



An
Bord
Pleanála

Inspector's Report

ABP-316138-23

Development

Development on 4 sites located entirely within lands in the ownership of Dublin Airport, including 2 sites at the airfield in the townlands of Collinstown, Coultury, and Huntstown, Co. Dublin. The proposed development will consist of the construction of a subterranean underpass of runway 16/34 and all associated and ancillary works. The planning application is accompanied by an EIAR and an NIS.

Location

Townlands of Collinstown, Coultury, and Huntstown Co. Dublin and in the townlands of Pickardstown and Portmellick, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F22A/0460

Applicant(s)

DAA plc

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	First and Third Party
Appellant(s)	DAA plc (1 st) Ryanair (3 rd) SMTW Environmental DAC (3 rd)
Observer(s)	N/A.
Prescribed Bodies	TII NTA
Date of Site Inspection	22.11.2023
Inspector	Mary MacMahon

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1.0 Introduction

- 1.1. This is a First and Third Party Appeal against a decision by Fingal County Council to grant planning permission for a subterranean underpass of the crosswind runway (16/34) at Dublin Airport. The First Party, DAA plc., is appealing 5 no. conditions attached to the decision to grant planning permission. There are two Third Parties – Ryanair and SMTW Environmental DAC (SMTWE DAC).
- 1.2. The application was accompanied by and EIAR and NIS. Further information was sought by Fingal County Council. The Board, similarly sought further information in relation to the EIAR on 7th July, 2023 concerning indirect effects. This information was received on 25th July, 2023 and circulated to the parties on 30th August, 2023. Responses were received.
- 1.3. Ryanair requested an oral hearing. On 4th October, 2023, the Board considered that there was sufficient written evidence on the file and that an Oral Hearing should not be held.
- 1.4. Please note that under the *Aircraft Noise (Dublin Airport) Regulation Act, 2019*, the *Planning and Development Act, 2000*, was amended to exclude airports with not less than 2 million passengers per annum (mppa) from Strategic Infrastructure Development and so the application has been through Section 34 of the Planning and Development Act.
- 1.5. In preparing this report, I consulted with Dr. Maeve Flynn, Ecologist with An Bord Pleanála and Emmet Smyth, Inspectorate Scientist. Dr. Flynn has reported on the Adequateness of information for purpose of Appropriate Assessment and Biodiversity. I adopt her findings and recommend that the Board do likewise. Emmet Smyth, Inspectorate Scientist has assessed the EIAR chapters on Lands and Soils and Water. I adopt his findings and recommend that the Board do likewise. The reports in relation to their work are in the appendices of this report.
- 1.6. Please note that on 15th December, 2023, the Daa has lodged an Infrastructure Application, to increase the capacity, among other physical elements, from 32 mppa to 40 mppa. It includes the provision of the proposed Underpass as part of the application. An EIAR and NIS are included.

2.0 Site Location and Description

- 2.1. Dublin Airport is the main international airport for Ireland. It is located circa 10 km north of Dublin City. It is north of the M50, west of the M1 and east of the N2. It is accessed by road. The R108 skirts the western boundary of the two main runways. St. Margarets is located to the west, accessed from the R122. The Ward is further west again and accessed from the R135.
- 2.2. In terms of background, the airport was originally an aerodrome for the RAF, pre-Independence. In 1936, the government decided that this airport should be the civil airport. Since then, the airport has developed on a piecemeal basis. The first passenger terminal was opened in 1941. Terminal 1 was opened in 1972. It now consists of three Piers, which provides access to aircraft stands. Terminal 2 was opened in 2010 and includes the pre-clearance immigration facility for the United States of America and Pier 4, for transatlantic flights. The new north runway was commissioned in 2022.
- 2.3. The site area is stated as 34.0585 ha. It consists of 4 no. parcels of land, within Dublin Airport. The largest parcel of land includes Pier 3 and some of the area (apron) around Pier 2. It then traverses Runway 16/34 and includes circa half of the West Apron, where aircraft are parked (stated as circa 22.7596 ha). To south of the west apron is the temporary construction compound for the tunnel works (West Apron Compound – stated as circa 2.3312 ha). It is accessed from the R108. Further west is the proposed Southern Compound (stated as circa 4.447 ha). It is also accessed from the R108. The Western Compound is located off the R108 and south of the North Runway. The Western Compound is in use for current construction works. An area adjacent to it (stated as circa 4.5297 ha) will form the new compound. Most construction traffic will enter through security at Gate 9, located on the western section of the R108, between the Southern and Western Compounds.
- 2.4. There are two perimeter roads that circle the airport runways, the Northern Perimeter and Southern Perimeter Road. It is stated that this road is circa 8 km long. It is accessed southeast of Pier 4 and connects to the West Apron. It is a two-lane road.
- 2.5. The Cuckoo Stream is culverted in the site and passes under the taxiways and across the route of the proposed development. The culvert is named the Airfield Trunk. Surface water from Dublin Airport, following attenuation, outfalls to the culvert.

3.0 Proposed Development

3.1. The proposed development is the construction of a 1.1 km road, which includes a subterranean underpass (0.7 km) of Runway 16/34. It will involve the following:

- Demolition of part of the pavement surfaces of the runway, aprons and taxiways (Runway 16/34, Apron Taxiway 4, West Apron, Taxiways F-2, W1 and W2)(23,741m²) and their reinstatement (16,216m²).
- Demolition of the passenger walkways and their supports, air bridge and aircraft stands at Level 20 at Pier 3 and their replacement with 3 no. fixed links (airbridges) over the airside road network and Node buildings and associated modifications of Pier 3.
- Construction of a twin-cell enclosed tunnel with two lanes in each direction, 24m wide and 5.5 m from road to tunnel ceiling, located 17.5 m below existing ground level and includes a drainage sump. It will run from Pier 3 to the West Apron.
- Associated plant, tie-in roadworks and 31 no. car parking spaces at surface level at Pier 3 and reconfiguration of the aprons around Pier 2 and Pier 3.
- Realignment of aircraft stands on the Eastern Campus, with the net loss of 3 no. Narrow Body Enabled (NBE) stands and net gain of 1 no. Wide Body (WB) stand at Pier 3, realignment of aircraft stands at Pier 2 and realignment of aircraft stands on the West Apron.
- Drainage works, including the temporary diversion of the Airfield Trunk Culvert and all ancillary works as well as provision for future drainage infrastructure (sewers and attenuation facility).
- New Western Compound adjacent to the existing Western Compound with new access off the R108 for the pre-screening of deliveries and associated storage/office and for car parking for construction staff and stockpiling.
- Area to the north of the R108 to be used for new lorry waiting area (Southern Compound).

- Use of an existing airside compound for construction compound, including concrete crushing and batching, site offices, workshop, storage and parking. A stockpile will be located here (West Apron Compound).
 - The application was accompanied by an EIAR and NIS.
- 3.2. The proposed development does not propose any increase in passenger, cargo or operational capacity at Dublin Airport.
- 3.3. I refer the Board to the Planning Report submitted with the application by Coakley O'Neill Town Planning Ltd, that contain Figures clearly illustrating the proposed development.
- 3.4. Construction is anticipated to take 3 years to complete. It will be undertaken in 3 phases. The first phase will be enabling works. The second phase will be main construction phase and the third phase will be commissioning works. In Phase 2, the Crosswind Runway will only be available for taxiing. Working hours will take place at both day and night (0700 to 1900 and 2300 to 0600), Monday to Saturday.
- 3.5. When in operation, the proposed Underpass will be controlled by the Traffic Control Centre, which will manage traffic, lighting, ventilation, power, CCTV, fire detection and contact with emergency services.

4.0 **Glossary of Terms**

- 4.1. The following terms are used throughout the application:
- Airside – areas that include all areas accessible to aircraft.
 - Landside – all other areas.
 - Aircraft stand – designated area for parking aircraft for the purposes of embarkation/ disembarkation of passengers, loading / unloading of cargo or fuelling.
 - Apron – area for parking of planes, unloading passengers, mail or cargo, fuelling or maintenance.
 - ANCR – Aircraft Noise Competent Authority.
 - CAR - the Commission for Aviation Regulation.

- Pier – the long, narrow building extending from the terminal where boarding gates are located and access is provided to aircraft stands.
- Boarding gate – waiting area for passengers before entering the airbridge or aircraft.
- Fixed links – the elevated passenger walkway from the Pier to the node.
- Node – the small two storey building at the end of the fixed link that provides access to the ground or to the aeroplane.
- Airbridge – the movable section of passenger walkway from the node to the aircraft.
- 10R/28L – South Runway.
- 10L/28R – North Runway (new runway).
- 16/34 – Crosswind Runway.
- mppa – million passengers per annum.

5.0 Planning Authority Decision

5.1. The planning authority on the 27.02.2023 decided to grant planning permission, subject to 21 no. conditions. The conditions are generally standard. Of particular relevance to the First Party appeal are the following:

- Condition 13, which states:

Prior to commencement of the development, the developer shall submit to and agree with the NTA and the MetroLink project team, a methodology for coordination between project teams during the course of the proposed development's procurement and construction. Prior to the commencement of the development, details of the agreed methodology shall be submitted to the Planning Authority.

Reason: In the interest of coordination of development and to ensure proper planning and sustainable development.

- Condition 16 (c), which states that the final design and layout, including height, of proposed jet blasting fencing, shall be agreed with the planning authority, the reason being in the interest of proper planning, public health and climate.

- Condition 17, which states:

Prior to commencement of development, a decommissioning plan including timeframes for A decommissioning of all construction compounds authorised under this permission B decommissioning of the proposed underpass at the end of its design life. shall be agreed in writing with the planning authority.

Reason: In the interest of proper planning and sustainable development of the area.

- Condition 20, which states:

The following requirements of the transportation section shall be complied with in full:

- Further details on pedestrian way finding through the underpass shall be submitted in writing to the planning Authority prior to commencement following final approval by the IAA
- Further details on pedestrian connectivity and priority on the airfield shall be submitted in writing to the planning Authority prior to commencement following final approval by the IAA
- A mobility management plan shall be submitted in writing and written agreement reached with the planning authority prior to commencement of construction addressing the parking needs of all contractors and construction compounds across the Airport Complex.

Reason: In the interest of proper planning orderly development, traffic safety and compliance with objectives of the Fingal Development Plan 2017-2023 and the Dublin Airport Local Area Plan 2020.

- Condition 21, which states:

Prior to Commencement of development the developer shall pay the sum of €370,472.50 (updated at date of commencement of development, in

accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

5.2. Planning Authority Reports

5.2.1. *Planner's Report*

5.2.2. The zoning of the site is DA Zoning Objective in the *Fingal Development Plan 2017-2023*, which is to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan. The vision is to facilitate air transport infrastructure, which includes aircraft areas, air traffic control/tower, ancillary health, safety and security uses, aprons, cargo handling, maintenance hangers, meteorology, retail-airside/duty free, runways, taxiways, terminals and piers, and airport related activity only.

5.2.3. The parcels of land within the site are located in Noise Zone A and within the Outer Public Safety Zone, with part of the underpass within the Inner Public Safety Zone. The land parcels are within the Airport Red Approach Area.

5.2.4. There is a specific objective for the indicative alignment of MetroLink and for the provision of an Airport Stop.

5.2.5. The site is located within Flood Zone C.

5.2.6. Four third party observations were received from the public. The objections are summarised.

5.2.7. **Prescribed Bodies (Statutory Consultation Period)**

- 5.2.8. **HSE** – comments on the EIAR, seeks to mitigate Greenhouse Gas Emissions, opportunities for health in terms of active travel. No risk to public health if the mitigation measures are implemented. Noise monitoring should include the four road locations where noise sensitive locations are present. Renewable energy should be included. Drainage should be designed to limit the opportunities for mosquitos and should form an integrated pest/vector management plan. A number of recommendations are made.
- 5.2.9. **HSA** – do not advise against the granting of permission in the context of Major Accidents.
- 5.2.10. **NTA** – satisfied that the proposed development will have no physical impacts on the Metrolink, but request a condition to allow the co-ordination of development.
- 5.2.11. **TII, UE** and **IAA** have no comment to make.
- 5.2.12. The **ANCA** does not consider that a noise related action or new operating restriction is required.
- 5.2.13. The **DAU** made a submission but it was late and was went on the file at **Further Information**. The planning authority is satisfied that there is sufficient detail in the EIAR and NIS to allow the planning authority came to a conclusion on environmental effects and adverse effects on European Sites. The proposed development will not give rise to adverse effects on European sites.
- 5.2.14. **Planners Assessment**
- 5.2.15. The proposed development does not propose any increase in passenger, cargo or operational capacity at Dublin Airport.
- 5.2.16. The underpass will take three years to construct, using a cut and fill technique. De-watering will be required. Some 44,000 tonnes of waste will be disposed off-site. Some 305,000 cubic metres of materials will be needed. Peak HGV traffic will be 1,900 vehicles per week. Construction work will be undertaken 24/7 and the northern perimeter road will be used to connect the campuses on an interim measure. The drainage network will be upgraded and future proofed. The Crosswind runway will be closed for circa 6 months, except for taxiing.
- 5.2.17. The design life of the underpass is 60 years.

