

# Annex S4-E: Coimisiún na Meán letter to NRTG, 31 March 2026 (CAS-04508 / CAS-04843; CRM:0161881)

## Message metadata

- **Date:** Tue, 31 Mar 2026 16:13:56 +0000
- **From:** User Support UserSupport@CnaM.ie
- **To:** Gareth O'Brien gobrien@yupon.com
- **Subject:** RE: CAS-04508 / CAS-04843: Status update request and supplementary material CRM:0161881

## Body

Dear Gareth,

Thank you for your email.

Complaints are generally processed in chronological order. We apply this procedure to complaint referrals to Authorised Persons. The Authorised Person will consider whether there is reason to suspect a contravention of statutory or regulatory standards in the programme material you have complained of at the time of broadcast.

At present, an Authorised Person has not been appointed to consider your complaints CAS-04508 and CAS-04843. However, we will contact you with an update in due course.

Regarding the supplementary material you have provided, we are not accepting any additional submissions at this time. The Complaints team requested and received a copy of the broadcasts complained of in advance of the Commission's consideration of your complaints and its decision to refer them to an Authorised Person. The Authorised Person reviews and considers relevant material previously provided by you, the information provided by the broadcaster and the programme recordings. It is open to the Authorised Person to seek further information to inform consideration of a complaint.

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Kind regards,

User Support Team Foireann Tacaíochta Úsáideoirí

T: +353 (0)1 963 7755 | [usersupport@cnam.ie](mailto:usersupport@cnam.ie)

[cid:image.png@752458c834e7f0a2fc8a3b1.752458c83]

1 Áras Shíol Bhroinn, Bóthar Shíol Bhroinn, Baile Átha Cliath 4, D04 NP20, Éire. 1 Shelbourne Buildings, Shelbourne Road, Dublin 4, D04 NP20, Ireland.

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Déan machnamh ar an timpeallacht, le do thoil, roimh an ríomhphost seo a phriontáil.

Please consider the environment before printing this email.

----- Original Message ----- From: Gareth O'Brien [gobrien@yupo.n.com](mailto:gobrien@yupo.n.com); Received: Wed Mar 25 2026 19:30:56 GMT+0000 (Greenwich Mean Time) To: [UserSupport@CnaM.ie](mailto:UserSupport@CnaM.ie) [usersupport@cnam.ie](mailto:usersupport@cnam.ie); Subject: CAS-04508 / CAS-04843: Status update request and supplementary material

Complaint refs: CAS-04508, CAS-04843

Dear User Support Team,

I am writing regarding my complaints, references CAS-04508 and CAS-04843, concerning broadcasts on Newstalk on 10 and 16 July 2025. This letter serves two purposes: to request a status update, and to submit supplementary material for the authorised person's consideration.

## 1. Status Update Request

On 19 November 2025, the Commission referred both complaints for consideration by an authorised person. On 20 November, I was advised that there is no statutory timeframe for the authorised person's decision. Over eighteen weeks have now passed without further communication. I would be grateful if you could advise:

- Whether an authorised person has been appointed to consider these complaints
- Whether a decision has been made on whether to initiate a formal investigation under Section 139ZI
- If not, the expected timeframe for a decision
- Whether Newstalk has been notified of the referral and, if so, whether it has provided any response

## 2. Supplementary Material

Since filing the original complaint, I have obtained and transcribed the full audio of both broadcasts using speech recognition with speaker diarisation. This analysis has identified material that was not included in the original complaint and which I respectfully ask be placed before the authorised person.

### 2.1 The O'Leary interview (10 July 2025)

Michael O'Leary spoke for 11 minutes and 34 seconds of the 16-minute segment (76% of airtime). Ivan Yates spoke for 3 minutes and 38 seconds. In that time, O'Leary made at least 15 statements that are demonstrably false or grossly misleading on matters of verifiable public record. These include:

- That North Runway planning permission was granted in 2015 (it was granted in 2007)
- That the M50 and M1 motorways post-date the 2007 planning condition (both were completed in 2006, before the permission was granted)
- That the passenger cap is "illegal under EU law" (the question is pending before the CJEU in Case C-857/24; the Advocate General's Opinion of 12 February 2026 found a cap to be a valid operational constraint)
- That the second runway "has halved the number of flights over St Margaret's" (every departure between 07:00 and 23:00 uses the North Runway, all turning over St Margaret's; there is zero reduction)
- That aircraft are "50% quieter than five or ten years ago" (the 3 dB reduction applies to next-generation types during engine certification testing; only a minority of the Dublin fleet are next-generation aircraft, and the perceptible ground-level difference is negligible)
- That European airports define night-time as "midnight to 5:30 or 6am" (the standard European definition is 23:00 to 07:00; Heathrow, Frankfurt, and Charles de Gaulle all use this or stricter definitions)

