model of valuations which includes the reinstatement including disturbance of the families? It is a very small number of families we are talking about and what is being offered does not offer the families the ability to replace what they have in a similar location.

Ms Miriam Ryan: Before I deal with that question, in terms of the future, if this Bill goes through, we will need to make assessments and need to submit those to An Coimisiún Pleanála

which potentially may ask for further requirements that we will be happy to comply with as a result of that process.

We went through a process whereby we agreed with Fingal County Council the manner in which the VDPS would be agreed and implemented. That was all signed off. We are complying fully with that and delivering it along those lines.

Senator Lorraine Clifford-Lee: In relation to the removal of the cap, would increasing it not be sufficient? Do we need to remove it completely?

Ms Miriam Ryan: The general scheme allows for either the amendment or removal of the cap, so both things are supported.

Senator Lorraine Clifford-Lee: Would both suit the DAA's needs?

Ms Miriam Ryan: The preference would be to try to address the cap fully in the longer term.

Senator Lorraine Clifford-Lee: I thank Ms Ryan.

An Cathaoirleach Gníomhach (Deputy Grace Boland): In the 2016 consultation, what was the degree turn that was consulted there?

Mr. Gary McLean: It was a range of options, starting at 15° all the way out to 75°.

An Cathaoirleach Gníomhach (Deputy Grace Boland): Mr. McLean is saying that a consultation which happened ten years ago and which was a precursor to a planning application that did not progress is sufficient.

Mr. Vincent Harrison: That planning application did progress. That was the north runway.

An Cathaoirleach Gníomhach (Deputy Grace Boland): It did progress.

Mr. Vincent Harrison: We are talking about the runway planning here. There were other references to the infrastructure application, which is the rest of the airport infrastructure and the cap on passenger numbers.

An Cathaoirleach Gníomhach (Deputy Grace Boland): In terms of the degree turn that the witnesses are talking about, how can they say that the 30° turn was the one that everyone knew about on the basis of the 2016 consultation?

Mr. Gary McLean: We would have taken feedback into the sessions that were run and afterwards when people could make submissions. We then communicated the outcome of that consultation. It would have been published. I do not know exactly who would have received it directly, but it was published.

An Cathaoirleach Gníomhach (Deputy Grace Boland): And that is what the EIS is based on.

Mr. Gary McLean: Yes.

An Cathaoirleach Gníomhach (Deputy Grace Boland): Fully.

Mr. Gary McLean: Sorry?

An Cathaoirleach Gníomhach (Deputy Grace Boland): The environmental impact statement is based on the 30° turn.

Mr. Gary McLean: We would obviously have reassessed the impact of the design with the strategic infrastructure development in line with the opening of a new runway. There was a new environmental impact assessment at that point, which was more or less the same as what would have been done back in 2016.

An Cathaoirleach Gníomhach (Deputy Grace Boland): As a lawyer, I must say to the witnesses that they have to engage constructively with the communities. We have all heard from the communities and they are not happy with how the DAA is engaging on this. Please be positive and engage constructively. Buy the homes that need to be bought at a very fair price. Insulate other homes with premium insulation. Invest in the communities with roads, paths and infrastructure. Be a good neighbour. That is what we are asking. Please do that.

Ms Miriam Ryan: We absolutely are committed, and we are doing that. We met over 200 people last year alone. We have a dedicated group that goes out and meets with people-----

An Cathaoirleach Gníomhach (Deputy Grace Boland): That is essential for the area, and I hear it from people every day.

Ms Miriam Ryan: I completely accept that and-----

An Cathaoirleach Gníomhach (Deputy Grace Boland): That is not how people feel, so I am asking the DAA to look at that again.

Deputy Darren O'Rourke: Continuing along the same lines in terms of communication with communities and acting in good faith, I want the DAA to reflect on an experience for local public representatives and members of the community dating back to last March. There are a huge number of people involved. Some of us regularly attend public meetings in relation to this matter at which there are hundreds of people. There is expertise in the community, and there is serious interest in the matter. I want to reflect on the experience of Mr. Owen Keary of Ratoath. Mr. Keary is one of a group of people who are very interested in and quite expert in relation to this issue. Mr. Keary copies local public representatives on correspondence with the witnesses. In March of last year, in response to that correspondence, he was excluded from the process while local public representatives and others, including Michael Lowry TD from Tipperary, were included. Mr. Keary was accused of uttering serious falsehoods and making unfounded accusations. He was referred to as a prolific correspondent. Actually, the claims he had made have since-----

An Cathaoirleach Gníomhach (Deputy Grace Boland): Can I confirm that Deputy O'Rourke has permission to mention this?

Deputy Darren O'Rourke: Yes, I have permission. The charges he made have since been substantiated and confirmed by the IAA and by other individuals within the DAA. Are the witnesses aware of that email and the approach that was taken to exclude Mr. Keary in response to direct correspondence from him?

Is that normal practice on behalf of the DAA? Most important, what does it say about the type of communication it will have with the community into the future? Does it stand over the response in light of the facts after the matter?