- 5.2.18. Dublin Airport is an international airport and the main airport in the country. It is a key piece of national infrastructure, recognised in the National Planning Framework and the National Development Plan, which supports the North Runway.
- 5.2.19. The '*National Aviation Policy for Ireland*' supports air infrastructure and improved air cargo provision to enhance competitiveness. The RSES similarly supports the growth of movements and passengers at Dublin Airport. The proposed development is consistent with these objectives.
- 5.2.20. Roads are permitted in the Inner and Outer Public Safety Zones. The risk to safety is tolerable when the persons gain a direct benefit from the activity.
- 5.2.21. The interface between the proposed development and MetroLink is a concern and Additional Information will be requested.
- 5.2.22. The proposed development is consistent with development plan policy, save in relation to the Metrolink route, **Obj DMS120**, to ensure that route is kept free from development and to ensure permeability to it for pedestrians, cyclists and public transport.
- 5.2.23. The *Dublin Airport Local Area Plan 2020-2026* supports the development, amendment and enhancement of existing taxiways to improve the efficiency of airside operations and expanded parking facilities for aircraft and cargo operations. Air cargo is forecast to reach 150,000 to 170,000 tonnes by 2030.
- 5.2.24. Key developments expected during the plan period are additional aircraft stands, pier and gate capacity, cargo facilities and safe and efficient movement of airside support vehicles between the eastern and western parts of the airfield. Between 39-89 new stands are expected to 2050.
- 5.2.25. Justification for additional car parking and reduction of aircraft stands must be made.
- 5.2.26. The Eastern Airport Campus is the main passenger area and the Western Campus is the main cargo operations. Access to the Western Campus from the Eastern Airport Campus is via Runway 16/34.
- 5.2.27. The rationale for the underpass is that Runway 16/34 is unavailable when it is operational, which is to happen on 24.08.2022, as it is needed for an additional taxiway, as well as occasional use as a runway. The IAA Air Navigation Services Provided has identified 2 no. Class A risks for the continued use of the surface crossing in those instances. These are slow moving vehicles crossing two taxi routes in conflict

with aircraft or aircraft and vehicles and distraction of controllers from their primary function.

5.2.28. The planning officer noted that the IAA has made no observations in their submission in relation to the proposed development. However, there is correspondence presented from the IAA-SRD in the application that vehicles in the manoeuvring area should be limited to those necessary for inspection and maintenance activities and emergency vehicles. The proposed tunnel is considered an 'essential safety improvement'. The current vehicular crossing was approved only on a temporary solution.

5.2.29. The main benefits of the proposed development are to:

- Allow safe, unconstrained access to the west apron to the existing 23 stands;
- Allow aircraft safely taxi on both northern and southern runways;
- Avoid vehicles crossing the runway;
- Reduce debris on the runway
- Improve safety, reduce operational risks and improve journey times to West Apron, thereby enhancing operational efficiency.

5.2.30. The planning officer considered that evidence of recent engagement with the IAA should be submitted, including the status of any approval for use of the West Apron Surface Crossing.

5.2.31. The EIAR considers Reasonable Alternative Processes. These include the use of the Northern Perimeter Road, Southern Perimeter Road, Duplication of campus facilities on the Western Campus and closure of Runway 16/34. The use of the existing roads is dismissed in the EIAR as taking 20-30 minutes to travel 8 km, the limited size of the roads, the restricted use of the roads during low visibility and that the roads are generally closed so as to avoid interference with Instrument Landing. The duplication of facilities is not considered practical.

5.2.32. The proposed underpass has been designed to cater for future airport growth. The planning officer notes that additional growth would be subject to a separate application process. The current application is confined to the existing levels, as confirmed in the public notices and environmental assessment documentation.

- 5.2.33. The impact of the proposed development in relation to visual amenities is considered. Most of the proposed development will be below ground once constructed. The Architect's Department has raised concerns regard design issues of the surface facilities and this can be dealt with by way of Additional Information
- 5.2.34. The Transportation Section has concern about the intended end users; whether it is to facilitate passenger movements. Pedestrian way finding would be necessary if passengers are to be transported through the underpass. The current 1.6metre wide footpaths are substandard and so justification is required. The proposed roundabout is considered unconventional and Additional Information is required. The clearance height of pedestrian airbridges is less than 5.1 metres in some locations. This needs to be clarified. Justification is needed for the 31 no. car parking spaces.
- 5.2.35. A preliminary construction management plan has been prepared. Construction haul routes are subject to agreement with the planning authority, as part of a Construction Management Plan. An associated mobility management plan for Construction staff is required. The status of two of the three compounds needs to be clarified (south and west apron). The site compound for the North Runway would be retained. More clarity is required.
- 5.2.36. As there is no increase in use, there is no increase in traffic and so no impacts on the wider road network arise.
- 5.2.37. Two of five compounds have not been identified. A Masterplan for permanent construction compounds is required for the airport complex.
- 5.2.38. Baseline data for cargo tonnage, crew and passengers should be outlined.
- 5.2.39. The interfaces with the MetroLink project should be confirmed.
- 5.2.40. Surface water pollution controls should be provided for the 5 no. construction compounds.
- 5.2.41. Clarity in relation the cross-sections for the underpass is required.
- 5.2.42. The recommended measures as advised by the HSE should be incorporated into a grant of permission.
- 5.2.43. The NIS is generally considered not to adversely effect European Sites due to its mitigation measures, but surface water measures require some revision. The NIS has been reviewed by a consultant ecologist on behalf of the planning authority.

- 5.2.44. The EIAR's chapter format complies with the EIA Directive, as amended, and is considered to set out the direct and indirect significant effects of the project. The EIAR has been reviewed by a planning consultancy, on behalf of the planning authority. Interactions, cumulative impacts and mitigation measures have been included, as have Major Accidents and Disasters. The EIAR team who prepared the documentation are considered competent.
- 5.2.45. The EIAR does not provide for additional operations and so no significant environmental effects arise during operation. However, construction would give rise to significant environmental impacts that require mitigation. The main impacts arise in relation to material assets (waste), water (including flood risk) and air quality.
- 5.2.46. The Irish Air Line Pilots Association has submitted a number of technical concerns, which can be addressed by way of Further Information. Issues are raised in relation to the future development of the airport.
- 5.2.47. Ryanair has also concerns in relation to the rationale and degree of disruption.
- 5.2.48. SMTWE DAC has concerns, among other issues about prematurity in the absence of information on the future development of the airport and potential for project splitting.
- 5.2.49. ***Other Technical Reports***
- 5.2.50. Water Services has no objection subject to condition.
- 5.2.51. Transportation Planning Section requires additional information. This includes the proposed end users of the underpass and if passengers are to use the underpass; justification for the lane width; clarity on minimum clearance heights for vehicles; pedestrian connectivity and priority; purpose of the additional car parking spaces; sight lines and operation of the roundabout.
- 5.2.52. Architects Department suggest improvements to support structures and design of different features.
- 5.2.53. Archaeology has no objection.
- 5.2.54. Environment Section has no objection subject to condition.
- 5.2.55. Following consideration of the above, a Request for Additional Information, was issued. The Request relates to 8 no. items. This includes the interface with MetroLink, any relevant update in the EIAR in relation to Metrolink, in the EIAR and the treatment

of HGV traffic in the EIAR, the treatment of ground water in the EIAR, cumulative impacts of planned and permitted projects in relation to HGVs, lands and soils and noise and vibration, correspondence from the IAA in relation to the proposed development, the concerns of the Traffic Section, impact on Pier 3, surface water management and architectural concerns.

5.3. Summary of Planner's Comments on Additional information, as received on 22.12.2022.

- 5.3.1. Item 1 concerned MetroLink. The proposed underpass will be circa 225 metres from the indicative alignment of the route and circa 280 metres from the proposed Dublin Airport Station. The site access and haul routes are from the west (Gate 9) and north (Gate 1B).
- 5.3.2. The construction timeframes indicate that the underpass will be nearing completion in the second half of 2025, when the enabling works for MetroLink are due to commence. Different roads will be used on the campus close to the MetroLink Station. No significant cumulative effects are anticipated in relation to vibration, subsistence, drainage, flood risk utilities transportation and land and the schedule will be finalised in the CEMP submitted at compliance stage, if permission is granted. [For the benefit of the Board, MetroLink Case Reference of **NA29N.314724** and is due for decision 21/12/2023]. No operational interfaces are anticipated. While the NTA is in agreement with this, in their submission they had requested a condition to facilitate consultation and the planning authority states that this will be applied in the grant of a permission.
- 5.3.3. Item 2 concerned deficiencies in the EIAR. Revisions were made to the EIAR. No significant environmental effects are anticipated in conjunction with MetroLink. The construction compounds are 1.5 km apart with different haul routes proposed.
- 5.3.4. The number of HGVs is provided, with a maximum of 340 HGVs per day in Phase 3. The planning officer considered that the figure is high and while it may not result in a significant impact on the road network or its users, a Construction Traffic Management Plan is warranted.
- 5.3.5. In relation to groundwater, the information on groundwater is limited but the model is robust. Prior to commencement of development, at detailed design stage, detailed ground investigations and ground water monitoring will take place. The planning officer

considered the response acceptable, providing the investigation occurs prior to commencement of construction works.

- 5.3.6. Chapter 18 on Interactions and Cumulative Effects has not been updated for traffic and transport, lands and soils, noise and vibration and climate, as no significant cumulative effects are likely to arise.
- 5.3.7. Item 3 relates to the IAA and their views on the proposed development and the continued operation of the West Apron Surface Crossing. The applicant states that the proposed development has not been submitted to the IAA, as this occurs post planning permission and design completion stage. The scheme cannot proceed without IAA approval.
- 5.3.8. A letter from the IAA, dated 19.12.2018 is a Conditional Prior Approval on the basis that the operation of the North Runway, the West Apron Crossing would close. The planning officer accepts the rationale for the proposed development.
- 5.3.9. Item 4 concerns traffic. The applicant confirmed that the underpass is not for the transport of passengers, except in extenuating circumstances, on a very infrequent and ad hoc basis. Pedestrian way finding in the event of an emergency would be required and will be submitted to the planning authority following approval by the IAA. The width of the lanes of the underpass and the roundabout are considered acceptable. Pedestrian connectivity, in particular around the 31 no. car parking spaces needs further details. The heights of the airbridge have been dealt with. The car parking spaces are a rationalisation of existing parking for airside vehicles. The need for the west and North runway compounds have been clarified and are necessary having regard to the works being carried out at the airport. The 300 no. parking spaces are a maximum and mobility management plan is needed. Gate 11 access is emergency access only and not construction traffic, so sightlines do not need to be addressed. The additional two compounds are for limited use only and are acceptable. An Airport Complex Masterplan is being prepared for a wider programme of works. The current temporary compounds are needed for the life of this project and can be governed by a CEMP that includes a mobility management plan. Improved maps have been submitted.

- 5.3.10. Item 5 regarding the reduction in 2 no. aircraft stands, this is necessary due to current physical constraints but will be rectified by way of a future application. The planning officer considers this satisfactory.
- 5.3.11. Item 6 finds that the construction process will be carried out in three phases, to enable partial closures of Runway 16/34 so that the runway remains available for operations (Phase 1 and 3) or for taxiing (Phase 2 – estimated 6 month period where the runway cannot be used for occasional use). The time period for the closure is considered acceptable, given that Runway 16/34 accounted for less than 5% of aircraft movements from 2010 to 2019, as the EIAR demonstrates. The planning officer considers this satisfactory. In relation to modelling of the road network, no significant congestion arises as the traffic volumes are unchanged.
- 5.3.12. Item 7 on Surface Water Management and pollution control measures, given the concrete crushing and batching plant, are considered acceptable. Detailed design can be provided in the CEMP, by way of condition. Similar controls are needed for the Southern compound and can be similarly addressed. No update of the EIAR or NIS is required.
- 5.3.13. Item 8 concerned design changes. Changes were not made due to structural, functional and efficiency issues. However, this is not considered acceptable and is not consistent with Objective DS01. Mitigation is needed to reduce the impact of the poor architectural quality of the proposal. This can be achieved by way of compliance, with additional necessary detail added.

