



Submission on behalf of the St Margaret's The Ward Residents Group

TO IAA'S DRAFT W26 DECISION

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EXECUTIVE SUMMARY

This submission addresses the IAA's Draft Decision on Winter 2026 Coordination Parameters at Dublin Airport. It identifies critical legal, procedural, and environmental deficiencies that render the draft decision unsound and expose it to judicial review. Key points include:

- The allocation of additional slots will increase aircraft movements and noise exposure for surrounding communities, yet these impacts have not been subject to Strategic Environmental Assessment, Environmental Impact Assessment, or authorised through planning permission. This constitutes a material change to the environmental baseline and risks circumvention of the SEA Directive, contrary to settled CJEU case law prohibiting incremental or sectoral decision-making without prior assessment.
- Recent analysis estimates that over 100,000 residents are either Highly Annoyed or Highly Sleep Disturbed by aircraft noise at Dublin Airport, with health costs exceeding €772 million in 2023 alone. Projected slot increases and passenger growth will continue to breach Noise Abatement Objectives and impose substantial health and economic burdens on local communities, none of which have been environmentally assessed or authorised through planning permission.
- The IAA's failure to plan for foreseeable legal changes regarding the 32mppa cap, including the pending CJEU judgment and High Court stay.
- Absence of Strategic Environmental Assessment (SEA) screening, despite clear EU law and CJEU case law requiring it for plans/programmes with significant environmental effects.
- Lack of a contemporary environmental baseline, undermining assessment of cumulative noise, emissions, and population exposure impacts.
- Facilitation of unauthorised development by exceeding the 32m planning condition without proper assessment or approval.
- Procedural deficiency in the Balanced Approach, as found by the EU Commission, leaving all operating restrictions vulnerable.
- Failure to engage substantively with dissenting views, particularly from daa, and to provide adequate reasons as required by Article 6(1) of the Slot Regulation.

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- Ongoing breaches of the 32m cap, facilitated by IAA slot determinations, and failure to comply with national climate obligations.
- The risk that any administrative act undermining the 32m ppa operating restriction without a fresh ANCA Regulatory Decision is ultra vires.
- Failure to carry out its duties under Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended), by not properly assessing, addressing, or mitigating greenhouse gas emissions resulting from this draft recommendation.

1.0 Draft Decision on W26 Coordination Parameters

1.1 Introduction

This submission is made on behalf of the St Margaret's The Ward Residents Group in response to the IAA's Draft Decision on Winter 2026 Coordination Parameters at Dublin Airport. It sets out the legal, procedural, and environmental risks associated with the draft decision, and makes recommendations to ensure compliance with EU and national law, environmental protection, and good regulatory practice.

Recent analysis by PMCA Economic Consulting, https://www.wrongwaydaa.com/files/ugd/91d78c_18be8f86e2734f0fa76049697438977e.pdf, commissioned by the St. Margarets The Ward Residents Group, demonstrates the significant health burden associated with aircraft noise at Dublin Airport. In 2023, 71,388 people were highly annoyed and 32,562 were highly sleep disturbed by aircraft noise, with an estimated 16,746 people suffering cardiovascular impacts attributable to noise exposure. The total health cost for 2023 alone is estimated at €772 million. Projections for 2026, under scenarios with increased passenger numbers and additional slots, show continued breaches of the Noise Abatement Objective and health costs ranging from €604 million to €689 million. These impacts have not been subject to environmental assessment or planning consent, underscoring the urgent need for Strategic Environmental Assessment and compliance with EU environmental law before any further slot increases or passenger growth are permitted.

2.0 Legal and Procedural Risks

2.1 High Court Stay and CJEU Reference

The IAA's draft decision is premised on the existence of a High Court interlocutory injunction restraining the IAA from taking the 32mppa planning conditions into account. This approach treats the injunction as static and enduring for the full W26 season, despite the Advocate General's opinion and the likelihood of a CJEU judgment before the season begins. The IAA has made no contingent provision for a change in legal circumstances, contrary to Article 6(1) of Regulation 95/93, which requires consideration of "any changes thereto."

2.2 Slot Issuance During Legal Uncertainty

Issuing new slots while the High Court stay remains in force risks regulatory confusion and legal challenges, as airlines may claim historic rights to operate new slots allocated during a period of legal uncertainty. This undermines the integrity of the slot coordination system and exposes the process to future disputes.

