

# Submission to the public consultation on Dublin Airport (Passenger Cap) Bill 2026

## **1. Introduction**

**1.1** This submission is made on behalf of Children's Rights Over Flights. We are a grassroots, all-volunteer group of parents, grandparents and other concerned people campaigning for children's rights to a safe climate to be prioritised over increasing polluting flights. Our group formed specifically in response to the campaign by vested interests to increase polluting flight traffic via a lifting of the Dublin Airport 'passenger cap', even as the Climate and Biodiversity Emergency has been increasingly worsening. We call for responsible and fair approaches to aviation pollution, including a national aviation policy which is aligned with best available science, and consistent with a stable climate for children, future generations, and people in Ireland and around the world who are already being affected by the consequences of the Climate Emergency.

**1.2** Our work has included submissions to relevant consultations concerning the National Transport Strategy and the Clean Air Strategy. We have also made submissions to Fingal County Council in relation to relevant planning applications by the DAA. This included an extensive submission to application F23A/0781 in relation to increasing passenger capacity to 40 million. We would alert the Committee to the fact that as with hundreds of other citizens represented via submissions made in relation to the planning application, our submission, and the views and evidence therein, has now been entirely ignored and disregarded with the drafting of this Bill.<sup>1</sup>

**1.3** We thank the Committee in advance for your time and attention in reviewing our submission.

## **2. Executive Summary**

- A. In light of 1) the dramatic escalation of the State-declared Climate Emergency over the last 12 months, 2) worsening implications for children and future generations in Ireland as everywhere, and related State child

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<sup>1</sup><https://www.breakingnews.ie/ireland/fresh-wave-of-opposition-to-daa-plan-to-increase-dublin-airport-passenger-cap-to-40m-per-year-1717561.html>

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- rights obligations, and 3) already record-levels of increasing aviation fossil fuel pollution, we assert that this Bill should be withdrawn.
- B. Notwithstanding this, we would assert that the public consultation for the Bill has not been sufficiently accessible and any consultation in relation to this legislation should be extended and youth participation facilitated.
  - C. A grave concern we highlight in relation to the Bill is the unacceptable failure to adequately consider environmental harms and climate impacts of removing the passenger cap. We respectfully ask the Committee to call for a comprehensive environmental assessment, incorporating human rights and social impacts, of Dublin Airport aviation pollution - in line with the recommended framework by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment.
  - D. We express grave concerns regarding the nature and provisions of Head 5 (a) and the unacceptably subjective basis upon which Ministerial power to revoke or amend a planning condition is proposed. We point to a lack of adequate evidence base or consideration of available and pertinent data. We highlight flawed assumptions regarding economic impacts of aviation which would appear to be implicit to the Bill. We call for a comprehensive evidence-based review of the assumptions underpinning this Bill, to include economic implications of aviation pollution, related climate and health impacts, and economic implications of current aviation policy.
  - E. We express particular concern over a lack of definition of what the 'public interest' is in the context of this Bill, and highlight the apparent absence of consideration of harmful implications of increasing aviation air and noise pollution to the public interest, nor of climate harms from increasing aviation emission to the public interest. We assert that given there is no evidence of consideration of children's best interests in relation to removal of the passenger cap nor this Bill, that provisions related to the 'public interest' are unfounded.
  - F. We express particular dismay at the implications of Head 12 and attempts to disapply Section 15 of the Climate Action and Low Carbon Development Act 2015 ('the Climate Act'), and assert this as entirely unacceptable, disconnected from the grave reality of the State-declared Climate and Biodiversity Emergency, and completely at odds with the State's

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obligations under international human rights law and relevant climate obligations.

### 3. The Climate Emergency, child rights obligations and aviation fossil fuel pollution

**3.1 In the first instance, we wish to assert that we believe this Bill should be withdrawn.** We are highly alarmed that this Bill has been drafted to remove the passenger cap, and at the apparent failure of Government and the Minister for Transport to review and assess the plan to remove the cap in the context of the escalation of the State-declared Climate and Biodiversity Emergency over the last 12 months, and in line with best available science. We wish to respectfully draw the Committee's attention to the following alarming and consequential developments since the inclusion of 'lifting the Dublin Airport passenger cap' within the Programme for Government, and we would assert that this Bill and its implications must be considered within the context and gravity of all:

- the Copernicus Climate Change Service warned that "global temperatures from the past three years (2023-2025) averaged more than 1.5°C above the pre-industrial level... the first time a three-year period has exceeded the 1.5°C limit"<sup>2</sup>,
- the first climate tipping point was breached<sup>3</sup>,
- Seven of Earth's critical life-support limits have now been exceeded<sup>4</sup>,
- the USA, the world's second-largest GHG-emitter, withdrew from the Paris Agreement<sup>5</sup>,
- the International Court of Justice reaffirmed the legal obligations of States to act with the highest ambition to prevent foreseeable climate harm<sup>6</sup>,

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<sup>2</sup> <https://climate.copernicus.eu/copernicus-2025-was-third-hottest-year-record>

<sup>3</sup> <https://www.snexplores.org/article/coral-deaths-first-climate-tipping-point>

<sup>4</sup> <https://www.stockholmresilience.org/news--events/general-news/2025-09-24-seven-of-nine-planetary-boundaries-now-breached.html>

<sup>5</sup> <https://www.rte.ie/news/world/2025/0121/1491997-donald-trump-paris-climate-accord/>

<sup>6</sup> <https://unric.org/en/climate-historic-icj-opinion-on-the-obligations-of-states/>

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- Ireland experienced the record-breaking Storm Eowyn, devastating floods after Storm Chandra, and resulting serious economic harm<sup>7</sup>, and
- the Minister for Transport has affirmed the State is dramatically failing to meet its legally binding climate obligations, making Ireland liable for billions of euros in EU climate fines<sup>8</sup>.

**3.2** We further wish to ensure that Committee members, in considering this Bill, are aware that in the context of the Climate Emergency:

- children growing up in Ireland today, as elsewhere, are facing malnutrition, food shortages, increased physical and mental health risks, and major drops in income in their adulthoods; a shorter life expectancy; and up to seven times more extreme weather events such as storms and life-threatening heat,<sup>9,10,11,12</sup>
- children face increased risk of the collapse of the Atlantic Meridional Overturning Circulation (AMOC) in their lifetimes which would destroy Ireland's way of life forever and may force them to become 'climate migrants',<sup>13</sup> and
- the State has a duty to protect children from foreseeable climate harms, to refrain from retrogressive acts less protective of them, and to "prioritise rapid and effective emissions reductions to protect the rights and welfare of children" as affirmed by the UN Committee on the Rights of the Child, and acknowledged by the Minister for Transport, in October 2025.<sup>14,15</sup>

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<sup>7</sup><https://www.irishtimes.com/business/2025/08/15/storm-eowyn-cost-insurers-301m-while-fossil-fuels-remain-top-power-source/>

<sup>8</sup><https://www.irishtimes.com/politics/2026/01/07/ireland-will-miss-emissions-reduction-target-by-half-says-obrien/>

<sup>9</sup> <https://www.irishexaminer.com/news/arid-41506124.html>

<sup>10</sup> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(25\)01919-1/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(25)01919-1/fulltext)

<sup>11</sup> <https://journals.plos.org/climate/article?id=10.1371/journal.pclm.0000621>

<sup>12</sup> <https://resourcecentre.savethechildren.net/document/born-into-the-climate-crisis-2-an-unprecedented-life-protecting-childrens-rights>

<sup>13</sup> <https://www.theguardian.com/environment/2025/aug/28/collapse-critical-atlantic-current-amoc-no-longer-low-likelihood-study>

<sup>14</sup> <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights>

<sup>15</sup> <https://www.oireachtas.ie/en/debates/question/2025-10-21/205/>

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**3.3** Lifting the passenger cap would result in aviation fossil fuel pollution soaring even higher than its already record levels.<sup>16</sup> As it stands, Ireland has been using exponentially increasing levels of jet kerosene - 1.36 billion litres in 2023 alone, and as of 2024 Dublin Airport was producing 2.8 million tonnes of CO<sub>2</sub> a year, equivalent to the yearly carbon emissions of 1.4 million cars.<sup>17,18</sup> Since 1990, Ireland's population has grown by 44% but emissions from aviation increased by 500%<sup>19</sup>. As reported by Professor Hannah Daly and expert colleagues - in 2024, aviation accounted for 6% (3.3 million tonnes) of Ireland's total emissions - equivalent to around half of all emissions from power generation; she further notes that "estimates suggest emissions linked to Dublin Airport will rise by 22% by 2031", were the passenger cap to be lifted.<sup>20</sup>

**3.4 Recommendation:** On this basis, and in light of the above information, lifting the only limit at present to polluting flight traffic at Dublin Airport can be understood as an inconceivably irresponsible act, and **we would assert that this draft legislation should be withdrawn without delay.**

Without prejudice to the above, we wish to make the following points in relation to the Bill.