5.4. Public Submissions on Further Information

- 5.4.1. Three submissions were received. Many of the same points were reiterated. In particular, the issue of passenger numbers was raised. The application is being assessed under the terms of the public notice.
- 5.4.2. The level of disruption must be balanced against long term safety and operational efficiency.
- 5.4.3. **Prescribed Bodies (Following Additional Information Response)**
- 5.4.4. **TII** – The applicant's information is inaccurate and therefore incomplete. It is advised that NTA are consulted before a decision is made.

- 5.4.5. **NTA** – Satisfied that there are no physical impacts on Metrolink. However, given the scale of the two projects, a condition requiring co-ordination of the project teams during the course of the proposed development’s procurement and construction.
- 5.4.6. **DAU** – The NIS could not be found on the planning authority’s website so could not be reviewed. The Baldoye Bay SAC and SPA are the European Sites that could be effected by the proposed development. The information in the EIAR in relation to Biodiversity is considered ‘minimalist’ and so survey work cannot be properly evaluated. Hedgerows may be suitable for bat foraging and so artificial lighting during construction should be suitably controlled. No bat surveys have been undertaken. No impact on otters has been considered. Further information is requested.

5.5. **Conclusions**

- 5.5.1. The Further Information Response has been reviewed by BSM in terms of Appropriate Assessment and EIA. It has been concluded that no significant effects will arise, or that any such impacts will be successfully dealt with. A Reasoned Conclusion is provided. The main significant effects on the environment will arise during construction and mitigation measures will ensure that these are avoided, reduced or mitigated. The mitigation measures will ensure that the proposed development, whether alone or in combination with other plans or projects will not have a significant adverse impact on any European Site.
- 5.5.2. The proposed development is a critical airfield operational safety project and will allow the segregation of vehicles from aircraft and enable safe and efficient operation of the airport campus.

6.0 **Planning History**

- 6.1. The airport has a very complex planning history and many of the permissions or Section 5 decisions are not relevant to the proposed development. This section will focus on relevant decisions.
- 6.2. **ABP Ref: PL06F.217429 (P.A. Reg. Ref. F04A/1755)**
- 6.2.1. Ten year planning permission granted for North Runway, 3100m in length and 75m wide and associated works on 29.08.2007. Subsequently, an Extension of Life

permission was granted by Fingal County Council under **F04A/1755E1** on until 28.08.2022.

- 6.2.2. A key condition of the permission (Condition 3(d)) was to limit the hours of operation of the North Runway between the hours of 2300 and 0700. Condition 5 requires that the average number of night-time aircraft movements shall not exceed 65 per night. There is currently an appeal to An Bord Pleanála vary these conditions. This has been called the '**Relevant Action**' application (please see below).
- 6.2.3. Condition 4 requires that on completion of the new runway, the Crosswind Runway will be restricted to essential occasional use, when required by international regulations for safety reasons. The reason for this was public safety, residential amenity and the proper planning and sustainable development of the area.
- 6.2.4. Of note of that permission, Condition 17 requires that the developer shall consult and liaise with the [then] Railway Procurement Agency, to facilitate the planning, design and implementation of the [then] Metro North – Lissenhall, Swords to Fingal County Boundary at Ballymun through the lands within the ownership of the applicant. The required lands shall be made available to the Railway Procurement Agency when required to do so to facilitate this piece of public transport infrastructure.
- 6.2.5. Condition 28 required the establishment of a Community Liaison Group, made up of representatives from St. Margaret's, the planning authority and the Daa to facilitate consultation with the community, to provide for ongoing communication and dissemination of information affected by the runway.

6.2.6. The runway came into operation on 24.08.2023.

6.3. **ABP Ref: PL06F.220670 (P.A. Reg. F06A/1248)**

- 6.3.1. Planning permission granted for Phase 1 of new airport terminal [Terminal 2] on 29.08.2007, which included the demolition of a protected structure, Corballis House. Permission refused for Phase 2 of new airport terminal, as it would premature, pending the determination of the planning authority the detailed road network required to serve the area and commitment to design and fund all the external transport elements. Phase 2 would have brought the capacity of the airport to 35 mppa.
- 6.3.2. Condition 3 of that permission is to limit the capacity of the airport to 32 million passengers per annum (32mppa). Condition 16 required liaison with the RPA to

ensure that the Metro North tunnel alignment and station box is preserved and made available when required.

6.4. ABP Ref: PL06F.223469 (P.A. Reg. Ref. F06A/1843)

- 6.4.1. Planning permission for an extension to Terminal 1 on 10.02.2008 and Condition 2 of that permission is to limit the capacity of the airport to 32 million passengers per annum (32mppa). The reason for this was in the light of the policies and objectives of the Dublin Airport Local Area Plan and transportation capacity constraints on the eastern campus.

6.5. ABP Ref. PL06F.314485 (P.A. Reg. Ref. F20A/0668) (Concurrent Appeal)

- 6.5.1. A 'Relevant Action' within the meaning of Section 34C, relating to the night-time use of the runway system at Dublin Airport. Undecided at time of writing. This would allow Conditions (3)(d) and (5) to be amended and replaced so as the numerical cap on the number of flights is replaced with an annual night-time noise quota from 2330 to 0600 hours and allow take-off and landing for an additional two hours, so landing is restricted between 0000 and 0559 hours, save for safety, exception air traffic reasons, adverse weather, technical faults.

6.6. ABP Ref. PL06F.317828-23 (P.A. Reg. Ref. F23A/0301) (Concurrent Appeal)

- 6.6.1. The application for the reconfiguration and expansion of the existing 2 storey US Customs and Border Protection Pre-Clearance Facility internally in Terminal 2 and associated changes to airside operations, including demolition works and ancillary works, was refused planning permission by Fingal County Council on 24.07.2023 for one reason.

"The proposed development would be premature pending the determination by the road authority of the detailed road network to serve the area. In the circumstances, to expand further the US Customs and Border Protection (CBP) pre-clearance facility capacity at this location would materially contravene policy DAP2 Infrastructure Provision, objectives DA07 Integrated Public Transport Network serving Dublin Airport and DA08 Surface Access Needs of the Fingal Development Plan, 2023-2029 and would materially contravene the Dublin Local Area Plan, 2020-2026, which seek to provide balanced road infrastructure to manage traffic and to cater for the comprehensive development of the and to facilitate the on-going augmentation and

reconfiguration of existing terminal facilities at Dublin Airport to ensure optimal use, subject to assessment of surface access constraints. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.”

7.0 Policy Context

7.1. Development Plan

- 7.1.1. The *Fingal Development Plan 2023-2029* applies. Chapter 8 concerns Dublin Airport. It sets the context of the airport as being of vital importance to the Irish economy and the principle international gateway for travel, inward investment and tourism. It is one of the most important components of Fingal’s local economy. In 2019, the airport received 32.9 million passengers (circa 2.2 million of these were using the airport as a hub – i.e. flying into and out of the airport, as a stopover). Passenger numbers are due to grow to 40 mppa by 2030. This will require sustainable growth, balancing climate change, infrastructure provision and community engagement. The role of the airport as a secondary European Hub is supported by national, regional and local policy. Reducing climate emissions, increased use of sustainable traffic modes and a smart travel approach for surface access is emphasised by the planning authority.
- 7.1.2. The site is zoned Dublin Airport (DA). The zoning objective is to facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport).
- 7.1.3. **Policy DAP1** requires that all future development complies with the strategic aims and objectives of the *Dublin Airport Local Area Plan, 2020*. **Objective DA02** is to safeguard the current and future operational, safety, technical and developmental requirements of Dublin Airport. **Policy DAP2** – Infrastructure Provision, is to ensure that the required infrastructure and facilities are provided at Dublin Airport, in accordance with the *Dublin Airport Local Area Plan 2020*, or subsequent plan, so that the airport can develop further and operate to its maximum sustainable potential, whilst taking into account the impact on local communities, the environment and climate change.

- 7.1.4. The plan refers to the Oxford Economics DTTAS report on future capacity needs. **Objective DA03** – Secondary Hub, is to ensure that Dublin Airport is developed and promoted as a secondary hub.
- 7.1.5. The plan states that it will support and facilitate:
“safe and efficient vehicular access between the eastern and western parts of the airfield to facilitate the movement of airside support vehicles” and
“Additional aircraft parking stands supported by accompanying boarding gate and aircraft piers, particularly in the context of growing the hub function of the Airport.”
Page 323.
- 7.1.6. **Objective DA08** – Surface Access Needs is to protect and enhance the transportation capacity required to provide for the surface access needs of the airport.
- 7.1.7. **Objective DA017** on the Crosswind Runway states:
“Restrict the Crosswind Runway to essential occasional use on completion of the second east-west runway. ‘Essential’ use shall be interpreted as use when required by international regulations for safety reasons.”
- 7.1.8. Carbon emissions must be considered when assessing large scale developments at the airport and waste prevention and minimisation will be encouraged.
- 7.1.9. The impacts on the local community arising from airport development in terms of noise, etc., will be considered as well as the need to protect the environment.
- 7.1.10. Airport noise (from aviation) is considered in detail and four noise zones, with differing policies therein, have been identified in terms of noise exposure. **Policy DAP6** requires the protection of the health of residents affected by aviation noise, particularly at night.
- 7.1.11. **DAP10** concerns design and **Objective DA026** requires that development to be of a high standard of design that reflects the role of the airport as an international gateway.
- 7.1.12. The site is located within the Inner and Outer Dublin Airport Safety Zones and within Noise Zone A.

7.2. Local Area Plan

- 7.2.1. The *Dublin Airport Local Area Plan 2020* applies. Its aim is to facilitate the sustainable development of the airport in line with national, regional and local policy. It supports the timely delivery of required infrastructure to facilitate airport growth. It supports the continued communication with neighbouring communities.
- 7.2.2. The LAP was informed by the *South Fingal Transport Study 2019* in relation to roads objectives.
- 7.2.3. Key developments for airside infrastructure are additional aircraft parking stands, pier and gate capacity and to support and facilitate safe and efficient vehicular access between the eastern and western parts of the airfield, to facilitate the movement of airside support vehicles.
- 7.2.4. The DTTAS Review identified the need for a third terminal, to serve the airport beyond 40mppa. A target date of 2031 is set for this. West of the Crosswind Runway is one of three potential locations.
- 7.2.5. **Objective AV01** is to support and facilitate efficient circulation of airside ground support service vehicles within the airfield.
- 7.2.6. The need for high-capacity links between existing facilities and potential future development in the western campus is identified.
- 7.2.7. Regarding external access to the airport, a western access to the airport is recommended, irrespective of any possible third terminal, to provide for additional long-term car parking. **Objective EA05** is to provide for a Western Access route to Dublin Airport from the N2 corridor, with consideration being given to the future capacity requirements and development layout of Dublin Airport.
- 7.2.8. **Objective SBG01** is to facilitate the development of new stands, piers and boarding gates in line with expansion of capacity and **Objective SBG02** is to provide for improved and expanded parking facilities for aircraft.

7.3. National Policy

- 7.3.1. The *National Planning Framework 2040* (NPF) recognises the airport as of strategic importance to the economy. **National Strategic Objective 6** identifies the crucial role that the provision of high-quality connectivity has for Irish international

competitiveness. Key projects are the MetroLink, improved road connections from the west and north and consideration of heavy rail access in the context of future electrification.

7.3.2. Climate Action Plan 2023

7.3.3. There is limited reference to airports or air travel in the current Climate Action Plan. Transport has a sectoral ceiling of 54 MtCO₂eq. for the years of 2021-2025 and 37 MtCO₂eq. for the years of 2026-2030. There is support for a shift to a circular economy.

7.3.4. Climate Action and Low Carbon Development (Amendment) Act, 2021

7.3.5. This act requires that planning authorities perform its functions in a manner consistent with the most recent climate action plan, strategy, national climate adaptation framework and approved sectoral adaptation plan, national climate objectives and to mitigate greenhouse gases emissions and adapt to the effects of climate change in the State.

