

Wave 4 Cluster: Redaction vs Substance Audit

Purpose

For each of the seven PQs in the 30 April 2026 cluster that the Oireachtas Bills Office redacted (“(details supplied)”), this audit answers a single question: were the redacted sub-parts substantively addressed by the Minister’s reply, or were they redacted from the public record and ignored in the reply?

This matters for two reasons.

1. The public Dáil record is materially different from what was asked. If the Minister did engage with the substance, the public record under-represents the exchange but the Minister’s reply still addresses what the Deputy wanted asked. If the Minister did not engage with the substance, then the public record AND the reply both misrepresent the exchange, and the practical effect is that a precise compound question with hard sub-parts gets reduced, on the public record, to a vague question and a generic recital of the regulatory architecture.
2. For the EC supplementary (CPLT(2026)00881), the second case is direct Article 5 Aarhus / Article 6 participation evidence. The public is denied access to what was actually asked, and the substantive questions on EU-law consistency are not answered.

Background on who redacts

The “(details supplied)” convention is operated by the Oireachtas Bills Office. It is not exercised by the tabling Deputy, nor by the answering Department. The Deputy supplies the full text in the tabled question; the Bills Office decides what to publish on the public Dáil record; the Minister’s private office receives the as-tabled text in full. The Minister therefore reads and is in a position to reply to the unredacted question.

For this cluster: Deputy Toole has confirmed that she did not remove anything from the questions; her only related action was to copy the same lines of inquiry to additional ministries.

Categories used

For each redacted sub-part, the Minister’s reply is classified as one of:

- **ANSWERED.** The substance is addressed in the reply, even though the citation may be dropped.

- **PARTIAL.** The factual premise is addressed but the consistency-view or characterisation question is not.
- **IGNORED.** The substance is not addressed at all in the reply.
- **DEFLECTED.** The substance is acknowledged but routed to another body (typically ACP) on the basis that it is not the Minister’s matter.

Per-PQ audit

PQ 232 [31625/26] — O’Gorman: IRLD2021029 expertise review

Redacted sub-parts:

Redacted material	Minister’s reply	Status
“noting that the Minister told the Dáil on 17 November 2021 that he ‘fully accepts’ the three recommendations directed at his office”	Not addressed. The 17 November 2021 acceptance is not acknowledged in the reply.	IGNORED
“noting that FOI request TRA-FOI-2026-0086... confirmed under section 15(1)(a) that no records exist of any periodic review having been conducted, no terms of reference, findings, or actions taken, and no decision by the Minister or Secretary General on how such reviews should be carried out”	Not addressed. The FOI 0086 finding of zero records on IRLD2021029 is not engaged with.	IGNORED

The principal question (preserved on the public record) was whether the IRLD2021029 review has ever been conducted. The Minister’s reply deflects that question: he describes IRLD2021029 as a “separate and distinct matter” from the Bill, then redirects to IRLD2021031 (a different recommendation, on Departmental oversight of the IAA) and cites the AQE review as if it answered IRLD2021029. The yes-or-no question is never answered.

Net effect. The redaction removes the evidentiary anchor (the FOI 0086 zero-records finding) that would have made the deflection from 029 to 031 obvious to a Dáil reader. With the anchor stripped from the public record, the deflection looks like a normal answer; with the anchor in place, it would have read as evasion.

PQ 246 [31817/26] — Toole: Expertise cascade

Redacted sub-parts:

Redacted material	Minister's reply	Status
Second sentence of EB committee quote: "The Minister doesn't hold data himself or the Department doesn't hold data"	Substantively addressed: "I can confirm that I am aware of the statements made to the Joint Committee on Transport on 4 March 2026 regarding the fact that noise data is captured by the daa and is not held by my Department." The citation is dropped on the public record but the substance of the second sentence is confirmed.	ANSWERED
(f) "whether the Minister considers the cascade at (a) to (e) above, read together, consistent with Ireland's obligations under Directive 2002/49/EC and Regulation 598/2014 to ensure effective oversight of airport noise"	Not addressed. The reply describes the regulatory architecture (IAA oversees daa, EASA oversees IAA, etc.) but never says whether the cascade is consistent with Ireland's obligations under the named Directive and Regulation.	IGNORED
(g) "if so, on what basis"	Not addressed (since (f) is not answered).	IGNORED

Net effect. The factual concession on the EB quote is preserved in substance. The hard consistency-with-EU-obligations question (the load-bearing ask) is removed from the public record AND not answered.