Ms Miriam Ryan: I do not want to get into the detail of individual scenarios; I do not think that is appropriate. We have a lot of engagement, emails, communications and so on with individuals. When individuals call into question particular aspects of the way we do things or how we approach things, we respond to that.

Deputy Darren O'Rourke: I am specifically interested in an individual case. I ask the DAA to take that away and correspond with the committee on how it has reflected on it and if it will take a different approach.

Deputy Roderic O'Gorman: The permitted level of passengers under the cap at the moment is 32 million. In the DAA's application it asked to raise that to 40 million. That is an extra 8 million passengers per year. Has the DAA estimated the additional carbon emissions per metric tonne of an extra 8 million passengers coming through the airport every year?

Mr. Nick Cole: We are seeing in our industry a trend of reduction of carbon emissions for all the reasons we already described. It is a trend that it is slowly reducing but specifically----

Deputy Roderic O'Gorman: On today's basis, if there were an extra 8 million, does the DAA have an upper estimate?

Ms Miriam Ryan: It is difficult to do that. There is technological change and it depends on the type of aircraft being flown. There are a lot of different scenarios. We have included a number of different scenarios in our infrastructure application.

Deputy Roderic O'Gorman: I do not see how it is hard on today's basis to calculate the addition of 8 million passengers in terms of an upper potential limit of the increase in carbon.

Ms Miriam Ryan: We incorporated a number of scenarios in our infrastructure application. We can make that table available to the committee.

Deputy Roderic O'Gorman: It would be great if the DAA could make that table available. In terms of the DAA's engagement with the Department on this legislation and the question of the cap, has the DAA ever specifically asked the Department to exclude this legislation from the application of the climate Act?

Mr. Nick Cole: No, we have not.

Deputy Roderic O'Gorman: The DAA does not see heading 12 as existential to the wider question of the cap.

Mr. Nick Cole: It is not really for us to decide.

Deputy Roderic O'Gorman: There are issues that are burning questions for the DAA. I do not understand why the climate Act has been excluded from the application of this particular Bill. I am trying to understand if anyone has been asking the Department to do that. The Department was not able to tell us why it had done that. Am I correct in saying it is not a key issue for the DAA?

Ms Miriam Ryan: It is not something we have asked for.

Deputy Louise O'Reilly: I will go back to the issue of the buyout and insulation schemes because I think there is a bit of confusion which we have two minutes to clear up. That should

give us plenty of time. The Minister said on the radio that he had spoken to the DAA about improving the buyout and insulation schemes, which to me would indicate there is going to be some improvement. Is it the case that improvement has happened in the past couple of days? He seemed to be referring to future improvement but what the DAA just said in response to a question is that all of this improvement has happened. I am not trying to trip the witnesses up; I am trying to get an answer. When I asked the question, the indication was given that the DAA was in constant dialogue with the Minister, etc., which I would expect. Specifically on the insulation and buyout schemes as they exist today, is the DAA in discussion with the Minister about improving those schemes? If it is, does it have a timeframe for those discussions and when we will find out about it? If it is not and the DAA has had discussions with the Minister previously but those discussions are now closed - that is not to say the DAA does not communicate regularly, because I appreciate it does, but this is a very specific question - is the scheme about to be improved or have all the improvements happened already?

Ms Miriam Ryan: There are ongoing communications with the Minister on this issue.

Deputy Louise O'Reilly: He indicated there was a new and improved scheme in construction. Is that the case?

Ms Miriam Ryan: There is ongoing communication with the Minister.

Deputy Louise O'Reilly: That is not an answer.

Ms Miriam Ryan: I am not at liberty to say anything further at this time.

Deputy Louise O'Reilly: Is it envisaged that there will be a new scheme, that it will be a revision of the same scheme, or that there will be an addition to the current scheme?

What is being talked about? The discussions are ongoing and the witnesses know what is on the agenda.

Ms Miriam Ryan: The discussions are ongoing. We will continue to keep all of our schemes under review.

Deputy Shane Moynihan resumed the Chair.

Deputy Louise O'Reilly: Is the Minister wide of the mark in what he said about a new scheme coming? He did not say there was a new scheme. What he said was that there would be improvements, that he had spoken to the witnesses about improving the scheme. Is that the focus of the ongoing discussions?

Ms Miriam Ryan: We have a continued correspondence-----

Deputy Louise O'Reilly: Do the witnesses see that when they are evasive like this, it really annoys the people who live in the area and are going to be impacted by this?

Ms Miriam Ryan: With respect-----

Deputy Louise O'Reilly: There either are or are not ongoing discussions on improvement.

An Leas-Chathaoirleach: We will finish on this answer, please. The Deputy is over time.

Ms Miriam Ryan: We have ongoing discussions with our shareholder, which the Deputy can understand have to remain confidential until such time as they can be put in the public-----

Deputy Louise O'Reilly: He was talking about it on the radio.

Ms Miriam Ryan: The detail of it.