7.3.6. The National Development Plan 2021-2030

7.3.7. There is no reference to this project in the National Development Plan. However, the North Runway is considered a key strategic infrastructure for the State.

7.3.8. A National Aviation Policy for Ireland 2015 (NAP)

7.3.9. The NAP recognises that additional infrastructure is required at the airport to ensure it as a secondary hub, including providing for maintenance, repair and overhaul facilities for the aviation sector.

7.3.10. Capacity reviews are to be conducted every 5 years, with Dublin Airport being completed by 2018.

7.3.11. Reference is made to the need for airport infrastructure to facilitate the optimum level of air services for Ireland and the need improve air-cargo provision.

7.3.12. Two progress reports were published, the latest being in 2019.

7.3.13. Oxford Economics Review of Future Capacity Needs at Ireland's State Airports Final Report for the Department of Transport, Tourism and Sport, 2018

7.3.14. This report was prepared following the adoption of the NAP in 2015. It found that as a secondary hub, Dublin Airport passenger numbers could grow up to 61 mppa by

2050, or a low of 49 mppa. The higher figure would be at the maximum capacity of the two runways and recommends that a third runway is planned for around 2030. A third terminal is likely to be required beyond 40 mppa, and a decision on this should be made early in the 2020s. The report recommends that the government make an early decision on retaining the Crosswind Runway or not.

- 7.3.15. Should a third terminal be constructed, Option 3, west of the Crosswind Runway is recommended. The report states:

“But material additional costs would be involved in developing a passenger transport solution to integrate the new terminal with the rest of the airport and to build roads for surface access. These additional costs would be reduced if the crosswind runway is closed. But there would be other, perhaps less obvious, costs in closing the crosswind runway.” Page 7.

- 7.3.16. The report states on Page 130:

“Although more expensive than providing surface connectivity, it is recommended that the integration between the east and west be achieved through a tunnel capable of moving passengers, baggage and service equipment. This is because this would not have an impact of the manoeuvring of aircraft on the airfield between the east and west campus areas; something which could, in time, impact the overall capacity/complexity of airside operations.”

- 7.3.17. The report sets out advantages and disadvantages to retaining the Crosswind Runway for operational purposes, but states that making a recommendation on this is outside the scope of the report.

7.4. Ireland’s Action Plan for Aviation Emissions Reduction 2019

- 7.4.1. Ireland has committed to working with the 44 states of the European Civil Aviation Conference to reduce CO₂ emissions from the aviation system, notwithstanding that aircraft travel is increasing. It also seeks to reduce noise and impacts on air quality. Actions vary from increased co-ordination in Clean Sky, (to reduce aircraft emissions), sky traffic control, improved aircraft standards, clean technology, alternative fuel sources and the EU Emissions Trading System.

7.5. Regional Policy

- 7.5.1. The *Eastern and Midlands Regional Assembly 2019* (RSES) supports and facilitates the continued growth of Dublin Airport and supports related access improvements.

7.6. Natural Heritage Designations

- 7.6.1. There are two Natural Heritage Areas in the vicinity to the airport. Santry Demesnes are a pNHA (Site Code 000178) is circa 1.8 km to the south and has been proposed for its St. John's-wort *Hypericum hirstum* and its woodland. Feltrim Hill (Site Code 001208) is circa 3.6 km to the north-west and is proposed for its rare plants.
- 7.6.2. I am satisfied that having regard to the nature of the qualifying interests, the proposed development would not effect these pNHAs. Please see Section 10 of this report in relation to European Sites (Special Areas of Conservation and Special Protection Areas).

8.0 The Appeals

- 8.1. There are two Third Party and a First Party Appeal on this case. The Third Party appeals concern the principle of development and the First Party concerns the conditions set out in the planning authority's order. I will set out the Third Parties grounds, the First Party's rebuttal, the First Party's grounds and the Planning Authority's response, which deals with Third and First Party appeals and rebuttals to that response.
- 8.2. **Ryanair Appeal (3rd Party)**
- 8.2.1. Ryanair considers that the proposed development should be subject to a cost/benefit assessment and consideration of alternatives, due to the significant costs associated with the development and the disruption that it would entail. An oral hearing was requested. A decision to refuse the request was made on 28.09.2023, due to adequate information on the file, following circulation of Section 132 Notice.
- 8.2.2. The extent of excavation is considerable and the EIAR fails to provide detail on the storage or disposal of this material, including the traffic movements associated with it and the environmental hazards. A report has been prepared by Pell Frischmann on

the EIAR/NIS. To summarise the report, the 'worst case' outcome has not been assessed; groundwater information is uncertain; alternative layouts and configurations for the underpass are inadequate; the bussing of passengers on a limited basis is contradicted in the EIAR; the noise modelling methodology and source data has not been provided and the assessment of embodied and operational carbon lacks detail.

- 8.2.3. How can the proposed development be justified economically, if there is to be no increase in passenger, car go or operational capacity in Dublin Airport? The costs are high and will be passed onto passengers, who will pay an excessively high price cap, hindering the recovery of Irish aviation, which depends on cost-competitiveness.
- 8.2.4. The North Runway is now operational, so the need for the use of Runway 16/34 is very limited, as cross wind conditions affect only circa 0.5% of annual aircraft movements. Crossings of taxiways by vehicles is commonplace.
- 8.2.5. Ryanair consider that the infrastructure is being brought forward too far in advance of need (40 mppa by 2030). The business case of spending €200 million has not been made.
- 8.2.6. This tunnel is not explicitly supported in the *Dublin Airport Local Area Plan, 2020*, as it is not directly mentioned in the plan. There is a reference to supporting efficient vehicular access between the eastern and western parts of the airport, but the tunnel is not specified in the plan.
- 8.2.7. The Commission for Aviation Regulation (CAR), which decides the price cap per passenger, will only include for it in the price cap, when planning permission is granted and it is operational. The Commission is concerned about the delivery of the project and the phasing of it.
- 8.2.8. York Aviation has reviewed the operational requirement for the underpass for Ryanair and considers it unnecessary, having regard to the historically low use of the Runway 16/34 Crosswind Runway (less than 2% - Ryanair consider that it is much less than this). This runway already has a road crossing point. Alternatively, the current perimeter road runs from the terminal to the apron [Please note that the York Aviation Report is not provided - Inspector].
- 8.2.9. Aircraft stands – the LAP notes that additional aircraft stands are required and between 39-89 new stands will be required until 2050. The increase to 40mppa by

2030 is dependent on new stands being available, which also require pier and gate capacity. The proposed development will result in a loss of aircraft stands at Pier 3 and disruption to stands while the works are taking place. There is already a shortage of stands in the summer 2022 and 2023 seasons and this will exacerbate the situation. Current restrictions on Foxtrot Taxiway due to upgrade works has resulted in congestion around Pier 1. As noted by the planning authority, the loss of stands is not consistent with the LAP.

8.2.10. If Runway 16/34 is not available for contingency use, this could give rise to considerable disruption during storms and may require off-island diversions.

8.3. *Pell Frischmann Report (PFR)*

8.3.1. This report is an assessment of the EIAR, NIS and Additional Information submitted. The focus of the report is the 'worst case scenario' and the effects arising from this so as the decision maker would have 'full knowledge' of such effects. This test arises from the 2022 EPA Guidelines on EIARs. The EIAR must provide 'clear, concise, unambiguous information' and the competent authority must have regard to these guidelines.

8.3.2. The NIS is considered complete and technically sound.

8.3.3. FCC did not consider that the EIAR was adequate and requested Additional Information on the following:

- Any environmental considerations and reasonable alternatives arising from interfaces with MetroLink;
- The Traffic and Transport chapter is to be updated for numerical assessment of HGVs and percentages and any consequential change to the Noise and Vibration chapter;
- Deficiencies in relation to groundwater in Lands and Soils and Water, requiring ground investigation or a 3D numerical model to address de-watering, reinjection and the likely impact of same;
- Interactions and Cumulative Effects to be updated, in particular in relation to Traffic, Noise and Vibration, Lands and Soils and Climate for planned or permitted projections.

8.3.4. The response from the applicant's agent is limited as the assumption is made that there will be no physical or operational interfaces due to differences in timeframes and haul routes between the two projects. Therefore the Cumulative effects do not change from what has been submitted.

8.3.5. The Traffic tables are updated but no additional significant effects arise;

8.3.6. There will be no significant effect on groundwater.

8.3.7. The key findings of the PFR are as follows:

- The construction timelines are highly optimistic (24 months).
- It is contradicted in the FI response, which assumes 15 months construction, fit out, testing and handover to Q4 2026.
- This means that disruption will last longer than anticipated and is a material deficiency.
- Lack of certainty in relation to geological conditions, groundwater, etc. could materially impact on design, de-watering, pollution risk and carbon emissions.
- The consideration of alternatives is very high level and technically inadequate.
- The Carbon Assessment lacks transparency. Alternative construction methods, such as boring instead of cut and fill, to reduce carbon emissions is not considered. A boring machine would also mean that Runway 16/34 would not have to be closed for 6 months. There is a requirement under *Climate Action Plan 2021* to reduce carbon emissions through the planning process.
- Suitable uses for the waste soil (211,000m²) have not been found.
- Contradictions in the EIAR regarding the use of the tunnel by passenger traffic – which is considered the only design to ensure the 10 minute gate to gate timeframe (Para 2.4.23);
- The Noise modelling methodology has not been provided, contrary to EIA guidelines, but the noise modelling seems accurate.
- A table summarising each chapter is provided.

8.4. **SMTW Environmental DAC (3rd Party – SMTWE DAC)**

- 8.4.1. St. Margaret's The Ward (SMTW) is the community that is stated to be the most affected by the operations of the airport. While there is a Local Area Plan in place for 10 years, it does not adequately address the environmental impacts of development, and so mitigation measures are inadequate. Environmental Community Mitigation Measures have not been included in the Capital Works programme, in spite of new roads, intensification of road use and noise which will effect the community.
- 8.4.2. The proposed development will result in the exportation of over 300,000 cubic metres of excavated soils and the importation of a similar volume of construction materials. The final destination of the soil is not known, so local roads could be used. The environmental impacts are unknown, so the EIAR is deficient.
- 8.4.3. The proposed development constitutes piecemeal development. It is described as a Health and Safety Project in IAA correspondence (23.02.2021). It is surprising that this need should suddenly arise due to the North Runway, which was granted planning permission in 2007. The proposed development should have been part of the North Runway project, if it was needed for it.
- 8.4.4. The use of the tunnel is limited to cargo use and so the environmental consequences can only be adjudicated on this use. It should be noted that the planning authority has ignored evidence that the proposed development will be used for passenger transit. If the planning authority was satisfied that the tunnel is for cargo only, then this should have been part of the decision to grant planning permission. The safety issue in relation to passenger transit has not been examined.
- 8.4.5. SMTWE DAC is convinced that the aim is to remove the community from the area, to enable the expansion of the airport, up to 40mppa.
- 8.4.6. The airport expansion includes 26 upcoming projects, without considering the cumulative impact.
- 8.4.7. The application is predicated on 2,500 vehicle movement per month, or 83 vehicles per day, less than 4 per hour. It seems nonsensical that this volume of use would require a dual laneway, at a cost of €250 million. Its purpose will be to serve Terminal 3, when it is built. This is set out in the Oxford Economics Report on the '*Review of Capacity Needs at Ireland's State Airports*'. The transfer of cargo around the airport would take 12 minutes, so a tunnel seems unnecessary. The use of the tunnel for commercial airlines was confirmed by the Daa CEO to the Oireachtas on 18.01.2023.

It is also confirmed in the airport's own documents to attract airplane companies to the West Apron, offering discounts for passenger service charge, including transfer passenger charge. The CAR have stated that the underpass will open the West Apron for passenger operations. Documents submitted to it as part of the Capital Investment Programme 2020+ refer to the provision of 150 to 155 NBE stands, with the majority being located on the West Apron. However, the apron cannot be developed without the vehicle underpass and planning permission to increase its capacity beyond 32 mppa. This is because the IAA have decided that apron vehicles will not be permitted to cross Runway 16/34, due to critical safety concerns and risk of runway incursion. The western access surface crossing was closed once the North Runway became operational. The perimeter road is described in documents as 'not a feasible option', so the underpass becomes critical.