### **4. Inadequacy of consultation process and opportunity for public participation**

**4.1** In making this submission we wish to note that the inadequate timeframe afforded concerned citizens like ourselves to make a submission on this Bill, has rendered our submission less comprehensive than we would have wished. The public consultation timeframe of 8 days to review and respond to a piece of legislation of such consequence cannot reasonably be understood to meet

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<sup>16</sup><https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights>

<sup>17</sup><https://www.independent.ie/irish-news/sales-of-jet-fuel-in-ireland-at-record-high-as-large-flight-numbers-hamper-climate-targets/a722337232.html>

<sup>18</sup> <https://www.ecosia.org/search?addon=opensearch&q=dublin+airport+emissions+per+year>

<sup>19</sup> Hannah Daly, Carbon emissions from aviation can't be swept under the carpet, 2024, accessed at <https://hannahdaly.ie/2024-06-03-aviation>

<sup>20</sup><https://www.rte.ie/brainstorm/2026/0216/1558681-dublin-airport-decarbonisation-land-electricity-sustainable-aviation-fuels-offsets/>

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obligations as regards procedural rights for environmental protection: access to information, public participation and access to justice. We would point to the recent country visit [exit statement of the UN Special Rapporteur on the right to a clean, healthy and sustainable environment](#) regarding this specific issue - "Often public consultations are inaccessible, technical, or timelines are too short, as mentioned by organizations, youth groups and entities during the visit and in their submissions" (p.7).<sup>21</sup>

**4.2** We are also unaware of any efforts to afford opportunity to affected and interested children and young people to participate in this consultation, nor indeed at any stage of the Government's efforts to intervene to lift the 'passenger cap'. In addition to the significance of the climate implications of the Bill to child rights, it is further linked more specifically to child rights concerns related to impacts of air and noise pollution from unprecedented air traffic on children living and attending school in affected communities.<sup>22</sup> We would draw the Committee's urgent attention to the State's obligations in relation to Article 12 of the UN Convention on the Rights of the Child - the Right to be Heard.<sup>23</sup> As per the [General Comment no. 26](#) (GC no. 26, p.5) pertaining to children's environmental rights and in relation to Article 12 - "States must ensure that age-appropriate, safe and accessible mechanisms are in place for children's views to be heard regularly and at all stages of environmental decision-making processes for legislation, policies, regulations, projects and activities that may affect them, at the local, national and international levels".<sup>24</sup>

**Recommendation: We call on the Committee to facilitate an extended and accessible consultation process, incorporating child and youth-friendly participation opportunities.**

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<sup>21</sup> <https://www.ohchr.org/sites/default/files/statements/20260220-eom-stm-ireland-sr-right-a-en.pdf>

<sup>22</sup> <https://www.independent.ie/irish-news/in-the-morning-its-one-plane-after-another-residents-near-dublin-airport-react-to-lifting-of-passenger-cap/a494729559.html>

<sup>23</sup> <https://www.gov.ie/en/department-of-children-disability-and-equality/publications/united-nations-convention-on-the-rights-of-the-child/>

<sup>24</sup> <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crcgc26-general-comment-no-26-2023-childrens-rights>

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### 5. Failure to adequately consider environmental and climate impacts

**5.1** A grave concern we wish to highlight in relation to the Bill is the remarkable and unacceptable failure to adequately consider the environmental harms and climate impacts of removing the passenger cap. This has been most recently highlighted as problematic by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment within her exit statement following her country visit to Ireland in February 2026 - "**decisions such as ...lifting the Dublin Airport passenger cap, are yet to include adequate, comprehensive and scientifically based assessments of environmental and climate impacts**".<sup>25</sup> She has further made clear that "Urgency cannot justify bypassing Ireland's obligation to undertake comprehensive and integral environmental and risk assessments when policies or projects might have significant impacts".<sup>26</sup>