Deputy Louise O'Reilly: It does not seem confidential if it is discussed on the radio.

An Leas-Chathaoirleach: Go raibh maith agaibh. That brings this hearing to an end. I ask our witnesses to carefully review the transcript of the meeting and to provide the follow-ups. The clerk will also follow up with them via email. I would be very keen that the information that was not provided today would be shared with the committee as soon as is practicable, and we will be following up in that regard. I thank the witnesses for coming in today and for taking the time to engage with members of the committee. Will take a short break to bring in our next set of witnesses.

Sitting suspended at 12.16 p.m. and resumed at 12.22 p.m.

An Leas-Chathaoirleach: From the Irish Aviation Authority, I welcome Mr. Declan Fitzpatrick, chief executive officer, Dr. Adrian Corcoran, director of economic regulation, licensing and consumer affairs, and Mr. Luke Manning, head of economic regulation.

Before we begin, I am going to read the note on privilege. Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative they comply with any such direction.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I invite Mr. Fitzpatrick to make the opening statement on behalf of the IAA.

Mr. Declan Fitzpatrick: I am grateful for the invitation to appear before the committee this afternoon. I am joined by my two colleagues, Dr. Adrian Corcoran, director of economics, consumer affairs and licensing, and Mr. Luke Manning, head of economic regulation. I will provide a brief outline, from the IAA's regulatory perspective, of the technical and legal position in relation to the Dublin Airport 32 million annual passenger cap planning conditions, which I hope may be of assistance to the committee.

In very quick summary, the IAA is Ireland's civil aviation regulator, responsible for the regulation of safety, security and economic and consumer interests. Of particular relevance here today is the IAA's role in setting the slot capacity at Dublin Airport, pursuant to the EU slot regulation, Council Regulation (EEC) 95/93. That regulation was adopted to ensure that airlines have access to the busiest EU airports on the basis of neutrality, transparency and non-discrimination. It is part of the EU's policy to facilitate competition and to encourage entry, particularly from new entrants, into the internal EU aviation market.

A slot is a permission given to operate an air service at a slot co-ordinated airport, such as Dublin, on a specific date and time.

The aim of the slot regulation is to make the best use of the capacity at congested airports in order to meet these objectives. In summary, it is the tool that regulators use to fairly and effectively deal with capacity constraints. The slot capacity parameters are set twice per year by the IAA, once for each scheduling season. The summer scheduling season runs from the last Sunday in March until the last Saturday in October, and the winter season runs from the last Sunday in October until the last Saturday in March. In setting the maximum capacity, the IAA is required to take account of all relevant constraints that impact the ability of the different airport systems, such as passenger security screening, immigration, aircraft parking stands, etc., to process aircraft and passengers. Infrastructure capacity limits are ordinarily set at very granular intervals, such as hourly or ten-minute periods within each day.

After the IAA has set the slot capacity parameters, the allocation of slots is then carried out by an independent and specialised slot co-ordinator, which is also a requirement of the slot regulation. The IAA has appointed Airport Coordination Limited, ACL, to provide this service at Dublin Airport. ACL has extensive experience co-ordinating multiple airports in the UK, EU and beyond.

Turning to the specific situation here, the IAA's assessment is that where an existing and enforceable planning condition is anticipated to constrain the ability of the airport to fully facilitate demand, that condition amounts to a relevant constraint that the IAA is bound to take account of when setting the slot capacity. That is the case regardless of any view that might fairly be taken as to whether a particular planning condition itself has merit or is obsolete, and regardless of whether the original purpose of that condition was policy related or a condition that was identified as an environmental mitigation measure in an environmental impact assessment.

The IAA has also concluded that where such a constraint requires a reduction in the level of slots, it is necessary for airlines' historical slots to be reduced accordingly, and that doing so is in line with EU law. This position, as it relates to the 32 million passenger per annum conditions, has been challenged by airlines in various ongoing judicial review proceedings before the High Court relating to the IAA's capacity decisions for winter 2024 and summer 2025. The High Court has decided to refer several questions of EU law to the Court of Justice of the European Union, CJEU. While the full judgment of the CJEU is not expected until later this year, the Advocate General's advisory opinion was published on 12 February. That opinion aligns with the assessment of the IAA as I just outlined.

It should be noted that airport slots are allocated in respect of aircraft movements and do not determine the number of passengers actually carried on each flight and, hence, use the airport. Ordinarily, the number of passengers that actually use Dublin Airport over a given year is not determined by the DAA or IAA, but by the collective decisions of the travelling public to buy tickets on the available flights from the airport.

To understand the precise nature of any slot constraint generated by the 32 million passenger per annum conditions, and as part of the subsequent legal proceedings, the IAA had to consider, based on all of the original planning material, how the 32 million passenger per annum conditions came to be imposed in the first place. A recent understanding has emerged that a road analysis conducted in 2007 concluded that the road network could only support 32 million annual passengers using the airport. That was not actually the case. The 32 million passenger per annum conditions were instead a policy measure, based on a local area plan, LAP, that was

adopted by Fingal County Council in 2006. That 2006 plan, which has since lapsed and been replaced, envisaged that passenger numbers would grow to 38 million passengers by 2025, and provided that passenger capacity above 30 million passenger per annum should be provided by a third terminal building on the western side of the airport. As members will know, terminals 1 and 2 are on the east of the airport.