2.3 Condition 5: Nighttime Movement Limit – Legal and Regulatory Risks

Condition 5 of the North Runway's planning permission imposes a strict limit on nighttime aircraft movements. The IAA's draft decision references ongoing JR proceedings and the EU Commission's finding that the process for introducing operating restrictions did not comply with the Balanced Approach.

3.4 Failure to Plan for Enforcement/Section 160 Proceedings

The IAA's draft decision does not address or plan for the scenario in which enforcement action is taken against daa for breach of Condition 5, including the possibility of proceedings under section 160 of the Planning and Development Act 2000. The absence of any contingency or operational plan for such enforcement action exposes the slot coordination process to significant legal and operational risk, including abrupt operational constraints and disruption to slot allocations.

4.0 Environment and Noise Law Compliance

4.1 Unassessed Noise Impacts from Additional Slots (SEA Directive)

The allocation of additional slots has the direct and foreseeable effect of increasing aircraft movements and, in turn, aircraft noise exposure for residents living around Dublin Airport. These increased noise impacts have not been subject to any Strategic Environmental Assessment, project-level Environmental Impact Assessment, or Appropriate Assessment, nor have they been authorised through a grant of planning permission. As a result, the noise environment now being experienced by local communities extends beyond the environmental baseline assessed and approved in the relevant EIAs, SEAs, and planning consents.

Under Directive 2001/42/EC (the SEA Directive), plans or programmes prepared or adopted by a public authority which set the framework for future development consent and are likely to have significant effects on the environment must be subject to assessment before adoption. The Court of Justice has repeatedly held that Member States may not circumvent SEA obligations through incremental, sectoral, or ostensibly technical decision-making. In *Inter-Environnement Bruxelles* (C-671/16) and *Bund Naturschutz* (C-300/20), the Court confirmed that measures which, in practice, determine the scale, timing, or intensity of development — even if adopted iteratively or through sector-specific instruments — fall within the scope of the SEA Directive where they shape future environmental outcomes.

By facilitating additional slots without any assessment of the resultant increase in aircraft noise, population exposure, or health impacts, the IAA's draft decision constitutes a material change to the environmental baseline and effectively sets the framework for intensified airport operation without prior environmental assessment. This undermines the preventative purpose of the SEA Directive and exposes affected residents to increased noise impacts that have neither been environmentally assessed nor authorised through the planning system.

4.2 Absence of Contemporary Environmental Baseline

The slot determination is made without reference to a contemporary environmental baseline, meaning cumulative impacts on noise, emissions, and population exposure are not properly assessed. This is inconsistent with both the Slot Regulation and national climate obligations.

4.3 Failure to Conduct SEA/EIA

The IAA has not carried out SEA screening of the W26 slot determination, despite clear EU law and CJEU case law requiring SEA for plans or programmes likely to have significant environmental effects. This omission exposes the slot determination to legal challenge and undermines environmental governance.

4.4 Cumulative Impacts and Unauthorised Development

The facilitation of passenger numbers beyond the 32m planning condition has never been approved or assessed in any granted planning permission. The breach of the cap constitutes unauthorised development and undermines the integrity of the planning system.

4.5 Climate Act Obligations

The IAA has failed to carry out its duties under Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended), by not properly assessing, addressing, or mitigating greenhouse gas emissions resulting from its draft recommendation.

5.0 Balanced Approach and Operating Restrictions

5.1 Procedural Deficiency in Balanced Approach

The EU Commission has found that Ireland failed to consider alternatives to operating restrictions in accordance with Article 5(3) of Regulation 598/2014. The absence of a proper Balanced Approach analysis means that all operating restrictions are procedurally vulnerable.

5.2 Vulnerability of NQS and Nighttime Operating Hours

The absence of adverse findings in the EU Commission's decision cannot be read as implicit approval of either the Noise Quota Scheme (NQS) or the North Runway nighttime operating hours. Both remain legally vulnerable due to the procedural deficiencies identified.

5.3 32m Cap as Operating Restriction / Ultra Vires Risk

The 32m cap is an Operating Restriction under EU598/2014. Any administrative act which undermines, circumvents, or materially alters the effect of the 32m cap operating restriction without a fresh ANCA Regulatory Decision, risks acting ultra vires, given ANCA's exclusive competence over operating restrictions.

6.0 Stakeholder Engagement and Reason-Giving

6.1 daa Dissent and Article 6(1)

The IAA Draft Decision fails to engage substantively with the dissent of the airport operator (daa), raising concerns about adequacy of reasons and compliance with Article 6(1) of the Slot Regulation. The failure to engage substantively with the airport operator's dissent raises a further concern regarding adequacy of reasons, particularly where that dissent may reflect operational or legal constraints directly relevant to Article 6(1).