**5.2** As part of our campaign efforts, we have sought to ascertain from the DAA and subsequently the Minister for Transport, what consideration has been given to the climate and pollution impacts of increasing flights from Dublin Airport and interlinked children's rights in the context of both the Climate and Biodiversity Emergency and the impacts on children living and attending school in communities impacted by unprecedented flight traffic. This has included making several Access to Information on the Environment (AIE) and Freedom of Information (FOI) requests. Over 2025, three AIE requests and one FOI request has been submitted to the Department of Transport to try to ascertain what, if any, consideration or evaluation of environmental harms and or climate impacts from increasing emissions from Dublin Airport has been made by the Minister or the Department of Transport further to the Minister's efforts to intervene to lift the passenger cap. We have found no evidence from any records provided by the Department of Transport (from January - 22nd June, 2025) which indicate any independent evaluation of climate impacts. Additionally, no evidence or records of the Department of Transport considering or evaluating children's rights impacts in relation to this matter have been provided or identified for the same time period. Responses we received have pointed to environmental impact

<sup>25</sup> <https://www.ohchr.org/sites/default/files/statements/20260220-eom-stm-ireland-sr-right-a-en.pdf>

<sup>26</sup> <https://www.ohchr.org/en/press-releases/2026/02/ireland-should-mainstream-human-rights-protect-environmental-advances-un>

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assessments completed by the DAA with respect to their planning applications. However, these are of course entirely inadequate in relation to 1) the provisions of this Bill which would remove the passenger cap outright, 2) pertinent emergent data and best available science since the referenced planning applications were made, and 3) the climate and human rights obligations of both the Minister and Department of Transport which are of a different nature to a commercial semi-state body.

**5.3** We further wrote numerous letters to the Minister over 2025 highlighting and querying human rights and climate implications of the Minister's efforts to lift the Dublin Airport passenger cap, and querying what consultations were taking place with climate and biodiversity experts, public health experts, child rights experts, youth activists or young people from communities impacted by air and noise pollution from Dublin Airport. We have received no indication in correspondence received that due regard has been given to any of these matters (up to November 2025). Of note, we made similar queries of the Committee for Transport and Communications in situ during 2024 further to its meeting with Ryanair CEO Michael O'Leary, in relation to the passenger cap, inquiring as to what climate and biodiversity experts, and youth representatives would be afforded an opportunity to meet with them on the same matter. We are unaware of any such meetings taking place over 2024.

**5.4 Further to the publication of the Bill we made an FOI request seeking any records from 1st January 2025 to 14th February 2026 related to any efforts by the Department of Transport or the Minister of Transport to evaluate greenhouse gas emission implications of removing the passenger cap at Dublin Airport. On 27th February we received a response advising no such records exist.** We would reaffirm the concern expressed by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment that the proposal to lift the passenger cap is yet to include "adequate, comprehensive and scientifically based assessments of environmental and climate impacts" (Feb 20, 2026, p.6). **In light of the absence of 'adequate, comprehensive and scientifically based assessments of environmental and climate impacts' we would assert that this Bill is not fit to proceed.**

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**Recommendation: We respectfully ask the Committee to call for a halt to the Government plan to remove the passenger cap, and call for a comprehensive environmental assessment, incorporating human rights and social impacts, of Dublin Airport aviation pollution and implications of lifting the passenger cap. Such an assessment should be in line with the recommended framework by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment.<sup>27</sup>**

### **6. Regarding Head 5 a)- lack of adequate evidence-base for rationale**

**6.1** We are gravely concerned regarding the nature and provisions of Head 5 and the unacceptably subjective basis upon which Ministerial power to revoke or amend a planning condition is proposed - *"The Minister may, for stated reasons, make an order to revoke or amend a planning condition where the Minister is of the opinion that— (a) a planning condition is causing or will cause serious harm to: (i) the international transport connectivity of the State, (ii) the economy of the State, including without limitation to tourism or foreign direct investment, or (iii) the State's ability to comply with obligations under any air transport agreement to which the State is a party..."*.

