

Annex A: What Fingal's Section 9 directions demanded, and what daa supplied

Our ref: NRTG/2026/qfb

Source: AIE 2611. The demands are Fingal's two Section 9 directions, made acting as the Aircraft Noise Competent Authority (ANCA) and both signed by the same officer: Record 3 (Notice of Direction to Provide Information, ANCA/DI 01/2023, 4 September 2023) and Record 6 (Direction in respect of F23A/0781, ANCA/DI-IA 01/2024, 1 March 2024). The supply is the set of records daa actually holds and released: Records 4 and 5 (per-event LMax and SEL, January to September 2023, SID-labelled), and Records 7 and 8 (full 2023 and full 2024, bare schema). Locators are to the AIE 2611 record set as released by daa.

The pattern is the point. Fingal asked, in writing and twice, route-aware and comparison-grade questions: flight tracks by route and runway, segregated-mode contours, the post-February-2023 routes measured against the noise objective, and a 2019 baseline. daa supplied raw measurement slices for a narrow window, then, as the questions sharpened, supplied less, not more: the route-attributable detail present in the 2023 response disappeared from the fuller-period response. The analytical layer Fingal directed, the comparison and the investigation, was never produced, and Fingal itself then abandoned the 2019 baseline it had required. So the gap is not a data limitation. The granular data existed and was measured; what was withheld was the assessment that the data made possible.

A.1 Demand against supply

Fingal directed daa to provide	Locator	What daa actually supplied	The gap
Flight tracks per movement, with route, runway and aircraft type	R3 Sch A 1.0; R6 Table A / A-1	NMT-correlated events (R4/5/7/8) carrying closest-approach geometry only	No coordinate ground-track ever released; only per-monitor geometry at LMax
Correlated NMT SEL and LMax, route-attributable	R3 Sch A 1.1; R6 Table A	R4 (LMax) and R5 (SEL), Jan–Sep 2023, carrying Path Name (SID), aircraft type, airline	Supplied for a 9-month window only, in the Sep 2023 response
The same, for the full assessment period	R6 Table A item 2	R7 (full 2023) and R8 (full 2024)	Bare schema: Location ID, time, Max Level, SEL only. No Path Name, no runway, no aircraft. The route attribution present in R4/5 was stripped (see A.2)
Investigation of the post-Feb-2023 westerly North Runway routes against the NAO metrics	R3 1.3; R6 A-1.3	None	No record exists (AIE 2611 Item 3). Directed twice; not done or not disclosed
Comparison of the Routes Flown with the 2004/2005 EIS Route	(Item 3)	None	No record exists. The comparison was constructible from data daa held

Fingal directed daa to provide	Locator	What daa actually supplied	The gap
Five segregated operating-mode contour sets (W and E, each mode) at LAeq,16hr and Lnight	R6 E-2	None in the released records or the published modelling	Not presented; the modelling used one annualised 10-year modal split
Population exposure assessed against the 2019 baseline	R3 closing; R6 C-1	None	Fingal's own NAO then re-baselined to 2023 (see the spine). The baseline it demanded was abandoned by the demanding body
Centrelines of the modelled departure routes, labelled to the EIAR Route Groups	R6 E-12	None	Image-only / not provided in usable form
Records of technical consultation with AirNav Ireland, IAA, slot coordinators or airlines on departure-route and runway use	R6 C-4	None	Not in the released set (this is the bridge to the AirNav design trail)

Fingal directed daa to provide	Locator	What daa actually supplied	The gap
Runway records and meteorology back to 1 January 2009	R3 Sch A; R6 Table A	None	Not in the released records
Underlying Bickerdike Allen Partners and Ricondo modelling reports	R6 E-39 / E-40	None	Synthesis memorandum only; the underlying modelling was withheld
All nineteen assessment scenarios (daa reported thirteen, omitting six NAO-comparison scenarios)	R6 E-3	None	Fingal itself caught the omission; the six were not provided
Justification for modelling the A321neo as an A320-271N	R6 E-9	None	Not cleared; the substitution stands unexplained

A.2 The tell: the schema degraded as the questions sharpened

The two data responses are the same body answering the same regulator about the same monitors, four months apart. The earlier response (Records 4 and 5, to the September 2023 direction) carries the route: every event has its SID, its aircraft type and its airline, which is what makes a per-route, per-community noise analysis possible (Annex B). The later response (Records 7 and 8, to the far more demanding March 2024 direction, whose Table E runs to forty-seven review items) carries none of it: Location, time, and two noise values, nothing that ties an event to a route, a runway or an aircraft. The fuller the question, the barer the answer. A regulator asking sharper questions received data stripped of exactly the attributes its questions turned on.

A.3 What this exhibit establishes

Fingal's own directions are the proof that the route-attributable assessment, the segregated-mode contours and the 2019 baseline were the right questions, by the regulator's own contemporaneous judgement. daa did not answer them. It supplied measurement where measurement could not by itself reveal the route problem, withheld the route attribution where it could, never produced the comparison or the investigation directed, and the demanding body then moved its own baseline.

Each locator above is verified against the AIE 2611 record set: the Record 3 and Record 6 direction items (E-2 segregated-mode contours, E-3 the six omitted scenarios, E-9, E-12 centrelines, C-1 2019 baseline, C-4 technical-consultation records) and the Item 3 "no comparison exists" admission, together with the bare schema of Records 7 and 8 (579,741 and 645,394 rows, Location/time/Max Level/SEL only).

**Annex B: single-event noise by route and community, North Runway
28R departures (2023)**

Our ref: NRTG/2026/qfb

Source: AIE 2611 Records 4 (per-event LMax) and 5 (per-event SEL), daa, 1 January to 30 September 2023. Built from daa’s own correlated noise-monitor measurements. LMax and SEL in dB(A).

Scope: the 113,584 North Runway 28R departure events in the period. 28R departures are the SIDs whose ICAO route-indicator suffix is J (and the transitional N into which they were re-lettered during 2023), verified against the vintage 2023 IAIP 28R departure charts (IAA AIP AD 2.24, as effective 15 August 2023) and corroborated by the monitor geography. Periods follow the END convention: day 07:00-19:00, evening 19:00-23:00, night 23:00-07:00. SID rows are grouped by route (waypoint), collapsing version digits.

This is the route-attributable, single-event noise that daa held throughout and that the Noise Abatement Objective expresses only as an annual average.

B.1 Single-event reality at each overflowed community

All 28R departures, by noise monitor. The LMax columns are the single loud overflight a resident actually experiences; the annualised Lden the NAO uses dissolves these into a mean.

NMT (community)	events	LMax			
		median	LMax P95	SEL median	SEL P95
Kilcoskan Nat Sch	37,339	74.7	80.1	84.9	90.3
St Margaret’s Nat Sch	31,577	75.2	80.7	84.6	89.7
Bishopswood	21,493	71.7	77.0	81.6	87.3
Balcultry	1,950	69.6	74.4	78.6	83.4

Monitors with fewer than 500 28R-departure events in the period are omitted from the table because percentiles on so few events are not robust: Bay Lane (19), Dunboyne EMR (14), St Doolaghs (13),

OP (Oscar Papa) (10), Feltrim (3). Nothing in this exhibit relies on them. A further 21,166 events in Record 4 carry ten Location IDs that do not appear in Record 2's list of active monitors and so cannot be attributed to a named community; they are excluded from this table but remain in the 113,584 scope total and in the route statistics of B.3.

B.2 Route-attributable single-event noise (median LMax dB by SID and community)

Each cell is the median single-event maximum at that community for that departure route. Blank means that route does not overfly that monitor.

SID (median LMax dB)	St Margaret's Nat			
	Kilcoskan Nat Sch	Sch	Bishopswood	Balcultry
ENDEQ	74.9	74.8	71.4	69.7
PESIT	74.1	75.1	71.3	75.2
BEPAN	75.1	75.6	72.0	66.8
INKUR	77.5	76.6	73.7	
ROTEV	72.7	74.9	71.7	68.9
DEXEN	73.7	74.7	71.0	68.9
BOFUM	72.3	74.6	71.1	67.9
SUROX	78.3	79.2	74.3	70.8
PELIG	75.3	76.2	72.1	74.0
OLONO	74.9	75.4	71.5	
NEVRI	79.1	81.0	75.4	71.7

B.3 When each route flies (share of its events by period)

Routing is time-structured. DEXEN is the out-of-hours route (used when Baldonnel/Casement is closed, outside ~09:00-17:00 Mon-Fri): it concentrates in the evening, a period the END metrics weight

(+5 dB evening, +10 dB night), and at weekends, yet the annual contour smooths that concentration away.

SID	events	% day	% evening	% night	% weekend	LMax median
ENDEQ	41,934	90.5	9.2	0.4	24.9	74.0
PESIT	16,893	86.9	13.0	0.1	27.4	73.9
BEPAN	11,635	87.4	12.6	0.1	27.9	74.6
INKUR	7,294	99.6	0.3	0.1	28.5	75.8
ROTEV	6,233	86.9	12.7	0.4	25.8	72.5
DEXEN	6,083	64.8	34.6	0.6	67.6	73.6
BOFUM	5,849	82.9	15.5	1.6	29.0	72.3
SUROX	5,615	99.6	0.3	0.1	27.4	76.4
PELIG	4,805	96.0	3.8	0.2	33.2	74.8
OLONO	4,551	90.4	9.5	0.1	24.3	74.4
NEVRI	2,062	99.5	0.5	0.0	36.2	76.1

Routes with fewer than 500 events omitted from B.2 and B.3 for clarity: ROTAV (409), BAMLI (202), TE10R (17), LIFFY (2). These total 630 events (0.6%) and are mostly stray correlations or transition-segment labels, not distinct 28R routes.

Method note: SEL is attached per event from Record 5 by the key (Location ID, Operation Number, Max Date Time); Record 5 is a strict subset of Record 4, so a small share of events carry LMax only (94.9% of the 113,584 events carry SEL). P95 is the 95th percentile. Single-event maxima are not tabulated: individual extreme values in an automated correlation dataset can include mis-correlated non-aircraft noise, so this exhibit relies on distribution statistics, the median and P95, throughout. The full computation is scripted, and NRTG will supply the analysis script and its per-event outputs on request.

Annex C: The Routes Flown against the 2004/2005 EIS Route, the comparison daa says it never made

Our ref: NRTG/2026/qfb

Source: AIE 2611 (daa's correlated noise-monitor data, Records 1, 4 and 5), the published Runway 28R Standard Instrument Departure (IAA AIP AD 2.24-13), the 2004/2005 North Runway Environmental Impact Statement (SMTW collection), and NRTG's published GIS study (O'Brien 2026, DOI 10.5281/zenodo.19567671). Built from data daa already held.

This exhibit constructs the one comparison that decides whether the North Runway departures conform to what was assessed and permitted: the actual Routes Flown set against the EIS Route the 2004/2005 Environmental Impact Statement assessed. Under AIE 2611 (Item 3) daa confirmed it holds no record of that comparison: the Condition 10 compliance report for F04A/1755 "contains Forecast Noise Contours from 2004 North Runway EIS to 2022 North Runway Relevant Action, but does not include noise level comparison," and daa says no other record of the comparison between the actual 28R routes and the 2004/2005 EIS routes exists. The comparison below shows that absence is a choice, not a data limitation: every input was held by daa and is reconstructed here from daa's own measurements.

C.1 The two routes

The EIS Route is a straight-ahead departure. The 2004/2005 North Runway EIS assessed departures that continue straight off the runway and join the existing 10/28 tracks, and the planning permission was granted on that basis. The noise contours, the statutory noise insulation thresholds and fifteen years of land-use zoning across Fingal and Meath all rest on that assumed routing, so the whole of the land-use planning and management measure at this airport is built on the EIS Route.

The Routes Flown are a turning departure. Since the February 2023 SID change, every 28R departure turns 30 degrees at approximately 400 ft above ground level at the departure end of the runway, and the majority then make a further 56-degree turn at the waypoint DW128, a cumulative deviation of about 86 degrees from runway heading. DW128 lies on the Fingal-Meath county boundary, so the second turn is made at the very edge of the planning authority's administrative area and carries the

majority of departures across into County Meath. The turning routes overfly different ground from the straight-ahead route the EIS assessed.

C.2 The comparison daa says does not exist

Set against the EIS Route, the Routes Flown overfly an order of magnitude more people, almost none of whom were assessed or consulted. The EIS assessed a straight-ahead departure; NRTG’s GIS study reconstructs it as the 5 NM straight segment carried over from the legacy South Runway SID convention, and measures the population each route newly brings under it relative to three decades of legacy South Runway (28L) operations.

Newly overflown, within the track-keeping corridor of 1.5 km each side the UK Department for Transport uses at its designated airports (DfT00393):

28R route	buildings	residents
EIS Route (straight-ahead, reconstructed)	330	998
Routes Flown	4,008	13,923

Newly affected, within a corridor of 3 km each side (the approximate lateral extent of the 55 dB single-event LAmax contour for the common departure fleet):

28R route	buildings	residents
EIS Route (straight-ahead, reconstructed)	447	1,164
Routes Flown	8,761	30,186

The EIS Route newly overflies roughly a thousand residents; the Routes Flown newly overfly close to fourteen thousand, more than thirteen times as many, and on the wider affected corridor about twenty-five times as many. The disparity does not depend on the exact straight-ahead route assumed: the GIS study tests more than one EIS-consistent straight departure and they give near-identical newly-overflown counts, so the result is not an artefact of the alternative chosen.

The noise at the communities the turn created is set out per route in Annex B. Kilcoskan National School sits under the turn, on ground the straight-ahead EIS Route would not have overflowed in this way; across the 37,339 of 2023's 113,584 28R departure events correlated at its monitor, it records a median single-event maximum of 74.7 dB(A). St Margaret's National School, close to the departure end of the runway and between the two runways' tracks, is overflowed under either routing and records a median of 75.2 dB(A) across its 31,577 correlated events; no choice of departure route relieves it, which is why the single-event schools case in the submission (B.1.3) stands independently of the route question.

C.3 The comparison was always constructible from data daa held

Every input to this comparison was in daa's possession. The Routes Flown are recorded in daa's own correlated noise-monitor data, event by event: Records 4 and 5 (January to September 2023) carry the SID label (Path Name) for each of more than 400,000 events, and Record 1 (March 2025 to February 2026) carries the per-event geometry. The EIS Route is defined in the 2004/2005 EIS that daa itself lodged. The published Runway 28R SID is daa's own procedure. Fingal's own Section 9 direction (Record 6, item E-12) required daa to provide the centrelines of the modelled departure routes "labelled against the Route Groups set out in EIAR, Appendix 9.2: 'Air Noise Modelling Methodology', Table 9-2-32," which is the very mapping that would align the Routes Flown with the EIS Route categories.

So the comparison required no data daa did not hold. It required only that the held data be put side by side, which NRTG has now done from the released subset. daa's position that no record of the comparison exists is therefore a statement that the comparison was never performed or never disclosed, not that it could not be made.

C.4 What this exhibit establishes

The Routes Flown depart materially from the EIS Route the permission was granted on, and the departure brought roughly fourteen thousand additional residents under the route, almost none of whom were ever assessed. The comparison that would have shown this was constructible at any time from

data daa held, and daa holds no record of having made it. Read with the spine (the baseline that would have measured the effect was moved) and with B.2.6 (the deviation is treated as operational and unenforced), the missing comparison is the cause-side erasure: the analysis that would have quantified the change was never produced, on the cause side, just as the 2019 baseline that would have measured it was abandoned on the effect side.

The per-route building and resident counts are those of the published GIS study (Annex H), the single-event maxima are from Annex B, the Item 3 admission is verified in the AIE 2611 record set, and the DW128 boundary position is the digitised IAA AIP point on the official county boundary. The EIS Route baseline is the 2004/2005 North Runway EIS, not the legacy single-runway charts; old Runway 28 is today's 28L, a different runway.

Annex D: Westerly-conditional Lden/Lnight, North Runway 28R departure contribution (2025-26)

Our ref: NRTG/2026/qfb

Source: AIE 2611 Record 1, daa, 1 March 2025 to 28 February 2026, 100% correlated 28R departures with SEL on every event. Lday/Leve/Lnight/Lden reconstructed per monitor from per-event SEL by the standard energy sum, $Leq = 10 \cdot \log_{10}(\sum 10^{(SEL/10)} / T)$, with the END period weightings (evening +5 dB, night +10 dB) for Lden. Built from daa’s own per-event measurements.

The airport operated westerly (28R departing) on 293 of the 365 days in the window. The annualised column divides the same measured energy over all 365 days, the basis the NAO uses; the conditional column divides over each monitor’s actual westerly-operation days. The delta is the decibels the annual average hides from communities that are only overflown when the airport runs westerly.

CAVEAT, stated plainly: Record 1 is departures-only, so every figure here is the 28R-DEPARTURE CONTRIBUTION to Lden and Lnight under westerly operation, not total Lden/Lnight. It is the segregated-mode, route-attributable metric Fingal’s own Section 9 direction demanded (Record 6 E-2) and the modelling never produced, built from daa’s own measurements. Restricted to monitors active for the full window; corridor monitors commissioned mid-2025 cannot be fairly annualised from this dataset.

D.1 28R-departure contribution to Lden and Lnight, annualised vs westerly-conditional

All levels dB(A). Lden_a / Lnight_a annualised over 365 days; Lden_c / Lnight_c over the monitor’s westerly-operation days; delta = Lden_c – Lden_a.

monitor	events	op days	Lnight	Lnight	Lden		delta dB
			ann	cond	Lden ann	cond	
Newpark	64,690	293	35.2	36.2	60.1	61.0	1.0

monitor	events	op days	Lnight	Lnight	Lden ann	Lden	delta dB
			ann	cond		cond	
Kilcoskan Nat Sch	60,868	283	34.7	35.8	59.5	60.6	1.1
St Mar- garet's Nat Sch	44,026	293	33.6	34.5	57.8	58.7	1.0
Kilcoskan	35,506	272	32.8	34.1	55.3	56.6	1.3
Bishopswood	23,181	290	27.1	28.1	52.3	53.3	1.0
Ratoath	10,455	288	16.4	17.4	44.4	45.5	1.0
Ashbourne RC	4,674	286	16.3	17.4	40.2	41.3	1.1
Ballybough	1,116	247	9.4	11.1	37.2	38.9	1.7

D.1a Cross-check against daa's own published contours

daa's own 2023 annual Lden contour map (DRD Report Appendix G, Figure A2-3, actual modal split) places Kilcoskan National School in the 60 to 64 dB Lden band, the school's coordinates plotted against the published contour. The departure-only reconstruction above puts the same monitor at 59.5 dB annualised and 60.6 dB on the days actually flown, at the lower edge of that band. daa's total Lden, which includes arrivals and easterly operations, is therefore only about 0 to 4 dB above the 28R-departure contribution alone. That gap is consistent with 28R departures being the dominant or a major contributor to the noise climate at this location, as the geometry predicts: arrivals approach the airport straight-in along the assessed line and do not overfly the school. The departure-only figures are accordingly a conservative lower bound on the total. Whether daa's published contour is itself accurate at this location is not tested here, and nothing in this annex turns on it: the figures above are measurements, and any under-prediction in the modelled contour would widen the gap rather than narrow it.

D.2 The night picture

Overnight 28R departures are sparse, but they fall on a minority of nights, so the people under the route experience them as discrete events on the nights they occur, not as the smooth annual average the metric reports.

monitor	night events/yr	distinct nights	Lnight ann	Lnight cond
Newpark	121	34	35.2	36.2
Kilcoskan Nat Sch	100	32	34.7	35.8
St Margaret's Nat Sch	122	32	33.6	34.5
Kilcoskan	88	30	32.8	34.1
Bishopswood	44	23	27.1	28.1
Ratoath	8	8	16.4	17.4
Ashbourne RC	19	11	16.3	17.4
Ballyboughal	1	1	9.4	11.1

Method note: westerly-operation days overall = 293/365 (80%). The uniform annualised-to-conditional uplift is $10 \cdot \log_{10}(365/\text{op-days})$. The reconstructed levels are the 28R-departure contribution under westerly operation (see the caveat above). The full computation is scripted, and NRTG will supply the analysis script and its per-monitor outputs on request.

Annex F: Why every measure must be fixed, public and enforceable to a deadline: the documented record of daa, AirNav Ireland and the competent authority

Our ref: NRTG/2026/qfb

- 1 The three instruments now before consultation, the updated Noise Abatement Objective, the Draft Regulatory Decision and the Strategic Environmental Assessment Environmental Reports, will deliver exactly as much noise relief as their weakest dependency. Every measure the draft decision contemplates depends, as drafted, on one or more of three things: daa's good-faith compliance, the cooperation of AirNav Ireland, to which daa has devolved the route design, and the competent authority's willingness to enforce. The record below, drawn in each instance from the named body's own documents, is that none of the three can carry that weight.
- 2 The competent authority has never used its enforcement powers in more than five years, holds no independent record even of the corridor it polices, was warned in writing in March 2024 of the baseline mechanism this decision now adopts and disclaimed it, and is structured so that independent regulation is difficult; a peer regulator under the same European Regulation fines at scale, so the powers are real and the inaction is not imposed by the framework. daa has described to the Oireachtas and the public mechanisms and assessments that the named bodies' own records show do not exist, met documented governance concerns with refusals to engage, and tied resolution of an acknowledged routing problem to a baseline being settled first, a sequence that converts noise relief into headroom for growth. AirNav Ireland met the residents' safety report with derision rather than the study its own criteria recommend, and their statutory information requests with silence, deemed refusal and definitional evasion.
- 3 What follows from this record is a design requirement, not an accusation. Nothing that follows requires a finding of bad faith; it requires only that these instruments not assume what the record contradicts. Each measure must be cast so that no good faith and no discretion is needed for it to operate: the metric, the eligibility line and the compliance obligation fixed on the face of the decision; compliance reported publicly, on a fixed schedule, from data outside daa's control; and each reported breach attached to a prescribed enforcement step the authority must take within a prescribed period.

