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Ms Ethna Brogan  
Assistant Secretary – Aviation & Maritime Division  
Director General of Civil Aviation  
Department of Transport  
Leeson Lane  
Dublin 2, D02 TR60

cc: Minister Darragh O'Brien  
Gillian Toole TD, Darren O'Rourke TD, Minister Helen McEntee, Minister Thomas Byrne  
Louise O'Reilly TD, Robert O'Donoghue TD, Grace Boland TD

*Re: Breach of Planning Permission and Regulatory Failure at Dublin Airport – Your Statutory Responsibilities and Urgent Required Action*

Dear Ms Brogan,

I write to you in your capacity as Assistant Secretary for Aviation and Director General of Civil Aviation, holding statutory responsibility for aviation policy formulation, regulatory oversight, and compliance with both Irish and European law within the State's aviation sector.

As you will be aware, there exists clear and compelling evidence that Dublin Airport Authority (DAA) is operating the North Runway in a manner materially inconsistent with the terms of the planning permission granted in 2007, particularly as regards the Noise Preferential Routes (NPRs) and associated environmental impact zones.

This deviation has led to an estimated 335% increase in the environmental impact area, with aircraft turning immediately after take-off at a height of 400 feet above the ground, in contravention of the NPRs upon which the Environmental Impact Statement (EIS) and original planning approval were predicated. This operational mode is unauthorised, non-compliant, and has resulted in extensive adverse environmental, legal, and public health consequences for communities now subject to unlawful overflight.

The continued reliance by DAA on the false assertion that such changes were mandated by the Irish Aviation Authority or required by ICAO is now categorically contradicted by IAA. The operational changes were instead entirely the result of internal DAA decisions, taken in conjunction with AirNav Ireland, acting as an aerodrome design subcontractor, without any lawful revision to the planning permission or new environmental assessment.

### **Your Role and Institutional Responsibility**

Given the gravity of these facts, it is deeply concerning that the Department of Transport, under your leadership, has:

- Failed to enforce compliance with Irish planning law;

- Allowed DAA to continue operations in knowing breach of legal conditions;
- Neglected to ensure the provision of accurate data to ANCA, thereby enabling DAA's obstruction of the statutory process for lifting the passenger cap;
- And remained silent in the face of lobbying efforts seeking to exempt DAA from compliance with both national and European regulation.

This inaction constitutes a dereliction of statutory responsibility, and risks irreparably undermining the credibility and authority of your office, the Department, and by extension, the Minister.

### **Required Remedial Actions**

To avoid further institutional failure and to discharge your obligations in accordance with Irish and EU law, you must now:

1. Publicly acknowledge the breach by DAA of its planning permission and the consequences thereof;
2. Issue a direction under your authority to suspend the use of non-compliant flight paths until a valid EIAR is submitted and assessed by the appropriate planning authority;
3. Require DAA to return to the original approved NPRs immediately;
4. Ensure ANCA receives full and accurate noise data, as required by statute, and that DAA is not permitted to circumvent regulatory obligations;
5. Refuse support for any legislative or regulatory exemption that would place DAA above the law or render your office complicit in undermining Irish environmental and planning safeguards.

### **Conclusion**

The current situation at Dublin Airport represents a direct and ongoing violation of planning law and a systemic failure of regulatory enforcement. It is incumbent upon you, as Director General of Civil Aviation, to ensure that compliance is restored and upheld. The public cannot have confidence in aviation oversight when its most senior official remains silent in the face of such blatant disregard for legal and environmental obligations.

Your office was not created to facilitate the circumvention of the law, nor to act as a shield for commercial operators pursuing illegal or harmful practices even if they are state-owned. Your failure to act to date is already damaging. Should you fail to act now, you may be held accountable, if not by the Minister and the Oireachtas, then by the European Commission.

I trust you will treat this matter with the seriousness it demands and respond without delay.

Regards,

Gareth O'Brien BE (Civil) MSc  
North Runway Technical Group