

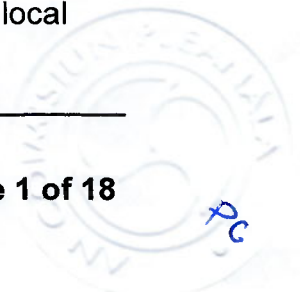
Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0636

Appeal by SMTW Environmental DAC and by Others against the decision made on the 21st day of August 2024, by Fingal County Council to grant, subject to conditions, a permission to DAA plc in accordance with plans and particulars lodged with the said Council.

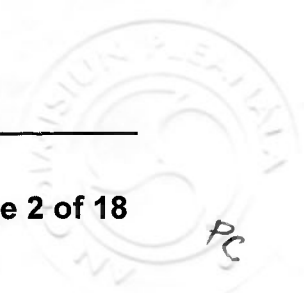
Proposed Development: The proposed development includes upgrades to existing drainage infrastructure and construction of additional drainage infrastructure to improve performance of the surface water management system at Dublin Airport which will consist of: (a) A contamination detection and response (CD&R) system comprising detection devices, network decision points (DPs), control kiosks and ancillary infrastructure, including local access roads, local drainage and communications and power ducts. (b) Clean water supply pipelines consisting of large diameter trunk pipelines. (c) Airfield contaminated pipelines consisting of large diameter trunk pipelines. (d) Upgrades to the West Apron surface water collection network, including reconfiguration of the existing network, construction of an underground attenuation tank, installation of a local CD&R system, network DPs and control kiosks, construction of an underground pollution storage tank, a pumping station and ancillary development, including local ductwork, local



access roads and local drainage. (e) Upgrades to the existing surface water collection network in the vicinity of the South Apron, including reconfiguration of the existing network, construction of network DPs, upgrade of the existing flow diversion structure (FDS) and reconfiguration of the existing Cuckoo supply channel. (f) A central pollution control facility (CPCF) consisting of underground pollution control storage tanks, a pumping station, a discharge pipeline to the Uisce Éireann network, mechanical and electrical equipment, a control building, an electrical substation, and ancillary development, including a local access road, enhanced flood bund, local drainage and ducting. (g) A CPCF pipeline consisting of a large diameter trunk pipeline. (h) A central supervisory control and data acquisition (SCADA) system comprising kiosks and associated electrical power and signal connections. (i) Repurposing of the central section of the existing Airfield Trunk Culvert (ATC) as a contaminated pipeline. (j) Ancillary and associated development, including pipework, mechanical and electrical service connections and upgrades, temporary compounds and site works, all in the townlands of Pickardstown, Coutry, Huntstown, Forrest Great, Forrest Little, and Collinstown, and to the east of the airfield in the townlands of Cloghran, Corballis, Commons, Toberbunny, Stockhole and Clonshagh, Dublin Airport, Swords, County Dublin as revised by the further public notices received by the planning authority on the 27th day of June 2024, which included updates to the Environmental Impact Assessment Report, Natura Impact Statement, Water Framework Directive Assessment Report and planning drawings.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.



Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

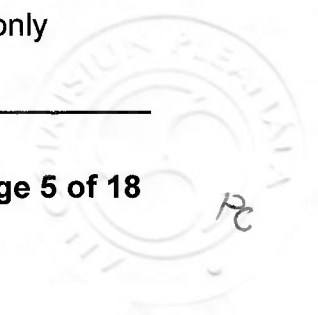
- (a) European legislation, including of particular relevance:
 - (i) Directive 2011/92/EU, as amended by 2014/52/EU, on the assessment of the effects of certain public and private projects on the environment,
 - (ii) Directives 92/43/EEC (Habitats) and 79/409/EEC (Birds), as amended by 2009/147/EC, on the conservation of natural habitats, wild fauna and flora, and
 - (iii) Directive 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive).
- (b) National and regional planning and related policy, including:
 - (i) the Water Action Plan 2024,
 - (ii) the National Aviation Policy which seeks to promote Dublin as a secondary hub airport (Action 4.3.1),

- (iii) the National Planning Framework, First Revision (April 2025), which seeks to promote high-quality international connectivity, noting its importance to international competitiveness (NSO 4), and
 - (iv) the Regional Spatial and Economic Strategy 2019-2031, which seeks to protect and enhance international connectivity (RSO 14).
- (c) Local planning policy, including:
- (i) the location of the proposed development on zoned 'DA – Dublin Airport' lands under the provisions of the Fingal County Development Plan 2023-2029, as varied, which seeks 'to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan (LAP), and the safeguard to ensure all development within LAP lands comply with the objectives of the LAP, including those in relation to surface water quality and groundwater protection (policy DAP7), and
 - (ii) the provisions of the Dublin Airport LAP 2020, as extended, which seeks to develop a robust surface water management system to meet future needs and provide resilience to climate change (Objective SW08), to protect existing flood risk management infrastructure and safeguard planning future infrastructure (Objective FRM02), whilst striving to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive and River Basin Management Plan (objective WQ01).
- (d) other relevant national policy and guidance documents,