In 2007, An Bord Pleanála imposed the 32 million passenger per annum conditions on terminals 1 and 2 so that there would be sufficient future passengers to use this terminal 3 and, thus, the airport would develop in the manner envisaged in the 2006 LAP, with balanced development on the east and west sides.

The additional 2 million passengers per annum was added by An Bord Pleanála to the 30 million target simply for contingency and flexibility purposes, noting, for example, the risk that faster-than-expected growth in passenger traffic might lead to the 30 million target being exceeded before terminal 3 was completed. The 32 million passenger per annum conditions are expressly not a cap on the whole airport. Rather, they are just a cap on terminal 1 and terminal 2 combined. Equally, they were not designed explicitly as an environmental mitigation measure and will not be efficient at mitigating any noise, aviation CO2 emissions or other environmental issues at the airport. The conditions did not result from any road capacity analysis and it was not intended that the 32 million passenger per annum conditions would in themselves prevent congestion as a stand-alone measure, but rather that they would ensure balanced access to the three planned terminals.

As things have transpired in the subsequent 20 years, it is clear that there is no requirement for this third terminal, at least in the short or medium term, yet the conditions intended to support the use of that terminal remain and the unique planning process currently applicable to Dublin Airport infrastructure applications seems likely to take many years to revoke or change.

It should also be noted that the interaction between any annual passenger cap and the EU slot regulation, generates particular difficulties. The slot regulation requires that available slot capacity must preferentially be allocated to airlines that have historical slots. This means that an airport constrained by an annual passenger cap cannot facilitate any additional traffic for new routes or new entrants at any time of the day or year at times when capacity is otherwise available. It also means that no additional passenger flights can be added for peak demand periods, such as Christmas or Easter, or for special events such as major sporting events. Such unintended consequences may explain why, as far as the IAA is aware, no other EU airport is subject to an annual passenger cap.

The IAA is not currently taking account of the passenger cap when setting slot capacity because the High Court has enjoined us from doing so, pending the determination of the DAA and airlines' proceedings.

In summary, the interaction of these still-extant terminals 1 and 2 capacity planning conditions with how the aviation industry works in practice gives rise to various legal and technical complexities. Therefore, the IAA welcomes the objective of the legislation to remove the annual passenger cap. Any physical infrastructural constraints or environmental impacts can be more effectively addressed with targeted measures within the capacity setting process.

I thank the Leas-Chathaoirleach. We would welcome any questions.

An Leas-Chathaoirleach: Thank you, Mr. Fitzpatrick. For members, I propose to adopt the same speaking order we used last time. We will have a first round of five minutes each, and if we have time, we will go to a second round. Deputy Boland is first on the rota.

Deputy Grace Boland: The witnesses are very welcome. Do flight paths need planning permission?

Mr. Declan Fitzpatrick: This was the subject of a previous transport committee meeting. The flight paths we approve in Dublin Airport are as per the ICAO regulations. To step it back a little bit, for each runway there will be approved standard approach and standard instrument departures. The idea behind those is to regulate the traffic off the runway in a safe manner. It cuts down on things like air traffic control having to intervene to explain where they want the aircraft to go. They tell the aircraft to follow this standard instrument departure and the air crew will follow that. Those procedures are approved by the IAA from a safety perspective. Our process does not involve validating whether they do or do not need planning permission.

Deputy Grace Boland: Who makes sure there is adherence to those flight paths? Who monitors that?

Mr. Declan Fitzpatrick: To be very clear regarding flight paths, the air traffic controller has the final say. The air traffic controller will advise the aircraft to follow a particular instrument departure. There can be multiple departures from the different runways in Dublin Airport and other airports. The air traffic controller can advise the aircraft to take a very certain route that could be a deviation from the standard instrument departure. That can be for operational reasons. It might be to deconflict another aircraft crossing over, a helicopter in the region or something like that.

Ultimately, the air traffic controller has the final say on where the aircraft goes, but for the most part, the aircraft will follow the standard instrument departure. AirNav Ireland monitors that at an operational level continuously. It is continuously watching where the aircraft are in that airspace.

Deputy Grace Boland: Where would we get the data on that?

Mr. Declan Fitzpatrick: It is something that we could possibly obtain from AirNav Ireland. I think there is availability of information on the flights being flown out of Dublin Airport through the ANCA process. Perhaps it could be got there. I will hand over to my colleague, who will give a bit more information.

Dr. Adrian Corcoran: As I understand it, the actual paths flown are published by ANCA as maps of the density of various routes flown by aircraft.

Deputy Grace Boland: Is that the actual flights?

Dr. Adrian Corcoran: Yes, the actual flights flown.

Deputy Grace Boland: It gets a bit frustrating trying to work out what is agreed and what is a deviation from what is agreed.