- 8.4.8. IAA approval should have been sought prior to planning permission being sought. The IAA have not commented positively or negatively on the application.
- 8.4.9. Construction at night-time should be limited, due to the impacts on the residential population. The HGV traffic is circa 13 HGVs per hour, on a 24 hour basis on 6 days of the week. There should be no or restricted construction traffic at night from 1800 to 0700.
- 8.4.10. Passenger numbers have already exceeded 32 million in 2019 and are ahead of this figure in 2023. The Oxford Economic Report in 2018 stated that a suitable passenger transfer system in a tunnel, would be needed to connect the satellite building beyond the crosswind runway with the two terminals. It envisages demand of 55 mppa.
- 8.4.11. The environmental impacts of 40mppa have not been assessed. Chapter 19 does not consider the 'Relevant Action' application (**F20A/0668**) [now **ABP-314485-22** - Inspector]. All three applications should be considered together. Otherwise there is project splitting involved, to avoid a much more extensive EIAR. The Commission for Aviation Regulation, which sets the costs of passenger numbers, can confirm if passenger figures are to grow as a result of this application.
- 8.4.12. The EIAR does not consider the current noise situation at Dublin Airport.
- 8.4.13. The EIAR did not provide for public consultation, contrary to the Aarhus Convention. The HSE EHS submission to Fingal County Council considers the EIAR deficient because of this lack of public consultation.

- 8.4.14. The receiving environment only goes to 2025, which is too short.
- 8.4.15. The Appropriate Assessment does not consider the North Runway and the 'Relevant Action' application as cumulative impacts, as all are part of substantial growth for Dublin Airport.
- 8.4.16. The applicant has not shown how the proposed development will not lead to the deterioration of the water quality of the Cuckoo Stream, the Water Framework Directive Status of which is already poor. Inland Fisheries Ireland were not consulted. The Dublin Airport Local Area Plan policy SWQ01 requires proposed development to demonstrate compliance with the Water Framework Directive and that conditions are imposed to improve the status of water bodies. Under SWQ02, the water bodies are to strive to achieve 'good status'.
- 8.4.17. The AA screening does not adequately screen out all SPAs and SACs within the Zone of Influence. Only the Baldoyle SPA and SAC are screened in.
- 8.4.18. The construction material should be deposited on the airport grounds and used as noise protection barriers to screen the communities of Ridgewood, Rivervalley and Boromhe from excessive noise. This was done at Schiphol Airport. This solution would reduce costs and reduce the impact of truck movements.
- 8.4.19. The Board should condition that an Independent Group be set up to evaluate the future of SMTW in the light of airport expansion, prior to commencement of development. Mitigation measures should include relocation of housing and how the community can be sustained in parallel to the airport.
- 8.4.20. Are there impacts arising from having two tunnels (Metrolink and the underpass in proximity)? Could the underpass be used for jet fuel transportation.
- 8.4.21. The application is project splitting and not compliant with the directive. The Daa have already had pre-application consultations with the planning and noise authority in relation to the operating restrictions on the North Runway and the increase in the Terminals' passenger capacity. It is contrary to European case law (c-142/07, which found that the EIA Directive cannot be circumvented by the splitting of projects.
- 8.4.22. Aer Lingus considers that this project should be part of a long term plan, when the eastern infrastructure are fully developed.

8.4.23. Information is provided on submissions made by others on F20A/0688 ('relevant action' application). [Please note that this application currently on appeal to the Board as **PL 06F. 314485** and while I have read this part of the appeal, I do not intend to address the issues raised therein which are not relevant to the proposed development - Inspector]

8.5. Applicant Response to Third Parties

- 8.5.1. The applicant's agent notes that the appeals are largely consistent with their previous submissions to the planning authority, which have been responded to, in the course of the application.
- 8.5.2. The future development of the airport will be subject to separate planning applications. The planning authority is satisfied that the EIAR is adequate for the development as proposed.
- 8.5.3. In relation to Ryanair's grounds, there is no merit in an oral hearing.
- 8.5.4. The airport has significant experience in dealing with major projects and will minimise disruption.
- 8.5.5. The use of the Crosswind Runway is limited to occasional, essential safety use, since the North Runway was commissioned, as per the planning permission for the runway. It is a runway and not an airside road and should be considered or treated as so.
- 8.5.6. The construction plans are before the Board, which demonstrates how the impact of construction is limited.
- 8.5.7. Any disruption that does occur has to be weighed against the positive safety benefits and the improvements in efficiency that the proposed development will create. The 6 month closure of the Crosswind Runway can hardly lead to wide scale disruption, if its use is as limited as Ryanair suggests.
- 8.5.8. The disposal of soil cannot be determined as the level of contamination is not known, whether there is any contamination in it. Instead, the EIAR finds that there is adequate waste capacity for contaminated soil. The extent of contaminated soil is likely to be limited and the bulk will be available for re-use.
- 8.5.9. The EIAR demonstrates that the construction traffic can be accommodated on the road network and junctions will continue to function.

- 8.5.10. The timeline may be extended but an opening year of 2025 or 2026 is achievable. A longer timeline is not considered a reasonable alternative as the project needs to be in place.
- 8.5.11. In relation to groundwater and ground conditions, it is appropriate to acknowledge uncertainty. EPA Guidelines recommend that in this situation, a worst case scenario should be considered. This approach was taken in this instance.
- 8.5.12. Groundwater investigations indicate that the groundwater level is 3-4 mbgl. The glacial till level is relatively impermeable. If it rises, then de-watering can be undertaken. When complete, the underpass will be below groundwater levels and so buoyancy forces will not be increased.
- 8.5.13. Eleven boreholes and two pump tests were undertaken. These monitored seasonal groundwater levels and assessed the hydraulic conductivity of the soil. The extent of testing is compliant with *EN 1997-2: 2007: Eurocode 7 – Geotechnical Design – Annex B*, which recommends that for linear projects, a borehole spacing of 20m to 200m.
- 8.5.14. A bored tunnel is not considered to offer any significant advantages, due to the size of the temporary shafts and extent of cut and cover excavations required for the approach ramps. The lead in time for hiring a boring machine; the curved nature of the tunnels requiring segments to be constructed off site; the larger size of the tunnel would result in more spoil, etc. adds to the complexity and expense of construction.
- 8.5.15. Passenger use will be infrequent, but safety precautions are necessary for this event.
- 8.5.16. The noise modelling has been carried out appropriately and its focus is traffic noise.
- 8.5.17. The carbon assessment has been considered and dealt with as per Item 2 (d) of the Response for Further Information. It is dealt with over a number of chapters, including construction materials (Table 3-4), predicted Weekly HGV movements (Plate 3-6) and construction wastes (Table 3-5).
- 8.5.18. Considerations of alternatives are high level, but this consistent with EPA guidelines. While some alternatives may have had a lower carbon footprint, they would no have achieved the objective of the development, or could not be considered reasonable.
- 8.5.19. EIA will be carried out for future developments, such as airport growth to 40 mppa, so no project splitting will arise.

- 8.5.20. The economic rationale is outweighed by the issue of safety and efficiency. It is not a planning concern, and no business case arises. It will be dealt with by the Commission for Aviation Regulation (CAR), which determines Dublin Airport Charges. CAR do not consider the delivery of the proposed development a risk.
- 8.5.21. The *Dublin Airport Local Area Plan 2020* and *Fingal Development Plan, 2023*, support and facilitate safe and efficient vehicular access between the eastern and western parts of the airfield. The proposed development is consistent with this and so in accordance with policy.
- 8.5.22. The temporary reduction of 2 no. aircraft stands is not unusual and must be put in context of greater safety.
- 8.5.23. The EIAR takes account of all environmental impacts and not just those associated with local residents. A Construction Traffic Management Plan will be submitted to the planning authority, prior to commencement of development. Noise monitoring, including traffic noise monitoring will take place at noise sensitive locations. The construction will not impact on the 'Relevant Action' application and the cumulative impacts are considered negligible. ANCA confirmed this in their submission. Noise from the North Runway was not included as this would have increased base line noise, hiding the increase in traffic related noise.
- 8.5.24. There is no reason to include for future infrastructure considerations, as the underpass is required now.
- 8.5.25. Consultation as required by the Aarhus Convention, has taken place through the planning process.
- 8.5.26. The cumulative impacts of 129 planning applications over a period of 5 years within 1km north and 1km south of the Cuckoo Stream. These are very small developments and will not have a discernible effect on the stream.
- 8.5.27. It is incorrect to state that not all the European Sites that should have been screened out were. The Zone of Influence of each project must be determined on a case by case basis. This is not determined by set distances, but rather by whether a site, by reference to its qualifying interests, could be effected by the project. Therefore a European Site could be close to a development, if there is no pathway to the European

Site, or the nature of the qualifying interests, there is no likely potential for significant effect.

- 8.5.28. The water quality of the Cuckoo Stream is addressed in Appendix 7-1. The IFI were not consulted with.
- 8.5.29. There is no need for an independent group to evaluate the future of St. Margarets Ward and such a condition would be ultra vires, as it is not relevant to the development being permitted.
- 8.5.30. The opening year of 2025 is considered reasonable and as the cap remains at 32 mppa, no additional effects arise.
- 8.5.31. The Western Compound cannot be used for cargo deliveries as it is in use by Sisk Lagan, who are working on airside projects for a period of 5 years.
- 8.5.32. The provision of drainage pipes to cater for a future drainage network is simply taking the opportunity of excavation. They will not be commissioned until the future development has received consent.
- 8.5.33. The perimeter road is not the R108, which is shown by the Third Party [Inspector confirms].

8.6. **First Party Appeal**

- 8.6.1. The First Party is appealing 6 no. conditions or part conditions. These are Conditions 13, 16(c), 17(b), 20(a), 20(b), and 21.
- 8.6.2. Condition 13 relates to the need to prepare a methodology to co-ordinate with the NTA and the Metrolink Project Teams during the course of procurement and construction, to be agreed in writing with the planning authority, prior to commencement of development.
- 8.6.3. Condition 16(c) requires that the final design and layout, including height of the proposed jet blast fencing, to be agreed in writing with the planning authority, prior to commencement of development.
- 8.6.4. Condition 17(b) requires a decommissioning plan for the underpass, at the end of it's design life

- 8.6.5. Condition 20 requires (*inter alia*) that pedestrian way-finding and pedestrian connectivity final details, following agreement by the IAA, be submitted to the planning, prior to commencement of development.
- 8.6.6. Condition 21 is the Section 48 financial contribution condition (€370,472.50).
- 8.6.7. The appeal grounds refer to the Section 28 *Development Management Guidelines for Planning Authorities*, 2007, which require conditions to be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable.
- 8.6.8. **Condition 13 grounds**
- 8.6.9. The NTA participated in the planning application process. It stated that it was satisfied that there are no physical impacts to the MetroLink project arising from the proposed development.
- 8.6.10. Notwithstanding this, the NTA still sought the aforementioned methodology.
- 8.6.11. Such a condition, predicated on the grant of permission of the MetroLink Project, which is still before the Board (**NA29N.314724**) is unreasonable, *ultra vires* and unenforceable. In addition, the construction timeframes do not lend themselves to close co-ordination, as it is anticipated that the underpass will be completed before 2025.
- 8.6.12. In any case, the activities on Dublin Airport lands requires the consent of the IAA, including the lands for MetroLink.
- 8.6.13. **Condition 16(c) grounds**
- 8.6.14. It is inappropriate to include a condition which is the subject of other controls, as confirmed in the *Development Management Guidelines for Planning Authorities* (2007). In this case, fencing is normally exempted development, under Section 32 of Schedule 2 of the *Planning and Development Regulations*, 2001, but it has been caught by the need for EIA. Normally the IAA decides the appropriate location, height, etc. The condition is considered unreasonable, *ultra vires* and unenforceable.
- 8.6.15. **Condition 17(b) grounds**
- 8.6.16. The underpass is not a temporary structure and so the condition is irrelevant as the circumstances where it might arise are 100+ years hence. No indication of the

rationale for the condition is provided in the reason, which refers to in the interest of proper planning and sustainable development.

8.6.17. Condition 20(a) and (b) grounds

8.6.18. This relates to pedestrian way finding (through the underpass) and pedestrian connectivity and priority on the airfield, to be submitted to the planning authority following final approval by the IAA. The reason relates to traffic safety.

8.6.19. This is considered inappropriate as it falls within the scope of the IAA, on safety and security grounds. Pedestrians do not have priority over the movement of aircraft.