- (e) the planning history of Dublin Airport generally and recently permitted and proposed developments specifically, including, but not limited to, Metrolink, the Greater Dublin Drainage (GDD) project, Apron 5H, the Airfield Underpass, and the 'Infrastructure Application' (Fingal County Council planning register reference number F23A/0781),
- (f) the linear nature, scale and design of the proposed development, as set out in the planning application, and the pattern of development in the vicinity, including existing airport drainage infrastructure and the proposal to reduce levels of contaminated surface water discharge to the Cuckoo Stream in accordance with the requirements of the European Communities Environmental Objectives (Surface Waters) Regulations 2009,
- (g) the submissions made in connection with the planning application and the appeal, and
- (h) the report and recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to Environmental Impact Assessment and Appropriate Assessment.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the planning application, and all other relevant submissions on file, and carried out an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Baldoyle Bay Special Area of Conservation (Site Code: 000199) and Baldoyle Bay Special Protection Area (Site Code: 004016) are the only



European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for Baldoyle Bay Special Area of Conservation (Site Code: 000199) and Baldoyle Bay Special Protection Area (Site Code: 004016) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

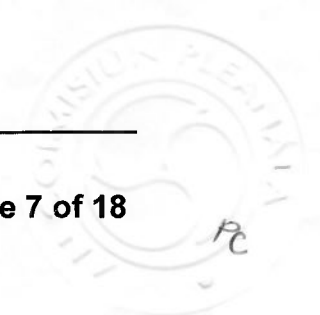
In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives

and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Commission considered the Environmental Impact Assessment Report supported by the documentation submitted by the applicant on population and human health, biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive, land, soil, water, air and climate, material assets, cultural heritage and the landscape, the interaction between the above factors, and the vulnerability of the proposed development to risks of major accidents and/or disasters. The information provided is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects on the environment, taking into account current knowledge and methods of assessment.

The Commission completed an environmental impact assessment in relation to the proposed development on population and human health, biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive, land, soil, water, air and climate, material assets, cultural heritage and the landscape, the interaction between the above factors, and the vulnerability of the proposed development to risks of major accidents and/or disasters and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects of the proposal on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable, particularly regarding water quality where significant positive effects are likely.



The Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

Water:

That the proposed surface water infrastructure upgrades, will reduce the amount of contaminated water being discharged into receiving waters and will result in higher levels of clean uncontaminated water being discharged into receiving waters which, in turn, will have consequential benefits for European Sites downstream.

Biodiversity:

Significant impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the overall scheme. The consequential benefits of a cleaner water discharge to the Cuckoo Stream will also have positive benefits in terms of biodiversity.

Conclusions on Proper Planning and Sustainable Development:

Having regard to the nature of the proposed development, which proposes significant upgrades to the existing airfield drainage system, it is considered that the proposed Airfield Drainage Project would optimise the performance of the surface water management system at Dublin Airport for improved efficiency, greater operational flexibility, and resilience to a broad range of weather events, and thus provide infrastructural assistance in promoting Dublin Airport's status as a secondary hub, and indirectly improve international connectivity and competitiveness in line with local, regional and national policy. It is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the environment or public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of June 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

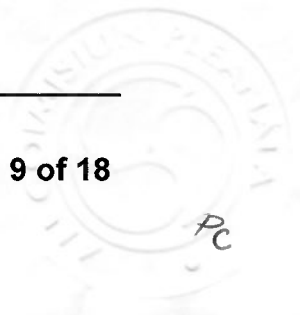
Reason: In the interest of clarity.

2. The mitigation and monitoring measures contained in the updated Environmental Impact Assessment Report shall be implemented in full.

Reason: To protect the environment.

3. The mitigation and monitoring measures contained in the updated Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.



4. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters (including a management response to prohibit the mobilisation/migration of contaminants such as PFAS and invasive species such as Japanese Knotweed), site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

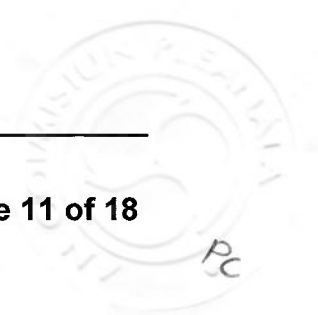
Reason: In the interests of public health and environmental protection.

5. Prior to commencement of development, construction details for all in-stream and dry ditch works, including works within 10 metres thereof shall be submitted to, and agreed in writing with, the planning authority, following consultation with Inland Fisheries Ireland. Agreed details shall be incorporated into the Construction and Environmental Management Plan.

Reason: To prevent flooding and in the interest of environmental protection.