- That “there are no nighttime flights taking off over your house between midnight and 6:30” (the planning condition permits 65 per night; actual movements routinely reach 90 to 114)
- That children at a local primary school “make more noise than the aircraft overhead” (the school is overflowed at 1,500 to 2,000 ft at 78+ dB, with 100+ flights during school hours; the school contains a unit for autistic children with noise sensitivity)

None of these were corrected or challenged by the presenter. Several are verifiable in seconds from public records.

When asked directly by Yates whether he had any sympathy for affected residents, O’Leary responded: “Absolutely none. I mean, it’s all fucking made up.” This was broadcast unchallenged on daytime national radio, referring to communities where the state’s own noise regulator (ANCA) has recorded a 343% increase in population exposed to 55 dB Lnight since the 2019 baseline. Yates’ response was not to challenge this characterisation but to continue the line: “But you’re saying suck it up, suck it up.”

## 2.2 The Pat Kenny interview (16 July 2025)

The original complaint identified the prejudicial preamble and four specific false claims by Pat Kenny. The transcript reveals additional matters relevant to the obligations under which the complaint is being assessed:

Post-interview “clarification” without right of reply: After the pre-recorded interview ended, with David Walton no longer able to respond, Kenny stated: “And just to clarify, during that interview, David said that Dublin Airport sought planning permission to use the North runway as a standalone runway. Actually, the planning permission granted for the North runway provides that the parallel runways can be used together depending on the wind direction.” This is a presenter correcting a guest on a pre-recorded segment who cannot reply. It is also misleading: the Environmental Impact Statement on which planning was granted assessed straight-out departures. Whether the runways can be used together does not alter the fact that the departure routes assessed in the EIS are not being flown.

Dismissal as NIMBYism: When Walton explained the NRTG proposal to re-route the missed approach over industrial areas, Kenny responded: “So you’re saying not over us, thank you, over somebody else.” This reframes a substantive technical proposal (designed by licensed airline pilots) as selfishness, and is an editorial position, not a question.

Structural unfairness of format: The full sequence was a live preamble containing false claims (Walton cannot respond), followed by a pre-recorded, edited interview, followed by a live “clarification” correcting Walton (Walton cannot respond). The presenter had the first and last word on a segment where the interviewee had no opportunity to address either.

## 3. Context

I wish to draw the authorised person’s attention to a development since the complaint was filed. The subject matter of these broadcasts is now before three EU

institutions: the Aarhus Convention Compliance Committee (communication filed 2 March 2026), the European Commission (formal complaint ID:91249, registered as CPLT(2026)00881, DG Environment lead), and the European Parliament Petitions Committee (petition filed 2 March 2026).

Several of the false claims broadcast on Newstalk are the same claims used by the airport operator in official proceedings, and which have since been contradicted on the Oireachtas record during pre-legislative scrutiny of the Dublin Airport (Passenger Capacity) Bill 2026 (Joint Committee on Transport, 4, 18, 24, and 25 March 2026).

The claims in the broadcasts are not matters of editorial judgement or opinion. The year a planning permission was granted is a fact. The completion date of the M50 is a fact. Which runway departures use is a fact. European airports' definition of night-time is a fact. For each claim, the correct position is established in publicly available official records.

#### 4. Attachments and request

I attach the full transcripts of both broadcasts and a detailed claim-by-claim analysis of the O'Leary interview with source references. I ask that these be placed before the authorised person.

I would appreciate a substantive response to this letter within 20 working days.

Regards,

Gareth O'Brien BE (Civil) MSc

North Runway Technical Group 24 White Ash Park, Ashbourne, Co. Meath A84 H563  
gobrien@yupon.com mailto:gobrien@yupon.com +353-87-277-9281

Attachments: 1. Transcript: Michael O'Leary Interview, Newstalk, 10 July 2025 (with speaker diarisation) 2. Transcript: Pat Kenny Show, Newstalk, 16 July 2025 (with speaker diarisation) 3. Claim-by-claim analysis: O'Leary interview, 18 claims assessed against public record 4. Audio clip: "it's all fucking made up" (O'Leary, 10 July 2025) 5. Audio clip: "suck it up" (O'Leary, 10 July 2025)