8.6.20. Condition 21 grounds

8.6.21. This is the financial condition that is set at €370,472.50. The First Party considers that the appropriate sum should be €99,582.25.

8.6.22. Fingal County Council has levied the following works:

8.6.23. 3,910 square metres @ €94.75 and includes the site offices and storage areas in the temporary construction compounds (2,859 square metres), which should be excluded due to their temporary nature.

8.7. Planning Authority Response

8.7.1. The planning authority is satisfied that all likely significant effects have been identified and the mitigation measures are robust. The conditions reflect this.

8.7.2. In relation to Condition 21, the financial condition, the development contribution has been calculated as follows:

Measured area: 5,110 m², comprising of

Site Offices: 2,382 m²

Storage: 477 m²

New Fixed Links: 635 m²

New Nodes: 416 m²

Plant Room: 578 m²

Deep Sump Pit: 632 m²

Exempted Area: 1,210m², under Exemption 11 (p)

Plant room: 578 m²

Deep Sump Pit: 638 m²

Area to be levied: 3,910 m²

Sum, based on commercial rate: 3,910 m² * €94.75 = €370,472.50

8.7.3. No framework has been provided for the decommissioning plan, for the compounds etc., so it is unclear if that exemption applies. Condition 21 should therefore be upheld.

8.8. First Party Rebuttal on PA Response

8.8.1. The First Party appreciates the council's statement that the EIAR identified all the significant effects and appropriate mitigation measures have been conditioned.

8.8.2. There is no reference to the 5 conditions or part conditions that the First Party sought to be removed and this is considered a tacit admission that these conditions are not appropriate.

8.8.3. In relation to Condition 21, the site offices and storage areas, as part of the temporary construction compounds, are included in the financial contribution, notwithstanding their temporary nature and should not be included in the sum.

8.8.4. If these compounds are required for development in the future, they will form part of a planning application.

8.9. Third Party Observation on PA Response

8.9.1. SMTWE DAC consider that the planning authority has failed to respond to the evidence that the application is part of a larger project to increase passenger numbers to the airport. The EIAR is therefore deficient in its assessment of the environmental impacts.

9.0 Planning Assessment

9.1. This assessment will consider the general and planning issues raised in the appeals by Third Parties and then secondly, the First Party appeal. Specific appeal issues

relating to Appropriate Assessment and EIA will be considered in the next two sections of this report.

9.2. The main planning issues in relation to the proposed development, in my opinion, are as follows:

- Principle of the proposed development.
- The Need for the Proposed Development and Consistency with National Policy and Climate Change.
- The Proposed Development and General EIA Issues.
- Construction Hours.
- Necessity to Limit the Use of the Proposed Development by Condition.
- Architectural Issues.
- Loss of Aircraft Stands and Impacts on Airport Operation During Construction.
- Community Liaison Group.
- Aircraft Fuelling and Other Safety Issues.
- Enforcement Issues.

9.3. Principle of the Proposed Development

9.3.1. The proposed development, an internal transport project within the 'airside' of the airport, relating to the transfer of goods and occasional use for passengers, is considered to be generally consistent with the zoning of the site 'DA', which is to ensure the efficient and effective operation and development of the airport, in accordance with an approved Local Area Plan, in the current development plan. The zoning objective is to facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport).

9.3.2. I note that this particular project is not specifically identified in the *Dublin Airport Local Area Plan, 2020*, but there is policy in the LAP (**Objective AV01**) to support improved safety and operations in the airport. Safe and efficient vehicular access between the eastern and western parts of the airport is specifically referenced in relation to the movement of 'airside' support vehicles and that this will be supported and facilitated.

In addition, there is policy in the development plan to restrict the use of the Crosswind Runway to essential, occasional use (**Objective DA017**).

9.3.3. The *Dublin Airport Local Area Plan 2020* identifies the need for safe and efficient vehicular access between the eastern and western parts of the airport.

9.3.4. In conclusion, the proposed development, while not a named project, is consistent with the aims of the county and local area plans to provide for safe, efficient access for airside vehicles between the eastern and western parts of the airport and is consistent with the zoning objective.

9.4. **The Need for the Project and Consistency with National Policy, including Climate Change**

9.4.1. The applicant states that the project is a critical airfield operational safety project. It is supported by the Safety Regulation Division of the IAA (IAA-SRD).

9.4.2. The application is accompanied by a letter from the IAA in Appendix 2-1 of the Volume 4 Part 1 of the EIAR, dated 23.02.2021, which states that the continued use of the Crosswind Runway, post the opening of the North Runway is considered to be unsustainable from a safety perspective. Vehicle use should be limited to inspection and maintenance activities and emergency vehicles. An underpass is considered to be “an essential safety improvement”, eliminating the risk of collision of aircraft and vehicle and reducing the need for operational restrictions. The letter states that:

“IAA-SRD continues to support the proposal as an essential safety mitigation to safeguard RWY 16/34 and taxiing operations of the new North Runway whilst safely allowing for the maximisation of the existing airfield and enhanced operational flexibility into the future.”

9.4.3. Notwithstanding the clear support from the Safety Regulation Division in this letter, the IAA did not comment on the current application.

9.4.4. The proposed development would provide for a more co-ordinated, controlled and efficient management of airside movements. The risk arising from Foreign Object Debris on Runway 16/34 and will reduce the need to communicate with Air Traffic Control.

- 9.4.5. The First Party argues that it will maximise the airport's sustainable development, which is consistent with development plan policy. This will in turn support the airport's function as a key economic driver for the area.
- 9.4.6. The need for the proposed development, for the purpose stated, has been questioned by the two third parties. Ryanair questions the need for the project, given the limited use of the Crosswind Runway and if it is not to be used to increase passenger and cargo capacity. The cost of the proposed development at circa €200 million has not been made. The existing perimeter road is an acceptable alternative.
- 9.4.7. SMTWE DAC has questioned the transparency of the application. It considers that the real purpose of the application is to facilitate the future development of the airport and that it is disingenuous to suggest that there will be no change to passenger or cargo volumes if the proposed development is granted planning permission. A considerable amount of documentation is provided in support of this position, emanating from the Daa's own documents and comments in the public domain.
- 9.4.8. The closure of the Crosswind Runway, save in certain situations, is a condition of the grant of permission for the Northern Runway (Condition 4 of **PL06F.217429**) and is also a policy of the current development plan (**Objective DA017**). Therefore, I am satisfied that notwithstanding the York Report referenced by Ryanair about justification for the need for closure, this must happen, unless there is a material change in the planning conditions under which the North Runway operates.
- 9.4.9. The Daa has decided that an underpass is the solution to move airside vehicles from the eastern side of the airport to the west. It considers that this is a more optimal solution than upgrading the perimeter road to a four lane carriageway. I note that the grant of planning permission is no guarantee that a project will be carried out. There is nothing in planning law that would prevent more than one planning permission being granted to deal a particular issue, if the Daa were to change its mind in relation to the economics of the project. However, I note that the grant of planning permission would trigger an increase in the Dublin Airport charge per passenger, but this is a financial concern for the appellant, as opposed to a planning concern. [As of February 2022, the price cap was €8.11 and this is set to increase to €9.81, by 2026, if the Daa delivers on its capital investment programme, according the press release prepared by the

Commission for Aviation Regulation on 22.17.2022. The same press release states that the Daa had sought increases of €13.04 to €14.77 until 2026 - Inspector.]

- 9.4.10. The First Party considers that a Cost-Benefit Analysis is outside the planning code. I note that the definition of sustainable development provides for the balancing of economic growth, social inclusion and environmental protection. Therefore, the use of cost-benefit analysis as part of the tool kit of decision making in environmental assessment is entirely consistent with sustainable development. I note that cost reasons are regularly used in EIARs to explain why more environmentally friendly alternatives are not feasible.
- 9.4.11. In this case, the decision on the appropriateness of the costs falls to another regulator, the CAR, and An Bord Pleanála has no remit in this matter.
- 9.4.12. In relation to Climate Change, the proposed development would give rise to significant GHG emissions during its construction – close to 80,000 tonnes of carbon will be emitted and equates to approximately 0.0003% of the carbon budget for 2021-2025 (295,000,000 tonnes), according to the EIAR submitted. I note that the transport emission ceiling is 54,000,000 for the same period and the project would be 0.0015% of this. It would be equivalent to circa the carbon footprint of approximately 800 houses and cannot be considered small. However, once operational, the carbon costs are minimal.
- 9.4.13. The main alternative proposals considered in the EIAR is the use of the existing perimeter road around the airport. The perimeter road is a single carriageway, skirting the boundary of the airport lands and its main purpose is to facilitate the security of the boundary fence. This purpose would be lost if the road was to be used for general purpose access around the airport.
- 9.4.14. The journey using the perimeter road is stated to take circa 20-30 minutes and this has not been contested. I do not think that this is a realistic timeframe for movement around the airside of an airport, once security has been cleared.
- 9.4.15. The other main alternative is the provision of a new terminal. This was dismissed by the First Party as being very expensive, with a long lead in time, duplication of resources, loss of operational facilities and there would still be residual requirement, as stated in the EIAR, to transfer passengers and baggage between the Eastern and Western Campus. The carbon costs are not spelt out.

9.4.16. There is a significant climate change cost to the proposed development, at a time when national policy is to reduce our carbon budget. However, I am satisfied that the project can be justified, having regard to the need for safety and efficiency in the operation of the runways.

9.5. The Proposed Development and General EIA Issues

9.5.1. The third parties have challenged the appropriateness of the project, if there is resultant increase in cargo or passenger numbers, arising from the proposed development and have questioned whether the EIA correctly captures all the potential impacts that an increase in passenger numbers or cargo could give rise to.

9.5.2. The public notices state that the proposed development is for airfield safety purposes and that the proposed development will not increase either passenger numbers or cargo volumes. The EIA as submitted deals only with the project in these terms and the planning authority, likewise, considers the project as set out in the public notices. The third parties submit significant evidence that the purpose of the proposed development is to enable the airport to grow to 40 mppa, above its current cap of 32 mppa. The evidence comes from the DAA's capital investment programme, which states that to enable this level of growth, some 155 NBE stands are required and that the Remote Western Apron will be the location of the majority of the additional stands. However, this apron cannot be developed without the underpass and permission to increase the airport's capacity beyond 32 mppa. Passengers will be bussed from the Eastern Campus terminal area to aircraft parked on the west apron.

9.5.3. The proposed underpass is a standalone, critical piece of infrastructure. In my opinion, the proposed development is analogous to the mains drainage system for Dublin. Dublin is limited in developing more housing without an appropriate drainage system being in place. However, the grant of a consent for the drainage system does not mean that planning permission is granted for the uplift in housing. These are separate decisions. Any increase in passenger numbers above 32 million will require a separate grant of planning permission. I note that previously, the North Runway was applied for separately to Terminal 2, each with their own EIA, and it is the permission on Terminal 2 that caps the capacity of the airport, not the North Runway.

- 9.5.4. The EIAR prepared for the application has been done on the basis of the current passenger levels and cargo levels being unchanged. Third parties have argued that this is project splitting. Project splitting is only prohibited on the basis of avoidance of EIA. No avoidance of EIA has occurred in this instance. A separate EIAR will be required for any increase in aircraft passengers above 32 million and the merits of the case can only be properly assessed if and when permission is sought. I am satisfied that EIA will not be avoided should such an application be made.
- 9.5.5. I note that the arguments about project splitting were used when assessing Terminal 2 in relation to the then proposed North Runway. However, it was accepted that the North Runway did not by itself, increase passenger numbers, as the increase in passenger numbers relied on the provision of Terminal 2.
- 9.5.6. I consider that the legal principles set out in *Sinead Fitzpatrick and Alan Daly vs. An Bord Pleanála and others*, [2019] IESC 23, apply in relation to this application. In that case, Apple sought planning permission for a data centre in Athenry and submitted a masterplan, showing that 7 more data centres may be developed in the future for in the future. The Supreme Court decided that the Board was not required to carry out an EIA on the masterplan before deciding on the specific project – the data centre. However, it had to be aware of potential environmental impacts of future phases, as far as practically possible. In this case, the project is the underpass. The rationale for the proposed underpass is that Runway 16/24 has to close to vehicular traffic due to the opening of the North Runway. Therefore, technically, as a standalone project, it does not increase the capacity of the airport. Capacity will not increase until at a minimum, the requisite aircraft stands that serve airplanes have been provided. I note that the EIAR provides a chapter on Future Development at Dublin Airport. It states that the proposed Underpass has been designed so that if future growth is permitted, the structure can accommodate it. The future growth is stated as growing to 40 mppa. The necessary infrastructure is listed (see paragraph 19.4.15 of the EIAR) and the application is described as the Infrastructure Application (IA). Environmental impacts are identified as traffic movements, noise, greenhouse gases, construction waste and drainage works.
- 9.5.7. The proposed underpass has been clearly sized for intensive use. I would concur that 2,500 vehicles per month or 83 vehicles per day is unlikely to justify two traffic lanes in each direction, if the purpose is solely for vehicle movements. However, the safety

requirements arising from the closure of the Crosswind Runway must be provided for at present. I note that Third Parties have indicated that the Capital Investment Programme for the airport refer to 875 vehicles per day to and from the western stands if the airport moves to 40 mppa in the future. I consider that this increase has to be assessed in the context of a planning application accompanied by an EIAR.

