

Supplementary Information #3 to the Aarhus Convention Compliance Committee

Communication: NRTG v Ireland (filed 2 March 2026) From: Gareth O'Brien BE (Civil) MSc, North Runway Technical Group Date: [7 April 2026] To: Aarhus Convention Compliance Committee Secretariat (aarhus.compliance@un.org)

Dear Secretariat,

I write to file supplementary #3 to the communication filed on 2 March 2026.

The population-exposure figures cited in the communication and in this supplementary have now been formalised into an independent GIS impact study deposited on Zenodo: O'Brien, G. (2026), *Quantifying Noise Impact of Dublin Airport's North Runway Departure Routes: An EIA-Conformance Gap Analysis*, Version 1.0, North Runway Technical Group, <https://doi.org/10.5281/zenodo.19567671> (Annex B). The study replaces the earlier provisional counts with a documented, reproducible methodology (SID-compliance corridors widened on the UK DfT00393 convention; OpenStreetMap residential buildings; CSO Small Area 2022 population, area-weighted), includes a corridor-width sensitivity analysis, and deposits the QGIS project, source layers and georeferenced figures so that any independent party can reproduce every number. The counts reported below are v1.0 figures.

ANCA published a Strategic Environmental Assessment Screening Report in January 2026 for proposed amendments to the Noise Abatement Objective (NAO) at Dublin Airport. Read alongside the operator's testimony to the Oireachtas on 24 March 2026, this document establishes that Ireland's regulatory framework for aircraft noise is being used to circumvent the environmental assessment and public participation requirements of the Convention.

1. The proposed NAO amendments

ANCA's SEA Screening Report (Logika Consultants, 12128C-01, 6 January 2026) proposes two amendments:

Amendment 1: replace the 2019 noise baseline with a 2023 baseline. The 2019 baseline reflects the pre-breach environment. The 2023 baseline reflects the first full year of operations using departure routes that were never assessed under Directive

2011/92/EU and never consulted under Article 6 of the Convention. ANCA's own data shows a 343% increase in population exposed to 55 dB Lnight between these two baselines.

Amendment 2: remove the 55 dB Lnight and 65 dB Lden criteria. These metrics quantify the breach. ANCA's justification is that housing growth "conflicts with the achievement" of the Lnight objectives. The homes are noise-sensitive because the departure routes changed without assessment; ANCA proposes to remove the metric rather than address the cause.

Source: Annex (full report, 24 pages).

2. Article 6: public participation decided before the public is consulted

The NAO amendments were designed internally between ANCA and its consultants (Logika, a UK-based firm), informed by daa's noise data. The SEA Screening was consulted with prescribed environmental authorities (EPA, three Ministers) between 19 November and 17 December 2025. Only the EPA responded, with generic procedural guidance. No Minister responded. Affected communities were not consulted.

The public will be consulted later, on the regulatory decision that flows from the amended NAO. By then, the framework will already be set: the 2023 baseline as reference point, the Lnight criterion removed. The public will be asked to comment on a decision that takes the amended NAO as given, not on whether the NAO should be amended.

Article 6(4) requires public participation "when all options are open." The most consequential decisions (which baseline, which metrics) will have been taken before the public is engaged.

This is the second instance of what might be called Consultation Theatre: a formal consultation process structured so that the population actually affected is excluded, with the completed consultation then cited as evidence of compliance.

In 2016, the exclusion was geographic: the consultation was confined to Fingal County; 3 of 261 respondents were from County Meath where the noise impact falls. The consulted routes (15/75 degree) were never implemented. The routes actually flown (30/86 degree) were never presented to any public. daa nevertheless cites the 2016 consultation as justification for the current operations.

In 2025/26, the exclusion is by sequencing: the most consequential decisions (which baseline, which metrics) are taken before the public is engaged. The public will be consulted on a regulatory decision that takes the amended NAO as given, not on whether the NAO should be amended.