6. (a) The developer shall be required to engage the services of a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures specified in Section 16.6.1 of the Environmental Impact Assessment Report. The archaeological mitigation measures shall include geophysical survey, archaeological testing and archaeological monitoring at the specified locations. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004) and, where appropriate, having consulted the geophysical survey results and the site drawings.
- (c) Having completed the work, the archaeologist shall submit a written report with appropriate imagery and illustrations to the planning authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring shall be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

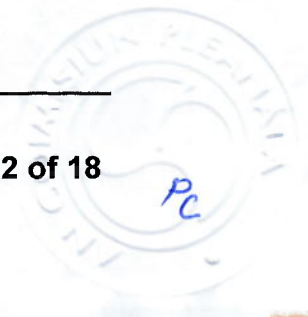


7. (a) The internal road network serving the proposed development (construction and operational phases), including junctions, parking areas, footpaths and kerbs, shall be in accordance with the requirements and detailed construction standards of the planning authority for such works.
- (b) The construction details for all proposed pipelines, where they cross the alignment of the R132, shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

8. A detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.



9. (a) A Surface Water Monitoring Plan (SWMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The SWMP shall include, but not be limited to, an annual reporting programme and shall comprise agreement on the nature, frequency and locations of water quality sampling, including the provision of sampling locations, accessible to the water authority downstream of the Flow Diversion Structure (FDS) and Central Pollution Control Facility (CPCF) overflow outfall and defined trigger levels for diversions of surface water to foul sewer. The sampling schedules shall be concentrated to de-icing seasons and the format of reporting and frequency of sampling/relationships to de-icing events shall be part of the agreed reporting.
- (b) Prior to commencement of development, and annually thereafter, a report shall be published and submitted to the planning authority setting out details of total de-icer in storage volumes delivered to the airport in the preceding 12 months with a detailed record of (methods and volumes) glycol recovered and reused.

Reason: In the interests of environmental protection and public health.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

11. Public lighting shall be provided in accordance with a scheme prepared in line with the principles of the Bat Conservation Trust Guidance on Bats and Artificial Lighting at Night. The scheme shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the operation of the CPCF hereby permitted.

Reason: In the interests of amenity and public safety, and wildlife protection.

12. Prior to commencement of development (including tree, hedgerow clearance) a bat survey shall be undertaken by a bat specialist and submitted to, and agreed in writing with, the planning authority. Any demolition of structures or tree clearance that supports a new record of bat roost shall be carried out only under licence from the National Parks and Wildlife Service (NPWS) and details of such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

13. (a) Tree protection and removal shall be carried out in accordance with the details received by the planning authority on the 13th day of June 2024, unless otherwise agreed in writing with the planning authority prior to commencement of development.

- (b) The landscaping scheme submitted with the planning application, in addition to the replacement planting strategy shown on drawing number PP-01-RFI and the green infrastructure enhancement measures indicated on drawing number GI-01-PP, shall be carried out within the first planting season following substantial completion of construction works, unless otherwise agreed in writing with the planning authority prior to commencement of development. Engineering details in relation to the landscaped flood protection bund in 'Eastlands' shall be agreed in writing with the planning authority prior to commencement of development.
- (c) Save for the works authorised by this permission, the developer shall otherwise protect and retain the riparian corridor throughout the development site. All planting in this area shall be water compatible and shall not obstruct the watercourse and shall otherwise be in accordance with Inland Fisheries Ireland guidance.
- (d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of two years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and biodiversity.

14. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of a suitably qualified individual to oversee the preparation of a Biodiversity Net Gain (BNG) Action Plan related to the Airfield Drainage Project.
- (b) The agreed individual shall be appointed by the developer to oversee the preparation and submission to the planning authority of a BNG Action Plan for written agreement for the provision and management of on-site and/or off-site habitats. The plan shall set out a multi-annual programme, including annual targets and indicators to achieve a net gain in biodiversity for each identified habitat and species impacted as a result of the proposal within five years of commencement of development.
- (c) The plan shall include tree planting, creation/rehabilitation wetland habitat, including instream, riparian and floodplain, grassland habitat, with specific areas for Willow Warbler and Goldcrest in the vicinity of the Cuckoo Stream.
- (d) A BNG update report containing progress monitoring and habitat surveys shall be submitted to the planning authority annually.

Reason: In the interest of biodiversity.

15. (a) Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

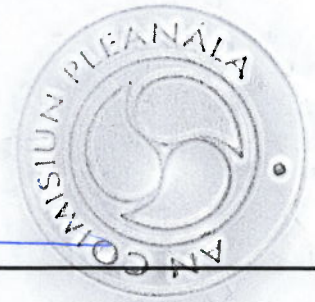
- (b) The RWMP shall include a detailed assessment of all potential ground contamination or contaminated soils linked with PFAS as part of the assessment prior to any works taking place with appropriate measures put in place to deal with any contaminated waste materials generated during site works. Any soil excavated during site preparation or construction phases contaminated with PFAS shall be disposed of at an authorised facility and not re-used on site, unless otherwise managed in accordance with relevant legislation. The disposal of PFAS contaminated materials shall be agreed in writing with the planning authority prior to removal off site.

Reason: In the interests of sustainable waste management, environmental protection and public health.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 16th day of June 2026.