- 9.5.8. The proposed underpass will not, by itself, increase the use of the airport. The Apple judgement requires the Board to consider the potential environmental impacts of future phases, as far as practically possible. In that case, the future impacts were considered only in terms of future electricity demand and relevant greenhouse gases, which were easily calculated by the Inspector. In this case, the environmental impacts are far more complex, relating to the operation of the airport, noise, traffic, greenhouse gases and residential impacts. It is not practical, to assess the future development of the airport on the basis of the information before the Board in Chapter 19 of the EIAR, given the complexity and multifaceted nature of the issues that would arise from the increase in passenger numbers. I am satisfied that the information provided, however, is sufficient to assess the underpass for the purposes of EIA.
- 9.5.9. I do not consider the *O’Grianna v An Bord Pleanala* [2014] IEHC 632 as being relevant in this case. The circumstance of *O’Grianna* was that the Board did not take into account the grid connection for a wind farm in its EIA. A grid connection is an integral part of the development of wind farm and has no role without the presence of a windfarm at one location and a substation that connects to the electricity transmission grid at the other end. The underpass, in contrast, serves the west apron whether any future further facilities are developed or not and it is necessary to prevent vehicular access of the Crosswind Runway, save for limited purposes, due to planning conditions.
- 9.5.10. Ryanair has argued that a ‘Worst Case’ scenario has not been tested in the EIAR. The EPA in their EIAR Guidelines of 2022 recommend that a ‘Worst Case’ scenario be that this should be considered, where uncertainty arises in relation to the accumulation of effects from other projects at the Scoping Stage of the EIAR (Stage 2). The First Party has presented significant information on the other projects permitted in the area.
- 9.5.11. In Table 3.4 Description of Effects refers to ‘Worst Case’ where the mitigation measures for a project have substantially failed. I consider that this has been tested in

the Chapter on Major Accidents and Natural Disasters, when it considers the vulnerability of the proposed development during construction and operation. I note that Annex IV of Directive 2014/52/EU does not refer to 'Worst Case' effects, so it is good practise, as opposed to mandatory.

- 9.5.12. The future receiving environment is 2025. SMTWE DAC suggests that this timescale is deficient. I note that the EIAR anticipated that work would be commenced at a much earlier date. Given that it is acknowledged in the EIAR that significant change is being planned for the airport, I consider that the short period of time is acceptable for the opening year period.
- 9.5.13. In relation to public consultation, I am satisfied that the public has had the opportunity to contribute to the decision-making process in relation to EIA at both planning authority and appeal stage. Therefore, the requirements of the Aarhus Convention have been met.

9.6. **Construction Hours**

- 9.6.1. SMTWE DAC has raised the issue of construction hours being effectively round the clock and requested that the time be limited to daytime working hours. Given the limited change in noise near noise sensitive receptors at night, I do not consider this necessary. It would also double the length of construction time, which would discommode third parties further, in my opinion.

9.7. **Necessity for a Condition to Limit the Use of the Proposed Development by Condition**

- 9.7.1. Third parties have suggested that to ensure that the application does not result in an increase in the capacity of the airport, then a condition be imposed on any grant of permission to limit the use of the tunnel. This would be consistent with the public notice for the proposed development.
- 9.7.2. I am not inclined to impose such a condition, as I consider that the trigger for the change in passenger numbers arises from the development of other facilities. I am conscious of the principle of attaching planning conditions in the Section 28 *Development Management Guidelines, 2007*, that require conditions to be necessary. I do not consider that condition to be necessary, as the control of passenger numbers

lies in other permissions. To attach such a condition would simply add to the administrative complexity of providing for future use patterns in the airport.

9.8. Architectural Issues

- 9.8.1. The planning authority was concerned about the architectural quality of the design of the fixed links and modifications to Pier 3, in relation to the supporting structures and the need for a more cohesive approach. **Objective DA026** requires that development in the airport is of a high standard of design, to reflect the international gateway role. Condition 9 was attached requiring that the detailing and finishes to be submitted and agreed in writing with the planning authority. I consider that the condition is warranted and recommend that similar is attached, should permission be granted.

9.9. Loss of Aircraft Stands and Impacts on Airport Operation During Construction

- 9.9.1. Ryanair is concerned about the loss of aircraft stands and the level of disruption that would arise. The net loss is two stands. The Daa has said that the replacement of these would be subject to another planning application. Ryanair does not consider this response deals adequately with their concerns. It states that currently number of aircraft stands cannot cope with demand and that there is reliance on other airports on the island. On occasion, Ryanair flights have had to divert off-island. The *Dublin Airport Local Area Plan 2020* refers the DTTAS Review that 39-89 new stands are required up to 2050. The LAP recognises that additional stands are necessary and **Objective SBG02** is to provide improved and expanded parking facilities for aircraft.
- 9.9.2. I recognise that there will be a constraint on aircraft operations during the course of construction and until such time period as the replacement stands are provided. This is clearly a significant issue for aircraft operators. As the planning authority identified, the reduction of aircraft stands is a contravention of the LAP. I would concur with this assessment. However, I do not consider this a material contravention as the intention is not to permanently reduce the number of aircraft stands. Therefore, the short-term reduction in aircraft stands is not, in my opinion, a reason to refuse planning permission.
- 9.9.3. Ryanair considers that the closure of the Crosswind Runway during construction could give rise to considerable disruption during storms and may result in off-island diversions. Ryanair consider the use of the Crosswind Runway for aircraft vital during

storm events, but the same runway should be used for vehicular movements on a day-to-day basis. The construction of the proposed development would give rise to disruption in the short-term due to the unavailability of the runway, but in the long-term, there would be no interruption of use of the Crosswind Runway and the safety risk removed.

9.9.4. I would concur that the timelines for construction, in the event of planning permission being granted, are optimistic.

9.10. **Community Liaison Group**

9.10.1. SMTWE DAC are concerned about noise issues and the need for consultation with community about the wider issues of the development of the airport.

9.10.2. In relation to complaints in regards to construction activity, that has been provided for in the Preliminary CEMP. The Daa will appoint a dedicated liaison officer.

9.10.3. As regards the need for a Community Liaison Group, this was conditioned as part of the grant of planning permission for the North Runway (Condition 20 of **PL06F.217429**). The reason for it was to provide ongoing communication, dissemination of information and consultation with the local community affected by the proposed runway. A similar condition can be attached in the event of a grant of permission. I do not consider this to be *ultra vires* and is an approach adopted by many developers when building out developments, so that local residents are kept informed of how construction is progressing.

9.11. **Aircraft Fuelling and Other Safety Issues**

9.11.1. The Third Party is concerned that the proposed Underpass will be used for aircraft refuelling purposes. For clarity, there are no proposals to pipe aviation fuel through the proposed Underpass. Aircraft are currently refuelled via trucks. Future refuelling will take place via underground fuel lines from the aviation fuel terminal to each aircraft stand. These lines will be double contained, with leak detection.

9.11.2. I note that other safety concerns are addressed in the EIAR chapter on Major Accidents and Natural Disasters.

9.11.3. The IAA has not commented on the merits of the planning application. I note that they will have approval in relation to safety matters. SMTWE DAC suggested that this

should have been achieved before a planning application was made. That approach has merit, but it was not undertaken and the Board has to deal with the appeal as it has been made.

9.12. Enforcement Issues

9.12.1. An Bord Pleanála has no role in enforcement issues.

9.13. First Party Appeal

9.14. The First party is appealing Conditions 13, 16(c),17(b), 20(a), 20(b), and 21. The text of the conditions can be reviewed in Section 8.6 of this report.

9.14.1. Condition 13

9.14.2. Condition 13 requires that a methodology be prepared to co-ordinate with the NTA and the MetroLink Project Teams, during the course of procurement and construction. The NTA requested this condition, due to the scale of the two projects. The First Party has said that this is unreasonable and *ultra vires*. Fingal County Council did not address this issue in their response.

9.14.3. I would concur that the condition is *ultra vires* as it is currently written as there is an assumption that MetroLink will be granted planning permission. Should permission be granted for MetroLink be granted, its construction may or may not overlap with this project. I consider that that issue should be assessed via the MetroLink application, rather than under this application, when there is greater clarity. I recommend that the condition is not attached to any grant of permission.

9.14.4. However, I note that Fingal County Council, if in receipt of a Construction Traffic Management Plan, can ensure that the second project can co-ordinate with the first.

9.14.5. Condition 16 (c)

9.14.6. Condition 16 (c) refers to the final design and layout, including height of jet blast fencing. A jet blast fence is a safety device, the purpose of which is to deflect or screen the high energy exhaust from jet engines, in order to protect persons or vehicles or infrastructure from injury and damage from the noise heat, high speed air streams and any dust or debris which might be caught in the slipstream. These fences can be

portable. Such fencing may be 4 metres high or more. The fences are angled to deflect the blast upward.

9.14.7. The First Party notes that such fencing is normally exempted development under the *Planning and Development Regulations, 2001*, as amended, but such exemptions are not available when EIA is involved. This is correct.

9.14.8. The First Party states that the IAA decides on the location and design of the fencing, as this is a safety matter.

9.14.9. The planning authority has not addressed this matter in their response. The reason for the condition is stated as being in the interest of proper planning, public health and climate.

9.14.10. I consider that these fences are necessary for safety purposes and must be fit for their safety purpose and located in the appropriate location. I do not consider that this is a matter appropriate for the planning authority and recommend that this condition is not attached to any grant of permission.

9.14.11. *Condition 17(B)*

9.14.12. Condition 17(B) concerns the de-commissioning of the proposed underpass at the end of its design life. The design life of the proposed underpass is 60 years, but the First Party states that it could be there for more than 100 years.

9.14.13. The planning authority did not refer to this matter in its response. The reason for the condition is in the interest of proper planning and sustainable development of the area.

9.14.14. I would concur that any document produced now for decommissioning will not be relevant for the circumstances then pertaining. I recommend that a similar condition is not attached in any grant of permission.

9.14.15. *Conditions 20(a) and (b)*

9.14.16. While the individual parts of the condition are not numbered, or lettered in this case, the conditions relate to the details of pedestrian way finding through the underpass to be submitted to the planning authority following final approval by the IAA and that further details on pedestrian connectivity and priority on the airfield is submitted to the planning authority, following final approval by the IAA. The reason provided states in the interest of proper planning and sustainable development, traffic

safety and compliance with objectives of the *Fingal Development Plan 2017-2023* and the *Dublin Airport Local Area Plan 2020*.

9.14.17. The First Party states that the condition is inappropriate as it falls within the purview of the IAA on safety and security grounds. The First Party states that pedestrians do not have priority over the movement of aircraft.

9.14.18. The planning authority did not refer to this matter in their response to the appeal.

9.14.19. There is a walkway which varies between 1.55 and 1.6metres wide on one side of each of the segregated tunnel. I consider that this walkway is for emergency purposes only and is intended not for everyday use for the travelling public. However, because it is for such emergency purposes, clarity for pedestrians in terms of which direction they should move towards and how far away the exit is, is important. I do not consider that the planning authority needs to sign off on this matter, but signposting is needed in the tunnel. This can be conditioned.

9.14.20. The second element refers to details of pedestrian connectivity and priority on the airfield. I consider that this really relates to road marking, showing where people should walk rather than their priority over other forms of transport. I consider that the road markings as shown on the drawings are adequate and so this part of the condition is unnecessary.

9.14.21. *Condition 21*

9.14.22. Condition 21 is the Section 48 financial contribution condition. The planning authority has set this at €370,472.50. The First Party considers that this should be €99,582.25. The planning authority has responded to this condition.