PQ 247 [31818/26] — Toole: ANCA independence

This is the most heavily redacted question in the cluster. The eight-part question on Article 3(2) and Recital 12 of Regulation (EU) 598/2014 is reduced on the public record to "matters raised (details supplied) regarding flight routes". The reply itself runs to fourteen substantive paragraphs, addressing some of the redacted sub-parts and not others.

Redacted sub-parts:

Redacted material	Minister's reply	Status
(a) Recital 12 / Article 3(2) require independence	“to ensure the selection of FCC met with the independence criterion of EU Regulation 598/2014” + “the independence of ANCA is secured in Section 3 of the 2019 Act”. Legal premise restated.	ANSWERED
(b) ANCA has no separate legal personality from FCC, restated at §79 of [2025] IECA 128	Confirmed in substance: “the FCC Chief Executive subsequently created a new division called the Aircraft Noise Competent Authority within its executive branch”. The CoA judgment citation is not addressed.	PARTIAL
(c) ANCA funded by daa levy under section 5; section 5(8) costs constraint	Addressed via deflection: “It is not reasonable to assert that the exercise of regulatory roles by local authorities might be in some way compromised by their sources of funding, and it is not unusual for regulatory bodies to be funded by the regulated entity in the form of a levy or charge on that entity.”	PARTIAL
(d) daa's commercial rates liability to FCC creates a parallel financial interest of the host local authority	Not addressed. The reply mentions local authorities' “rate collection and property tax setting functions” in passing but never engages with the parallel-interest argument.	IGNORED
(e) ANCA's lack of independent monitoring infrastructure under sections 9(10) and 19	Confirmed in substance: “the daa is responsible for implementing and maintaining noise measuring systems...as required by ANCA”. Independence concern not addressed.	PARTIAL

Redacted material	Minister's reply	Status
(f) ANCA's zero enforcement actions in 5+ years notwithstanding 343% Lnight increase	Not addressed. The reply describes ANCA's noise contour publication and annual reports but never engages with the zero-enforcement record or the 343% finding.	IGNORED
(g) Director of ANCA attends FCC Executive Management Team (FOI/2026/071)	Confirmed: "Regarding points raised in relation to records released under Fingal FOI decisions FOI/2026/071 and FOI/2026/072, I understand that they are factually correct."	ANSWERED
(h) FCC CE quarterly meetings with ANCA Director (FOI/2026/072)	Confirmed (same passage).	ANSWERED
Closing: whether features (b) to (h) taken together are consistent with Article 3(2) of Regulation (EU) 598/2014	Not addressed. The reply asserts independence by reference to the 2019 Act but never engages with the closing consistency-view question.	IGNORED

Net effect. The Minister's reply is roughly half-responsive on the redacted material. The architectural facts are restated or confirmed. The substantive challenges (the daa-rates parallel interest at (d), the zero-enforcement record at (f), and the closing consistency-view) are removed from the public record and not answered. The public sees a cropped one-line question and a long substantive reply on a topic the public was never told was being asked about.

PQ 248 [31820/26] — Toole: Orphan-remedy / cross-body jurisdictional gap

Redacted sub-parts:

Redacted material	Minister's reply	Status
(a) Fingal CC has stated it lacks technical expertise in flight-path matters	Not addressed. The reply does not engage with Fingal's stated expertise gap.	IGNORED
(b) ANCA monitors noise compliance only	Addressed in passing as a feature of the architecture.	ANSWERED

Redacted material	Minister's reply	Status
(c) AirNav has stated planning permission is a matter for daa	Not addressed.	IGNORED
(d) IAA approves on safety only	Addressed in passing.	ANSWERED
(e) ACP has not made a determination on the flight path deviation	Addressed via the McLean line: "I would like to again clarify that flight paths are not a condition of planning at Dublin Airport."	DEFLECTED
(f) EPA has no statutory function in aviation noise	Partially addressed: Minister cites EPA's role under the European Communities (Environmental Noise) Regulations 2018 for noise-mapping, which is not the same point.	PARTIAL
(g) Ombudsman closure decision OMB-158504-Q7T9Q4 of 19 March 2026	Not addressed.	IGNORED
(h) Meath CC declines jurisdiction	Not addressed.	IGNORED
(i) Department declined to engage independent expertise to review daa and AirNav decisions	Not addressed. (This is the FOI 0086 declination.)	IGNORED
(j) JCOT 4 March 2026 exchange (Department recited roles without identifying any body monitoring planning compliance)	Not addressed.	IGNORED
Closing consistency-view: whether the consequential position (private section 160 application at €10,000 per day) is consistent with Article 9(4) of the Aarhus Convention and Article 11 of Directive 2011/92/EU	Not addressed.	IGNORED

Net effect. The principal question (which body bears responsibility for ensuring 28R departure routes comply with the 2007 EIS) was preserved on the public record but is dodged through

the categorical denial that flight paths are conditions of planning. The eight evidentiary sub-parts that establish the jurisdictional gap, plus the closing Article 9(4) Aarhus and Article 11 EIA Directive consistency-view, are all redacted AND ignored. The public sees a single broad question and a generic regulatory-architecture recital that LOOKS responsive.