A third instance has emerged since the communication was filed. The IAA's Draft Decision on Winter 2026 Coordination Parameters (8 April 2026) proposes to increase

Dublin Airport's capacity by 32 movements per day. Article 5(3) of the Slot Regulation requires the Coordination Committee to consider "possible environmental concerns." The Draft Decision's own narrative of the three Coordination Committee meetings held on 19 February, 12 March and 24 March 2026 (pages 5 to 7 of the Draft Decision) records discussion of planning-condition enforceability, simulation modelling, operational performance, Judicial Review proceedings, and arrangements for Ireland's EU Council Presidency, but records no substantive engagement with the environmental limb of Article 6(1): no reference to the Environmental Noise Directive, no reference to Dublin Airport's strategic noise maps, no Lden or Lnight values, and no input from the Aircraft Noise Competent Authority. No environmental authority, and no affected community, participates in or is consulted by this process. The Noise Action Plan 2024-2028, published in December 2024 and showing a 191% increase in Lnight exposure since 2019, is not referenced. The capacity decision is taken in a forum from which environmental considerations and affected populations are structurally excluded.

All three instances formally satisfy the procedural requirement. All three substantively exclude the affected population. The Committee may wish to consider whether a pattern of structuring consultation and decision-making to predetermine its outcome is consistent with Article 6(4).

3. Article 3(1): the framework is being used to circumvent the EIA Directive

Article 3(1) requires "a clear, transparent and consistent framework to implement the provisions of this Convention."

The Reg 598/2014 process is being used as a substitute for EIA. Departure routes changed materially after construction (straight-ahead to 30-degree turns at 400ft); 8,761 residential buildings (30,186 residents) are newly affected within the 3 km corridor under the Routes Flown, against 450 buildings (1,202 residents) under an EIS-consistent designed alternative, per Annex B. No EIA was conducted. ANCA is using the Reg 598 process to retrospectively establish the changed operations as the baseline and remove the metrics that quantify the deviation.

The operator's Managing Director confirmed this strategy on the Oireachtas record (24 March 2026): "reset the baseline for operations at the airport" (para 76). ANCA's report uses identical language: "re-baseline the NAO against the noise situation in 2023."

The Commission's Decision C(2026) 919 found ANCA's previous assessment non-compliant with Reg 598/2014. ANCA's response is not to fix the assessment but to change the objective against which it is measured.

This is a framework failure within the meaning of Article 3(1). The regulatory framework is being instrumentalised to circumvent environmental assessment and public participation.

4. Article 9: no remedy for the framework failure

There is no domestic mechanism to challenge ANCA's decision to amend the NAO rather than enforce it. ANCA has disclaimed any complaints function (8 April 2024, Ref 2024/159). Section 21(3)(c) of the 2019 Act makes review requests discretionary. No enforcement notice or regulatory decision exists that could be challenged or appealed.

The SEA Screening Determination is not appealable under Irish planning law. By the time a challengeable decision exists, the baseline will already have been reset and the metrics removed.

5. Request

We respectfully request that the Committee consider:

- (a) whether the narrowing of the consultable question (by setting the baseline and removing metrics before public consultation) is consistent with Article 6(4);
- (b) whether the use of the Regulation 598/2014 process to establish an unassessed noise situation as the regulatory baseline, without EIA and without public participation, constitutes a framework failure under Article 3(1);
- (c) whether the absence of any domestic mechanism to challenge ANCA's decision to review rather than enforce the NAO, or to challenge the scope of the proposed amendments before adoption, is consistent with Article 9.

Yours faithfully,

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Annexes

- Annex A: ANCA SEA Screening Report (Logika Consultants, 12128C-01, 6 January 2026, 24 pages). SEA Screening Determination dated 12 January 2026. Source: fingal.ie/aircraftnoiseca.
- Annex B: O'Brien, G. (2026), *Quantifying Noise Impact of Dublin Airport's North Runway Departure Routes: An EIA-Conformance Gap Analysis*, Version 1.0, North Runway Technical Group. Deposited on Zenodo, <https://doi.org/10.5281/zenodo.19567671>. Independent reproducible GIS quantification of population exposed under the Routes Flown and under two EIS-consistent counterfactuals, with corridor-width sensitivity analysis.