**6.2** We would assert that the reasons set out in (a) (i) to (iii) are neither well-founded nor evidence-based in relation to proposed lifting of the passenger cap, and that neither due consideration nor evaluation of climate or environmental impacts (see comments and evidence points 3 and 5 above), nor comprehensive assessment related to concepts of economic growth have been carried out. **A case in point regarding the economy and reference to tourism - we would highlight the major travel deficit by which billions more euro leave the State with Irish tourists flying abroad than is brought into the State by visitors.** Most recently available Central Statistics Office (CSO) data indicate a travel deficit of 5.1 Billion for 2023 alone, a figure which Opportunity Green highlights as equating 1% of GDP.<sup>28</sup> CSO data indicates visitor numbers to

<sup>27</sup><https://www.ohchr.org/en/documents/thematic-reports/a80187-report-special-rapporteur-human-right-clean-healthy-and>

<sup>28</sup> <https://opportunitygreen.org/aviation/reports/closing-irelands-aviation-climate-gap/>

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Ireland have remained largely static and that spending within the country may even be decreasing, despite record numbers of passenger traffic through Dublin Airport.<sup>29</sup> Additionally a 2025 research report by the New Economics Foundation *The Economics of Air Transport in Europe* has challenged notions linking airport expansion to national economic gain - rather it finds that business travel is either saturated or on the decline, while *outbound* tourism increases in line with GDP.<sup>30</sup> The study authors conclude that - "Policymakers cannot rely either on "assumed" growth benefits, or benefits calculated using relationships based on outdated or regionally non-specific analyses".<sup>31</sup> **We submitted an FOI request seeking any records from 1st January 2025 to 14th February 2026 related to any efforts by the Department of Transport or the Minister of Transport to evaluate economic implications of outgoing tourism from Ireland in relation to removing the passenger cap at Dublin Airport. On 27th February, we received a response advising no such records exist.**

**6.3** An additional gap in the proposed provisions relates to the failure to consider economic implications of the escalating Climate Emergency and the related contribution of record levels of aviation fossil fuel emissions.<sup>32</sup> We further highlight apparent disregard to the economic impacts of the major tax gap resulting from outdated jet fuel subsidies and absence of responsible fiscal policies to tackle aviation pollution.<sup>33,34</sup> However, irrespective of contradictory evidence 'debunking' assumptions regarding economic growth and airport expansion, we would further point to the afore-mentioned UN Special Rapporteur's clear statement of February 20th, 2026 that - "Economic revenue must not come at the expense of protecting the environment and human rights, especially with severe climate change, biodiversity loss and toxic pollution harms already impacting people, as recent floods in Dublin evidence."<sup>35</sup>

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<sup>29</sup> <https://www.irishexaminer.com/opinion/commentanalysis/arid-41794877.html>

<sup>30</sup> <https://neweconomics.org/2025/11/the-economics-of-air-transport-in-europe>

<sup>31</sup> <https://neweconomics.org/2025/11/the-economics-of-air-transport-in-europe>

<sup>32</sup> <https://www.rte.ie/news/2026/0217/1558953-storm-chandra/>

<sup>33</sup> <https://www.socialjustice.ie/content/policy-issues/its-time-price-flying-reflected-true-cost>

<sup>34</sup> <https://www.transportenvironment.org/topics/planes/aviation-taxes>

<sup>35</sup> <https://www.ohchr.org/en/press-releases/2026/02/ireland-should-mainstream-human-rights-protect-environmental-advances-un>

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**6.4** Furthermore we wish to strongly disagree with the framing of 'serious harm' as implicitly linked to the existence of the passenger cap. This would appear to preclude any consideration of environmental harms of air and noise pollution to human health, of harms of airport pollution to biodiversity, of climate harms of CO<sub>2</sub> and non-CO<sub>2</sub> emissions, of contributory harms of increasing aviation emissions to climate-change related negative impacts to health across the lifespan, or of harms to children's rights and welfare in relation to pollution and climate change. With regard to just one of these as an illustrative point - the serious harmful implications of aviation air pollution for human health, we would highlight the following:

- Research is increasingly emerging about the serious health implications of airport / aviation pollution, in particular in relation to 'ultrafine particles' (UFP) both within and outside airplanes, and for communities living close to airports <sup>36,37</sup>,
- Ultrafine particles have serious mental and physical health implications across the lifespan, with harms possible from exposure at the earliest stages of human development in the womb.<sup>38</sup>
- One study published in February 2026 found effects of a medium-large international airport (Helsinki-Vantaa, Finland) on particle number concentration (PNC) were observable even 15 kilometres away.<sup>39</sup>

**6.5** Re. the latter study, given Helsinki-Vantaa has less than half the most recently recorded annual flight passenger traffic of Dublin Airport as of 2025, we would assert that it is vital that urgent independent research is carried out to determine air quality and related health impacts of existing unprecedented levels of Dublin Airport air traffic, to ensure prioritisation of protection of public health<sup>40</sup>.