PQ 250 [31824/26] — Toole: 19/20-month data withholding

Redacted sub-parts:

Redacted material	Minister's reply	Status
The 19 June 2025 Kildare Street meeting attended by Deputy Toole and NRTG members at which the Minister is reported to have stated that daa “can’t release the noise info because of the Relevant Action”	Not addressed. The Minister neither confirms nor denies the meeting, neither confirms nor denies stating the position attributed to him.	IGNORED
If so, what statutory or regulatory basis the Minister understood at that time to support that proposition	Not addressed (since the meeting itself is not addressed).	IGNORED
Whether the Minister has revisited that position in light of the data being supplied four months after the Relevant Action decision (i.e. with the rationale for withholding having lapsed in July 2025)	Not addressed.	IGNORED
(h) Whether a situation in which the entity whose noise performance is being assessed controls the timing of the data is consistent with Article 3(2) independence under Reg 598/2014	Substantively addressed: “It is my opinion that the timing of the provision of information does not materially interfere with the independence of the process.” The Article 3(2) framing is stripped, but the consistency view is given.	ANSWERED

Net effect. The Minister’s own conduct (the 19 June 2025 meeting) is the most consequential single redaction. The Minister never had to confirm or deny on the public record that he repeated daa’s withholding rationale to the tabling Deputy in his own office in June 2025. The Article 3(2) consistency-view at (h) was answered in substance, but unmoored from the Article 3(2) frame, so the public reads it as an opinion rather than as an admission against the BAR Reg

independence requirement.

PQ 251 [31825/26] — Toole: Fingal Warning Letter unenforced 180+ weeks

Redacted sub-parts:

Redacted material	Minister's reply	Status
(c) During that period Fingal has stated it lacks technical expertise in flight-path matters in correspondence with the Office of the Ombudsman	Not addressed.	IGNORED
(d) The Minister's own reply to PQ 20021/26 of 18 March 2026: "monitoring compliance with planning permission conditions is [a] matter for the relevant planning authority that granted those permissions, and enforcement of planning conditions is a matter for those authorities"	Not addressed. The current reply re-states a similar position ("Separately, monitoring compliance with planning permission conditions is matter for the relevant Council") without engaging with the prior reply or with the contradiction between the prior reply and Fingal's stated incapacity.	IGNORED
Whether the Minister's PQ 20021/26 position is consistent with Fingal's own stated position on expertise	Not addressed.	IGNORED
(i) Whether the Minister has engaged with Fingal CC on its capacity to enforce	Not addressed. This is a Ministerial-action question well within his remit.	IGNORED
(ii) Whether the Minister has offered or provided technical expertise from the Department or any body under his remit	Not addressed. Within his remit.	IGNORED
(iii) Whether the Minister has considered any other step	Not addressed. Within his remit.	IGNORED
Closing: whether the absence of such steps, read alongside the FOI 0086 declination, is consistent with the Department's policy responsibility for the aviation sector	Not addressed.	IGNORED

Net effect. Systematic non-engagement with every redacted sub-part. The reply is a generic recital that “the Irish aviation sector is highly regulated” with multiple “competent authorities” who are “independent in the performance of their functions”. The Deputy’s question was specifically about Ministerial action — what has the Minister done to support enforcement, and is his prior reply consistent with Fingal’s stated incapacity. The Ministerial-action triad ((i)-(iii)) is the most substantive set of questions in the entire cluster directly within the Minister’s own answerability, and it was both redacted from the public record and not addressed in the reply.

PQ 252 [31827/26] — Toole: Minister’s position on the McLean line

Redacted sub-parts:

Redacted material	Minister’s reply	Status
Article 2(1) of Directive 2011/92/EU: requirement that projects likely to have significant environmental effects be made subject to assessment before development consent is granted	Not addressed. The reply offers “I can confirm the project at Dublin Airport was subject to an Environmental Impact Assessment.” That confirms a 2007 EIS was done on the project. It does not address whether the routes now flown are within the scope of that EIS, which is the Article 2(1) question.	IGNORED
2007 EIS for North Runway (ABP PL06F.217429) which assessed straight-ahead departures to five nautical miles as a material element of the project consented to	Deflected to ACP: “this is a matter for An Coimisiún Pleanála (ACP) rather than my Department.”	DEFLECTED
ABP’s 23 August 2007 unanimous override of its Senior Planning Inspector’s recommendation of refusal, founded expressly on the EIS daa now characterises as “indicative”	Deflected to ACP.	DEFLECTED
Whether, if daa’s “indicative” characterisation is correct, the Minister is aware of any basis on which ABP’s override remained adequately founded	Deflected to ACP.	DEFLECTED

