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Darragh O'Brien, Minister of Transport
Department of Transport
Leeson Lane
Dublin 2, D02 TR60

cc: 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: Legal, Environmental, and Governance Failures at Dublin Airport – Your Responsibilities as Minister

Dear Minister,

I write to you in your dual capacity as the Minister with statutory responsibility for the Department of Transport and as the effective shareholder representative of daa, a commercial State body operating under your oversight.

This letter concerns the ongoing and serious breaches by daa in their operation of Dublin Airport's North Runway (10L/28R), specifically the use of unauthorised departure flight paths which violate both planning conditions and environmental law. The consequences of these actions are now compounded by a regulatory failure within your Department and a lack of effective intervention from your appointed officials.

Summary of Breach and Regulatory Collapse

It is now beyond dispute that:

- The departure routes in use from the North Runway, as confirmed by An Bord Pleanála, do not match those approved in the 2007 planning permission.
- daa has implemented a 400-foot AGL (above ground level) turn, resulting in aircraft exiting the permitted noise zone within 45 seconds of take-off — a pattern repeated over 250 times daily.
- The Environmental Impact Statement (EIS) used to secure planning permission is therefore invalidated by these operational changes, rendering the runway non-compliant with its own approval.
- daa has falsely attributed these changes to ICAO requirements and IAA mandate — which has now been formally disclaimed by IAA.

- This breach has a measurable and unlawful increase in environmental impact (estimated at greater than 335%), with significant adverse effects on affected communities.

Despite this, daa has:

- Refused to revert to the approved Noise Preferential Routes (NPRs);
- Withheld updated noise impact data from ANCA, frustrating regulatory oversight;
- And is now lobbying for emergency legislation to exempt itself from existing Irish and European legal requirements — legislation that your Department is reportedly considering.

Your Statutory and Fiduciary Duties

As Minister:

- You are responsible for ensuring the integrity of State aviation regulation;
- You are the political head of the Department which oversees ANCA and the Irish Aviation Authority, and houses the Assistant Secretary for Aviation / Director General of Civil Aviation, all of whom have remained ineffective owing to your failure to act;
- And as shareholder proxy, you are responsible for ensuring daa operates in accordance with the law, and in the long-term public interest, not merely its own short-term commercial agenda.

Your Department's failure to prevent, correct, or even acknowledge this breach is an abdication of these responsibilities and presents a serious reputational and legal risk to the Government.

Specific and Measurable Actions Required

To remedy this situation and restore lawful, accountable governance to Ireland's aviation system, I urge you to take the following immediate actions:

1. **Publicly Confirm Non-Compliance**
Issue a ministerial statement formally acknowledging that the current north runway departure routes breach the planning permission granted in 2007, as confirmed by An Bord Pleanála.
2. **Direct daa to Revert to Compliant Routes**
Within 30 days, require daa to cease use of the non-compliant NPRs and return to the originally approved departure procedures, or suspend operations from the North Runway until lawful procedures are reinstated.
3. **Mandate Full and Accurate Noise Reporting to ANCA**
Require daa to submit a complete, accurate, and updated Noise Contour Study and Environmental Impact Statement to ANCA within 60 days as a condition for any consideration of lifting the current 32M passenger cap.

4. Suspend Any Legislative Exemptions

Immediately halt any legislative proposal under consideration by your Department that would exempt daa from environmental or planning law. Commit to parliamentary scrutiny and public consultation before any changes to State compliance frameworks are considered.

5. Establish an Independent Review

Commission an independent statutory review of the governance and regulatory failures that permitted this situation to arise, with terms of reference to include:

- The role of daa, IAA, and AirNav Ireland in the creation and implementation of the current SIDs;
- The Department of Transport's oversight of both ANCA and planning enforcement;
- Potential liabilities of airlines operating on known unlawful routes.

Conclusion

Minister, the breach of planning law at Dublin Airport is not merely a technical error — it represents a deliberate, ongoing violation of environmental protections, enabled by silence or complicity at the highest levels of State aviation governance.

Failure to act now places your office in a position of negligent endorsement of an unlawful operation and exposes the State to escalating legal risk from affected residents, environmental groups, and European oversight bodies.

I respectfully request your written response within 21 days, indicating whether you will take the above remedial actions or explaining your decision not to.

Regards,

Gareth O'Brien BE (Civil) MSc
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