A measure that leaves discretion at any of those points, to the operator on what is measured, to the delegate on what is disclosed, or to the authority on whether to act, will operate as every discretionary mechanism at this airport has operated: not at all.

- 4 The draft decision has already shown the direction discretion runs. The one outcome the 2022 objective cast in binding terms, that the population exposed above 65 dB Lden and 55 dB Lnight “shall be reduced compared to” 2019, is replaced by a requirement to monitor, “with the expectation that measures will be used”, tracked from 2023, with no reduction target and no enforcement step. The only measure ever cast as an obligation was demoted to an expectation at the moment its own numbers, the 343 per cent rise in the night-exposed population recorded in section 1, showed it beginning to bind.
- 5 The failure is distributed across the four measures of the ICAO Balanced Approach, and the Authority’s own environmental report sets out how. Regulation (EU) No 598/2014 defines the Balanced Approach as the process developed by the International Civil Aviation Organization under which a fixed range of measures is considered “in a consistent way with a view to addressing the noise problem in the most cost-effective way on an airport-by-airport basis”, and section 9(3) of the Aircraft Noise (Dublin Airport) Regulation Act 2019 puts those same four measures on the competent authority as a duty whenever noise-related action is taken: the foreseeable effect of a reduction of noise at source; land-use planning and management; noise abatement operational procedures; and, not as a first resort but only after the other three have been considered, operating restrictions.
- 6 At paragraph 2.3.4 of the environmental report accompanying the draft decision, the Authority takes those four measures in turn. It disposes of three of them by a single asserted sentence each, and of the fourth by silence. Reduction of noise at source “was immediately ruled out on the grounds that the introduction of measures to encourage the use of quieter aircraft at Dublin Airport is a matter for the IA rather than the DRD itself”. Noise abatement operating procedures “were ruled out on the grounds of potential conflicts with EU regulations and technological implementation difficulties”, stated without the cost-effectiveness evaluation section 9(3) requires (submission, B.2.1). Land-use planning and management measures “were not considered further in the making of the DRD since this is a matter to be dealt with by FCC”, although the Authority is itself a directorate of FCC, as section 1 below sets out. The fourth bullet reads, in its entirety, “Operating Restrictions.” Nothing follows it.

- 7 What survives that disposal is two measures, and neither can bear weight. One is the insulation scheme, the sole new measure the decision proposes and a land-use planning and management measure, which section 9 below shows redrawn larger with each successive consent and never drawn lower. The other is compliance with the corridor daa terms the noise-preferential route, credited as an operational procedure already in place, which section 4 below shows has no governing protocol, no record of any investigation and, on daa's own admission, does not track the published departure procedure at all. Meanwhile the Authority's own statutory review, quoted in section 1, records that operating restrictions "remain a necessary component" of the framework and that their absence "has been an impediment" to the objective it is charged with delivering. Three measures excluded by assertion, one unenforceable by construction, and the measure the Authority itself calls necessary ruled out without a word: that is why what this record supports is a design requirement and not a further assurance.
- 8 This annex sets out that record. It is offered not to disparage individuals, who are identified by role, but to establish why these documents must be built to be enforced rather than trusted.

1. The competent authority has never used its enforcement powers, and is built not to use them

- 9 From 2019 to April 2026 Fingal, acting as the Aircraft Noise Competent Authority (ANCA), has taken no enforcement action under Part 4 of the Aircraft Noise (Dublin Airport) Regulation Act 2019: no enforcement notice has issued and no High Court application has been made.¹ Its own 2025 Annual Report records no instance of sanction, penalty, fine, enforcement or prosecution.²
- 10 The inaction runs alongside a trebling of the harm: the population exposed to 55 dB Lnight rose from 1,533 in 2019 to 6,791 in 2024, an increase of 343 per cent, while the contour area changed by only 2 per cent. The harm did not spread evenly; it moved north over previously unaffected communities.³
- 11 The same table records the decoupling at the highest daytime exposures too: the 65 dB Lden contour area fell 42 per cent between 2019 and 2024 while the population inside it rose 22 per cent, the report

¹Aircraft Noise Competent Authority, Noise Mitigation Effectiveness Review Reports 2021–2024 (no enforcement action under Part 4 of the 2019 Act, 2019 to April 2026).

²Aircraft Noise Competent Authority, Annual Report 2025.

³Aircraft Noise Competent Authority, Noise Mitigation Effectiveness Review Report for 2024, Table 2, p.23 (55 dB Lnight population 1,533 in 2019 to 6,791 in 2024; contour area 18.6 to 19.0 sq km).

itself observing that “an additional 63 people were exposed to aircraft noise above this threshold” although “the noise contour area reduced by 42%”, and that “there has been a redistribution of aircraft activity that varied the locations affected”.⁴ A contour-area metric of the kind the new objective adopts as its tracking outcome can therefore improve while the harm grows.

- 12 The same statutory review states the consequence in the Authority’s own words. Prepared under section 21(2) of the 2019 Act, the review for 2024 records that “[t]he remaining noise mitigation measures in place at the airport did not support the delivery of the noise exposure limit aspects of the NAO during 2024”, that “[s]uccessive noise assessments since 2019 have determined that noise related operating restrictions remain a necessary component of the noise management framework for Dublin Airport”, and that “[t]he absence of effective noise limiting operating restrictions has been an impediment to the delivery of the noise-limit aspect of the NAO during 2024”.⁵ A regulator that has never enforced, reporting annually that the class of measure it declines to adopt remains necessary and that its absence impedes the objective, has documented its own inaction as a cause of the objective’s non-delivery. The draft decision now under consultation nonetheless screens operating restrictions out at the threshold (submission, B.2.1).
- 13 The authority is funded by the entity it regulates and instructed to stay cheap: its costs are met through a levy on the airport operator, invoiced at €1.4 million in 2023, and the Act directs that the authority “shall ensure that its costs in the performance of its functions ... are kept to a minimum and are not excessive.”⁶
- 14 The authority sits inside the local authority that profits from the airport: ANCA is a directorate within Fingal County Council, the planning authority for the airport, whose Swords-Santry area including the airport contributes 43 per cent of the council’s commercial rates on the council’s own budget figures.⁷ Nor is it separate from that council in practice: records released by the council under freedom of information show its Director sitting on the council’s Executive Management Team alongside the

⁴Aircraft Noise Competent Authority, Noise Mitigation Effectiveness Review Report for 2024, Table 2, p.23, with the report’s own commentary at pp.25 and 28.

⁵Aircraft Noise Competent Authority, Noise Mitigation Effectiveness Review Report for 2024, prepared under s.21(2) of the Aircraft Noise (Dublin Airport) Regulation Act 2019, pp. 32 and 34.

⁶Aircraft Noise (Dublin Airport) Regulation Act 2019, s.5(8). The levy invoiced to daa to fund ANCA was €1.4 million in 2023, as reported in Sam Trantum, “Efforts continue to take the job of regulating Dublin Airport noise away from Fingal County Council”, Dublin Inquirer, 3 July 2024.

⁷The Swords-Santry area including the airport contributes 43 per cent of Fingal County Council’s commercial rates according to the council budget, and ANCA is described as “a separate and independent Directorate within Fingal County Council”: Sam Trantum, Dublin Inquirer, 3 July 2024.

Director of Planning, and meeting the Chief Executive quarterly on a standing agenda that includes daa's section 19 compliance reporting; the Minister has confirmed those records factually correct.⁸

- 15 The authority holds no independent data, even on the corridor it polices. It confirmed under access-to-information that it holds no record defining or evidencing the geometry, width or calibration of the corridor daa publishes; the only definitional record it holds is daa's own letter.⁹ It had disclaimed the corridors in writing two years earlier: "ANCA was not involved in the design, naming or implementation of these corridors and has no information evidencing the significance, from a noise perspective, of the use of this term", describing them not as noise preferential routes but as "Indicative Noise Corridors" introduced by daa during 2023.¹⁰
- 16 The corridors it disclaims it nonetheless lends its name to: the operator's claims of compliance with those corridors, the "annual compliance reports prepared by the airport authority" in the authority's own words, are "published on the ANCA website".¹¹ And it has told a complainant that the legislation "did not assign the role of the management of aircraft noise complaints" to it and that it was "unable to progress this aspect of your correspondence."¹²
- 17 It did not enforce its own direction on this very application: faced with daa's prolonged failure to comply fully with the section 9 direction to supply the information underpinning F23A/0781, its reply observed that "the provision of partial information is not helpful for the assessment", and the enforcement notice the Act provides for precisely that failure was never issued.¹³ A body that would not enforce the direction it issued to daa is now to be trusted to secure daa's compliance with an insulation scheme. The decision asks of daa nothing the authority would have to enforce, which is consistent with the structure rather than an aberration from it.

⁸Fingal County Council, records released under FOI 2026/071 (decision 20 April 2026; Executive Management Team minute of 22 July 2025 recording the Director of the Aircraft Noise Competent Authority in attendance) and FOI 2026/072 (the council Chief Executive's quarterly meetings with the ANCA Director through 2025, standing agenda including daa section 19 compliance); confirmed factually correct by the Minister for Transport, reply to Parliamentary Question 247 (ref 31818/26), 30 April 2026.

⁹ANCA, access-to-information decision AIE/2026/014, 15 May 2026 (no record held defining the noise-preferential-route corridor geometry; the only definitional record held is daa's letter of 15 March 2023).

¹⁰ANCA, Ref 2024/0119, 13 March 2024.

¹¹ANCA, Ref 2024/606, 1 October 2024.

¹²ANCA, Ref 2024/159, 8 April 2024.

¹³ANCA Direction ANCA/DI-IA 01/2024 in respect of F23A/0781; ANCA reply of 20 December 2024. The airport authority's compliance with such a direction is a statutory duty under section 9(10)(b) of the Aircraft Noise (Dublin Airport) Regulation Act 2019, and the Act makes breach of any of its provisions enforceable by an enforcement notice under section 23, escalating on continued default to a summary application to the High Court under section 23(6). No enforcement notice was issued.

- 18** What the unused powers were worth is quantified in the applicant's own forecast tables. With the development and the original 2007 night conditions enforced, the night population above 55 dB Lnight would be 279 people in 2027 and 189 in 2034, with 70 dwellings above that level; under the night regime the decision assumes, the same forecasts give 5,542 people in 2027 and up to 1,659 dwellings in 2031, and the applicant's own scenario definitions record that the enforced conditions still deliver its full 40 million passengers, about three years later.¹⁴ The enforcement the planning authority attempted in 2023, and the noise authority's Part 4 powers have never attempted, was worth a night noise problem roughly twenty times smaller, at the price of three years' growth, on the operator's own numbers (submission, B.2.1).
- 19** The operator recorded the gap itself. Reporting to the Authority for 2021 under section 19, daa concluded that conformance with the noise mitigation measures and the requirements of Part 4 existed, and attached to that conclusion a note stating that "Dublin Airport are continuing the process of investigating and proposing an overall performance indicator or hi level measure that will indicate annual compliance", to be determined by its appropriateness for measuring and monitoring, its ability to "enable Dublin Airport adequately demonstrate noise performance improvement to the ANCA", and its incorporation of Noise Abatement Objective reporting.¹⁵ The operator was thus certifying annual compliance in the same section in which it recorded that the measure by which annual compliance would be indicated had not been settled. No report in the series since records that indicator, and the section headed "Conclusion – Opinion on Compliance", which appears in the reports for 2020, 2021 and 2022, appears in none of those that follow.

2. Under the same European Regulation, an independent regulator fines at scale

- 20** The powers in the Regulation are real and routinely used elsewhere; whatever explains the Irish authority's inaction, it is not the legal framework. France designates its noise authority, the Autorité de contrôle des nuisances aéroportuaires, as competent authority under the same instrument, Regulation 598/2014.¹⁶ It may impose administrative fines of up to €20,000 per breach on an operator, rising

¹⁴Draft Regulatory Decision Report (May 2026), Tables 10-4 to 10-6, pp. 88-92, and Appendix E (Modelled Runway Use and Restriction Scenarios), p. 5.

¹⁵daa, Annual Compliance Report 2021, section 10.0 "Conclusion – Opinion on Compliance", p.81, and Note 1 to that section. The annual compliance reports for 2019 to 2024 are published on the ANCA website.

¹⁶Regulation (EU) No 598/2014, Article 3; France designates the Autorité de contrôle des nuisances aéroportuaires (ACNUSA) as competent authority.

to €40,000 per breach for night-flight and noisy-aircraft-type violations, charged per breach so that a single night's violations accumulate.¹⁷

- 21** It uses those powers: in 2023 it processed 825 files, sanctioned 637 and imposed about €11.7 million in fines; in 2024 it issued 427 decisions, 295 of them sanctions, around three-quarters night-related, totalling over €6 million; the individual decisions are published in a public fines database.¹⁸ The airports it oversees include Paris Charles de Gaulle, larger than Dublin by movements; scale is not the obstacle.
- 22** Its independence is secured by statute: members serve six-year mandates that the Code des transports provides are not renewable, and membership is incompatible with any professional or associative activity giving a direct or indirect interest in the activity of airports, with any elective mandate, and with holding interests, directly or indirectly, in an aeronautical or airport undertaking. Nothing in the chapter constituting it provides for any levy on an airport operator, and it is not housed within a local authority that profits from the airport.¹⁹
- 23** The gap between that enforcement and Ireland's shows in each authority's own published figures. ACNUSA's sanctions have averaged roughly €18,000 to €21,000 each in recent years, every one following an individual adjudication. Fingal, acting as ANCA, has in more than five years levied nothing. And the difference is not for want of events on which to act: on daa's own count, against the very corridor daa itself devised and publishes as its noise-preferential route, daa's records disclose 7,997 deviations flagged to AirNav Ireland between June 2025 and May 2026, of which AirNav tagged only 528 as "air traffic managed".²⁰ Hundreds of sanctions a year under this Regulation in one Member State, and not one in the other against deviations running to thousands on the operator's own figures, measures a choice not to act, not any want of power to.

¹⁷Code des transports, Article L.6361-13 (administrative fines up to €20,000 per breach, rising to €40,000 per breach for night-flight and noisy-aircraft-type violations).

¹⁸ACNUSA, Rapport d'activités des services 2023 and 2024; public fines database at amendes.acnusa.fr.

¹⁹Code des transports, Articles L6361-1 (independent administrative authority; six-year mandate; "[l]e mandat des membres de l'autorité n'est pas renouvelable") and L6361-3 (incompatibility with any professional or associative activity giving a direct or indirect interest in the activity of airports, with any elective mandate, and with holding interests in an aeronautical or airport undertaking).

²⁰daa, decision on access-to-information request AIE 2622, 2 July 2026, items 1 and 2 (7,997 deviations flagged to AirNav Ireland between June 2025 and May 2026; 528 tagged "air traffic managed"). The average sanction is ACNUSA's own output: €11,694,500 over 637 sanctions in 2023, €6,239,000 over 295 sanctions in 2024.

3. daa has described to the Oireachtas and the public mechanisms and assessments that the named bodies' own records show do not exist

- 24** A recurring feature of the record is a reassuring mechanism or completed assessment, attributed to a named body, that the named body's own records confirm did not happen. daa's statements about its own conduct must therefore be checked against the records, not taken at face value.

The alleged review

- 25** daa told a parliamentary committee that a review had "recently been completed" and had reaffirmed that the residents' proposal was complex, when the only review AirNav had carried out was a narrow regulatory check, finished nearly five months earlier, that had confirmed the proposal's disputed element feasible. AirNav's records, released to NRTG under access-to-information law, set out the sequence.
- 26** The residents presented their missed-approach proposal to daa and AirNav on 27 October 2023, after which daa asked AirNav only to "review the appropriate regulations to understand if there is any merit to the different assumptions outlined in the proposal."²¹ The proposal assumed a missed-approach climb gradient above the 2.5% standard, and the residents, anticipating that AirNav would seize on the higher gradient as the obstacle, pre-empted the objection at the meeting: they put up the published approach to Rome Fiumicino's runway 16L, which notifies 4.3%, as proof that a steeper gradient is charted and flown in practice.²² Two days later the residents put the point in daa's hands directly: on 29 October 2023 they sent the Managing Director of Dublin Airport and the Chief Executive the published Cork (EICK) runway 16 approach chart, whose Note 4 states a "Missed approach climb gradient of 2.5% for obstacles and 6.6% for airspace", with the observation that "exceeding the 2.5% standard

²¹AirNav Ireland (General Manager, Terminal Services) to the Managing Director of Dublin Airport, letter of 17 November 2023, released by AirNav in its access-to-information response of 7 July 2025.

²²"Dublin Airport Departure Routes" (V1), the residents' proposal deck delivered to daa and AirNav Ireland at the meeting of 27 October 2023, slide 7 ("Examples of Missed Approach Turns"), reproducing the Rome Fiumicino (LIRF) ILS RWY 16L instrument approach chart, which notifies a missed-approach climb gradient of 4.3%, and stating "This is a similar gradient required for Dublin 28L". The slide was put up to pre-empt the anticipated objection that a gradient above the 2.5% standard could not be flown.

gradient is not beyond the pale for IAA regulations”.²³

- 27** Cork is an airport whose air navigation service AirNav Ireland itself provides, and AirNav’s own internal note of the review, an email of 5 November 2023, records the same 6.6% Cork figure; that note also records that A.S.A.P., the approved and certified procedure-design organisation AirNav consulted, “confirmed that it is possible to apply an increased” missed-approach climb gradient “subject to Regulatory approval.”²⁴ That is the only occasion on which an independent professional body examined any element of the proposal, and the element AirNav had singled out as the ground on which the proposal could not work was found feasible.
- 28** AirNav replied to the Managing Director of Dublin Airport on 17 November 2023: the regulations permit the steeper climb gradients the proposal assumed, subject to the operating airline’s regulator approving them, and no assessment of the merits had been done: “To fully assess the merits of this proposal, an Aeronautical study would need to be undertaken,” one requiring “considerable AirNav Ireland resources and potentially outside consultants/contractors” and “a significant period of time to complete.” It closed by asking daa for “your thoughts on the matter.”²⁵ daa never commissioned that study, as AirNav’s later access-to-information response confirms: “No additional modelling, simulations, or technical assessments ... were commissioned or undertaken by AirNav Ireland. No internal reports, technical studies, or presentations were prepared by AirNav in this context.”²⁶
- 29** From 17 November 2023 daa held AirNav’s full position: the gradient AirNav had raised as the obstacle was permissible, and no study of the proposal was underway or in prospect. On 4 April 2024, nearly five months later, daa’s Chief Executive nonetheless told the Joint Committee on Transport in writing that “a review of the procedures that are in place at Rome ... has recently been completed by ANI [AirNav Ireland], and its findings have been shared with daa,” and that its “output ... reaffirms that

²³NRTG to the Managing Director of Dublin Airport and the Chief Executive of daa, 29 October 2023, attaching the Irish Aviation Authority instrument approach chart for Cork (EICK) runway 16 (EICK AD 2.24-19.1, ILS CAT I & II or LOC RWY 16, dated 11 October 2018), Note 4 of which states a “Missed approach climb gradient of 2.5% for obstacles and 6.6% for airspace”; the email observes that “exceeding the 2.5% standard gradient is not beyond the pale for IAA regulations”. AirNav Ireland provides the air navigation service, including instrument-flight-procedure design, at Cork, one of the three State aerodromes, and its own internal email of 5 November 2023 records the same 6.6% Cork figure.

²⁴AirNav Ireland internal email (Airspace and Navigation), 5 November 2023, recording a meeting with A.S.A.P., an approved instrument-flight-procedure design organisation; released by AirNav in its access-to-information response of 7 July 2025.

²⁵AirNav Ireland (General Manager, Terminal Services) to the Managing Director of Dublin Airport, letter of 17 November 2023, released by AirNav in its access-to-information response of 7 July 2025.

²⁶AirNav Ireland, access-to-information response, 7 July 2025.

this is a complex proposal in the context of Dublin Airport airspace.”²⁷ The “procedures ... at Rome” were the residents’ own pre-emptive example, and the review of them had confirmed the residents’ point, not daa’s. The Chief Executive who now reaffirmed the proposal “complex” had been sent the Cork chart five months earlier; the proposal so described was the community’s own.

- 30 A parliamentary committee was thus told that an independent body had recently assessed and effectively set aside the residents’ proposal, when daa had been told in writing the previous November that the only element examined was feasible, that no assessment of the merits had been done, and that one would be a substantial undertaking daa never authorised. These instruments, as drafted, take daa at its word.