7.0 Recommendations

To ensure the validity and legal robustness of the slot coordination process, the IAA should:

- Not finalise or implement any increase in slot capacity unless and until a Strategic Environmental Assessment (or, where applicable, project-level environmental assessment) has been carried out to assess the noise, health, and population-exposure impacts arising from additional aircraft movements, and such impacts have been lawfully authorised through the planning system in compliance with the SEA Directive and relevant CJEU case law.
- Suspend allocation of additional slots for W26 until the legal position regarding the 32m cap is clarified by the CJEU and High Court.
- Commit to reopening or amending W26 coordination parameters if the legal context changes.

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- Conduct SEA screening of the W26 slot determination and, if required, a full SEA before finalising any capacity uplift.
- Establish and publish a contemporary environmental baseline for slot determinations.
- Engage substantively with dissenting views from daa and other stakeholders and provide reasoned responses in accordance with Article 6(1).
- Seek a fresh Regulatory Decision from ANCA before taking any action that affects the 32mppa operating restriction.
- Commit to periodic review of slot coordination parameters for ongoing legal and environmental compliance.
- Undertake integrated assessment of cumulative impacts from repeated slot increases.
- Commission an independent legal compliance audit of the slot determination process.

Failure to address these procedural and substantive deficiencies risks the slot determination being subject to judicial review and quashed for breach of EU and national law. The cumulative effect of repeated slot increases, especially in the absence of environmental assessment, is to lock in growth trajectories that may be incompatible with planning, noise, and climate objectives.

8.0 Conclusion

The IAA's Draft Decision on Winter 2026 Coordination Parameters is procedurally and substantively deficient. It fails to anticipate foreseeable legal changes, lacks a contemporary environmental baseline, does not comply with SEA and climate obligations, and is vulnerable to legal challenge on multiple grounds.

By facilitating additional slots without any environmental assessment of the resulting increase in aircraft noise and population exposure, the draft decision enables intensified airport operation beyond what has been environmentally assessed and authorised, undermining the preventative purpose of the SEA Directive and leaving affected residents exposed to unassessed and unmitigated impacts.

The IAA should address these deficiencies as a matter of urgency to ensure compliance with EU and national law, protect the environment and public health, and provide regulatory certainty for all stakeholders.

Appendix A: Legal and Procedural Context

HIGH COURT STAY AND CJEU REFERENCE

- The IAA's position in the Draft Decision is essentially that there is a High Court interlocutory injunction restraining the IAA from taking the 32 mppa planning conditions into account and therefore, they must ignore the passenger cap entirely when setting W26 coordination parameters. This treats the injunction as if it were static and enduring for the full W26 season. That assumption is no longer tenable following the Advocate General's (AG) opinion. While not binding, the AG opinions are followed by the CJEU in the majority of cases. A final CJEU judgement is likely before the W26 season begins.
- If the CJEU judgement is in agreement with the AG, then the legal basis for the High Court stay is materially weakened. The injunction may be lifted, varied or rendered unsustainable. The IAA's legal obligation to take the 32m cap into account would be immediate.
- The draft decision makes no contingent provision, contains no conditionality tied to the outcome of the CJEU case, has no fallback seat capacity mechanism, does not reserve the right to reopen or amend W26 parameters, nor signal how slot allocations would be dealt with if the cap becomes operable midseason.
- Article 6(1) of Regulation 95/93 expressly requires the competent authority to take account not only of relevant constraints, but of 'any changes thereto'. A highly foreseeable CJEU judgment capable of reactivating the 32mppa constraint constitutes precisely such a change.

SLOT ISSUANCE DURING LEGAL UNCERTAINTY

- Issuing new slots during this period undermines regulatory and operational clarity and risks significant confusion should the passenger cap or draft decision be enforced. Airlines may argue that they have acquired historic rights to operate these new slots, despite the fact that the underlying regulatory environment was in flux at the time of issuance.
- Allowing new slot allocation during a stayed period would not only create a misalignment between regulatory intent and operational planning but could also expose the process to legal challenges and disputes over slot entitlement.

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- The proposed W26 Coordination Parameters allow for an increase of 32 slots on W25. The issuance of additional slots during a period of legal uncertainty creates a foreseeable risk that carriers will assert legitimate expectation or historic precedence claims, thereby complicating any subsequent reimposition of capacity constraints.