Redacted material	Minister's reply	Status
Whether daa's position is defensible in the context of European Commission complaint CPLT(2026)00881 (DG Environment lead) which alleges breach of the EIA Directive on the basis that the Routes Flown have not been assessed	Sidestepped: Minister recites C(2026) 919 facts and concludes "Given that this is currently an open case with ACP, it would be inappropriate to comment further on the matter at this time."	DEFLECTED

Net effect. Every load-bearing sub-question is redacted from the public record. Every one is either ignored or deflected to ACP, on the basis that it is not the Minister's matter (notwithstanding that the Minister has just adopted, three times in one cluster, the McLean position the question challenges). The CPLT(2026)00881 defensibility ask is sidestepped under the "open case" formulation; the Minister nonetheless takes the opportunity to recite the C(2026) 919 facts in some detail, in a question that did not ask about C(2026) 919.

Summary

PQ	Substantively answered (in whole or in significant part)	Redacted AND ignored / deflected
232	—	17 Nov 2021 acceptance, FOI 0086 zero-records finding, the YES/NO on whether IRLD2021029 review has been conducted (deflected to IRLD2021031 / AQE)
246	EB quote second sentence	(f) consistency-with-Directive-2002/49/EC-and-Reg-598/2014 view, (g) basis for finding consistency
247	(a) legal premise, (b) legal-personality, (c) levy, (e) monitoring infrastructure, (g) Director-EMT, (h) CE quarterly	(d) parallel rates interest, (f) zero enforcement / 343% Lnight, closing Article 3(2) consistency-view

PQ	Substantively answered (in whole or in significant part)	Redacted AND ignored / deflected
248	(b) ANCA noise-only, (d) IAA safety-only, (f) EPA noise-mapping (partial)	(a) Fingal expertise gap, (c) AirNav statement, (g) Ombudsman closure, (h) Meath CC, (i) Dept declination of independent expertise, (j) JCOT 4 March exchange, closing Aarhus 9(4) / EIA Article 11
250	(h) Article 3(2) consistency (substance answered, frame stripped)	19 June 2025 Kildare Street meeting, follow-up on statutory basis, follow-up on whether position revisited
251	—	(c) Fingal-to-Ombudsman, (d) Minister’s own PQ 20021/26 reply consistency, (i)+(ii)+(iii) Ministerial-action triad, closing consistency view incl. FOI 0086
252	—	Article 2(1) consistency, 2007 EIS as material element, ABP override, override-if-indicative test, CPLT(2026)00881 defensibility (sidestepped to ACP and “open case”)

Reading the table:

- **PQ 246** is the only redaction that can be honestly described as “shortened for publication, answered anyway”, and even there only the EB-quote second sentence falls in that category.
- **PQ 247** is the most-redacted but partially substantive on the architectural facts. The challenges are redacted and ignored.
- **PQ 232, 248, 251, 252** are systematically ignored or deflected on every load-bearing sub-part.
- **PQ 250** is mixed: the Minister’s own conduct (the 19 June 2025 meeting) is redacted and unaddressed, while the Article 3(2) consistency-view is answered.

The public Dáil record materially under-represents what was asked across the cluster. In four of the seven redacted PQs, what was redacted was both the substance of the question and what the

Minister did not engage with in the reply.

Implications

1. The redaction-vs-answer pattern is direct evidence for the Article 5 / Article 6 Aarhus and Article 11 EIA Directive limbs of CPLT(2026)00881. The public is being denied access to the substance of what was asked AND the substance of how the State engaged with the questions, on matters of EU law.
2. The Bills Office redaction pattern, applied consistently across a cluster designed precisely to defeat single-deflection answers, is itself worth a separate procedural complaint. The cluster brief at `drafts/pq/email-toole-pq-cluster-4pq-accountability.md` was designed so that no single redaction could collapse the entire line of inquiry. The Bills Office redactions, taken together, did exactly that.
3. The findings reinforce the case for the universalisation PQ (`eidw-owg`) and for filing the EC supplementary (`eidw-c4z`). They also suggest that future PQs should be structured to be redaction-resistant: the load-bearing question should be in the un-redactable opening clause, with evidentiary anchors as separate short sub-parts that are individually self-supporting.