The promised review

- 31 Ten weeks after telling the committee in writing that a review had reaffirmed the residents’ proposal complex, daa’s Chief Executive told the same committee in person that a review of the routes themselves would report by the end of that year. It began, and then it stopped.
- 32 In his opening statement to the Joint Committee on Transport on 19 June 2024 he said: “We are looking at this possibility with our flight operations teams, AirNav and the IAA. By the end of the year, I hope we will have a view on whether there is a better flight path out there that will take noise away. If there is, we will look at implementing it in a practical way in conjunction with AirNav and the IAA.”²⁸ Asked directly by a member whether the end of the year was the indicative timeline, he answered: “Yes.”²⁹ In the speech immediately following, the Managing Director of Dublin Airport withdrew the date: daa was “working through that to try to scope it out. We do not have a definitive timeframe.”³⁰ Pressed by another member on whether six months could be shortened, the Chief Executive said “Six months is very challenging as it is” and gave “a strong undertaking that we will push them as fast as

²⁷ daa to the Joint Committee on Transport, JCTC-33-1216, 4 April 2024.

²⁸ daa’s Chief Executive, opening statement to the Joint Committee on Transport and Communications, 19 June 2024 (“Engagement on the daa’s summer plans and preparations”).

²⁹ Joint Committee on Transport and Communications, 19 June 2024: a member asked whether the end of the year was the indicative timeline; daa’s Chief Executive answered “Yes.”

³⁰ The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport and Communications, 19 June 2024, in the answer immediately following.

possible ... We are not trying to go slow on this.”³¹

- 33** What followed is on daa’s own paper. Six weeks after that appearance, on the evening of Monday 29 July 2024, the Airspace Program Director of Airservices Australia presented to daa in person and sent the pack on, with the Community Engagement Standard that authority published in 2023 and the terms of reference it had issued for community comment before the post-implementation review of a runway and routes it had itself implemented at the Sunshine Coast. The Managing Director of Dublin Airport replied that the discussion was “very insightful and beneficial” and that “it certainly gives us a lot of guidance as we set out on our journey”.³² The history he was given records a parallel runway opened on 12 July 2020, terms of reference for a post-implementation review developed in consultation with the community and finalised in December 2021, an independent review published in August 2022 whose recommendations the authority adopted in full, a draft released for a four-week public comment period that drew 450 written submissions and a petition signed by 1,284 people, and a final review in December 2022 carrying eleven recommendations and eighty-two individual actions.³³ By 19 February 2025 daa’s own internal noise update carried “Flight Path Review” as its first item, to “proceed with issues/scoping paper and possible pre-consultation”, and a slide of four drafted route options, two of which take all or part of the 28R departures straight out.³⁴
- 34** Fifteen months after that appearance the Minister for Transport wrote to the Chief Executive, referring expressly to that appearance and to the year-end date given at it, and asked for “an update to the Department on the status of the review, and any options that might be considered by daa.”³⁵ The reply of 3 October 2025 did not report a review; it declined to begin one: “it is clear that it would be inappropriate to embark on a flightpath review at this time.” It added that “the outcome of any future

³¹daa’s Chief Executive, evidence to the Joint Committee on Transport and Communications, 19 June 2024, in answer to Deputy Alan Farrell.

³²Airservices Australia (Airspace Program Director; name redacted in the release) to daa, 29 July 2024, and the reply of the Managing Director of Dublin Airport, 30 July 2024; released by daa under access-to-information request AIE 2515.

³³Airservices Australia, “Airservices Australia / Dublin Airport”, the presentation given to daa on 29 July 2024, “Brisbane Parallel Runway” and “Noise Action Plan for Brisbane - Timeline”; released by daa under access-to-information request AIE 2515.

³⁴daa, “Dublin Airport DAOPG Noise Update”, 19 February 2025; released by daa under access-to-information request AIE 2515.

³⁵The Minister for Transport to daa’s Chief Executive, 5 September 2025, headed “daa Review of Flight Paths at Dublin Airport”; released by the Department of Transport under FOI 2026-0119, 10 June 2026.

review may not be significantly different from the current airspace design.”³⁶

- 35** Two features bear on how much weight daa’s assurances can carry. The date was given to a parliamentary committee, confirmed under direct question, and contradicted by daa’s own second witness in the next answer, so it was never a commitment the operator held to internally even on the day it was given. And the eventual refusal states the likely outcome of the review daa says is premature to start, which is a conclusion about work not done: the operator that declined to examine the routes also told the Minister what the examination would probably show.
- 36** A measure that depends on daa undertaking work at a time of its own choosing is not a measure. Between June 2024 and October 2025 daa gave the Oireachtas a date, allowed it to pass without report, and answered the responsible Minister sixteen months later by declining the work altogether. Only obligations fixed to a date on the face of the decision survive that pattern.

The consulted turns

- 37** Asked what departure turn the 2016 consultation had put to the public, the Managing Director of Dublin Airport told the same committee it ran “starting from 15 degrees all the way out to 75.”³⁷ The consultation put no such range: it offered two discrete options, a 15-degree scenario and a 15/75-degree split, and the 30-degree turn now flown was neither.³⁸ Described as a continuous range, the consulted geometry appears to contain the route now flown; described as daa put it to the public in 2016, it does not.
- 38** The misdescription does work beyond the angles. daa leans on the 2016 consultation to present the routes now flown as legitimated by public participation, the Managing Director of Dublin Airport defending them to the same committee as “aligned to what was consulted in 2016”.³⁹ That reliance fails three times over. It fails on the content, for the reason just given. It fails on the participation: daa’s own consultation report records an exercise conducted wholly in Fingal. The three public events were

³⁶daa’s Chief Executive to the Minister for Transport, 3 October 2025; released by the Department of Transport under FOI 2026-0119, 10 June 2026.

³⁷The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport, 24 March 2026 (in answer to Deputy Boland on the 2016 consultation).

³⁸daa’s 2016 public consultation on the North Runway departure routes offered Scenario A (a 15-degree divergence) and Scenario B (a 15/75-degree split); the routes now flown make a 30-degree turn at the runway end and, for the majority of departures, a further turn at waypoint DW128, and were not among the consulted options.

³⁹The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport, 24 March 2026.

held in Malahide, St Margaret's and Swords; the newspaper advertisements ran in four local Dublin titles; all 33,000 leaflets went to communities within Fingal; the posters went to Fingal's libraries and county council offices; and the elected representatives advised were "all Fingal County Councillors, TDs and Senators". County Meath, over which the routes now flown turn, received no event, no advertisement, no leaflet and no poster; nine of the 261 survey respondents are identifiable as Meath residents, and the point was put to the Managing Director of Dublin Airport on the day by a member of the committee, that in 2016 "there was none in County Meath".⁴⁰ And it fails on effect, because the routes were never carried into any regulatory decision: neither the departure-route scenarios put out for consultation in 2016 nor the routes actually flown were ever the subject of an application to a competent authority, and none appears on the planning register.⁴¹

- 39 A consultation is a step within an application for consent, not a substitute for one; an operator does not acquire authority to fly a route it never assessed by pointing to a consultation it never carried into any decision, still less one that excluded the population now overflown and whose content it now misstates. The body of this submission pleads the want of any assessed and consented basis for the routes as its primary objection, and the Fingal-confined consultation as a public-participation failure in its own right (A.3).

The new environmental assessment

- 40 The Managing Director of Dublin Airport told the Joint Committee on Transport in March 2026 that a new environmental impact assessment of the North Runway flight paths had been carried out, "more or less the same as what would have been done back in 2004."⁴² daa's own internal-review decision on the point, in May 2026, confirms there was none: "No separate 'new environmental impact assess-

⁴⁰daa, "North Runway: Consultation on Flight Paths and Change to Permitted Operations", February 2017 consultation report: three public events, all in Fingal (section 2.4.1); advertisements in the North County Leader, Fingal Independent, Dublin Gazette and Northside People (section 2.6.1); posters to Fingal libraries and two Fingal County Council offices (section 2.6.2); 33,000 leaflets distributed within Fingal (section 2.6.3); "all Fingal County Councillors, TDs and Senators were advised" (section 2.6.5). Red C research report, Table 3: nine of the 261 survey respondents are identifiable as County Meath residents. Deputy Gillian Toole put the absence of any County Meath consultation to the Managing Director of Dublin Airport at the Joint Committee on Transport, 24 March 2026.

⁴¹Neither the departure-route scenarios consulted in 2016 nor the routes as flown were the subject of any application to a competent authority. daa's Fingal planning history for 2016 to 2018 comprises physical works and fire and disability-access certificates only; no application to consent the departure routes, and no retention application concerning them, appears on the planning register.

⁴²The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport, 24 March 2026.

ment' exists."⁴³

- 41** What the record shows is not a completed assessment but an abandoned one. The documents daa later pointed to, released to NRTG under access-to-information law, are of two kinds, and neither is the assessment described. The first is a set of environmental reports that assess the relevant action and, from 2023, the routes as flown; all of them assess after the event, not before. The second is a single 2016/2017 draft environmental impact statement. That draft did engage the departure routes: it treated them as an assessed alternative and put them to public consultation. Even then, the routes it engaged were the 2016 scenarios described just above, not the compound turn now flown. And in any case it was prepared for a different application, to remove the night-movement restrictions in the North Runway permission, and was never completed or submitted. daa's own representative told the same committee what became of that application: it "did progress", but as "the North Runway relevant action".⁴⁴
- 42** A relevant action under the 2019 Act assesses no departure route: it can only address an operating restriction (section 8 below, and Part A of this submission). So the one assessment daa began that engaged the routes was set aside for a mechanism that assesses none of them. None of the documents daa pointed to assesses the compound turn now flown against the routing the permission was granted on.
- 43** daa's two descriptions of that draft cannot both be true. To the Oireachtas it was a completed "new environmental impact assessment"; to NRTG, refusing parts of the same draft under the access-to-information regime, it was "evaluative and deliberative material" that "does not represent finalised or adopted positions".⁴⁵

⁴³ daa, internal-review decision on access-to-information request AIE 2607, 26 May 2026, Item 1.

⁴⁴ The records daa produced under access-to-information request AIE 2607 (internal-review decision 26 May 2026) are environmental reports assessing the North Runway relevant action and, from 2023, the routes as actually flown, together with a 2016/2017 draft Environmental Impact Statement (RPS MDE0951Rp0015). That draft was prepared for an application to remove the night-movement restrictions (Conditions 3(d) and 5) in the North Runway permission, treated the noise preferential routes as an assessed alternative, and was put to public consultation; it was never completed or submitted. A daa representative told the Joint Committee on Transport, 24 March 2026, that the application "did progress" as "the North Runway relevant action".

⁴⁵ In refusing parts of that 2016/2017 draft under AIE 2607, daa described the withheld material as "evaluative and deliberative material" that "does not represent finalised or adopted positions".

4. Behind “shared to AirNav for further investigation”: an automated flag, no governing procedure, and no record of any investigation

- 44** daa’s published noise material, and its templated replies to individual complainants, tell the public that the complained-of flight event “will be shared to AirNav, our air navigation service provider, for further investigation”.⁴⁶ daa’s 2023 factsheet published that journey as a flow chart: an off-track event is verified, the finding is sent to air traffic control, “ATC FINDINGS ISSUED”, responsibility is assigned to the controller or the airline, the analyst “request[s] corrective actions”, and the complainant is informed and the case closed.⁴⁷
- 45** daa’s template letters define the event they promise to share in terms of the corridor daa publishes: the complained-of aircraft “left the Noise Preferential Route (NPR or environmental corridor)”, and “the flight event will be shared to AirNav ... for further investigation”.⁴⁸ Asked in 2026 for the records of that mechanism, on a request that defined off-track flight events as deviations from the published SID, AirNav Ireland denied any arrangement in the terms of that definition: “No such arrangement exists, as the daa does not refer published SID deviations to AirNav Ireland.”⁴⁹
- 46** daa’s own decision of July 2026 confirms that “daa do not refer instances of flights deviating from the published SID to AirNav”, and that daa holds no protocol or agreement governing the advertised referrals, no record authorising the “shared to AirNav” wording in its complaint responses, no review of the mechanism’s effectiveness, and no record of ever raising referral handling with AirNav.⁵⁰ What it discloses instead is a bulk data flow under another label: every deviation from the corridor daa terms the noise-preferential route has, since January 2024, been flagged to AirNav automatically, complaint or no complaint, 9,136 to June 2025 and a further 7,997 through a joint platform to May 2026, on which AirNav’s recorded role is to tag which flights were “air traffic managed”, 528 in twelve months.⁵¹ The sharing therefore exists, in automated bulk. What no record in either decision evidences is any later stage of the loop daa published: no count of investigations, no finding issued, no corrective action

⁴⁶ daa, “Facts on Noise Management and Mitigation at Dublin Airport”, and daa’s noise-complaint response template to complainants.

⁴⁷ daa, “Facts on Noise Management and Mitigation at Dublin Airport” (2023), “How daa deals with noise complaints” flow chart.

⁴⁸ daa noise-complaint response letters of 20 February 2024 and 19 August 2024 (the templated wording; the letters describe the complained-of event by reference to the noise preferential route and do not mention the SID).

⁴⁹ AirNav Ireland, access-to-information decision, 1 May 2026.

⁵⁰ daa, access-to-information decision AIE 2622, 2 July 2026, items 1, 3, 5, 6 and 8.

⁵¹ daa, access-to-information decision AIE 2622, 2 July 2026, items 1 and 2.

requested, no outcome communicated back to daa or to any complainant, and no procedure under which a complained-of event is treated differently from the thousands flagged regardless. An automated flag and a tag stand behind the sentence; whether anything stands behind the tag is a question both bodies' decisions leave unanswered.

- 47 One further feature bears on conduct: daa disclosed that after receiving the request it deactivated the residual public link to the “Facts on Noise Management” document that had carried the published claim.⁵²

5. daa’s conduct toward documented criticism: adverse representations behind the critic’s back, then no further engagement

- 48 A decision built on trust must reckon with how daa treats those who document its conduct. The pattern is to manage the audience rather than answer the point.
- 49 daa disparaged a named resident to the officials he was lobbying, without his knowledge. In March 2025 daa’s head of media relations emailed a slate of Ministers, Oireachtas members, a councillor and Fingal’s planning enforcement section, describing the emails of a community correspondent, Eoin Keary, as containing “several serious falsehoods and unfounded accusations,” while leaving Mr Keary off the recipients.⁵³ He learned of it only because the chain was forwarded to him: “The DAA appears to have removed me from a response to my email. I suspect this is standard operating procedure to divide and conquer.”⁵⁴ daa made adverse representations about a named individual to the very public representatives he was addressing, without giving him sight or a right of reply.
- 50 daa closed down a formal governance approach with a copied refusal. In April 2025 NRTG wrote to daa’s Chair and Chief Executive, copied to Ministers and Oireachtas members, raising the route’s departure from the 2007 environmental impact statement, the obstruction of the noise-study process, and the directors’ duties under the Companies Act 2014.⁵⁵ The reply, from daa’s Company Secretary “on their collective behalf”, refused it: the directors “absolutely refute” the fiduciary-duty concern; the matters were “well rehearsed”; “the board believes it does not serve your group well to issue com-

⁵² daa, access-to-information decision AIE 2622, 2 July 2026, item 7.

⁵³ daa head of media relations, email of 27 March 2025.

⁵⁴ Eoin Keary, email of 27 March 2025.

⁵⁵ NRTG to the Chair and Chief Executive of daa, 24 April 2025 (Companies Act 2014, s.228(1)(a),(f),(g),(h)).

munications that are based on unfounded concerns about potential ‘misstatements’ ”; and “Please regard this letter as a formal notice that there will be no further engagement with your group on these points from a board perspective.”⁵⁶ The refusal was itself copied to the same officials. This is the “no further engagement” letter NRTG treats as evidence and the basis for its standing position of not engaging daa directly.

- 51 The same brush-off met a conflict-of-interest concern, and here precision matters. Also in April 2025 NRTG asked the Chair to treat the Chief Executive’s declared shareholdings in airlines operating from Dublin Airport as a material conflict rather than one cured by disclosure alone, and to commission an independent review.⁵⁷ The Chair’s reply was a single substantive line, “I do not accept the points made in the letter,” referring NRTG to his prior statement that the Chief Executive “has complied with the relevant corporate governance and state ethics disclosure requirements”; it too was copied to the Taoiseach, Ministers and Oireachtas members.⁵⁸ The documents establish only that NRTG raised the concern and that the board answered that disclosure sufficed. NRTG does not assert, and the record does not establish, that any conflict was acted upon or that the Chief Executive acted improperly.
- 52 NRTG corrected the record with the public representatives directly: in May 2026 it wrote to 27 of them, with Mr Keary copied and daa not a recipient, setting daa’s statements against daa’s own records and asking the representatives to confirm “that Mr Keary’s standing should never have been impugned.”⁵⁹ That letter named daa staff by role alone and named only Mr Keary, with his agreement; this annex follows the same discipline. A body that disparages a critic to officials behind his back, and answers documented governance and conflict concerns with one-line, copied refusals and a notice of no further engagement, is not a candidate for a regulatory settlement built on trust.

6. daa devolved the route design to AirNav Ireland, which derided the residents’ safety report and produced no safety study

- 53 daa’s answer to the routing and safety questions is that the design of the flight procedures is delegated to AirNav Ireland. The record of how that delegate handled the residents’ safety report, and

⁵⁶daa Company Secretary, reply of 2 May 2025.

⁵⁷NRTG to the Chair of daa, 24 April 2025.

⁵⁸Chair of daa, reply of 29 April 2025.

⁵⁹NRTG, record-correction letter to public representatives (ref NRTG/2026/rmk), 29 May 2026.

separately their redesign proposal, defeats the answer rather than supporting it. daa carries the duty under EU Regulation 139/2014 to ensure the flight procedures are designed and maintained, and delegated both at Dublin to AirNav Ireland;⁶⁰ the body daa points to must therefore bear the weight daa places on it.

- 54 The residents put two distinct documents to that body, and AirNav’s single internal record engaging them, the 5 November 2023 email, treated the two in opposite ways. NRTG’s safety report of 10 September 2023, “SAFETY REPORT: Dangerously conflicting procedure tracks at EIDW,” it met not with analysis but with dismissal: “has this report been verified? ... it shows a real lack of understanding of ATM, which only adds to the frustration in this.”⁶¹ The residents’ separate redesign proposal, “Dublin Airport North Runway: A problem that can be solved,” presented at the 27 October 2023 meeting, it did engage, putting it to A.S.A.P., which confirmed the element AirNav had singled out as the obstacle feasible (section 3).⁶² The delegate confirmed the obstacle it had itself identified could be overcome while deriding the safety report that explained why the redesign was needed.
- 55 The same email shows that the delegate knew what the rest of the work was. Having recorded the confirmation, it set out what “also would have to be considered”: the minimum obstacle clearance at both the published 2.5 per cent and the proposed 4.3 per cent gradients, which “in turn will define the turning waypoint”; that the turning waypoint “may move further West before turning”; a climb profile calculated “to ensure 3000feet by 3NM before Weston AOR / 4000feet by 3NM before EIME”; the effect on the approach obstacle clearance altitude for Runway 28L arrivals, marked “a later consideration”; the calculation of the Start of Climb and the Earliest Turning Point; and the later stages of the missed approach, including whether it would have to continue to OBINU or hold at LAPMO, “[w]hich would need to be assessed by ATC”. The element already confirmed, it recorded, was “only a small part of the overall picture and completes the initial ask”. That is a scope of work, written by the delegate, in November 2023. No record of any of it having been carried out has been produced by daa or by AirNav Ireland on any request directed to either (section 7).

⁶⁰Regulation (EU) No 139/2014 (EASA aerodromes), ADR.OR.C.005(b)(2) (the operator’s duty to ensure the design and maintenance of the flight procedures); daa delegated instrument-flight-procedure design and maintenance at Dublin to AirNav Ireland (AirNav Ireland briefing note to the Department of Transport, 13 May 2025, released under FOI 2025.122).

⁶¹AirNav Ireland internal email (Airspace and Navigation), 5 November 2023, recording a meeting with A.S.A.P., an approved instrument-flight-procedure design organisation; released by AirNav in its access-to-information response of 7 July 2025.

⁶²AirNav Ireland internal email (Airspace and Navigation), 5 November 2023, recording a meeting with A.S.A.P., an approved instrument-flight-procedure design organisation; released by AirNav in its access-to-information response of 7 July 2025.

- 56 No aeronautical study of the route's safety was produced anywhere in the design chain. The Doc 8168 that daa, AirNav Ireland and the IAA all invoke for the route's safety criteria provides that safety "shall always be the highest priority," and that where a State deviates from PANS-OPS "it is strongly recommended that an aeronautical study be conducted to assess the effect on safety," applying "in all cases, even where political pressure for change is strong."⁶³
- 57 AirNav's July 2025 access-to-information response, quoted in section 3, confirms no such study was done.⁶⁴ NRTG's renewed request to AirNav for precisely that safety analysis, and for the design decision to load the required track divergence onto the departure rather than share it with a redesigned missed approach, was deemed refused on 24 June 2026 and is under internal review.⁶⁵ A decision that trusts daa to manage noise safely rests on a delegation in which the delegate derided the residents' safety report and produced no safety assessment of the design at all.