CONDITION 5: NIGHTTIME MOVEMENT LIMIT – LEGAL AND REGULATORY RISKS

- Condition 5 of the North Runway's planning permission imposes a strict limit of 65 nighttime aircraft movements (between 23:00 and 07:00) averaged over a 92-day period. This condition was imposed by An Bord Pleanála as part of the grant of development consent for the North Runway, reflecting both environmental and planning objectives.
- The IAA's draft decision references ongoing Judicial Review (JR) proceedings challenging ACP's Relevant Action decision, which sought to replace Condition 5 with alternative operating restrictions (including a Noise Quota Scheme and revised runway hours). These proceedings, brought by Ryanair, Aer Lingus, and SMTW Environmental DAC, were adjourned pending the outcome of the EU Commission's assessment of compliance with Regulation 598/2014. The Commission subsequently found that the process for introducing operating restrictions did not comply with the Balanced Approach, specifically due to the failure to consider alternatives to operating restrictions as required by Article 5(3).
- In response, the IAA has proposed no changes to the R60 limits for the night hours, effectively freezing night-time capacity at pre-North Runway, single-runway levels. While the IAA characterises this as a neutral status quo, it is in fact an active regulatory choice that determines the spatial and temporal distribution of noise exposure.
- Condition 5 remains a valid and enforceable planning condition under Irish law. Breach of this condition exposes daa to potential enforcement action under Part VIII of the Planning and Development Act 2000, including administrative and criminal sanctions and possible court orders requiring compliance. The High Court has emphasised the strong public interest in ensuring compliance with planning law and has rejected arguments that commercial or operational inconvenience can justify non-compliance.

FAILURE TO PLAN FOR ENFORCEMENT/SECTION 160 PROCEEDINGS

- The IAA's draft decision does not address or plan for the scenario in which enforcement action is taken against daa for breach of Condition 5, including the possibility of proceedings under section 160 of the Planning and Development Act 2000. Section 160 empowers the planning authority or any interested party to seek a court order requiring compliance with planning conditions, and can result in mandatory restrictions on airport operations if a breach is found.
- The absence of any contingency or operational plan for such enforcement action means the draft decision is lacking in robustness and exposes the slot coordination process to significant legal and operational risk. Should enforcement or a section 160 order be pursued, the IAA's failure to anticipate and address this scenario could result in abrupt operational constraints, disruption to slot allocations, and further regulatory uncertainty for airlines, the airport operator, and affected communities.

Appendix B: Condition 5, Planning Law and Enforcement (with Case Law)

CONDITION 5 AND SECTION 160 ENFORCEMENT – LEGAL ANALYSIS

Condition 5 of the North Runway's planning permission is a binding and enforceable condition under Irish planning law. Section 160 of the Planning and Development Act 2000 empowers the planning authority or any person to apply to the High Court or Circuit Court for an order requiring compliance with a planning condition. The court may grant mandatory or prohibitory orders, including orders to cease or restrict airport operations, if a breach is found.

CASE LAW ON SECTION 160 AND PLANNING ENFORCEMENT

- **Leen v Aer Rianta cpt [2003] 4 IR 394:** The High Court confirmed that the primary purpose of section 160 is to ensure compliance with planning law and that the court has a wide discretion to grant or refuse relief, taking into account the interests of third parties and the public. In Leen, the court refused to grant an order that would have closed Shannon Airport, but only because of the disproportionate impact on the public and the availability of alternative remedies. The case underscores that commercial inconvenience or operational disruption is not, in itself, a defence to enforcement.
- **Meath County Council v Murray [2018] IEHC 504:** The High Court granted a section 160 order requiring the cessation of unauthorised quarrying, reaffirming that the court's discretion is exercised in the public interest and that compliance with planning law is paramount.
- **Dublin City Council v Fennell [2005] 1 IR 604:** The Supreme Court held that the planning authority is under a duty to enforce planning law and that the courts will support enforcement unless there are compelling reasons not to do so.

APPLICATION TO DUBLIN AIRPORT AND IAA DRAFT DECISION

- The IAA's draft decision does not address or plan for the scenario in which enforcement action is taken against daa for breach of Condition 5, including the possibility of proceedings under section 160 of the Planning and Development Act 2000. Section 160 empowers the planning authority or any interested party to seek a court order requiring

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compliance with planning conditions, and can result in mandatory restrictions on airport operations if a breach is found.