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<sup>36</sup> [https://www.transportenvironment.org/uploads/files/CEDElft\\_Final\\_Study.pdf](https://www.transportenvironment.org/uploads/files/CEDElft_Final_Study.pdf)

<sup>37</sup> <https://www.sciencedirect.com/science/article/pii/S0160412025006567>

<sup>38</sup> [https://www.transportenvironment.org/uploads/files/Health-study-briefing\\_TE.pdf](https://www.transportenvironment.org/uploads/files/Health-study-briefing_TE.pdf)

<sup>39</sup> <https://www.sciencedirect.com/science/article/pii/S0160412026000747>

<sup>40</sup> <https://www.finavia.fi/en/about-finavia/about-air-traffic/traffic-statistics>

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**6.6** We understand by the nature of this Head that the minister seeks to bypass the planning process via this Bill. We believe this is unsafe, as the planning authorities are institutions which seek to manage land use and development in a way that balances environmental protection, social equity and economic growth, subject to section 15 of the 'Climate Act'. The planning process is there to protect us. We cannot replace the work of this institution via what would appear to be centralisation of major planning decisions to one individual, and based upon that Minister's opinion.

**Recommendation: We again respectfully ask the Committee to call for a halt to the Government plan to remove the passenger cap, and call for a comprehensive evidence-based review of the apparent assumptions underpinning this Bill, including economic implications of aviation pollution, related climate and health impacts, and economic implications of current aviation policy. We assert that it is unacceptable and undemocratic to propose the Minister would have this level of power in relation to planning conditions.**

### **7. Regarding Head 5 b) - failure to define the public interest**

**7.1** We wish to express particular concern over a lack of definition of what the 'public interest' is in the context of this Bill, and would reiterate the apparent absence of consideration of the harmful implications of increasing aviation air and noise pollution to the public interest, or of climate harms from increasing aviation emission to the public interest, and of flawed assumptions regarding economic impacts of aviation which would appear to be implicit to this provision. (See points 3, 5 and 6 above) **We submitted an FOI request seeking any records from 1st January 2025 to 14th February 2026 related to any efforts by the Department of Transport or the Minister of Transport to determine the 'public interest' in the context of climate change and implications of removing the passenger cap at Dublin Airport. On 27th February, we received a response advising no such records exist.**

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**7.2** We would especially draw the Committee's attention to the State's child rights obligations in relation to this issue, and in particular to Article 3 of the UN Convention on the Rights of the Child - Best Interests of the Child.<sup>41</sup> As the UN Committee on the Rights of the Child makes clear in their General Comment no. 26, Section B-

"16. Environmental decisions generally concern children, and the best interests of the child shall be a primary consideration in the adoption and implementation of environmental decisions, including laws, regulations, policies, standards, guidelines, plans, strategies,.... Where an environmental decision may have a significant impact on children, conducting a more detailed procedure to assess and determine children's best interests that provides opportunities for their effective and meaningful participation, is appropriate.

17. Determining the best interests of the child should include an assessment of the specific circumstances that place children uniquely at risk in the context of environmental harm. The purpose of assessing the best interests of the child shall be to ensure the full and effective enjoyment of all rights, including the right to a clean, healthy and sustainable environment.

18. States should not only protect children against environmental harm, but also ensure their well-being and development, taking into account the possibility of future risk and harm.<sup>6</sup> 18. The adoption of all measures of implementation should also follow a procedure that ensures that the best interests of the child are a primary consideration. A child rights impact assessment should be used to evaluate the environmental impact of all implementation measures, such as any proposed policy, legislation, regulation, budget or other administrative decision concerning children, and should complement ongoing monitoring and evaluation of the impact of measures on children's rights."<sup>42</sup>

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<sup>41</sup><https://www.gov.ie/en/department-of-children-disability-and-equality/publications/united-nations-convention-on-the-rights-of-the-child/>

<sup>42</sup> <https://docs.un.org/en/CRC/C/GC/26>

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**7.3 We submitted an FOI request seeking any records from 1st January 2025 to 14th February 2026 related to any efforts by the Department of Transport or the Minister of Transport to consider the State's ability to comply with any child rights conventions or agreements under which the State is a party, in relation to removing the passenger cap at Dublin Airport. On 27th February, we received a response advising no such records exist.** As we have noted above (point 5), we are unaware of any evidence of any child rights due diligence in relation to efforts to lift the passenger cap nor the provisions of this Bill, therefore we would assert that any reference to the 'public interest' cannot be considered well-founded as it appears children's best interests have not been meaningfully considered nor assessed at any stage.