7. The delegate's answer to statutory information requests: silence, deemed refusal and a definitional riddle

- 58 AirNav Ireland's handling of the residents' statutory requests for environmental information independently defeats any assumption that the delegate will cooperate in good faith with the oversight the draft decision assumes. Of six requests put to it in the four months to July 2026, AirNav ignored two entirely, met a third with an acknowledgement and then silence at both statutory stages, allowed a fourth to fall to deemed refusal, answered a fifth with a nil return while itself volunteering that responsive records exist, and answered the sixth on a narrow reading whose narrowness its own letter shows it understood.
- 59 The requests of 20 April 2026 (the rationale for the departure turn design) and 23 April 2026 (the tasking of the external procedure-design organisation) received no acknowledgement, no decision, and no response to the internal-review requests that followed; both are now before the Commissioner for Environmental Information, whose office acknowledged the appeals on 26 June 2026.⁶⁶ The request

⁶³ICAO Doc 8168 (PANS-OPS), Volume II (7th ed, 2020), Appendix to Chapter 3 (Guidance on environmental issues), §2.3.

⁶⁴AirNav Ireland, access-to-information response, 7 July 2025.

⁶⁵NRTG access-to-information request to AirNav Ireland of 25 May 2026 (the safety analysis of the route as flown, and the design decision to load the required track divergence onto the departure rather than share it with a redesigned missed approach); deemed refused on 24 June 2026; internal review requested 26 June 2026.

⁶⁶NRTG access-to-information requests to AirNav Ireland of 20 April 2026 (the rationale for the departure turn design) and 23 April 2026 (the tasking of the external procedure-design organisation); no acknowledgement or decision issued on

of 1 May 2026, for AirNav’s coordination with daa during the North Runway airfield design, was acknowledged on 5 May and then met with silence at both statutory stages, and is likewise before the Commissioner, by an appeal lodged on 10 July 2026. The request of 25 May 2026, for the safety analysis of the route as flown and the design decision behind it, including the post that held design authority over the Runway 28R departures, the professional competence that post required, and whether any professionally qualified person signed off the turn design, fell to deemed refusal on 24 June 2026 and is under internal review.⁶⁷ The request of 17 April 2026, for the aeronautical study of the Runway 28R departure, was answered on 20 May 2026 with a nil return on every substantive item, in a decision that itself volunteered that “Instrument Flight Procedure design files and associated project documentation” for that departure exist and are held, while making no decision to grant or refuse them.⁶⁸

- 60** The sixth answer is the one described in section 4: asked about the referral mechanism daa advertises to complainants, AirNav stated that its entire assessment treated “off-track flight events” as deviations from the published SID, and invited the requester to propose “some other meaning” for a reassessment carrying no statutory timeframe.⁶⁹ By then it had been receiving daa’s flagged deviations at scale since January 2024, labelled as deviations from the noise-preferential route, the meaning the request was plainly directed at, and its answer disclosed none of them. A requester is not required to guess the labels under which a public authority files its records; the duties run the other way. Authorities must possess and update the environmental information relevant to their functions, and their officials must support the public in seeking access to it.⁷⁰
- 61** The same body writes the State’s reassurances on these routes: records released under freedom of information show that when members of the public wrote to the Department of Transport about the North Runway departure routes, the Department forwarded the representations to AirNav, which drafted the Department’s substantive replies.⁷¹ The body that composes the State’s answers to the public on the routing does not answer the public’s own statutory requests about the same routing. These instruments assume monitoring, track-keeping and complaint data will flow through daa and

either; appeals acknowledged by the Office of the Commissioner for Environmental Information on 26 June 2026, references OCE-352491-L8T8Y6 and OCE-352492-Y4L4S5.

⁶⁷NRTG access-to-information request to AirNav Ireland of 25 May 2026 (the safety analysis of the route as flown, and the design decision to load the required track divergence onto the departure rather than share it with a redesigned missed approach); deemed refused on 24 June 2026; internal review requested 26 June 2026.

⁶⁸AirNav Ireland, access-to-information decision, 20 May 2026, on the request of 17 April 2026.

⁶⁹AirNav Ireland, access-to-information decision, 1 May 2026, introductory interpretation paragraph.

⁷⁰Aarhus Convention, Articles 5(1)(a) and 3(2); Directive 2003/4/EC, Article 3(5)(a).

⁷¹Department of Transport, records released under FOI 2023.0144 (November 2023).

this delegate to the authority and the public; the documented record of both is that information flows outward as reassurance and is withheld on request.

8. The sequence: a baseline settled first, the routing fixed after, growth banked on top

- 62 The draft decision does not stand alone. Set beside daa’s own stated positions, the documented sequence shows why the routing problem has been left unresolved while a baseline is fixed first, and why that ordering converts noise relief into headroom for growth. NRTG does not allege a concerted plan; it sets the positions side by side, because the structural consequence holds whatever the intent.
- 63 daa has conditioned the routing review on a baseline being settled first. The Managing Director of Dublin Airport told the Joint Committee on Transport in March 2026 that the flight-path review “hasn’t advanced because we need a baseline of the North Runway relevant action before we can understand ... the impact of different changes,” that daa “can’t move that on” until that baseline is finalised, and, in the same evidence, that the purpose of the wider process is “to reset the baseline for operations at the airport.”⁷²
- 64 The instrument daa waits for cannot deliver what it is said to be waiting for. A relevant action can only impose, revoke, revoke and replace, or amend an operating restriction, and departure routes are not operating restrictions. A noise abatement operational procedure is thus deferred behind a process confined to the fourth measure, which cannot assess it, cannot baseline it and cannot adopt it. That is why the deferral carries no end date: what is being waited for is not capable of producing what is being deferred.
- 65 The draft decision now settles that baseline at 2023, the worst year on record, in the same language. Re-baselining the objective against 2023 rather than 2019 banks the reduction the compliant route would have delivered but the routes as flown did not, a point developed in the body of this submission and in Annex C.⁷³
- 66 The authority did not arrive at this ordering unwarned. In March 2024, on receiving the authority’s description of its assessment as determining whether regulation is needed to address the present impact, the author of this submission asked it directly whether it was starting from the status quo,

⁷²The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport, 24 March 2026.

⁷³This submission; Annex C (Routes Flown against the 2004 and 2005 EIS Route).

and warned in writing: “If daa is to be allowed set the starting point of ANCA’s investigation by simply flouting the conditions of their planning permission, would that not fundamentally undermine ANCA in addition to the planning process?”⁷⁴ The authority replied the next day that its correspondence “should not be interpreted as indicating a predetermined starting point or outcome”.⁷⁵

- 67** As the questions continued through 2024 its engagement narrowed to consolidated replies, then closed with “no additional information is available at this time”; by 2026 its mailbox met correspondents with an automated notice that “if your query has been answered below you may not receive a response”.⁷⁶ The draft decision then gave effect to the ordering the March 2024 correspondence warned against and the authority’s reply disclaimed: it adopted the status-quo 2023 noise climate, the product of the unassessed deviation, as the reference against which the objective is set. A body warned in terms of the precise mechanism, which disclaimed predetermination in writing and then applied the mechanism, cannot present the 2023 reference year as a neutral technical choice.
- 68** The routing has been before the State since 2023, yet the review is committed only now. The routes have deviated from the assessed departure since the runway opened in 2022, in their present form since February 2023; Fingal’s section 9 directions required the comparison against the 2019 baseline; and the Department acknowledged in March 2026 that the routes flown “were not those that had been consulted on previously.”⁷⁷ Asked directly whether the relevant-action process “would establish a new environmental baseline for departure routes,” the Minister deflected to the open case and gave no denial.⁷⁸ By July the ordering was the Department’s stated position: the Minister’s office put in writing that the independent assessment of flight paths the Minister had committed to at Second Stage will most likely be undertaken “when a final decision is made regarding the North Runway Relevant Action”, a timing chosen so that the assessment is “based on the most accurate and current operational data”.⁷⁹
- 69** Read in sequence, the routing correction is deferred until the baseline is fixed at 2023 and then applied

⁷⁴Correspondence, the author to ANCA, 13 March 2024 (reply to ANCA Ref 2024/0119).

⁷⁵ANCA, Ref 2024/124, 14 March 2024.

⁷⁶ANCA, Refs 2024/521/523/565, 3 September 2024; ANCA, Ref 2024/606, 1 October 2024; ANCA automated reply, 1 April 2026.

⁷⁷Department of Transport, evidence to the Joint Committee on Transport, 4 March 2026; ANCA section 9 directions in respect of F23A/0781.

⁷⁸Minister for Transport, reply to Parliamentary Question 28679/26, 21 April 2026.

⁷⁹Department of Transport, Ref TTAS-MO-03406-2026, 3 July 2026 (Private Secretary to the Minister for Transport, response to a resident of the affected area).

on top of it. What that ordering buys is set out in the body of this submission; what the record here adds is where the budget comes from. The 2023 reference level stands where it does because of the deviation itself, so a later return to the assessed route is credited as a reduction and the credit spent on expansion: a reference year set at the height of the unassessed deviation lets the operator benefit from its own default, and the law does not ordinarily permit a party to profit from its own wrong.

- 70** By then the operator’s reason for waiting had been adopted by every body with power to act, and this is the feature of the record that matters most to a regulator deciding what to leave to discretion. The same rationale now appears, in each body’s own words, at four levels.
- 71** daa conditions the routing review on the relevant action: the review “hasn’t advanced because we need a baseline of the North Runway relevant action before we can understand ... the impact of different changes.”⁸⁰ The planning authority gives the same reason for not deciding on enforcement. Reporting to the Ombudsman on a complaint that the routes flown are unauthorised development under Condition 1, Fingal County Council listed among its reasons for having made no decision “the evolving status of regulatory consents governing operations at Dublin Airport, such as the Relevant Action application and decision ... which considered the issue of flight paths at Dublin Airport”, and said it hoped to decide in the “medium term” after further consideration of “the recent Relevant Action decision.”⁸¹ The Ombudsman accepted it: the complaint was not upheld, the time taken held “not unreasonable” in light of “adjudications by the Commission affecting the North Runway” and of the Council’s reassurance about its timeframe.⁸² And the Department adopted it as the timing of the Minister’s own commitment, in the July 2026 letter quoted above.⁸³
- 72** NRTG makes no allegation about how that came about, and none is needed. What the record establishes is the fact of the alignment and its effect: a reason first given by the regulated operator for not reviewing its own routes is now the reason the planning authority has not decided enforcement, the reason the Ombudsman found that delay reasonable, and the reason the responsible Minister’s independent assessment is deferred. No body in the chain has tested it. Each has treated the relevant

⁸⁰The Managing Director of Dublin Airport, evidence to the Joint Committee on Transport, 24 March 2026.

⁸¹Office of the Ombudsman, decision on complaint concerning Fingal County Council, reference OMB-158504-Q7T9Q4, 19 March 2026, recording the reasons given by the Council for having reached no decision on planning enforcement.

⁸²Office of the Ombudsman, reference OMB-158504-Q7T9Q4, 19 March 2026, conclusion (complaint not upheld; the time taken held “not unreasonable”).

⁸³Department of Transport, Ref TTAS-MO-03406-2026, 3 July 2026 (Private Secretary to the Minister for Transport, response to a resident of the affected area).

action as capable of settling the routing question, and each has waited for it.

- 73** The baseline daa is waiting on cannot lawfully bear that weight, and this is the point on which the sequence turns. A “relevant action” under the 2019 Act is confined to operating restrictions: the competent authority’s exclusive competence is “to impose, revoke, revoke and replace, or amend the terms of, an operating restriction,” and “operating restriction” is a defined term meaning a noise-related action that limits access to or reduces the operational capacity of the airport.⁸⁴ Departure routes are not operating restrictions, and the relevant-action application (ABP-314485-22) seeks only to change night hours and the movement cap.⁸⁵ The relevant action therefore has no power to set an environmental baseline for the routes, and daa’s position that the routing review must wait for it rests on a baseline the statute does not permit it to set. This legal point is stronger than any imputed motive and does not depend on one.
- 74** It also disposes of the whole chain at once. If the relevant action cannot determine the routes, then the operator is waiting for an event that cannot resolve what it says it is waiting to resolve, the planning authority has deferred an enforcement decision on the same footing, the Ombudsman has found that deferral reasonable on a premise nobody in the chain examined, and the Minister’s independent assessment is timed to an instrument that will not answer the question the assessment exists to answer. The alignment is not evidence of anything improper. It is evidence that the rationale was adopted rather than tested, which is precisely the risk these instruments must be drafted against.

9. The remedy on the map: each scheme drawn larger, none drawn lower

- 75** The draft decision’s Appendix F publishes four insulation scheme boundary maps on a common base, reproduced below in sequence. They show the airport’s one adopted mitigation instrument growing with each successive consent, renamed as it grows, and sized in each version by the operator’s forecast of the operations the consent permits. What no redrawing has done is bring help down to the levels the decision’s own evidence treats as harmful. The growth is in extent, not in depth.

⁸⁴Aircraft Noise (Dublin Airport) Regulation Act 2019, s.4(1) and the definition of “operating restriction” in s.2(1), substituted from 27 July 2026 by s.38(a) of the Dublin Airport (Passenger Capacity) Act 2026 in the Regulation’s own terms; Regulation (EU) No 598/2014, Article 2(6).

⁸⁵Aircraft Noise (Dublin Airport) Regulation Act 2019, s.34C(23); application ABP-314485-22.

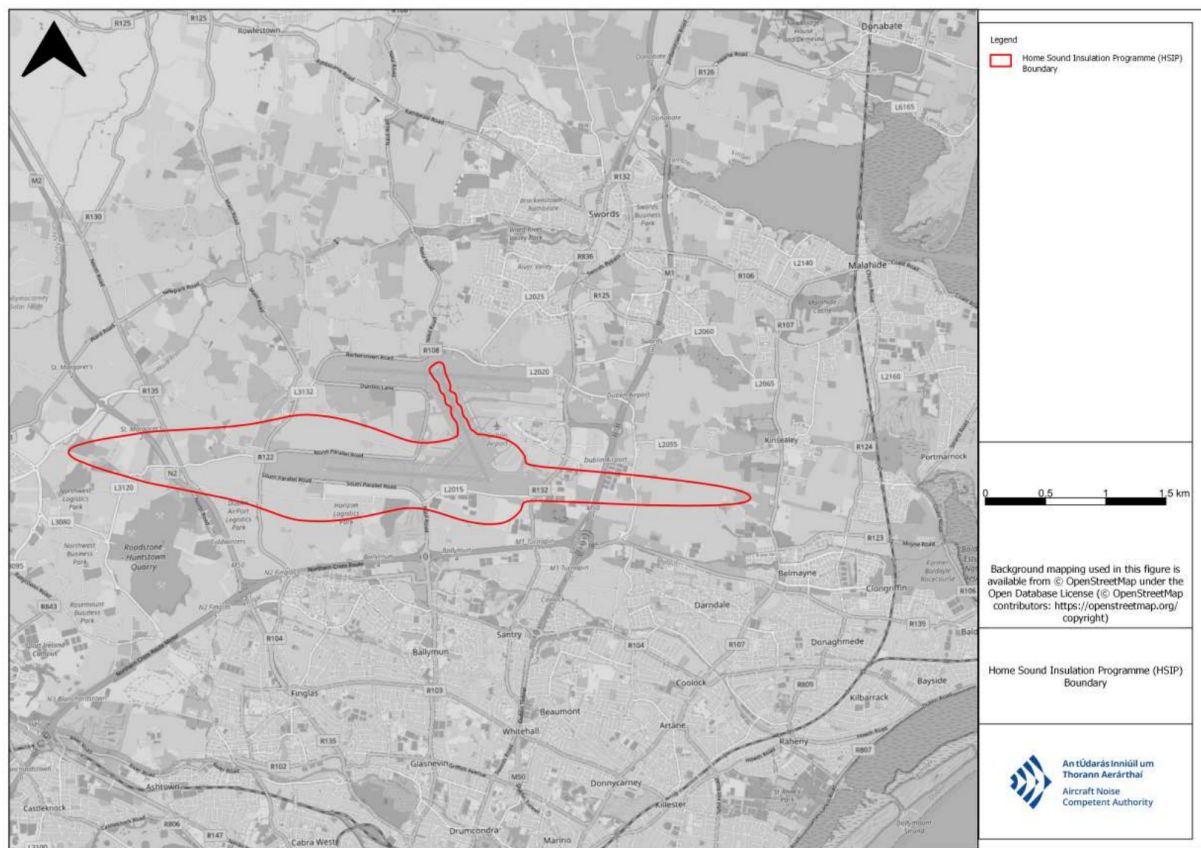


Figure 1: The Home Sound Insulation Programme (HSIP) boundary: the original scheme (Draft Regulatory Decision, Appendix F, page 5).

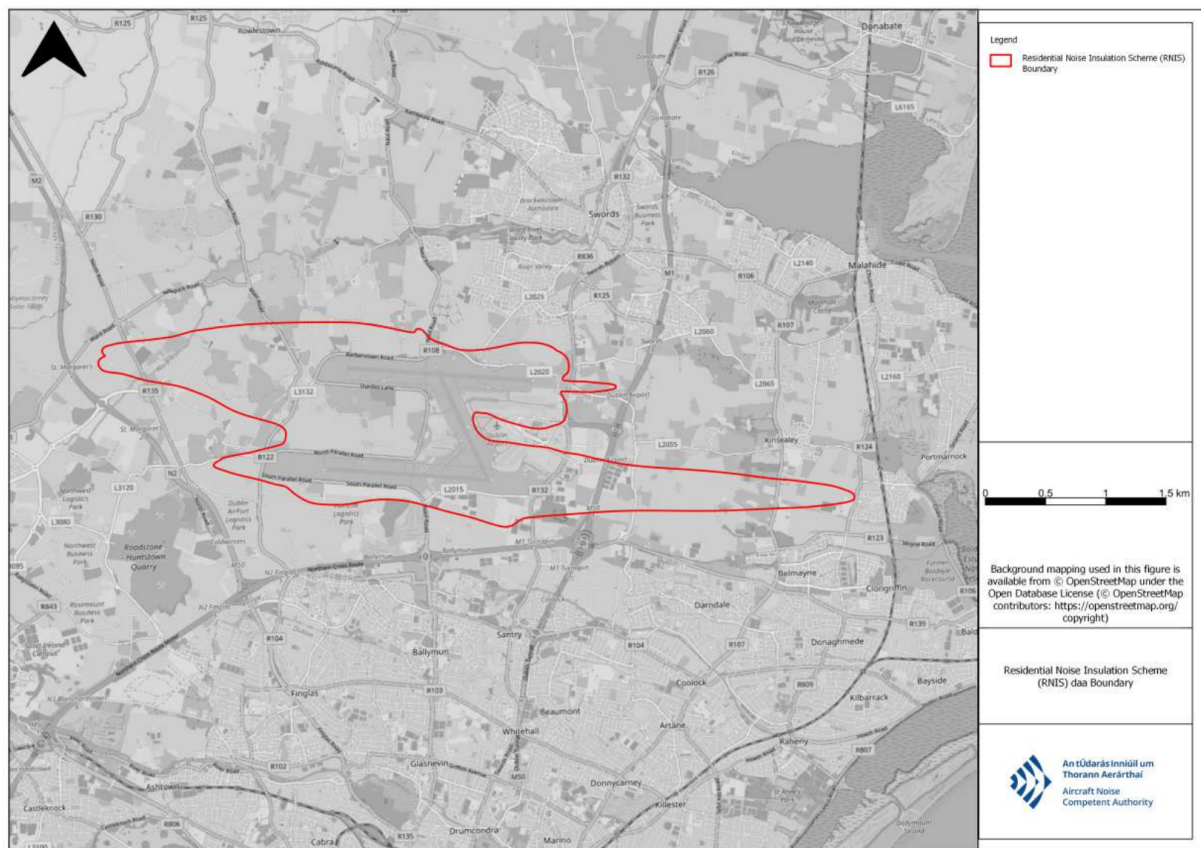


Figure 2: The Residential Noise Insulation Scheme (RNIS): the current daa boundary (Appendix F, page 3).