- The absence of any contingency or operational plan for such enforcement action means the draft decision is lacking in robustness and exposes the slot coordination process to significant legal and operational risk. Should enforcement or a section 160 order be pursued, the IAA's failure to anticipate and address this scenario could result in abrupt operational constraints, disruption to slot allocations, and further regulatory uncertainty for airlines, the airport operator, and affected communities.

KEY PRINCIPLES FROM CASE LAW

- The courts have consistently held that compliance with planning conditions is a matter of public interest and that the risk of operational or commercial disruption does not justify non-compliance (see *Leen v Aer Rianta*, *Meath CC v Murray*).
- The planning authority is under a duty to enforce, and the courts will generally support enforcement unless there are exceptional circumstances (see *Fennell*).
- The IAA, as a statutory body responsible for slot coordination, should anticipate the risk of enforcement and plan accordingly to avoid regulatory instability and disruption.

Appendix C: Environmental Impacts, Baseline and SEA/EIA

ABSENCE OF CONTEMPORARY ENVIRONMENTAL BASELINE

The IAA's slot determination for W26 is made without reference to a contemporary environmental baseline. There is no evidence that the IAA has assessed cumulative environmental impacts using recent noise mapping, air quality measurements, or population exposure statistics. The absence of a current baseline undermines the integrity of the slot coordination process and is inconsistent with both the Slot Regulation and national climate obligations.

FAILURE TO CONDUCT SEA/EIA

The IAA has not carried out Strategic Environmental Assessment (SEA) screening of the W26 slot determination, despite clear EU law and CJEU case law requiring SEA for plans or programmes likely to have significant environmental effects. EU Directive 2001/42/EC (SEA Directive) and CJEU cases such as Inter-Environnement Bruxelles (C-671/16) and Bund Naturschutz (C-300/20) confirm that sectoral instruments which set the framework for future development consent and are likely to have significant environmental effects must be subject to SEA. The omission of SEA exposes the slot determination to legal challenge and undermines environmental governance.

CUMULATIVE IMPACTS AND UNAUTHORISED DEVELOPMENT

The facilitation of passenger numbers beyond the 32m planning condition has never been approved or assessed in any planning permission. The breach of the cap constitutes unauthorised development and undermines the integrity of the planning system. The cumulative effect of repeated slot increases, especially in the absence of environmental assessment, is to lock in growth trajectories that may be incompatible with planning, noise, and climate objectives.

CLIMATE ACT OBLIGATIONS

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The IAA has failed to carry out its duties under Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended), by not properly assessing, addressing, or mitigating greenhouse gas emissions resulting from its draft recommendation. The IAA has also failed to take account of the adverse effects on human health, the environment, noise, and air pollution.

KEY LEGAL PRINCIPLES AND CASE LAW

- **SEA Directive (2001/42/EC):** Requires SEA for plans/programmes likely to have significant environmental effects.
- **Inter-Environnement Bruxelles (C-671/16):** SEA applies to iterative, technical, or sector-specific measures if they set the framework for future development consent.
- **Bund Naturschutz (C-300/20):** Measures that establish criteria shaping the scale/intensity of future projects require SEA.
- **Climate Action and Low Carbon Development Act 2015 (as amended):** Section 15 obliges relevant bodies to act in furtherance of national climate objectives and mitigation/adaptation.

The IAA's failure to conduct SEA/EIA and to use a contemporary environmental baseline exposes the slot determination to legal challenge and regulatory instability.

Appendix D: Balanced Approach, Operating Restrictions and EU Compliance

PROCEDURAL DEFICIENCY IN BALANCED APPROACH

The EU Commission has found that Ireland failed to consider alternatives to operating restrictions in accordance with Article 5(3) of Regulation 598/2014. The absence of a proper Balanced Approach analysis means that all operating restrictions at Dublin Airport, including the Noise Quota Scheme (NQS), North Runway nighttime operating hours, and the 32m cap, are procedurally vulnerable. The Balanced Approach requires that before any noise-related operating restriction is introduced, the competent authority must:

- Identify a noise problem based on robust evidence and up-to-date population exposure data.
- Consider a full range of alternative measures (operational procedures, land-use planning, financial instruments, etc.) before imposing restrictions.
- Justify that any restriction is necessary, proportionate, and the most cost-effective solution for achieving the Noise Abatement Objective (NAO).