Mr. Declan Fitzpatrick: It comes back to the point I was trying to make about how, ultimately, the air traffic controller has the say. They decide where the aircraft goes.

Deputy Grace Boland: How does that work with a planning authority? To be fair to Fingal and Meath county councils, when they are trying to plan, how can they get certainty as to how the airport is going to operate if there can be so much deviation?

Mr. Declan Fitzpatrick: I think we are talking about two different things here. We are talking in terms of planning of the airport and what would be required for planning approval. Separately then, we are talking about the operation of aircraft in airspace.

Deputy Grace Boland: It is more the flight paths. How can the local authorities make sure that they are not building communities that are going to be disproportionately impacted because they are under flight paths?

Mr. Declan Fitzpatrick: That is a question for Fingal County Council or for the other local councils, not for myself.

Deputy Grace Boland: We cannot ask them, unfortunately, because there is a planning application in process. That is an issue for us when trying to consider all of this. It feels like we are going around in circles a lot of the time.

On what basis has Mr. Fitzpatrick asserted that it is clear there is no requirement for a third terminal?

Mr. Declan Fitzpatrick: I have not asserted. What I suggested was-----

Deputy Grace Boland: It is contained in Mr. Fitzpatrick's statement that it is clear that there is no need for a third terminal.

Mr. Declan Fitzpatrick: If we go back to the local area plan in 2006, it envisaged that we would need the third terminal after 30 million passengers. We are at 36.5 million at this stage. When we do our slot regulation, we are looking at the capacity of the airport and its ability to provide the service. We can see that the airport is able to supply up to 36.5 million passengers and beyond, so we can see that-----

Deputy Grace Boland: The surrounding infrastructure, such as the M50 and the M1, are absolutely at capacity and breaking point. While the airport itself might be able to facilitate increased passengers, the surrounding infrastructure is really creaking.

An Leas-Chathaoirleach: We will finish on this answer.

Mr. Declan Fitzpatrick: I respect the Deputy's opinion on that but what we are looking at in the slot regulation is purely bound to the actual operation within the airport. The slot regulation does not take account of things like planning outside of the airport. That said, if a condition arises in the planning process and it is a relevant condition to the operation of the airport, we take account of it and adopt it into the slot regulation.

An Leas-Chathaoirleach: I thank the witnesses. We will move on to Deputy Crowe. We will come back to that again when I bring you all back in.

Deputy Cathal Crowe: I thank the Irish Aviation Authority for being here. I always found it a very helpful and co-operative agency, so thanks for everything.

I just want to pick up from where Deputy Boland left off. What the Deputy has described around Dublin Airport is very true, yet it is in sharp contrast to us. I am a County Clare

representative and very close to Shannon Airport. I speak up for it a lot in the Dáil. The situation in Dublin is in sharp contrast to what we would have in Shannon. Without adding a single brick to the Shannon Airport terminal, we could actually double the number of flights landing and taking off. There is a motorway network. There are plans for a heavy rail system up to its front door. There is an onus on Ireland Inc. and on the Government to sweat out all national assets. It cannot just be that every single flight to come into Ireland has to touch down in Dublin. That simply is not the case.

Other countries have got ahead of where we need to be. There is an inevitability about where all this will ultimately end up. Other countries have looked at their airports. During the last Dáil, this committee travelled to the Netherlands and we saw how the Dutch civil aviation authority, the IAA's opposite number operating in Holland, had had to implement its Government's strategy that dispersed flights out to the regions.

I was totally misrepresented last year by the Dublin Airport Authority when it suggested that I am trying to impose some stopover in Shannon Airport or elsewhere. I am not suggesting that. I am suggesting that, like every other Government policy, whether it is healthcare, housing provision or the provision of water and utilities, we would have a balanced regional development strategy to that. A lot of what I am hitting on here is for the Government to fix. I respect that the witnesses only deal with a slice of all of this. The point I am getting at is that when the IAA deals with these slot applications, it is very one-dimensional. There will be a service in and out of Dublin, let us say Dublin Airport to Amsterdam Schiphol, which I believe would be 14 services today. It is major European hub connectivity but there will be none out of Shannon Airport and I do not think there is any out of Cork Airport at the moment. Is there any way a clause could be inserted into this legislation, or something put in, on dispersal? Yes, the national airport and the State capital airport in Dublin gets a huge amount of traffic, which is fine and I am not taking away from that, but could there be some dispersal of other flights out to the regions?