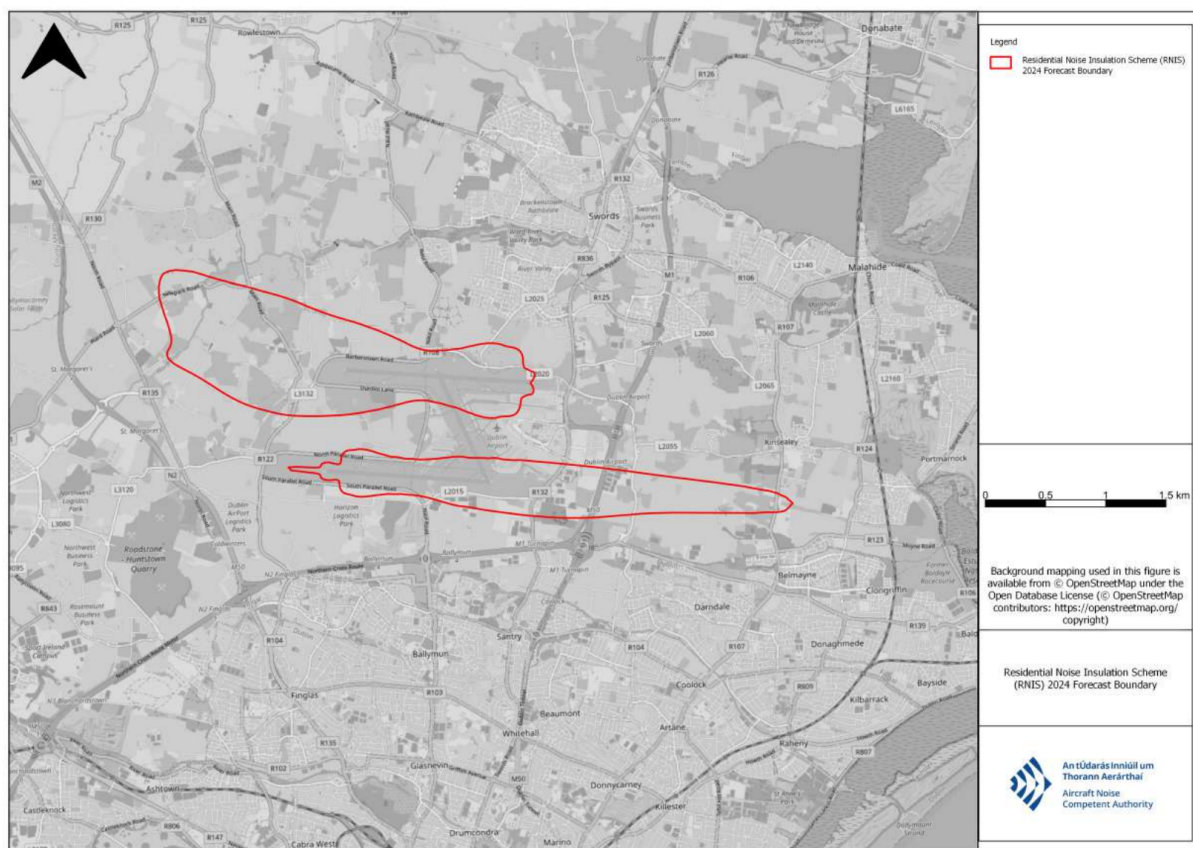


Figure 3: The RNIS 2024 forecast boundary, produced by the first biennial review (Appendix F, page 4).



Figure 4: The Residential Sound Insulation Grant Scheme (RSIGS) boundary, its legend annotated “(Pending appeal)” (Appendix F, page 2).

- 76** The Home Sound Insulation Programme is the original scheme and the smallest envelope, held close to the runways. The Residential Noise Insulation Scheme succeeded it under Condition 7 of the North Runway permission, which required a scheme including “all dwellings predicted to fall within the contour of 63 dB LAeq16 hours within 12 months of the planned opening of the runway for use”; its boundary is accordingly daa’s forecast 2022 contour at that level, and the first biennial review, completed in 2024 on the 2023 noise situation, produced the enlarged two-lobe forecast boundary.⁸⁶ The Residential Sound Insulation Grant Scheme, by far the largest envelope, arrived with the relevant action: a night-time scheme for dwellings above 55 dB Lnight, or above 50 dB Lnight where the relevant action adds at least 9 dB.⁸⁷ Its legend carries the annotation “(Pending appeal)”, and the decision report

⁸⁶Draft Regulatory Decision Report (May 2026), quoting Condition 7 of the North Runway planning permission; the RNIS eligibility boundary “originally based on the forecast 2022 63 dB LAeq,16hr contour”; the first biennial review completed in 2024 on the 2023 noise situation.

⁸⁷An Coimisiún Pleanála Order ABP-314485-22, as recorded in the Draft Regulatory Decision Report (May 2026) and in its

records the scheme as “one of the measures subject to judicial review and the European Commission’s Article 8 review”.⁸⁸

- 77** The floor, in whatever metric each scheme states it, is set at the loudest end of the range. The daytime test has stood at 63 dB LAeq,16hr since the 2007 permission, an intervention threshold the authority’s own consultants trace to “evidence gathered by the UK Department for Transport in 1984 and adapted in 1990”.⁸⁹ The night scheme begins at 55 dB Lnight, fifteen decibels above the 40 dB Lnight level from which the decision counts its highly sleep disturbed population. The proposed grant scheme begins at 60 dB Lden, fifteen decibels above the 45 dB Lden threshold the authority’s own report, reciting the WHO guidance, identifies as the level above which aircraft noise “is associated with adverse health effects”, and five above the eligibility the same report’s benchmarking records at European peer schemes “starting from as low as 55 dB Lden”.⁹⁰ The metrics differ across the sequence, so no single number carries through it; a change of metric can even present as a relaxation, the proposed 60 sitting below the historic 63, though the two do not compare, one weighting evening and night, the other daytime alone. What carries through is each threshold’s position: at the top of the range the scheme’s own evidence treats as harmful, with the greater part of that range, including the 14,350 people Fingal’s own appendix counts in the 55 to 60 dB Lden band, outside every line ever drawn (Part B.2.2). Each redrawing extends the envelope outward to the operations a new consent permits; none has extended it downward toward the harm.
- 78** For this annex the maps add one thing to the record: the shape a remedy takes when its boundary is left to be drawn from the operator’s forecasts, consent by consent. An instrument successively redrawn to accompany each permission, and never by reference to the harm, operates as compensation scaled to consented growth rather than protection scaled to exposure. NRTG alleges no design; the maps record the outcome, and the outcome is what the requirement this annex closes on exists to

Appendix G (Review and Assessment of a Potential Noise Problem associated with Planning Application F23A/0781, January 2026).

⁸⁸Draft Regulatory Decision Report (May 2026): “The RSIGS is one of the measures subject to judicial review and the European Commission’s Article 8 review.” Legend annotation from the Draft Regulatory Decision, Appendix F, page 2.

⁸⁹Draft Regulatory Decision Report, Appendix G (January 2026): the thresholds of the schemes established through the North Runway permission are “based on policies in place at the time in the UK”, with “intervention thresholds set based on evidence gathered by the UK Department for Transport in 1984 and adapted in 1990”.

⁹⁰Draft Regulatory Decision, the proposed measure applying to “residential dwellings forecast to be exposed to aircraft noise at or above 60 dB Lden”; Draft Regulatory Decision Report (May 2026), reciting the WHO Guideline Development Group recommendation on 45 dB Lden, counting the exposed populations from 45 dB Lden and 40 dB Lnight, and recording European scheme eligibility “starting from as low as 55 dB Lden”.

prevent: an eligibility boundary specified on the public record, placed beyond daa's control, and set by reference to the measured exposure it remedies.

Conclusion

- 79** The re-baseline that runs through this record is not an isolated act: it was described by the Managing Director of Dublin Airport as the purpose of the process in March 2026 and given effect in the draft decision in May.⁹¹ An authority structured and resourced as this one is, set against a peer that fines hundreds of times a year under the same Regulation, has produced a decision that considers resolving an acknowledged routing problem only after its consequences are banked into the baseline, and asks of daa nothing the authority would have to enforce. The difference from France is one of design, not of difficulty.
- 80** The three instruments now before consultation, the updated Noise Abatement Objective, the Draft Regulatory Decision and the Strategic Environmental Assessment Environmental Reports, therefore cannot be left to rest on daa's good faith, on an authority that has never enforced anything, or on a delegated technical authority that derided the residents' safety report, produced none of the safety study its own criteria recommend, and whose handling of the residents' statutory information requests is now before the Commissioner for Environmental Information. Whatever the final decision adopts, the noise measurement, the eligibility boundary and the compliance reporting must be specified on the public record, placed beyond daa's control, and made enforceable in terms a court could apply, with each reported breach carrying an enforcement step the authority is required to take within a prescribed period. Anything left to good faith or to discretion rests on an assumption for which this record offers no support.

⁹¹This submission (the re-baseline of the objective from 2019 to 2023).

Annex G: Fingal's and daa's own documents

Our ref: NRTG/2026/qfb

The strongest evidence for this submission is not NRTG's analysis but the consultation documents themselves. This annex reproduces four of them: the Balanced Approach measures table, in which Fingal records that of roughly two dozen available measures it proposes one new measure and rejects every other with no cost-effectiveness figure attached, and credits as an existing measure a noise preferential route the authority itself has disclaimed in writing, and credits three further measures its own report never describes; Fingal's own population-exposure tables, which show 2023, the year to which it re-baselined, as the worst on record; daa's completed screening proforma, in which the regulated party tells the authority that the routes do not change and that Regulation 598/2014 does not apply; and Fingal's own 2021 and 2023 noise contour maps, which show the footprint expanding north and west into Meath. Each is set out below with the point it proves in the lead.

G.1 The Balanced Approach measures table: roughly two dozen measures listed, one proposed, none costed

Fingal's own Draft Regulatory Decision Report lists the Balanced Approach measures it considered and records, against each, whether it is proposed as a new or additional measure. Of the measures tabled across the three pillars it assesses, every one is marked "No" except a single residential insulation scheme. The table carries no cost-effectiveness figure for any measure: the costing the Regulation requires (B.2.1 of the submission) does not appear here, and the separate cost-effectiveness section that follows evaluates only funding variants of the one scheme proposed. The table is the decision's own record that the Balanced Approach reduced, in practice, to a choice already made.

Noise abatement operating procedures (Section 1.8.2):¹

¹Draft Regulatory Decision Report (May 2026), §1.8 "Measures considered to Address the Noise Problem", tables at §§1.8.2 to 1.8.4.

Measure	Part of Current Measure	Proposed new/additional measure	Examined at
Preferential Runway Use	Yes	No	G.1.4
Use of Noise Preferential Routes (NPRs)	Yes	No	G.1.2
Route Alternation	No	No	
Noise Abatement Operational Procedures (NAOP)	Yes	No	G.1.3
Continuous Climb Operations	Yes	No	G.1.3
Continuous Descent Approach	Yes	No	G.1.3
Steeper / Segmented Approach Procedures / GBAs	Yes	No	G.1.1
Automated (RNAV) Procedures / Performance Based Navigation	Yes	No	G.1.1
Landing Displaced Thresholds	Yes	No	
Reverse Thrust	Yes	No	

Measure	Part of Current Measure	Proposed new/additional measure	Examined at
Auxiliary Power Unit (APU) Usage	Yes	No	
Delayed Landing Gear Deployment	Yes	No	
Runway Use Respite / Alternate Runway Use	No	No	

Land use planning and management (Section 1.8.3):

Measure	Part of Current Measure	Proposed new/additional measure	Examined at
Relocation and Buyout Schemes	Yes	No	
Planning Measures and Noise Zoning	Yes	No (ANCA has requested the Planning Authority of Fingal County Council to review noise zoning measures)	G.1.5
Noise Insulation Scheme	Yes	Yes	
Encroachment Management	Yes	No	G.1.1

Operating restrictions (Section 1.8.4):

Measure	Part of Current Measure	Proposed new/additional measure	Examined at
Runway Use Restriction	Yes	No	
Quota Count Scheme	Subject to NRTA determination	No	
Aircraft Movement Cap	Yes, and subject to NRTA determination	No	G.1.5
Aircraft Curfew	No	No	
Aircraft Type Restriction	No	No	
Noise Contour Area and Shape	No	No	

The first three columns are Fingal's, reproduced as printed. The fourth is NRTG's, and points to where this annex examines the entry.

A change of departure route, the most effective noise measure available (B.1.4, B.2.6 and Annex C), does not appear in this table at all: the operational-procedure pillar is tabled as a list of existing measures none of which is proposed for change, and the route is neither listed as a candidate nor costed.

G.1.1 Three of the credited measures are not described anywhere in the decision

Three rows marked "Yes" are credited to measures the report never describes. The decision sets out what is currently in place at Dublin Airport in its own inventory tables, compiled on the applicant's identification: one measure for reduction of noise at source, ten noise abatement operating procedures, four land use measures, and the operating restrictions. Steeper or segmented approach proce-

dures and ground based augmentation, automated (RNAV) procedures and performance based navigation, and encroachment management appear in none of them. The second of those three appears nowhere in the consultation documents at all beyond the table row itself: no description, no source, no responsible party, no compliance figure and no assessment.²

On the steeper approach the decision contradicts itself in terms. Its own assessment of that measure answers the field “Measure Part of the Current Inventory” with “No”, and records that “[a]pproaches to the North Runway and South Runway at Dublin Airport currently operate with a standard 3.0° approach glide path in accordance with published instrument procedures”. The summary table on which the Balanced Approach rests marks the same measure “Yes”.³

Encroachment management appears once, in the consultant’s inventory at Appendix G and not in the decision’s own, as measure LU-5: “Working with stakeholders, take a proactive role in the prevention of residential encroachment in the most noise impacted areas”, its source given as daa rather than any planning condition or statutory instrument. A commitment to prevent future housing near the airport lowers nobody’s exposure to aircraft noise. It is credited in the Balanced Approach table as a measure in place, and so counts towards the finding that nothing further is required.⁴

G.1.2 The noise preferential route, credited by an authority that has disclaimed it

The row crediting “Use of Noise Preferential Routes (NPRs)” raises a different problem: it credits “Use of Noise Preferential Routes (NPRs)” as a measure in place. daa’s own 2016 consultation materials define the term: “[u]nless directed otherwise by ATC”, all aircraft “are required to follow specific flight paths called Noise Preferential Routes (NPRs)”, and “NPRs are designed to avoid the overflight of built-up areas where possible”, the sense the term has carried for decades in the UK practice daa names as its model, a route selected on noise grounds first, with the instrument procedure then designed to fly within it (B.2.6).⁵ The row admits of two readings only. If the term bears that meaning, the measure does not exist at Dublin: the 28R departures were developed to “best utilise reduced departure intervals and enhance runway throughput” (B.2.1), the corridor was drawn around them afterwards, and

²Draft Regulatory Decision Report (May 2026), §9.4, existing noise mitigation measures, Tables 9-7 to 9-11.

³Draft Regulatory Decision Report (May 2026), §11.2.2, Steeper Approaches.

⁴Draft Regulatory Decision Report (May 2026), Appendix G, measure LU-5; ANCA Noise Mitigation Effectiveness Review 2024.

⁵daa, North Runway public consultation display materials (2016), “Noise Preferential Routes” panel.

successive access-to-information decisions have identified no record of any noise-based route selection (B.2.6). If instead the Routes Flown are the routes preferred on noise grounds, then the preference this table records is a preference for placing the noise on approximately 30,186 newly affected people within 3 km each side of the track, where the EIS-consistent alternatives assessed for planning permission would have newly affected approximately 1,164 (Annex C).⁶ Either the authority's Balanced Approach record credits as a current noise abatement measure a measure that does not exist, or it records a preference for twenty-five times the newly affected population.

The authority crediting the measure has itself disclaimed it in writing, twice. In March 2024 it stated that "ANCA was not involved in the design, naming or implementation of these corridors and has no information evidencing the significance, from a noise perspective, of the use of this term", giving their name as "Indicative Noise Corridors", introduced by daa during 2023.⁷ In May 2026, deciding AIE/2026/014, it confirmed that there are "No records held by ANCA defining, describing or evidencing the geometry, width or calibration" of the corridor; the only definitional record it holds is daa's letter of 15 March 2023.⁸ The draft decision nonetheless tables "Use of NPRs" as a noise abatement measure in place, adopting the operator's label for an instrument the authority has denied designing, naming or holding any noise evidence for. That is the mechanism of G.3 operating on the decision's own vocabulary: the regulated party's characterisation enters the authority's assessment unexamined.

G.1.3 The climb and descent procedures, credited without a figure for what they deliver

Three of the credited operational procedures govern the vertical profile, and the decision closes all three to change without establishing what any of them achieves. On the departure climb the figures exist and cannot be reconciled with one another, and the assessment they come from is one the public cannot read (B.2.1). On continuous climb operations the decision records no figure at all: the measure is credited on the applicant's confirmation "that the airspace designs at Dublin Airport facilitate this with the support of Air Traffic Control", which states that the design permits the procedure, not that the procedure is flown.⁹

⁶NRTG GIS impact study (O'Brien 2026), doi:10.5281/zenodo.19567671; the route comparison is reproduced as Annex C.

⁷ANCA reply of 13 March 2024, ref 2024/0119.

⁸AIE/2026/014, ANCA decision of 15 May 2026, response to Item 1(a).

⁹Draft Regulatory Decision Report (May 2026), Table 9-8, measure NA-5.

Continuous descent approaches are measured, and the measurement is against them: daa's own section 19 compliance report records overall CDA performance at 77 per cent in 2023, and the decision's modelling review notes that the approach profiles were modelled on defaults with "any level flight sections removed": a procedure flown on 77 per cent of arrivals, modelled as flown on all of them, and banked as existing mitigation requiring nothing further.¹⁰

Each of the three is a property of how an aircraft climbs or descends along a track, not of where the track goes, which is why the decision's single stated objection to operational measures, that they redistribute noise along the departure, cannot reach the one operational measure it never assessed (B.2.1).

G.1.4 The runway preference is a route measure on the decision's own statement of its aim

The runway preference credited here is a noise condition of the planning permission, and the decision states its aim as using the runways "in a manner so that aircraft avoid noise-sensitive areas during take-off and landing". Which areas an aircraft avoids on take-off is determined by where it goes after it leaves the runway, not by which runway it leaves from. An authority that credits this condition as a Balanced Approach measure in place has credited a measure whose stated purpose it can neither deliver nor verify without addressing the departure track, which is the position A.3 sets out in full.¹¹

G.1.5 Two measures credited while one is stayed and the other is conceded defective

The night movement limit is credited as a measure in place on the same page on which the decision records that its enforcement has been stopped. Fingal's planning authority issued an enforcement notice on Condition 5 in July 2023; the decision records that daa "has sought judicial review of FCC's decision to enforce Measure NRPP-PC-2" and that "the High Court has stayed that decision pending determination of those proceedings". The night regime that condition was meant to hold to 65 movements a night averaged 109 across the summer window containing the notice month (A.2).¹²

¹⁰DRD Report, Appendix C, p. 19; daa Annual Compliance Report for 2023 (s.19 of the 2019 Act) as there recorded.

¹¹Draft Regulatory Decision Report (May 2026), Table 9-8, measure NA-2; North Runway planning permission, Condition 3(a) to (c).

¹²Draft Regulatory Decision Report (May 2026), §9.4.4 and Table 9-10.

The noise zoning credited in the land use table is the instrument the same decision concedes cannot do the job: the zones “do not fully represent all areas that are or could be affected by aircraft noise”, having been drawn on the applicant’s 2018 forecasts before the North Runway opened and never revised since the routing changed (B.2.1). It is credited as a current measure in one column and referred to another department of the same Council for review in the next column of the same row.¹³

The measure credited is in any event not one zoning scheme but three, and they do not agree with one another. The statutory regional strategy with which a development plan must be consistent names a different pair: RPO 8.19 requires that spatial planning policies “shall recognise and reflect the airport noise zones associated with Dublin Airport”, and provides that within the Inner Airport Noise Zone new noise-sensitive development “shall be actively resisted” and that within the Outer Noise Zone it “shall be strictly controlled and require appropriate levels of noise insulation in all cases”. Fingal replaced those zones six months after that strategy was made, in December 2019, with Zones A, B and C and an assessment Zone D, while three objectives of the current Fingal Development Plan still direct decisions by reference to an Inner and an Outer Noise Zone that the plan nowhere defines, maps or attaches a threshold to.¹⁴

The county the departures now cross carries a fourth arrangement again. The Meath County Development Plan zones only for B and C, no part of that county falling within Zone A and no Zone D existing in it at all; when daa submitted to An Coimisiún Pleanála that a site at Ratoath lay “within Dublin Airport Noise Zone D”, the inspector recorded that under the Meath plan it does not, that the Fingal objective daa relied on “is not relevant to a planning application in Co. Meath”, and that the site is in an area shown as “unzoned” as regards Airport Noise Protection Zones, so that “in so far as the Development Plan is concerned, no particular noise insulation or noise impact assessment is required”.¹⁵ Land use planning and management is credited to this pillar as a measure in place. What is in place is three schemes that do not match, one of them invoked by objectives that do not define it, and a county under the departures whose plan does not zone the ground beneath them.

¹³Draft Regulatory Decision Report (May 2026), §11.2.3.

¹⁴Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019), RPO 8.19; Fingal Development Plan 2023-2029, Objectives DAO11, DAO12 and DMSO105.

¹⁵An Coimisiún Pleanála, ACP-323566-25 (Beo Properties Ltd, Ratoath), Inspector’s Report, paragraphs 4.3.4 and 9.6.13 and footnotes 16 and 17.