VULNERABILITY OF NQS AND NIGHTTIME OPERATING HOURS

The absence of adverse findings in the EU Commission's Article 8 decision cannot be read as implicit approval of either the NQS or the North Runway nighttime operating hours. The Commission's review is limited to procedural compliance and does not reassess the scientific robustness, alternatives, or proportionality of the measures. Both the NQS and nighttime operating hours remain legally vulnerable due to the procedural deficiencies identified by the Commission and the lack of independent analysis by ACP or ANCA.

32M CAP AS OPERATING RESTRICTION / ULTRA VIRES RISK

The 32m cap is an Operating Restriction under Article 2(6) of Regulation 598/2014, as it limits access to or reduces the operational capacity of Dublin Airport and affects the noise climate around the airport. Any administrative act which undermines, circumvents, or materially alters the effect of the 32m cap operating restriction without a fresh ANCA Regulatory Decision, risks

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acting ultra vires, given ANCA's exclusive competence over operating restrictions under the Aircraft Noise (Dublin Airport) Regulations Act 2019.

KEY LEGAL PRINCIPLES AND CASE LAW

- **Regulation 598/2014 (Balanced Approach):** Requires a stepwise process for introducing noise-related operating restrictions, including problem identification, alternatives assessment, and proportionality.
- **Article 5(3):** Mandates that alternatives to operating restrictions must be considered and documented.
- **Article 8:** Limits the Commission's review to procedural compliance, not substantive approval of restrictions.
- **CJEU Case Law:** The Court has consistently held that procedural requirements under EU law are binding and that failure to follow the Balanced Approach can render operating restrictions unlawful (see e.g., C-344/04 IATA and ELFAA v. Department for Transport).

The IAA's failure to ensure a procedurally robust Balanced Approach analysis, and to secure a fresh Regulatory Decision from ANCA before altering any operating restriction, exposes the slot determination and all associated restrictions to legal challenge and regulatory instability.

Appendix E: Stakeholder Engagement, Committee Process and Reason-Giving

DAA DISSENT AND ARTICLE 6(1)

The IAA Draft Decision fails to engage substantively with the dissent of the airport operator (daa), raising concerns about adequacy of reasons and compliance with Article 6(1) of the Slot Regulation. The daa voted against all three proposals put to the Coordination Committee (W26 “Wishlist” runway capacity, uplifted Terminal departures PTB limits, new CBP passenger processing parameter), but the Draft Decision does not set out, summarise, or evaluate any reasons for those votes. The Decision treats daa’s opposition purely as a numerical minority position and does not engage with whether it reflected concerns relating to operational, infrastructural, planning, or legal constraints that would be relevant under Article 6(1).

The failure to engage substantively with the airport operator’s dissent raises a further concern regarding adequacy of reasons, particularly where that dissent may reflect operational or legal constraints directly relevant to Article 6(1).

STAKEHOLDER CONSULTATION AND PUBLIC PARTICIPATION

The IAA should ensure meaningful stakeholder consultation and public participation in the slot determination process, in line with Aarhus Convention principles and EU law. The Coordination Committee process is consultative, but the IAA is not obliged to adopt minority views. However, the IAA is required to provide reasoned responses to substantive objections and to demonstrate that all relevant technical, operational, and environmental constraints have been weighed and considered.

KEY LEGAL PRINCIPLES AND CASE LAW

- **Slot Regulation (95/93), Article 6(1):** Requires the competent authority to take account of all relevant constraints and to provide reasoned decisions.
- **Aarhus Convention:** Guarantees public participation in environmental decision-making and access to information.

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- **CJEU Case Law:** The Court has held that procedural fairness and reason-giving are essential to lawful administrative decision-making (see e.g., C-72/15 Rosneft).

The IAA's failure to engage substantively with stakeholder dissent and to ensure meaningful consultation exposes the slot determination to procedural challenge and undermines transparency and regulatory legitimacy.

- **Regulation 598/2014 (Balanced Approach):** Requires a stepwise process for introducing noise-related operating restrictions, including problem identification, alternatives assessment, and proportionality.
- **Article 5(3):** Mandates that alternatives to operating restrictions must be considered and documented.
- **Article 8:** Limits the Commission's review to procedural compliance, not substantive approval of restrictions.
- **CJEU Case Law:** The Court has consistently held that procedural requirements under EU law are binding and that failure to follow the Balanced Approach can render operating restrictions unlawful (see e.g., C-344/04 IATA and ELFAA v. Department for Transport).

The IAA's failure to ensure a procedurally robust Balanced Approach analysis, and to secure a fresh Regulatory Decision from ANCA before altering any operating restriction, exposes the slot determination and all associated restrictions to legal challenge and regulatory instability.