Mr. Declan Fitzpatrick: The slot regulation as it is structured is European regulation. It only applies to those airports that are considered constrained. Shannon Airport is not constrained. The Deputy is right that there is loads of capacity in Shannon Airport to grow the airport. From a safety perspective we see no issue with Shannon Airport growing its numbers and there is no additional infrastructure required to do that. It is well primed to grow, and similarly with Cork Airport. On the slot regulation, it does not provide a mechanism for us to require slots to be cancelled or for flights to be moved to another airport. There is some provision in it for scenarios where two airports are in the same city, but that would not apply in this situation. Even on that there are very strict requirements one would have to get approved at European Commission level to apply that. The slot regulation does not provide a mechanism to do that, but ultimately I think it is a very good question for the airlines, and I believe the committee will meet them tomorrow, to understand what drives them to want to put another flight into Dublin Airport versus not putting a flight into Shannon Airport or Cork Airport or one of the other regional airports. Understanding this is fundamental in being able to encourage growth in the regional airports. Just to be fair, the regional airports are growing. Cork Airport was the fastest growing last year. There is growth in the regions but the Deputy's point is that he would like to see more.

Deputy Cathal Crowe: The central spine of the legislation makes sense and we have seen what the heads of sections are going to be. Yet, there are a lot of concerns from residents. We have to deal with that as a committee. There are the other airports in the country and we are trying to reflect that counterbalance here as well. I made one point to officials from the Department who were in here last week, which was that it is the first time I have seen legislation or policy going forward that has no mention on any page of balanced regional development, of Project Ireland 2040, or of the national planning framework. It is all to cater for Dublin growth and it is Dublin-centric all over again. It amounts to Ireland becoming unbalanced. I am just wondering if a clause could be put in there so if, for example, KLM and Aer Lingus were looking for an 18th or 19th flight a day out of Dublin Airport, then the IAA could say that is enough and that is saturation. There are the Knock, Shannon and Cork airports and we need to disperse this a little bit more. It is Ireland tipping over because one side has everything going in and out and the other side is neglected. Is there any clause that could be inserted?

Mr. Declan Fitzpatrick: The devil is in the detail but I think that, if the legislators were to do that, they would have to be very cognisant of the European regulation and not in some way impact on that. They would have to adhere to what is laid out in the European regulation. Perhaps my colleague will expand on that.

Dr. Adrian Corcoran: I agree with that. Under the slot regulations, it is not something that is provided for or something we can do. As Mr. Fitzpatrick has said, there is a separate regulation which the Department referred to and which does allow for redistribution of traffic when it is serving the same airport. It is important to consider that, even if we were to say to an airline that its 15th route cannot go into Dublin Airport, this does not mean it would then put it into Shannon Airport.

Deputy Cathal Crowe: I accept that.

Dr. Adrian Corcoran: It would consider its whole network and what is available with us.

An Leas-Chathaoirleach: It is my turn now with just a quick question. In the opening submission it was mentioned that no other EU airport has a similar or equivalent passenger cap. Are there any airports in the world that have similar equivalent passenger caps that the witnesses are aware of?

Dr. Adrian Corcoran: We believe Luton in London has a similar cap but it is not the same. The way it is constructed is slightly different.

An Leas-Chathaoirleach: Is it a planning condition?

Dr. Adrian Corcoran: It is set by the local authority and is a planning condition.

An Leas-Chathaoirleach: The DAA was before the committee earlier and illuminated for me how flight paths are set. There is a static distance of one mile. I wanted to ask if everything tended toward the centre or if there is a spread of the variation across that mile. Are 20% within the first 200 m on the left and 20% within 200 m on the right and the rest sit in the middle stream? What monitoring is done on flight path compliance? We heard two different versions of this. Residents suggest that there is not necessarily compliance with the flight paths that are in place, whereas the airport tells us there is compliance with the flight paths. What role does the IAA play in oversight and monitoring compliance with flight paths as set down?

Mr. Declan Fitzpatrick: The authority that implements or operates those flight paths is AirNav Ireland. It is the air traffic controller, and we regulate and certify it. Part of its process is to monitor the flight paths and adherence to them. We monitor how it does that. It has the data. If, in any situation a pilot deviates outside the margins allowed for a flight path, the airline has to issue an occurrence report. The airline submits an occurrence report to the IAA. AirNav would probably submit an occurrence report as well, explaining why this issue arose. It can be for many reasons. It could be a technical problem on the aircraft. It could have been a bird strike, an engine out, or the pilot was trying to maintain a flight level straight out and deviated slightly from the flight path. There are various reasons it can-----

An Leas-Chathaoirleach: How many of those reports were made last year?

Mr. Declan Fitzpatrick: I will have to revert to the committee with the details.

An Leas-Chathaoirleach: It would be useful to have the details for all of the airports, but particularly for Dublin Airport, with a view to determining that number as a proportion of the overall flights that left the airport.

Mr. Declan Fitzpatrick: To be clear, we will provide the committee with details of the deviation of aircraft from the standard instrument departure they were flying at the time.

An Leas-Chathaoirleach: Will Mr. Fitzpatrick also give us the number of resulting reports where that deviation happened?

Mr. Declan Fitzpatrick: Yes.

Deputy Roderic O'Gorman: As someone who represents a constituency close to Dublin Airport, I have met with a lot of residents' groups and individual residents over the years. I have never been able to understand how this divergence has developed between the planning permission granted for the north runway and the noise control modelling undertaken and the daily functional operation of what happens in Dublin Airport with that sharp turn. For beginners will the witnesses explain why that huge divergence between the regulatory function of a planning regulator and the day-to-day operations has taken place? I think that is the source of so much frustration here.