G.2 Fingal's own exposure tables: 2023 is the worst year on record

Fingal re-baselined the objective to 2023 on the stated ground that 2023 is “representative of the airport in its current form” (the spine). Its own population-exposure tables, prepared for this consultation, record 2023 as the year of highest population exposure of any reported under the Regulations, and show the sharp step up from 2021 that the re-baseline absorbs into the new starting point. In the 60 to 64.9 dB Lden band the exposed population rises from 700 in 2021 to 8,900 in 2023; in the 55 to 59.9 dB Lnight band, from 300 to 4,300.¹⁶

Table 4, population exposed in noise contour areas, Lden (2006 to 2023):

Contour level (dB Lden)	2006 (R1)	2011 (R2)	2016 (R3)	2021 (R4)	2023
Annual movements	183,400	159,000	207,520	85,433	240,638
55-59.9	13,000	11,900	18,500	12,600	28,200
60-64.9	1,200	300	1,500	700	8,900
65-69.9	200	200	300	100	300
70-74.9	0	0	0	0	<100
>= 75	0	0	0	0	0

Table 5, population exposed in noise contour areas, Lnight (2006 to 2023):

Contour level (dB Lnight)	2006 (R1)	2011 (R2)	2016 (R3)	2021 (R4)	2023
Annual night movements	-	16,682	25,150	16,111	33,507
50-54.9	1,800	1,200	6,200	3,300	18,300

¹⁶Draft Regulatory Decision Report (May 2026), Appendix G, Tables 4 and 5 (p. 23).

Contour level					
(dB Lnight)	2006 (R1)	2011 (R2)	2016 (R3)	2021 (R4)	2023
55-59.9	200	200	400	300	4,300
60-64.9	0	0	0	<100	200
65-69.9	0	0	0	0	<100
>= 70	0	0	0	0	0

The 2023 column is the highest in every band that carries population, and the report concedes the point in terms: population exposure to aircraft noise in 2023 “was higher than any other year reported under the Regulations.”¹⁷ A baseline set at this year measures every later change from the peak.

G.3 daa’s completed screening proforma: the regulated party tells the authority the routes do not change and the Regulation does not apply

The Aircraft Noise Change Considerations Proforma is the screening instrument Fingal uses to decide whether a proposed change at Dublin Airport gives rise to a noise problem. Fingal, acting as ANCA, prepared the template; daa completed it and submitted it with its planning application. In its completed answers daa supplied the two propositions on which the assessment then turned: that the development changes neither the runways nor the airspace, and that Regulation 598/2014 does not apply to it. ANCA’s consultant adopted both, recording the runway and airspace factors as “unchanged” and “removed from further assessment.”¹⁸

On the routes, against the proforma’s questions on runway and airspace use, daa answered:

- Q3.f, change in the use of the airport’s runways: “The proposed development will not result in a change of use of the airport’s runways.”
- Q3.g, use of the airspace: “The proposed development will not result in a change of use of the airspace at Dublin Airport.”

¹⁷Draft Regulatory Decision Report (May 2026), Appendix G.

¹⁸Draft Regulatory Decision Report (May 2026), Appendix G, Appendix A1, completed Aircraft Noise Change Considerations Proforma (pp. 37 to 39); §5.4.

On the Regulation, against the cost-effectiveness and Balanced Approach questions, daa answered, in materially identical terms each time:

- Q6.e, how cost-effectiveness is being considered: “The Noise Abatement Objective will be achieved with the Proposed Development. EU Reg598 does not apply.”
- Q6.a, reduction of noise at source: “The Noise Abatement Objective will be achieved with the Proposed Development. EU Reg598 does not apply.”
- Q6.b, noise abatement procedures: “The Noise Abatement Objective will be achieved with the Proposed Development. EU Reg598 does not apply.”
- Q6.c, land use planning: “The Noise Abatement Objective will be achieved with the Proposed Development. EU Reg598 does not apply.”

The two answers work together. daa’s ground for “EU Reg598 does not apply” is that the objective “will be achieved with the Proposed Development”, that is, without new measures, which holds only because the reference year was moved to 2023 (the spine and B.2.1). On that footing daa told the authority that the Regulation’s Balanced Approach and cost-effectiveness duties were not engaged, and that the routes did not change, before the authority conducted an assessment it presents as a Balanced Approach exercise under that very Regulation.

A companion measurement device appears in daa’s observation on the draft decision, at Appendix I of the Report. There daa asks that a dwelling mitigated under an insulation scheme or a planning condition “should not subsequently be treated as an unmitigated or adversely affected dwelling for the purposes of Noise Abatement Objective monitoring, assessment, or reporting.”¹⁹ That would let the affected-population count fall by re-classification rather than by any reduction in noise, the subject of Remedy 9.

G.4 Fingal’s own contour maps: the footprint expands north and west between 2021 and 2023

Appendix G reproduces Fingal’s own annual noise contour maps for 2021 and 2023, the two years the re-baseline turns on. Compared, 2021 against 2023, they show the footprint expanding, with the night-time contours pushing north and west across the county boundary toward the Meath communities the

¹⁹Draft Regulatory Decision Report (May 2026), Appendix I, daa observation.

submission identifies as newly overflown (B.2.6). The maps are Fingal's, not NRTG's, and they make visible the distributional shift the aggregate targets conceal.²⁰

The daytime (Lden) contours, 2021 then 2023. The 60 to 64.9 dB band, the band in which the draft decision sets its insulation floor, barely registers in 2021 and forms a broad lobe over St Margaret's, Portmarnock and the western communities in 2023:

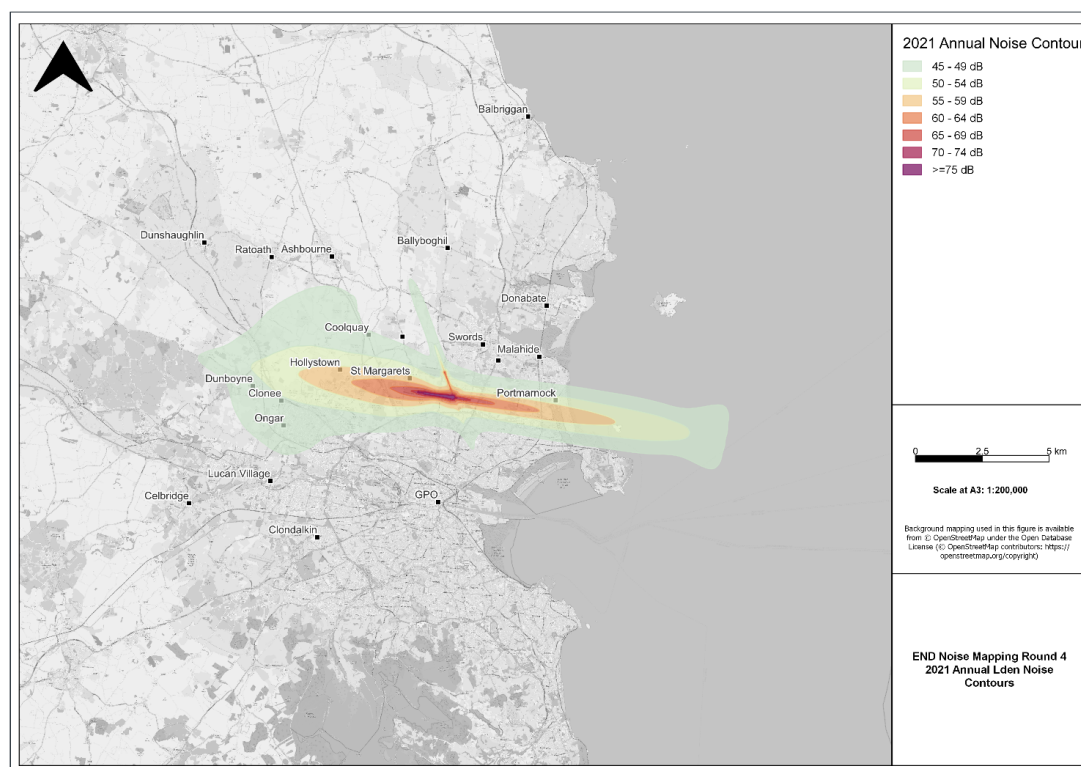


Figure 1: END Noise Mapping Round 4, 2021 annual Lden noise contours (DRD Report Appendix G, Figure A2-1).

²⁰Draft Regulatory Decision Report (May 2026), Appendix G, Appendix A2, Figures A2-1 to A2-4 (pp. 40 to 43).

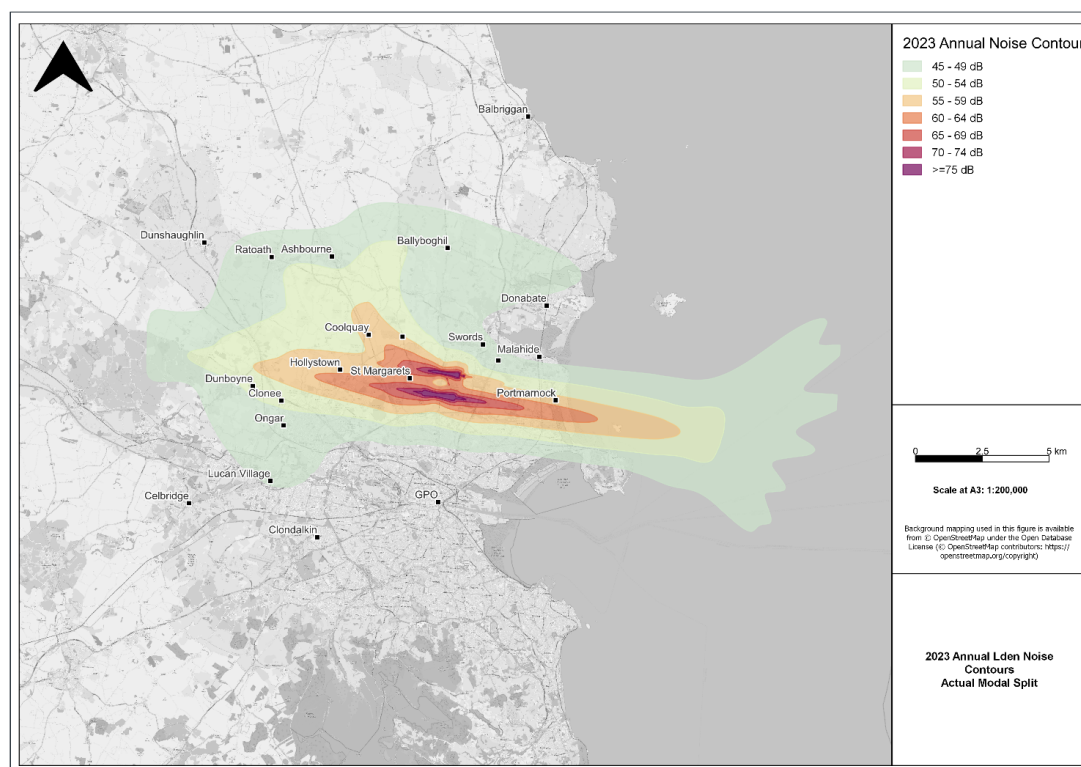


Figure 2: END Noise Mapping Round 4, 2023 annual Lden noise contours, actual modal split (DRD Report Appendix G, Figure A2-3).

The night-time (L_{night}) contours, 2021 then 2023, showing the same expansion and the long westward plume across the county boundary into the Meath communities (Coolquay, Kilsallaghan, toward Dunshaughlin, Ratoath and Ashbourne):

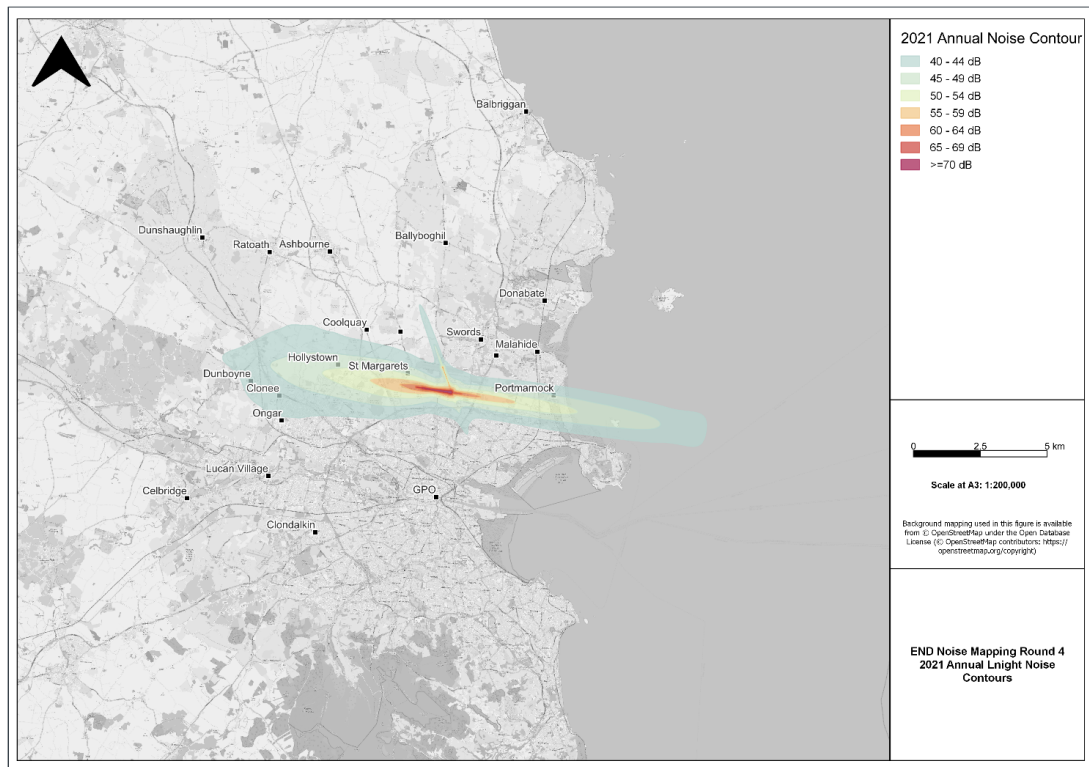
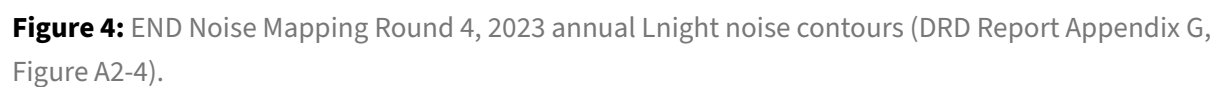


Figure 3: END Noise Mapping Round 4, 2021 annual Lnight noise contours (DRD Report Appendix G, Figure A2-2).



Annex I: The access-to-information record on the design, routing and assessment of the North Runway departures

What this annex is

This annex sets out, as at 29 August 2026, the access-to-information requests by which NRTG has sought from the responsible bodies the records that would establish how, and whether, the North Runway departure routes were designed, assessed for safety, and assessed for noise against the assessed Environmental Impact Statement route. It records what each request sought, the outcome, and the current status. The requests were made to the four bodies that between them designed, delegated, approved and oversee the departures: daa, AirNav Ireland, the Irish Aviation Authority and the Department of Transport. The picture is one of refusals, nil returns and deemed refusals, with the substance increasingly on appeal to the Commissioner for Environmental Information.

The purpose of the annex is twofold: to show that the record before the Authority is incomplete because the bodies that hold the material withhold it, and to found the reservation set out in the body of this submission, that NRTG relies on this record as it stands and reserves its position on the materials still withheld.

The requests, and their status as at 29 August 2026

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
daa	Environmental impact assessment of the 28R departure routes (AIE 2607, 26 Mar 2026)	The “new environmental impact assessment” of the departure routes asserted to the Oireachtas	Part-refused; on internal review daa confirmed “no additional record corresponding to a separate ‘new environmental impact assessment’ has been identified”. On appeal to the Commissioner (OCE-352471)	60
daa	Terms of reference and design brief for the 28R SIDs (AIE 2610, 28 Mar 2026)	The commissioning, brief and design records for the departures	Internal review (2 Jul 2026) admitted 16 records, including September 2022 flight-profile design workshops, a departure-options paper, and 28R and 10R noise-mitigation-chart safety risk assessments, and withheld all of them under Articles 9(1)(b), 9(1)(a) and 9(2)(d). Article 12 appeal lodged 20 Jul 2026 (OCE-352517-M2T5C5)	88

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
daa	Aeronautical study for the 28R SID, ICAO Doc 8168 §2.3 (AIE 2513/2613, 17 Apr 2026)	The safety study of the deviation from the straight-ahead default	One record withheld under Article 9(1)(a) (an “IFP Safety Risk Assessment ... Noise Mitigation Charts”); items 2 to 5 nil. Internal review (16 Jul 2026) reaffirmed the refusal. Article 12 appeal lodged 17 Jul 2026, accepted by the Commissioner 5 Aug 2026 (OCE-352513-C1Z8D5); submission in support filed 10 Aug 2026	89
daa	Turn-design trade-offs and calibration of the corridor daa terms the NPR (AIE 2515/2615, 20 Apr 2026)	The engineering trade-offs and the basis of the published corridor	Nil return (19 Jun 2026). On internal review (7 Aug 2026) daa varied the nil, scheduled twenty-two records, released eight and refused fourteen as internal communications; three items remain “no records found”. Four of the eight had already been released to NRTG by Fingal twelve weeks earlier. Article 12 appeal lodged 17 Aug 2026 (OCE-352554-B3D0L4), fee paid 19 Aug 2026	89
daa	daa’s commissioning of AirNav Ireland for the 28R SID design (AIE 2620, 1 May 2026)	Whether daa instructed its contractor to design consistently with the EIS routings	Nil return (30 Jun 2026); no internal review sought, the month for one having run from that decision	60

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
daa	Concept of Operations and basis of design for the North Runway (AIE 2621, 1 May 2026)	The design basis for the operation	Nil return on all nine items (30 Jun 2026), with the North Runway Concept of Operations released alongside it as a record “which does not fall within the scope of this request but which may be of interest to you”. Internal review sought 20 Jul 2026 and decided 19 Aug 2026, affirming the nil and declining to determine whether the released Concept of Operations answers the request; the decision names no business area, repository, custodian, search term or date range. Article 12 appeal lodged 28 Aug 2026 (NRTG/2026/vzr)	90
daa	Complete Noise Monitoring Terminal dataset, all monitors and all operations (AIE 2628, 29 Jun 2026)	The unfiltered event-level noise dataset, including arrivals and the full field set the system holds: the data on which the analysis annexes depend	Acknowledged 1 July; scope-refinement invitation 14 July; on 24 July a proposed scope and fee estimate stating on its face that it is not a decision; on 27 July, the day before the period expired, an Article 7(2)(b) extension by one month, to 28 August 2026, taken on the volume and complexity of the request; decided on 28 August 2026, the last day of the extended period, as a part grant conditional on a fee of EUR 560	60

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
AirNav Ireland	Aeronautical study for the 28R SID, ICAO Doc 8168 §2.3 (17 Apr 2026)	The safety study of the deviation	Nil on items 1 to 4; the decision states that responsive records “do exist” in the Instrument Flight Procedure design files and associated project documentation, and decides nothing about them. Article 12 appeal lodged 14 Jul 2026 (OCE-352509). Deemed refusal annulled by the Commissioner on 18 August 2026; AirNav Ireland directed to decide on or before 28 August 2026 (combined decision, OCE-352506-F3M4R4, OCE-352509-H1F2R9, OCE-352491-L8T8Y6, OCE-352492-Y4L4S5). No decision had issued as at 29 August 2026, the compliance date having passed	73+

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
AirNav Ireland	Rationale and trade-offs for the departure turn design (20 Apr 2026)	The design rationale for the turn	No acknowledgement; deemed refused at both statutory stages. On appeal (OCE-352491). Deemed refusal annulled by the Commissioner on 18 August 2026; AirNav Ireland directed to decide on or before 28 August 2026 (combined decision, OCE-352506-F3M4R4, OCE-352509-H1F2R9, OCE-352491-L8T8Y6, OCE-352492-Y4L4S5). Decided 18 August 2026: eight records released in full, comprising the procedure design reports for the Runway 28R standard instrument departures, the ILS and RNP design reports and the associated validation files. NRTG is appealing that decision under Article 12 on the scope of the search and on redactions applied to records the schedule lists as released in full	59

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
AirNav Ireland	Its tasking of the certified procedure-design organisation, ASAP s.r.o. (23 Apr 2026)	The tasking brief for the design	No acknowledgement; deemed refused at both statutory stages. On appeal (OCE-352492). Deemed refusal annulled by the Commissioner on 18 August 2026; AirNav Ireland directed to decide on or before 28 August 2026 (combined decision, OCE-352506-F3M4R4, OCE-352509-H1F2R9, OCE-352491-L8T8Y6, OCE-352492-Y4L4S5). No decision had issued as at 29 August 2026, the compliance date having passed	70+

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
AirNav Ireland	Its coordination with daa during the North Runway airfield design (1 May 2026)	Design-phase coordination records	Acknowledged, then deemed refused at both statutory stages. Article 12 appeal lodged 10 Jul 2026 (OCE-352506). Deemed refusal annulled by the Commissioner on 18 August 2026; AirNav Ireland directed to decide on or before 28 August 2026 (combined decision, OCE-352506-F3M4R4, OCE-352509-H1F2R9, OCE-352491-L8T8Y6, OCE-352492-Y4L4S5). Decided 28 August 2026, the compliance date: access granted, every category concerning the design contractors returned nil, and five of the seven records the schedule lists as released in full were delivered. NRTG is appealing that decision under Article 12	70

				Days in the authority's hands
Body	Request (date)	What it sought	Outcome and status	
AirNav Ireland	Engineering competence and design authority for the turn design (25 May 2026)	The post that held design authority, the professional competence it required, and whether any qualified person signed off the turn design	Deemed refused at first instance; answered on 22 Jul 2026 by a document styled an original decision, naming no post, no competency requirement and no professional sign-off. Article 12 appeal lodged 27 Jul 2026 (OCE-352525-D5D0R9, acknowledged 28 Jul)	56

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
Irish Aviation Authority	Aeronautical study for the 28R SID (17 Apr 2026)	The safety study of the deviation held by the approving body	Extended to what the Authority stated as 17 June 2026; the extended period, reckoned under the Interpretation Act 2005 calendar-month rule, expired at the end of 16 June 2026, so the decision issued on 17 June was one day out of time: no aeronautical study held (statement of absence); the IAA's own safety risk assessment withheld under Article 9(1)(c); items 2 to 4 unanswered. Internal review sent 18 June 2026; no internal-review decision issued, so the review stood deemed refused on the expiry of the period on 17 July 2026. Appeal to the Commissioner on the merits lodged 21 Jul 2026 (OCE-352520-H1D2T2). An internal-review decision then issued on 27 July 2026, ten days out of time and six days after the appeal was lodged, affirming every refusal	90

Body	Request (date)	What it sought	Outcome and status	Days in the authority's hands
Irish Aviation Authority	Turn-design records for the 28R SID (20 Apr 2026)	The design records held by the approving body	Decided 17 June 2026 (with the above): statements of absence on the trade-off, engine-out and NPR records; four records (IFP design file, safety risk assessment, internal assessment notes, ground validation report) withheld under Article 9(1)(c) and Article 8(a)(iv)/section 35 of the IAA Act 1993; several items unanswered. Internal review sent 18 June 2026; no internal-review decision issued, so the review stood deemed refused on the expiry of the period on 17 July 2026. Appeal to the Commissioner on the merits lodged 21 Jul 2026 (OCE-352521-V7T8L6). An internal-review decision then issued on 27 July 2026, ten days out of time and six days after the appeal was lodged, affirming every refusal	87

				Days in the authority's hands
Body	Request (date)	What it sought	Outcome and status	
Department of Transport	Aeronautical study and Departmental turn-design records (AIE-2026-010 and -011, 20 Apr, re-registered 30 May 2026)	The study, and the Department's own position on responsibility for route design	Nil on the study and design records; the Department's own position refused under Article 9(2)(a), the Department holding no record of its own position (1 Jul 2026)	32

The final column counts the days each request spent in the authority’s own hands under an active statutory obligation: from the authority’s receipt of the request to its decision, or where none issued to the deemed refusal, plus from receipt of the internal-review request to the internal-review decision or deemed refusal. It excludes the days between the authority’s decision and NRTG’s next step, so it measures the authority’s own delay, not NRTG’s. A figure marked “+” is still rising, the relevant statutory period being unexpired or the decision undelivered as at 29 August 2026, so each such figure is a floor.