**Recommendation: We urge the Committee to call for a child rights impact assessment of both current Government intervention to remove the passenger cap and of current national aviation policy. We further assert that no claims about the 'public interest' can reasonably be made within this Bill in light of the lack of any evidence of consideration of the 'public interest' in the context of climate change and implications of removing the passenger cap.**

### **8. Regarding HEAD 12 Exemption from the Act of 2015**

**8.1** We wish to express our shock and dismay at the content of Head 12 and its extraordinary implications. The notion that State climate obligations as set out under section 15 of the 'Climate Act' would be disapplied to this Bill is outrageous. As parents and grandparents, rationally concerned about the realities facing our children and grandchildren as they grow up, we are incredulous that the Government would attempt to disconnect the reality of the State-declared Climate Emergency from this Bill (see point 3), given its direct link to enabling increased aviation fossil fuel emissions. Given the gravity of the Climate Emergency and the multiple harms facing children in Ireland and elsewhere, we assert that as citizens and caregivers, we see this proposed action as chilling in nature. We believe it would represent a dereliction of duty by the

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State as regards its aforementioned obligation “to prioritise rapid and effective emissions reductions to protect the rights and welfare of children”.<sup>43</sup>

**8.2** We would draw the Committee’s attention to the 2025 advisory opinion of the International Court of Justice which affirmed States’ clear and binding obligations under the Paris Agreement, and “clarified that all States have the obligation under customary international law to protect the environment and the climate system, and thus, to implement effective actions to avoid harms, including transboundary ones, related to mitigation, adaptation and restoration. It highlights that States must act with strict due diligence in relation to the environment and the climate system, derived from the high risk that harm to it can imply” (as affirmed to the State by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment, 20th February 2026).<sup>44,45</sup>

**Recommendation: This Bill cannot be understood to fulfil this requirement and Head 12 cannot be understood to be in any way acceptable in this regard.**

### Summary of Recommendations:

1. In the first instance, and in light of 1) the dramatic escalation of the State-declared Climate Emergency over the last 12 months, 2) worsening implications for children and future generations in Ireland as everywhere, and related State child rights obligations, and 3) already record-levels of increasing aviation fossil fuel pollution, we recommend that this Bill should be withdrawn.

2. We respectfully ask the Committee to call for a halt to the Government plan to remove the passenger cap, and call for a comprehensive environmental assessment, incorporating human rights and social impacts, of Dublin Airport aviation pollution and implications of lifting the passenger cap. Such an assessment should be in line with the recommended framework by the UN Special Rapporteur on the right to a clean, healthy and sustainable environment.

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<sup>43</sup><https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights>

<sup>44</sup> <https://www.icj-cij.org/case/187>

<sup>45</sup> <https://docs.un.org/en/CRC/C/GC/26>

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3. We respectfully ask the Committee to call for a comprehensive evidence-based review of the apparent assumptions underpinning this Bill, including economic implications of aviation pollution, related climate and health impacts, and economic implications of current aviation policy. We assert that it is unacceptable and undemocratic to propose the Minister would have this level of power in relation to planning conditions.

4. We call on the Committee to facilitate an extended and accessible consultation process, incorporating child and youth-friendly participation opportunities.

5. We urge the Committee to call for a child rights impact assessment of both current Government intervention to remove the passenger cap and of current national aviation policy. We further recommend that it be recognised that no claims about the 'public interest' can reasonably be made within this Bill in light of the lack of any evidence of consideration of the 'public interest' in the context of climate change and implications of removing the passenger cap, nor of children's rights.

6. We recommend that provisions to disapply Section 15 of the Climate Action and Low Carbon Development Act 2015 under Head 12 be recognised as unacceptable, disconnected from the grave reality of the State-declared Climate and Biodiversity Emergency, and at odds with the State's obligations under international human rights law and relevant climate obligations.

Children's Rights Over Flights remains available to assist the Committee in their work however we might.

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**End of submission**