Mr. Declan Fitzpatrick: I will explain it from the safety regulator's perspective. There are two parallel runways. They are being operated in what we call simultaneous operation of independent runways, SOIR. The operation on one runway is completely independent of the operation on the other runway. Part of the regulatory and safety requirements for doing that is that aircraft departing off the end of the runways will deviate by 30°. The idea is that if an aircraft landing on the left runway has to go around, it will not advertently meet an aircraft taking off from the other runway. We guarantee that by having the 30° deviation. That 30° deviation can be applied in multiple ways. You could have the aircraft going around turning 30°. You could have it go 15° and have the aircraft departing on the other runway at 15°. There are many different ways to do it.

Deputy Roderic O'Gorman: This is not a new approach being adopted. That is a standard approach. How was that not factored into the planning of the then new north runway at all, particularly in terms of noise modelling?

Mr. Declan Fitzpatrick: It is not a planning function. The design and approval of flight instrument procedures are not part of that planning process.

Deputy Roderic O'Gorman: Did nobody see that the planning given did not seamlessly interact with the day-to-day operation of an airport?

Did no one spot the divergence between the planning rules and the safe operation of a two-runway airport?

Mr. Declan Fitzpatrick: The provision of instrument procedures at an aerodrome is the aerodrome's responsibility. I cannot answer for them. They were here earlier.

Deputy Roderic O'Gorman: Okay.

Mr. Declan Fitzpatrick: From our perspective, we approve the procedures presented to us. When they are presented to us, we go through them-----

Deputy Roderic O'Gorman: I have to cut Mr. Fitzpatrick off. I am sorry to be rude, but I have limited time. The IAA's statement indicates that the passenger cap was never an environmental mitigation measure and that any physical infrastructure constraints or environmental impacts can be more effectively addressed with targeted measures within the capacity-setting process. What are those targeted measures, particularly in the context of environmental mitigation?

Mr. Declan Fitzpatrick: I will give a practical example. If the concern is traffic on the M50 during rush hour between 8 a.m. to 9 a.m., you could have targeted measures whereby you reduce the slots available in the airport at 11 a.m. Effectively, that would reduce the number of passengers travelling to the airport during rush hour. That is a targeted measure, and a way of reducing traffic congestion on the motorway between 8 a.m. and 9 a.m. That is what we mean by that.

Deputy Roderic O'Gorman: That is an infrastructural constraint. In the context of environmental impacts, does Mr. Fitzpatrick have any specific examples like the one he has just given?

Mr. Declan Fitzpatrick: Slot regulation is not designed to implement environmental measures. What we do is take what has been set in the slot regulation and apply it to the determination of the slots.

Deputy Roderic O'Gorman: Does the IAA have a view on head 12 of the general scheme, which excludes the application of the climate action Act?

Mr. Declan Fitzpatrick: We do not have any particular view.

Deputy Roderic O'Gorman: The witnesses never requested that. It is not something they see as essential for the operation of this proposed legislation.

Mr. Declan Fitzpatrick: No. It was never a case of us asking or not asking for it. We have not been involved in that process.

Deputy Cathal Crowe: I am conscious of my line of questioning. Some of what I am about to say will be in the form of a statement. The IAA has made it clear to Deputies that it views matters through a narrow lens and that its functions relate to the airport.

Chair, what I am going to say is more for the benefit of the committee. In this body of work, and there is quite a lot to undertake, we need to look at the Dutch example. We found it necessary to travel to the Netherlands two years ago to examine the latter. Maybe those involved could join us by video link at some point. The Dutch authorities have assigned functions to their civil aviation regulator that extend beyond the curtilage of the airport, managing slots and regulation. They have stipulated that. Maybe I have taken it up wrong, but my clear understanding when I was in the Netherlands with other members of the committee was that they have a function of enforcement when it comes to environmental and noise regulations, sustainability and balanced regional development. They put in place other headings in respect of the regulator that we do not seem to have here. This is for the Minister and the Government to fix.

Can the witnesses think of examples where their opposite numbers in other regulators have a broader expanse of powers? Maybe some of them have worked with different regulators overseas in the past. Is the narrow lens used here typical of what happens around Europe or do others have a broader remit?

Dr. Adrian Corcoran: It is worth considering that various European regulations are implemented differently in different countries. The allocation of certain functions to aviation regulators is also different. While we have slot regulation in Ireland, including setting capacity, in many European countries, capacity setting would not be done by the civil aviation authority. Similarly, we do not have a role in traffic distribution, not that it would really apply in Ireland, as already discussed. That competency is kept by the Department of Transport. It depends on how we implement European regulations. There is no example similar to the Dutch example, which is an ongoing process. The two airports involved serve the same conurbation in the Netherlands.

Deputy Cathal Crowe: I am listening to Dublin Deputies representing the concerns of local residents and constituents. I have correspondence from those people as well, even though I do not represent them in the Dáil.