Every window run to its last day

The bodies have treated the outer statutory time limits as the target rather than the limit. The one safety assessment of the departure design that daa admits it holds (AIE 2613) was sought on 17 April 2026, extended to the two-month statutory maximum, decided on the last day of that extended period, and, on internal review, decided again at 19:44 on the last day of the review month, only to withhold the record. The extensions were taken on a standardised template across requests rather than on a request-specific assessment, a point NRTG put to daa and to the Irish Aviation Authority in writing. AirNav Ireland, asked five times about its own responsibility for the design of these routes, has allowed request after request to fall to deemed refusal at both statutory stages. The Article 7(2)(a) duty is to make environmental information available “as soon as possible”, not merely by the long-stop; the conduct recorded here is the opposite, and its effect is that records bearing directly on this consultation will not reach the public before it closes on 3 September 2026. On 18 August 2026 the Commissioner for Environmental Information annulled all four of those deemed refusals in a single expedited decision, found AirNav Ireland’s conduct in relation to the requests unacceptable, and directed decisions on or before 28 August 2026. Two of the four were decided, on 18 and 28 August. The other two were not, and among them is the request for the aeronautical study of the departure design.

The right-hand column of the table puts a number on it. No request was answered in under a month. The design brief sat with daa for 88 days and the aeronautical study for 89, each before the record was withheld; the Irish Aviation Authority held the safety study for 90 days and the turn-design records for 87, and decided neither, allowing both internal reviews to fall to deemed refusal. Counting only the

days each request was in an authority's hands under an active obligation to act, and setting aside every day of NRTG's own, the time these design and assessment records have spent withheld comes to more than a thousand days in aggregate across the sixteen requests tabled above, and two of those counts are still rising.

The condition of the evidence is set by the withholding

Every limitation stated in NRTG's analysis annexes is a property of what was released, not of the method applied to it. Each caveat the Authority will read in Annexes A to D has one cause: the analysis was built from the part of the record its holders chose to disclose.

The instances are specific and each is traceable to a disclosure decision. The single-event and energy-sum analyses cover departures and not arrivals, because the dataset daa released is departures-only. Noise is attributed to individual departure routes for 2023 but not for 2025 and 2026, because the route identifier carried in the earlier returns was absent from the later ones. The annualised figures rest on the monitors in service for a full year, because the release will not support annualising monitors commissioned part-way through it. The acoustic quantities are reported as released, without a stated frequency weighting or time constant, because daa states that the field-definition document for its own export is not available to its noise team. Two height fields in the same release describe the aircraft's position differently, by a margin that varies event by event, and cannot be reconciled from the release for the same reason.

None of those is a choice NRTG made. Each is the shape of the disclosure.

It follows that the objection and its remedy are in the same hands. It is not open to a body to withhold the complete dataset and then to rely on the incompleteness of an analysis built from the part it released. Any criticism of the coverage, resolution or attribution of the analysis before the Authority is a criticism of a limit set by the party making it, and it is answered by disclosure rather than by argument.

That is live as this submission is prepared. On 29 June 2026 NRTG asked daa for the complete noise-monitoring dataset: all monitors, all operations including arrivals, and the field set the system holds, which is precisely the material that would remove the limitations above. daa acknowledged it on 1

July, invited NRTG to narrow it on 14 July, and on 24 July, four days before the statutory period expired, sent a document that states on its face that it is not a decision, proposes a reduced scope, estimates a fee, and makes any progress conditional on NRTG confirming that it wishes to proceed. On 27 July, the day before the period expired, daa extended it under Article 7(2)(b) by one month, to 28 August 2026, on the volume and complexity of the request.

The same document prices the work. daa's own technical assessment puts the extraction of the core event-level data across the full seven-and-a-half-year period at approximately 17 hours, against approximately 3 hours for the single year it proposes to release, on the direct comparison daa itself states. The complete dataset, whose absence limits every analysis annex in this submission, is on the holder's own figures about two working days of specialist time.

If that request is granted, the limitations described above disappear and the Authority can be given the complete picture. If it is refused, or allowed to lapse into a deemed refusal, the position ceases to be an argument and becomes a matter of record: the body whose data governs what can be shown will have declined to supply, at a cost of two working days, the very material whose absence it would need to rely on.

Reservation

NRTG makes its submission on this record as it stands, and reserves its position on the materials still withheld. As set out in the body of the submission, NRTG reserves the right to rely, in the statutory appeal, in judicial review, and before the European Commission and the Aarhus Convention Compliance Committee, on any of the records identified above if and when disclosure is directed, and on any argument arising from them. The absence of that material from this submission is the product of the withholding and the appeals timetable, not a waiver of any point and not a failure to raise it. Decisions were directed in the four AirNav Ireland appeals, by the Commissioner's combined decision of 18 August 2026, on or before 28 August 2026. Two issued, on 18 and 28 August, and both granted access; two did not issue at all, among them the request for the aeronautical study of the departure design. Neither decision that did issue is complete: in one, records the schedule lists as released were not produced, and in both, records listed as released in full carry redactions for which no exception is stated. NRTG is appealing both. A direction to decide is not disclosure, and NRTG files on the record

as it stands, reserving the right to make a supplementary submission.

Annex J: The regulator’s own account of the decision, the ANCA consultation video

Our ref: NRTG/2026/qfb

This annex records what the decision-maker told the public the draft decision does, in her own words, and shows that her account confirms rather than answers the objection. On 18 July 2026 Fingal published a promotional video in which its Director of Service, Ms Ethna Felten, acting as the Aircraft Noise Competent Authority, answered eleven questions about the draft decision now before consultation.¹ Because the speaker is the authority itself and the account is public and considered, the video is admissible as the authority’s own characterisation of its scope and intent. On each of the points below the authority’s public description matches the design the submission challenges: the remedy accommodates the noise rather than reducing it, is offered above the population it acknowledges, defers the operational measures the Balanced Approach required, and rests on the regulated operator’s data and on an enforcement power the authority has never used.

J.1 The remedy is described as reducing the “impact”, not the noise

Asked what the plan does, the authority’s answer twice locates the remedy at the receptor rather than the source: the measures are “designed to decrease the impact of the noise changes that are likely to result from this development”, and the airport’s growth will bring “a change in the aircraft noise situation” for which “targeted measures that address the resulting changes” are offered. The verb is the concession. The authority does not describe reducing the noise; it describes mitigating its impact on those exposed. That is the receptor-mitigation posture the submission identifies at B.2.1: operating restrictions excluded, the quieter departure route set aside, and the night-time outcome weakened, none of it tested by the cost-effectiveness assessment Regulation 598/2014 requires before a measure is chosen.²

¹Attributed transcript and source video at media/politics/2026-07_fingal-anca-consultation-video/.

²Submission B.2.1.

J.2 The “shrinking footprint” claim is contradicted by the authority’s own exposure tables

Asked whether more passengers mean more noise, the authority answered that “the noise footprint around the airport will begin to become smaller after 2027”, relying on fleet modernisation outpacing growth. The authority’s own figures, reproduced at Annex G and in the submission spine, record the opposite trend in the quantity that measures harm to people: between 2021 and 2023 the population in the 55 to 59.9 dB Lden band rose from 12,600 to 28,200, the 60 to 64.9 dB Lden band from 700 to 8,900, and the 50 to 54.9 dB Lnight band from 3,300 to 18,300.³ The footprint contracts only as drawn: an annualised energy-averaged contour whose area is near-static while the population beneath it multiplies, the divergence the authority’s own 2024 noise-mitigation effectiveness review records, in which the 55 dB Lnight population rose 343 per cent while the contour area changed by 2 per cent.⁴ The projection also carries an unstated assumption, that the airport remains in its present single-runway departure configuration, when that state is the transient, sub-design condition the submission identifies at B.1.5, dual-departure operation having been cancelled in September 2023 and not reinstated.⁵

J.3 The insulation floor is described as 60 dB Lden, the threshold the submission shows abandons the acknowledged population

The authority stated the eligibility rule plainly: “any eligible homes that are within an area that experiences greater than 60 decibels on average or greater will be insulated.” That is the 60 dB Lden floor the submission challenges at B.2.2. On the authority’s own 2023 figures it leaves the roughly 28,200 people in the 55 to 59.9 dB Lden band, whom the authority counts from health-based thresholds as part of the noise problem, with no remedy, and adds nothing for the night-time population, whose only night-specific scheme, the ACP-approved Residential Sound Insulation Grant Scheme, exists under the earlier consent.⁶ That abandoned population has no alternative route to relief, the elected members of Fingal’s attempt to extend insulation through their development plan having been deleted by

³Submission spine, Appendix G Tables 4/5; Annex G.2.

⁴ANCA Noise Mitigation Effectiveness Review Report 2024, Table 2, p.23 (population above 55 dB Lnight rose from 1,533 in 2019 to 6,791 in 2024, a 343 per cent increase, while the contour area changed by 2 per cent).

⁵Submission B.1.5.

⁶Submission B.2.2.

ministerial direction, upheld by the High Court.⁷ The authority’s claim that the scheme is “more effective... than currently exists in any of the sound insulation schemes” is measured against schemes keyed to pre-2023 contours, and leaves schools to the 2016 scheme untouched by this decision.⁸

J.4 The “5 dB, like doubling the distance” claim describes an indoor average that omits the single-event harm

The authority described the targeted reduction as “at least five decibels”, “roughly translate[d] to doubling the distance from the noise source”. The comparison overstates a modest indoor gain and, more importantly, describes an averaged quantity that omits the harm the submission places at the centre of the case: the discrete loud overflight. Insulation delivers its reduction only indoors with windows closed, and the metric it targets, an averaged indoor level, dissolves the single event. At daa’s own monitor at Kilcoskan National School, over one year of 58,705 jet movements (turboprops excluded from the monitor’s 60,868 correlated events), the quietest single overflight was 60.5 dBA, the median 74.7 dBA, and 93.8% exceeded 70 dBA; averaging such peaks into an annual contour hides the speech-masking intrusion, and a 60 dB Lden scheme neither captures nor cures it, nor reaches the school.⁹

J.5 The operational measures are deferred to “other legal processes”, confirming they were not assessed here

Asked directly whether operational changes “such as flight paths or night-time restrictions” were being considered, the authority did not identify any within this decision, answering only that “there are other legal processes ongoing... [whose] outcome... may result in changes.” This confirms the omission the submission pleads at B.2.1: the measures capable of reducing noise at source and by operation were not assessed in this decision at all. daa’s own completed Aircraft Noise Change Considerations Proforma, submitted with the application, told the authority that Regulation 598/2014 “does not apply” to the cost-effectiveness and Balanced Approach questions, and the authority pro-

⁷Submission A.3.

⁸Submission, the consultation question on the schools scheme.

⁹daa correlated noise-monitor data at Kilcoskan National School, AIE 2611 Record 1 (March 2025 to February 2026), jet departures.

ceeded without correcting that statement.¹⁰ The operational measures are not properly the province of separate processes; they are the content of the Balanced Approach this decision was required to perform.

J.6 The authority relies on daa's data and invokes an enforcement it has never used

On monitoring and responsibility the authority made two statements, and each confirms rather than answers the objection. It said first that “the daa is the mapping authority for noise and we provide these noise maps on our website”, which concedes the reliance the submission identifies: the authority monitors the regulated operator using the operator's own maps and data. It said second that if planning conditions are not met “enforcement action would be taken by the appropriate authority.” That reassurance is answered, first, by the authority's own record.

From its establishment in 2019 to April 2026 the authority took no enforcement action of any kind under the 2019 Act, and declined even the section 23 enforcement notice available to it when daa failed to answer the section 9 request underpinning this very application.¹¹ The French competent authority under the same Regulation, walled off from the operator by statute, imposes several hundred sanctions a year; the contrast, in each authority's own published figures, is set out at Annex F sections 1 and 2.

The insulation remedy is administered on the same footing: its scope is drawn and funded by the party it regulates, “a remedy whose scope the regulated party controls is not an independent regulatory outcome.”¹²

J.7 The enforcement the authority invokes cannot reach the routes

The reassurance is answered a second and more serious way, because “the appropriate authority” the authority invokes is neither itself nor a body that reaches the routes. The phrase is code for the planning-enforcement function: the Ombudsman, closing a complaint about alleged breaches of grants of planning permission affecting these communities, identified that authority as “the Planning

¹⁰Submission, the consultation question on daa's proforma answer that Regulation 598/2014 does not apply; daa Aircraft Noise Change Considerations Proforma (Annex G.3).

¹¹Submission A; Annex F.

¹²Submission B.2.5.

Enforcement Section of Fingal County Council”, whose remit is the enforcement of planning conditions.¹³ And the State has placed the routes outside that remit: the Minister for Transport told the Dáil three times on 30 April 2026 that “enforcement of planning conditions is a matter for the relevant planning authorities” and, in the same answers, that “flight paths are not a condition of planning at Dublin Airport.”¹⁴ The submission does not accept that the routes lie outside the planning consent, and Part A.3 sets out why: the 2007 permission rests on an environmental statement that assessed the departure routing, and daa’s own 2016 material placed the routes inside the planning process. But the reassurance fails on either reading. If the routes fall within the consent, they have been operated in breach since 2022 and the enforcement now promised was owed and never taken; if they fall outside it, as the State asserts, the planning-enforcement route cannot reach them and the noise authority that might have acted has, on its own record, never acted and disclaims the handling of route complaints entirely.¹⁵ On neither reading does the enforcement the video invokes reach the routes this consultation is about.

J.8 The “regular reviews” carry no duty to reduce, and demote the community’s one binding protection

Asked whether the measures would be reviewed as passenger numbers grow, the authority described “requirements for regular reviews of the noise situation”, under which “eligibility for home insulation may be changed if the noise grows or moves.” The review it describes tracks the footprint but attaches to a target the same instruments have stripped of force: the binding 65 dB Lden and 55 dB Night reduction outcome demoted to a tracking indicator with no reduction target and rebased to 2023.¹⁶ That demotion is the core of the objection to this instrument. The one outcome the 2022 objective cast in binding terms, that the exposed population shall be reduced, was the single enforceable protection the community actually held, and it was recast as an indicator to be watched at the point its own

¹³Office of the Ombudsman, closure of complaint OMB-149697 (alleged breaches of grants of planning permission affecting the affected community), 29 August 2024: “the appropriate authority assigned with responsibility to consider such matters, is the Planning Enforcement Section of Fingal County Council”, with a link to that section’s complaint form.

¹⁴Minister for Transport, written answers to Parliamentary Questions 248, 251 and 252, 30 April 2026: “enforcement of planning conditions is a matter for the relevant planning authorities”; “flight paths are not a condition of planning at Dublin Airport”.

¹⁵Annex F, section 1 (no enforcement action 2019 to April 2026; the authority’s disclaimer that the legislation “did not assign the role of the management of aircraft noise complaints” to it, Ref 2024/159, 8 April 2024).

¹⁶Submission, NAO spine.

numbers, the 343 per cent rise in the night-exposed population, had begun to bind.¹⁷ Recast that way, the review commits the authority to observe whether the noise “grows or moves” and to expect that the operator will act, but to nothing it must itself secure. A review with no duty to reduce records the harm; it does not remedy it, and it leaves those exposed with the monitoring of their injury in place of the reduction they were promised.

J.9 The closing appeal invokes an economic test the Act does not authorise

The authority closed by describing the airport as “very important to us all, both socially and economically.” As sentiment this is unremarkable; as a decision criterion it is one the Act does not permit. The draft decision “quantif[ies] no economic or consumer benefit and weigh[s] none against the noise harm; the benefits of aviation are asserted as a category and treated as decisive”, the omission the submission addresses in Remedy 1, which asks the authority to remove the economic-benefit test the Act does not authorise and to apply the statutory scheme, under which the airport’s development prospects bear only on the selection of measures.¹⁸

Conclusion. The video is the authority’s own account of the draft decision, and on every material point it confirms the design the submission challenges. It describes a remedy that mitigates impact rather than reducing noise, set above the population the authority acknowledges, silent on the operational measures the Balanced Approach required, resting on the operator’s data and on an enforcement power it has never exercised and that, by the State’s own doctrine, cannot reach the routes, reviewed without any duty to reduce, and commended by reference to an economic test the Act does not authorise. The public account and the record agree on what the decision does; they differ only on whether that is a service to the affected community or a failure of the authority’s function.

¹⁷Annex F, opening (the one outcome the 2022 objective cast in binding terms, “shall be reduced compared to” 2019, replaced by a requirement to monitor “with the expectation that measures will be used”, tracked from 2023); Submission, NAO spine.

¹⁸Submission B.1.4 and Remedy 1.

Annex K: The corridor is not drawn around the coded departure procedure

Our ref: NRTG/2026/qfb

This exhibit establishes that the measure credited in the draft decision at Table 9-8 as NA-3, “NPR compliance ... defined by close adherence to the published Standard Instrument Departure (SID) track”, does not measure adherence to the published departure procedure, and would not measure conformity with the consented development even if it did. The corridor against which daa scores compliance tests a variable the procedure does not fix. The coded departure terminates its first leg at an altitude rather than at a place, and the chart caps speed through the turn without setting any minimum bank angle, so neither the point at which an aircraft turns nor the radius of the turn that follows is determined by the procedure. A corridor of fixed geometry cannot measure conformance with a ground track the procedure leaves open, and it is the aircraft turning closest to the coded termination that risk being scored as deviating. Behind that sits a second and larger gap, taken up at K.5: the published procedure has itself never been measured against the route the Environmental Impact Statement assessed and the planning permission was granted on, so nothing in this metric reports conformity with anything assessed, consulted or approved from a land-use planning perspective.

K.1 The non-conformance is a rate, not an effect of traffic volume

The failure is confined to one runway, and it is not a product of that runway’s share of traffic. daa’s compliance report gives the 2024 departure split as 65.4 per cent on Runway 28R, 24.1 per cent on Runway 10R and 10.2 per cent on Runway 28L, and gives track adherence for the same year as 92.8, 99.8 and 99.6 per cent respectively.

Per departure flown, the failure rate on the North Runway westerly is 7.2 per cent, against 0.4 per cent on Runway 28L and 0.2 per cent on Runway 10R. That is eighteen times the one and thirty-six times the other, on figures already normalised for traffic. Runway 10R is not a low-volume comparator: it carried close to a quarter of all departures in the year.

Departure runway	Share of 2024 departures	Track adherence	Failure rate per departure
28R (North Runway, westerly)	65.4%	92.8%	7.2%
10R (South Runway, easterly)	24.1%	99.8%	0.2%
28L (South Runway, westerly)	10.2%	99.6%	0.4%

The report's own figures are internally consistent on this point. Applying each runway's published failure rate to its published share of departures implies that Runway 28R should account for about 98.1 per cent of all deviations, Runway 10R about 1.0 per cent and Runway 28L about 0.9 per cent. daa's tabulation of the deviations it recorded during 2024 gives 97.6, 1.3 and 1.1 per cent. The two are not independent compilations: the report presents Appendix 9 as a further breakdown of the same track-adherence dataset, so the agreement is a rounding check rather than corroboration. It is recorded here only to show that the concentration on one runway is not an artefact of arithmetic. Note that the two tabulations use different denominators: Table 7.3's adherence figures cover jet departures, while Table 4.3's shares cover all aircraft.

Nothing in this exhibit rests on Runway 10L, the North Runway easterly. It carried 0.02 per cent of departures, and daa states that it and the cross runway are "used too seldom to report meaningful data".

K.2 What the procedure actually codes

All twelve Category C and D Standard Instrument Departures from Runway 28R open with the same two legs. Abridged from the chart:

Nav. spec.	Waypoint	Path/Term	True / Mag track	Upper / Lower limit	Speed	Remarks
RNAV1	-	CA	275.3 / 277	- / +A650	210	-
RNAV1	DW128	CF	305.5 / 308	-	210	Turn R

CA is a Course to Altitude leg. It terminates when the aircraft reaches the stated altitude, it carries no distance, and the AIP prints none against it. The chart states the datum on its own face: “Turn above 650 ft QNH (No turns before DER)”. That is about 400 ft above the ground: the aerodrome elevation is 243 ft and the departure end 235 ft. One thing follows directly from the coding, and it is not contentious as a matter of procedure design: a better-climbing aircraft reaches the termination closer to the runway, and so turns closer to the runway.

The same AIP gives the same aircraft a different floor. EIDW AD 2.21, the aerodrome’s published noise abatement procedures, requires that Category C and D departures “must track the runway extended centreline after take-off until passing 750ft and then proceed in accordance with the relevant Instrument Flight Procedure published departure track”. The Category A and B chart for the same runway codes the identical opening leg on the same course and terminates it at 750 ft, matching that requirement exactly. The Category C and D chart, which is where the jet fleet sits, terminates it at 650 ft. Nothing in this exhibit turns on which of the two prevails. Section 3 of AD 2.21 is headed “Other Instrument Departures”, and if that heading confines it, the answer is worse rather than better: the aerodrome’s published noise abatement procedures then place no turn floor of their own on the jet fleet at all, and the only constraint on where the turn begins is the chart’s 650 ft, the datum this exhibit shows the corridor was not drawn around. If instead section 3.2.1 reaches the jet fleet, as its own direction to “the relevant Instrument Flight Procedure published departure track” and the express exemption at 3.2.4.4 suggest, the two floors conflict and no record before the Authority reconciles them. On either construction the AIP states two different floors for the same aircraft on the same runway, and which of them governs turns on the reading of a section heading. The difference is not nominal: 100 ft at the procedure’s own published minimum gradient is about 335 m of additional straight flight, almost exactly the distance within which the A320neo has already turned 150 m north of the extended centreline (K.3).

K.3 Where the fleet actually turns

Where the fleet turns is measured here as a place on the ground, not as an altitude, on the 257 Runway 28R departures recorded on 25 March 2026, of which 228 are Category C and D. The chart forbids a turn before the departure end and terminates the coded first leg at 650 ft QNH, about 400 ft above the ground, but where each aircraft passes that altitude is not resolvable from a feed that reports altitude in whole hundreds of feet at intervals of about a kilometre of ground.

Two measurements are reported, both in metres downrange of the departure end of the runway, measured along the extended centreline rather than along the track flown. Each is the point at which the track first crosses a line drawn parallel to the extended runway centreline, 150 m and then 300 m to the north, north being the side the coded turn is to. The extended centreline is the line the coded first leg follows: the chart gives its track as 275.3 degrees true. Tracks are given in degrees true throughout this exhibit; where the chart prints a pair, as at K.2, the first figure is true and the second magnetic. Each crossing is interpolated between the two track vertices either side of it, and K.7 sets out what that interpolation has been tested against.

Type	Reaches 150 m north of the extended centreline	Reaches 300 m north	Left the corridor (K.4)
A320neo	343 m	576 m	14 of 16
E190	573 m	854 m	0 of 10
A220-300	721 m	1,022 m	0 of 4
A320ceo	919 m	1,275 m	9 of 49
A321neo	958 m	1,357 m	1 of 15
B737-800	1,169 m	1,484 m	0 of 42
A330-300	1,201 m	1,576 m	0 of 11
B737 MAX	1,280 m	1,598 m	0 of 62
B767	1,353 m	1,622 m	0 of 6

They do not turn together. The A320neo is 150 m north of the extended centreline by 343 m past the departure end. The A321neo does not reach that line until 958 m, the Boeing 737-800 until 1,169 m, and the 737 MAX not until 1,280 m, close to four times as far along the ground, on a leg that ended for all of them at the same altitude. The order is the same at the 300 m line. Neighbouring types in the middle of the table are separated by less than the uncertainty in their own figures, and nothing here turns on their relative position; the span from the earliest type to the latest, a full kilometre either way, is many times that uncertainty.

The aircraft that turns closest to the coded termination is the aircraft most often outside the corridor. Fourteen of the sixteen A320neo departures left the corridor, against none of the sixty-two 737 MAX and one of fifteen A321neo. The fourteen were ten identifiable airframes flown by five different operators, each leaving the corridor in a single continuous excursion and every one of them re-entering below 4,000 ft: registrations D-AIIA, D-AIIC, EI-NSA, EI-NSB, EI-NSC, EI-NSG, EI-SCB, EI-SIB, EI-SIZ and G-TTNT, under operator codes BAW, EIN, LHX, SAS and SZS. Five operators with five training regimes and one airframe type produce one track. That is a property of the aircraft flying the procedure, not of any airline's discipline, and daa says as much in its own monthly reports, which describe aircraft leaving and re-entering the corridor as "a known issue for a small percentage of aircraft" on which Dublin Airport is "working with the airlines and the aircraft manufacturer".

That sentence puts the defect in the wrong hands. An aircraft that turns on reaching 650 ft is flying the coded leg as the chart codes it, and daa does not say otherwise: asked in 2026, it stated that it does not track compliance with the published Standard Instrument Departure and does not refer departures from it to the procedure's designer. No airline and no manufacturer is departing from anything published. What these aircraft are outside is the corridor, and the corridor forms no part of the coded procedure, so there is nothing in it for an aircraft system to fly to and nothing in it a manufacturer could correct. The corridor is also the one object here that daa can change, and daa has changed it before for this very reason: the start point was set two-thirds down the runway because, in daa's own words to the Authority, that "avoids spurious corridor violations arising from weather related events on immediate departure". A monthly statement that the operator is working with the airlines and the aircraft manufacturer on resolving it therefore reports the defect as belonging to parties who are flying what is published, and not to the corridor, which is the operator's own. Annex F records the same construction at its section 4, where departures the operator flags as leaving the corridor are described

as shared to the route's designer for further investigation and no record of any investigation exists. It is set out here for its effect and not for any intention behind it. Working with manufacturers and operators on how the aircraft performs is in any event the reduction of noise at source, the first of the four measures section 9(3) of the 2019 Act requires the competent authority to consider; it is not an answer to a defect in the operational procedure being scored, which is the third.

None of this is an argument that aircraft should turn earlier. NRTG's case on the routing is that Runway 28R departures should fly the route the Environmental Impact Statement assessed, which is straight ahead, and the turn itself is what the submission objects to. The point in this exhibit is narrower and is about the instrument rather than the flying: the corridor does not measure what the draft decision credits it with measuring. That the aircraft it scores as deviating are the ones flying closest to the coded procedure is offered as proof of that defect, not as a complaint about those aircraft.

K.4 What the corridor was drawn around

daa did not draw the corridor around the coded pair of legs. On its own definition, given to Fingal in the letter of 15 March 2023 that is the only record Fingal holds of how the corridor was built, it begins two-thirds of the way along the runway at 90 m either side of the centreline, diverges at 12.5 per cent each side to a maximum width of 1,800 m, and runs to the point at which "the worst performing aircraft" passes 4,000 ft on a 9.1 per cent climb gradient. daa's internal correspondence the day before that letter puts the calibration in its own words: "I am angling toward the worst performing aircraft (that has meaningful statistical movements,) setting the length of the corridor."

The 9.1 per cent gradient in that definition is the procedure's own published climb requirement, and it is a minimum. The chart prints it as 550 ft per nautical mile, against 3.3 per cent for obstacle clearance. An aircraft climbing at exactly that minimum passes 650 ft QNH about three-quarters of a nautical mile beyond the departure end, so a corridor calibrated to it places the nominal turn about 1,400 m out. An aircraft that climbs better reaches the termination sooner and turns sooner, and the corridor is narrowest where it does so. The A320neo departures crossed the corridor boundary a median 1,270 m downrange of the departure end while 937 m north of the extended centreline, at about 2,242 ft.

The turn the corridor penalises is the turn the procedure exists to produce. Runway 28R departures turn right because ICAO Doc 9643 requires that, where one parallel runway is used for departures

and the other for landings, “the nominal departure track diverges immediately after take-off, by at least 30 degrees, from the missed approach track of the adjacent approach”. The coded course to DW128 is 30.2 degrees off the departure track, and it is that divergence the requirement is directed at. The corridor is therefore at its narrowest where the divergence is meant to begin and at its widest where it has been deferred. A metric constructed that way does not measure the measure the draft decision credits, and the 92.8 per cent figure the Authority reproduces in its own statutory review is not a statement about adherence to the published Standard Instrument Departure.

Two parameters determine where an aircraft’s track goes through that turn, and the Dublin procedure fixes neither. The point at which the turn begins is set by an altitude rather than a place, so it moves with climb performance, weight, temperature and thrust setting. The radius of the turn that follows is set by airspeed and bank angle, and the chart caps the speed at 210 kt without specifying any bank angle at all. The word does not appear on the Category C and D chart or anywhere in the published noise abatement procedures. Vienna-Schwechat, whose Runway 29 departures also turn shortly after take-off, constrains both: every Runway 29 departure climbs on track to a defined altitude under the chart rule “MAX IAS during initial turn 205 KT, bank angle at least 20 degrees”. A capped speed with a floor under the bank bounds the radius, which makes the ground track through the turn repeatable across the fleet, which is what allows a fixed corridor to measure conformance with it. Dublin publishes the cap without the floor.

The aviation questions were still open when the Dublin geometry was settled. daa asked Vienna Airport how to design a corridor for a turning departure, because its new runway had “a similar sharp turn off the runway which means it is more difficult to design the corridor the same way we have it for our existing runway (flight path is straight on this)”. Vienna answered that its own corridor widths “do not apply while turning flight”, and that where the turning point after take-off is height-dependent, “the detection just starts after the bend, when the first straight section begins”. daa adopted neither course. Its consultant advised against widening the corridor at the turn, and recorded that the effect on the resulting figures was unknown: “The issue is how many aircraft will be off-track and that we won’t know until the sim is done and the new SIDS become operational.” The parameters went to the competent authority the following day.

K.5 The metric has no planning referent

Redrawing the corridor around the coded procedure would not convert this measure into a statement about the consented development. Two links are missing, not one. The corridor does not measure the published procedure, which is what K.1 to K.4 establish, and the published procedure has itself never been measured against the route the Environmental Impact Statement assessed and the planning permission was granted on. A percentage produced at the end of that chain reports conformity with nothing that was assessed, consulted or approved in the planning process. Section 9(3) of the 2019 Act requires the competent authority to consider four measures, and NPR compliance is credited among the operational procedures that are the third of them (Annex G.1). What the metric scores answers to none of the four.

Nothing about the corridor was assessed. Land-use planning and management, the second of the four measures, is also the vocabulary of the planning code: in sections 34B and 34C of the Planning and Development Act 2000, inserted by the 2019 Act, “noise mitigation measures” is defined to include “land-use planning and management measures, measures to reduce noise at source and noise abatement operational measures”. The 2004 and 2005 Environmental Impact Statement assessed a straight-ahead departure, and Condition 1 of the permission ties the development to that Statement and its Addendum, requiring the development to be carried out in accordance with the plans, particulars and Environmental Impact Statement lodged with the application as amended, including the Environmental Impact Statement Addendum. The corridor appears in neither, and could not: the only record Fingal holds defining its geometry, width or calibration is daa’s letter of 15 March 2023, written more than fifteen years after the permission was granted and after the North Runway was already in operation. Nor has the noise on the routes now flown ever been compared with the noise on the route assessed: asked in 2026 for records making that comparison, daa answered that it holds none. Annex C sets out the comparison NRTG had to construct in its absence, and Annex H the study behind it.

Nothing about the corridor was consulted. The only public exercise ever held on North Runway departure routes was daa’s consultation of 2016, and it put route options to the public rather than track-keeping tolerances. What that consultation did tell the public about noise preferential routes is the reverse of how this corridor was built: that “Unless directed otherwise by ATC, all aircraft taking off from Dublin Airport are required to follow specific flight paths called Noise Preferential Routes (NPRs)”,

and that those routes are “designed to avoid the overflight of built-up areas where possible”. The corridor daa now scores against was drawn the other way round, fitted to the climb performance of the worst-performing aircraft on a route already selected (K.4).

Nothing about the corridor was approved. The procedure carries an approval and the corridor carries none. The Irish Aviation Authority approves the instrument procedure against mandatory safety requirements: on its own account it “assessed these IFPs which were submitted by AirNav Ireland and, finding that they did comply with safety requirements, approved them”. Its published statement of strategy assigns noise and environmental matters to other bodies, so that approval tests neither conformity with the assessed route nor conformity with the permission. The corridor is the operator’s own construct, and Fingal, which is at once the planning authority for the site and the competent authority for aircraft noise, holds no record defining it.

daa does not treat the corridor as a measure of the procedure either. In July 2026 it stated that it does “not track SID compliance nor refer instances of flights deviating from the published SID to AirNav”, its automated flagging running instead on departures from the corridor it drew. What Table 9-8 credits as adherence to the published Standard Instrument Departure is therefore the operator measuring its own construct against itself. Whether the development conforms to what was assessed and permitted is a separate question, and no record before the Authority answers it.

K.6 What this exhibit does not establish

Four limits are stated so that the exhibit is not read wider than it goes.

Not every excursion counted in K.3 begins in the turn. Three of the 26 recorded on the day begin in the far field, at 5,040 m, 6,634 m and 7,044 m downrange, flown by an A320ceo, an A330-200 and an A321neo. They are a different event from the 23 that begin between 1,071 m and 3,263 m, and the exhibit does not treat them as the same failure.

The Embraer E190 is the second earliest to both turn gates, at 573 m and 854 m, and left the corridor on none of ten departures. Its figures are also the least well determined in the table, on ten departures and with a standard error of about 220 m against 25 to 113 m for the rest. The corridor therefore penalises the early turn but does not do so invariably, and the claim is put no higher.

The ATR 72 leaves the corridor frequently, on 13 of 17 departures. Those departures are excluded throughout, because the corridor requirement is imposed by aircraft category. EIDW AD 2.21 provides that “Cat C and D aircraft using Runways 28L, 28R, 10L, 16 and 34 shall operate within environmental corridors which are based on runway take-off flight path areas”. Category A and B aircraft fly a different chart, turning above 750 ft on a 6.6 per cent climb gradient where Category C and D turn above 650 ft on 9.1 per cent: the heavier and louder category is the one required to turn lower. Scoring them against the corridor would test them against a requirement that does not reach them.

K.7 How the turn figures are derived

The turn gates in K.3 are read off interpolated track geometry, and the interpolation has been tested against observations it never saw. Withhold one recorded position and rebuild the track from the positions either side of it: the deposited geometry then passes a median 51 m from the position withheld, against 173 m for a straight line drawn between the same two positions. That test spans two reporting intervals, about 1.9 km, because a position has been removed, and the departure of a curve from its chord goes with the square of the span, so over the single interval K.3 relies on, the errors are about a quarter of those.

The tracks are ADS-B positions for the 257 Runway 28R departures of 25 March 2026, deposited with NRTG’s GIS study. A position is recorded every sixteen seconds, about 1.0 km of ground on the initial climb, so the turn begins and ends inside one or two reporting intervals: between the departure end and 1,500 m there are 1.43 recorded positions per departure, and 129 of the 228 have one or none. Altitude is reported in whole hundreds of feet and converted to height above mean sea level using each flight’s own QNH. The deposited geometry carries a vertex about every 273 m on that stretch and passes through the recorded positions to within a metre, so it interpolates them rather than smoothing them away, and its direction at each recorded position agrees with the track angle the aircraft reported there to a median 2.1 degrees. That agreement is an independent check rather than a restatement: the geometry was built from positions, and the reported track angle is a separate field that played no part in building it.

A straight line between two recorded positions is not the neutral choice it looks like. It lies on the inside of a turn, so it puts the aircraft further round the turn than it was, and it does so most for the

aircraft turning hardest, which are the aircraft this exhibit is about. An aircraft is bank-limited and cannot fly the corner such a line draws. That is what the leave-one-out test measures, and it is why the gates are read off the deposited geometry rather than off chords.

The onset of the turn needs no interpolation at all. It is bracketed by recorded positions: for the A320neo the last position still on the coded course is a median 467 m before the departure end and the first position more than ten degrees right of it a median 527 m past, so the turn begins somewhere inside a span of about a kilometre, while the same bracket for the 737 MAX runs from 344 m to 1,447 m past the departure end. The gate figures locate the turn inside those brackets, in the same order, and claim nothing outside them.

Each track is clipped at 4,000 ft, the height to which the corridor applies on the North Runway. The gate scan begins at the start of the takeoff roll, because an aircraft already north of a gate at the departure end would otherwise be dropped from its type's median and that median biased late; on these tracks none is, and all 228 cross both gates past the departure end. The corridor column and K.4's crossing figures are geometric rather than interpolated. The track, clipped from the departure end, is differenced against the corridor polygon; an excursion is counted only where the length falling outside exceeds 50 m, so a track running along the boundary is not scored as having left it; and the crossing point is taken from the difference geometry itself rather than from the first vertex lying outside. The polygon is daa's own corridor, extracted from the chart on which daa publishes it. That chart is the only public depiction of the corridor there is: daa has published no geometry, and the competent authority holds no record defining one (K.4, K.5). It is georeferenced at about 31 m of ground per pixel and draws the corridor as a line of finite width, so the extraction returns an inner and an outer bound, and the figures here use the outer, which is the reading that counts fewest departures as having left. On the inner bound the count is 27 rather than 26. The extraction is by script and was then checked and corrected by hand against the chart. The correction fell entirely in the branches more than 7 km north of the extended centreline, and no figure in this exhibit changes if the uncorrected extraction is used instead. Nothing finer than about 31 m is claimed from this source, and NRTG will adopt a published geometry if daa publishes one.

K.8 Reproducing this exhibit

The analysis script is `flight-data/npr-analysis/npr-corridor-vs-track-2026-03-25.py`. It reads the geopackages deposited with the GIS study (DOI 10.5281/zenodo.19567671) and the corridor at `flight-data/npr-analysis/daa-corridor-2026-08-24.gpkg`, written by `flight-data/npr-analysis/daa-corridor-from-raster-2026-08-24.py`, which extracts daa's published corridors from the georeferenced chart in the same deposit and prints the K.3 table, the corridor exit counts, and the excursion figures quoted at K.4 and K.6. A second script, `flight-data/npr-analysis/track-interpolation-validation-2026-03-25.py`, produces the tests and the recorded-position findings reported at K.7, and needs in addition the ADS-B capture from which the deposit was built; that capture is NRTG's own and is not part of the public deposit. A third, `flight-data/npr-analysis/build-650ft-and-turn-points-2026-03-25.py`, writes the same points as QGIS layers, each one placed on the track it belongs to. The AIP source is the published Runway 28R Category C/D departure chart. The K.1 figures are not derived from the tracks at all: they come from the compliance report Fingal publishes on its own website. NRTG will supply the data and the scripts on request.

K.9 Sources

The sources are the published Runway 28R Standard Instrument Departures for Category C and D aircraft (AIP Ireland, EIDW AD 2.24-13.1 to 13.3, AIRAC Amdt 004/2023 effective 20 April 2023, in force at the date of this submission) and the corresponding Category A and B chart (AD 2.24-12); the noise abatement procedures published at EIDW AD 2.21; daa's Section 19 Annual Compliance Report for 2024, Tables 4.3 and 7.3 and Appendix 9; the draft regulatory decision report; daa's letter to Fingal of 15 March 2023 defining the corridor, released as Record 1e under AIE/2026/014, the corridor-design correspondence released under AIE 2615 on 7 August 2026, and the chart on which daa publishes the corridors, georeferenced and deposited with NRTG's GIS study; the Vienna-Schwechat departure procedures published by Austro Control; and ADS-B tracks for 257 Runway 28R departures on 25 March 2026, deposited with NRTG's GIS study (O'Brien 2026, DOI 10.5281/zenodo.19567671). K.5 draws in addition on the Board Order granting the North Runway permission (PL06F.217429), daa's 2016 consultation display materials, and daa's decisions on information requests AIE 2611 and AIE 2625. Every

input is either a published instrument or the operator's own figures.