I also aspire to see growth along the western seaboard and that the other airports would benefit. I do not believe and have never believed that anything should be focused entirely on one region to the detriment of others. There are policies, albeit they are not widespread in Europe, where consideration is given to many factors, including in the Dutch case. I am not suggesting the IAA becomes marshals of traffic on the M50 motorway or anything ludicrous like that.

Ultimately, the committee has to provide some feedback to the Minister. In this legislation, we have to somehow stitch into one of the headings that there be a broader remit for the IAA, so that it would also have some checks and balances that reflect other State policies, be they environmental, noise output or balanced regional development. Of course, that has to be legally approved under the 1995 regulation but I am also conscious the legislation that will ultimately pass, probably in autumn this year, is a once-in-a-lifetime thing. The slot regulation dates back to 1995. These kinds of things only get overhauled every 20, 25, 30 years. Many of us will not be in politics or still in professional life and will probably be retired. We have, therefore, one shot to do the right thing, not just for Dublin Airport but for Ireland at large.

I do not have much more to say but it would be worthwhile, and this should be recorded in the minutes, that at some point in the next few weeks, we try to have a video link with the Dutch civil aviation regulator to see how it has applied different headings in its legislation while maintaining compliance with EU regulations. They are not in breach of them, yet they have managed to stitch in other headings for consideration, which we need to have in Ireland as well.

Mr. Declan Fitzpatrick: It would be key to ask how we incentivise the airlines to grow more in the regional airports. Recognising that stitching anything into the capacity of Dublin Airport will not necessarily drive the traffic from Dublin Airport to the regional airports because the regional airports are competing with regional airports in the rest of Europe. They are not competing with Dublin. Legislators would need to get that balance to make sure they are not introducing something in the Bill that would not have the effect they are looking for. That is the key point. Understanding what drives airlines to put on additional flights in the regional airports would be very important. It would be good for the committee to get a clear understanding of that in its meeting with airlines tomorrow.

An Leas-Chathaoirleach: I will ask one follow-up question related to that. The IAA mentioned earlier that it was able to forecast or calculate the capacity of Dublin Airport at 36 million passengers. Has the IAA done a similar exercise for airports around the country? Does it have an idea of what airports are operating under capacity and how far away they are from full capacity?

Mr. Declan Fitzpatrick: The exercise was done for Dublin Airport because it is a constrained airport. It is part of the process of determining what exactly the maximum capacity is at any given hour of the day. For the regional airports, it is not a specific exercise - my colleagues will correct me if I am wrong - but we do know there is additional capacity in Shannon Airport, Cork Airport and the other regional airports. There is plenty of space for them to grow, with their existing infrastructure.

Dr. Adrian Corcoran: The slot regulation only kicks in when demand exceeds supply and if there are more airlines looking to operate at a particular hour, like a peak hour. Our role then is to assess whether the airport needs to be co-ordinated. We did that for Dublin Airport in 2007. It was only at that point that Dublin Airport became a co-ordinated airport.

An Leas-Chathaoirleach: From that answer, it sounds like there is a lot of flexibility in the regional airports.

Dr. Adrian Corcoran: Yes. They are nowhere close to this kind of regime. Dublin Airport had 36.5 million passengers last year compared to Cork Airport's 3 million passengers.

An Leas-Chathaoirleach: That amounts to 100,000 passengers a day. Are there any further contributions?

Deputy Cathal Crowe: Yes, and I will end on this. I do not know whether this falls within the remit of the IAA. We are talking about Dublin Airport being a capital city airport and a major hub at this point. It has grown hugely. We can see from Dublin Airport departures hall that the airport is very well connected to other hubs. There may not be direct flights yet to South America or Australia, but it is very well connected. Has Ireland Inc. or the IAA, as the regulator, looked at having a secondary or tertiary network of connectivity and slots? So many

Irish people are living in Melbourne and Sydney, in Canada and other places. Not everything has to go from capital to capital and hub to hub.

There is surely a way to fly from a west of Ireland airport to Riyadh, South America, Kuala Lumpur and Australia. Is there any joined up thinking at European level? Everything is focused on travel from capital to capital and hub to hub and getting people to the four corners of the world. Is there any examination of secondary and tertiary routing? Is this beyond the remit of the authority?

Mr. Declan Fitzpatrick: It is beyond our remit as it stands. We need to try to understand what drives the airlines to put on routes and the economics of that. That would be a good question for the airlines tomorrow in terms of understanding whether they have carried out such an assessment. I think they would have, and have determined the most economic routes to put on.

An Leas-Chathaoirleach: I thank the witnesses.

Mr. Declan Fitzpatrick: We welcome the general scheme of the Bill. The eventual legislation will make our lives that little bit easier in terms of implementing the slot regulations. We look forward to it.

An Leas-Chathaoirleach: I thank the witnesses for coming before the committee.

The joint committee adjourned at 1.01 p.m. until 9.30 a.m. on Wednesday, 25 March 2026.