9.14.23. The applicant is arguing that development contributions have been sought on the site offices and storage areas which are located in construction compounds and are temporary in nature. The planning authority in their response confirm that this is the case, as no decommissioning plan has been submitted for these construction compounds.

9.14.24. 10(u) of the *Fingal Section 48 Development Contribution Scheme 2021-2025* provides for exemptions for temporary planning permission for up to 5 years duration, 50% reduction for 5 -10 years duration and full rate when permission or combination of permissions exceed 10 years.

- 9.14.25. The application is not an application for temporary planning permission. The construction compounds have not been applied for on a temporary basis. The structures on the construction compounds have not been applied for on a temporary basis.
- 9.14.26. I acknowledge that the construction compounds and related structures would normally be exempted development under Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, which facilitates structures, works plant or machinery needed temporarily in connection with the construction of development pursuant to a planning permission. However, as the application is accompanied by an EIAR and NIS, such exemptions not available, as restricted by Article 9 (1)(c) and 9 (1)(a)(viiB).
- 9.14.27. In the planning authority's response, they state that no time framework has been provided for the decommissioning of the construction compounds, so it is unclear if the exemption applies.
- 9.14.28. Under these circumstances, I note that the Board in relation to Section 48 development contribution appeals is restricted to considering the application of the terms of the development contribution scheme. Strictly speaking, the charging for the construction related structures comes within the terms of the scheme. However, should permission be granted, I recommend that the financial contribution be unspecified and condition that a decommissioning plan be submitted to the planning authority. This will allow the contribution figure to be amended by the planning authority if they are satisfied that the construction compounds and structures are temporary in nature and come within the scope of the exemptions of the scheme.

10.0 Appropriate Assessment

- 10.1.0. Please note that the Board Ecologist has considered Appropriate Assessment in her report of 14.12.2023. The report can be found in Appendix 2. I agree with her findings and have adopted these findings in my report as well. The findings of the Board Scientist on soil, groundwater and surface water in his report of 12.12.2023 have also been considered and adopted.

10.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated application documents
- Appropriate Assessment of implications of the proposed development on the integrity each European site

10.1.2. Compliance with Article 6(3) of the Habitats Directive

10.1.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

10.1.4. Screening the need for Appropriate Assessment

10.1.5. The development is not directly connected with or necessary to the management of any European Site.

10.1.6. The First Party has submitted a report '*Dublin Airport Underpass Appropriate Assessment Screening and Natura Impact Statement*', prepared by Aecom.

10.1.7. The report provides a description of the proposed development, its construction process and baseline ecological environment. The screening report has been prepared on the basis of the absence of mitigation measures.

10.1.8. The European Sites within a possible zone of influence of the proposed development arising from a pathway connection and other European sites where the effects are uncertain are identified, in Table 8 of the report. I undertook a review using the EPA Appropriate Assessment tool on 08.11.2023 and confirmed that the SACs and SPAs that are in proximity to the site are:

Table 2: European Designated Sites for Screening Purposes

Name	Site Code	Distance	Qualifying Interests	Connection?
Malahide SAC	(000205)	5 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	N – no physical connection.
Malahide Estuary SPA	(004025)	5 km	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p>	N - too far for noise. Airport employs a Wildlife Management

			<p>Shelduck (Tadorna tadorna) [A048]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	Plan, so few birds use the airport site.
Baldoyle Bay SAC	(000199)	7.4km by land & 9.4km via surface water	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>	Y – indirect effects from water quality.

			<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	
Baldoyle Bay SPA	(004016)	7.4km by land & 9.4km via surface water	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	Y – indirect effects from water quality. Airport employs a Wildlife Management Plan, so birds do not generally use the airport site.
North Dublin Bay SAC	(000206)	8 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	N – the only connection would be via the Santry River and this is 1.5 km from the site, so indirect effects (dust during construction)

			<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	can be ruled out
South Dublin Bay and River Tolka Estuary SPA	(002171)	8 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	N – no physical connection and airport employs a Wildlife Management Plan, so few birds use the airport site.

			<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	
South Dublin Bay and River Tolka Estuary SPA	(002171)	8 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	<p>N – no physical connection and airport employs a Wildlife Management Plan, so few birds use the airport site.</p>

			Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]	
North Bull Island SPA	(004006)	9 km	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]	N – the only connection would be via the Santry River and this is 1.5 km from the site, so indirect effects (dust during construction) can be ruled out. Airport employs a Wildlife Management Plan, so few birds use the airport site.

			Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	
South Dublin Bay SAC	(000210)	10.8 km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	N – no physical connection
Rockabill to Dalkey Island SAC	(003000)	11.6 km	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	N – no physical connection
Ireland's Eye SAC	(002193)	11.8 km	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	N – no physical connection
Howth Head SAC	(000202)	12 km	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	N – no physical connection

<p>Northwest Irish Sea SPA</p>	<p>(004236)</p>	<p>7.8 km</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Little Gull (<i>Larus minutus</i>) [A177] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	<p>N – distance, dilution and airport employs a Wildlife Management Plan, so few birds use the airport site.</p>
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			Little Tern (<i>Sterna albifrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	
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10.1.9. The screening report lists three European Sites – Malahide Estuary SAC and Baldoyle SAC and SPA as potentially being affected by wither construction or operation. However, the report states that during construction, airborne pollution can occur 50 metres from the site boundary or 500 metres from the site entrance. There will be a large stockpile of soil located on the Western Apron. The distance from this stockpile to the Santy River is circa 1.5 km. Therefore, I am satisfied that the Santry River, which discharges to Dublin Bay, will not be significantly effected by the proposed development.

10.1.10. My list of European Sites is more extensive than Table 8, a point that SMTWE DAC made. However, that is because I had not eliminated European Sites into which the Santry River discharged to in the first instance or other European Sites in the general area of Dublin Bay.

10.1.11. The Board Ecologist, in her report (please see Appendix 2) notes that a candidate SPA has been designated along the open sea stretching from Dublin Bay to the Louth coast, Northwest Irish Sea SPA (Site Code 004236) and has been included in the table above. The new SPA borders the coast and other SACs and SPAs. This SPA can be screened out due to distance, dilution and the airport’s use of a Wildlife Management Plan, which deters bird use of the airport.

10.1.12. The report concludes that in the absence of implementation of suitable mitigation, during construction and operation, the proposed development could pose a risk of likely significant effects to two European Sites – Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016). An Appropriate Assessment is considered

warranted. The Board Ecologist and I concur with this statement and in that I am reliant on the AA, the NIS and the EIAR that accompanies the application.

10.1.13. The Cuckoo Stream is culverted in concrete as it runs through the site. Part of the proposed development is to temporarily divert a section of the culverted stream and reinstate it to its existing alignment and level. The EIAR considers the risk of pollution, should a spill occur, during the diversion. The EIAR notes that there would be no impacts on to macrophytes, phytobenthos and invertebrates in the immediate vicinity of any pollution events. Para 7.7.9 of the EIAR states that:

“Impacts would be unlikely to propagate downstream of the to the Baldoyle Estuary SAC downstream however, due to the dilution effects of the Cuckoo Stream flowing into the Mayne River over the distance between the works and the SAC.”

10.1.14. Changes to the velocity of the stream will be managed by during construction pumping between the chambers of the Airfield Trunk Culvert so existing flows can be maintained. This avoids the risk of scouring and sedimentation or changes to the flow regime. This is a mitigation measure.

10.1.15. In relation to groundwater, the proposed development will be located with the groundwater zone (which begins circa 4.56 metres below ground), but above bedrock, which is anticipated to be 20.4 metres below ground. Any impacts on groundwater during construction will be localised and the temporary dewatering effects will be Imperceptible, according to the EIAR (Para 7.7.13). The water will be returned to groundwater, to ensure that flows are maintained. This is a mitigation measure.

10.1.16. During operation, runoff from the hard-standing areas will be directed to the pollution control system. Treatment and attenuation will prevent pollution from entering ground water. Pollution includes for spillages, leaks, fires and de-icing chemicals. These mitigation measures are designed into the proposed development and are standard features for all projects. Therefore, having regard to the CJEU finding in Case C-721/21 in relation to Eco Advocacy CLG, these features can be considered for screening for Appropriate Assessment, to determine if there is likely to be a significant effect on European Sites. On that basis, potential pollution of the European Sites during operation can be screened out.

10.1.17. The proposed development could become a barrier to the flow of groundwater, thus potential reducing the baseline flows to the Cuckoo Stream. The EIAR considers

that this effect would be localised and the magnitude of impact is considered low, resulting in an Imperceptible effect. It notes that the proposed development is likely to be running parallel to shallow groundwater flow. I would concur with this analysis as the Cuckoo Stream only emerges southeast of the Central Apron and can only be benefiting from groundwater flows after it leaves the culvert. Most of the surface north of the stream is covered and so it is unlikely that there is significant recharge of groundwater from this direction. A significant portion of the proposed development is already covered in impermeable surfaces, so the recharge contribution to the Cuckoo Stream from this area is limited.

10.1.18. *In-combination Effects*

10.1.19. The report considered cumulative effects with other projects in the area. The report states that there were 129 applications, 1 kilometre north or south of the Cuckoo Stream and lists them. The majority of these application were domestic in nature and unlikely to have a significant effect on European Sites. There are a number of permissions relating to the airport, a number of which included an EIAR or EIS, indicating that they are large scale in nature. One of these, SID/04/18, for the continuation of use of an existing car park, included an NIS. I also note comments on file on the need for the new compounds on this application, due to ongoing construction projects within the airport. Acknowledging these large scale applications and permissions, there is potential for in-combination effects and the report identifies that is the projects are progressed simultaneously in the absence of mitigation, there is potential for significant on the Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016).

10.1.20. The report also considers the then current *Fingal Development Plan (2017-2023)*, the then *Draft Fingal Development Plan (2023-2029)*, the *Dublin Airport Local Area Plan 2020*, the *Fingal Biodiversity Action Plan 2010-2015* and the then *Draft Fingal Biodiversity Action Plan 2022-2030*. The county development plans have been subject to Appropriate Assessment. The *Dublin Airport Local Area Plan 2020* was screened for Appropriate Assessment and it was concluded that there would be no significant effects on European Sites and so an Appropriate Assessment was not necessary.

10.1.21. I note that the *Dublin Airport Local Area Plan 2020* did not consider this specific project. Therefore, I see no contradiction between its findings and the submission of an NIS for this project.

10.1.22. *Screening Determination*

10.1.23. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, and having regard to the information presented in the *Dublin Airport Underpass Appropriate Screening and Natura Impact Statement*, including the nature, size and location of the development and its likely indirect effects, either alone or in combination with other plans or projects, it is considered that potential significant effects could arise and that Appropriate Assessment is required to determine if adverse effects on site integrity can be excluded from the following European Sites, in light of the Conservation Objectives for those Sites:

- Baldoyle Bay SAC (000199), and
- Baldoyle Bay SPA (004016).

10.2. **Stage 2 – Natura Impact Statement**

10.2.0. The NIS sets out the background to Appropriate Assessment and guidance documents, a description of the project, the methodology for Appropriate Assessment, baseline information, the conclusion of the Appropriate Assessment Screening Report, considers adverse effects on the relevant European Sites, In-combination effects and provides a conclusion. It identifies and characterises the possible implications of the development on the European sites, in view of the site's conservation objectives, and provides information to enable the Board to carry out an appropriate assessment of the works undertaken and proposed to be taken. Dr. Flynn and I consider the information sufficient to allow the Board undertake an Appropriate Assessment.

10.2.1. The NIS describes the characteristics of the receiving environment. It is informed by a range of studies, which also inform the EIAR. These include:

- desk studies,
- The Preliminary CEMP,

- The 'Airfield Trunk Culvert Temporary Diversion Pollution Control' Report,
- Ground Investigation reports,
- Hydrogeological Report,
- Water Framework Directive Assessment, and
- Chapters relating to Biodiversity, Lands and Soils and Water of the EIAR.

10.2.2. Dr. Flynn is satisfied that adequate information has been provided in respect of the baseline conditions, the potential impacts and effective mitigation measures are proposed.

10.2.3. The NIS assesses the potential for direct, indirect effects, alone or in-combination with other plans and projects, taking into account the use of mitigation measures to prevent impacts.

10.2.4. *Baldoyle Bay SAC, Site Code:000199*

10.2.5. This site is 9.4km from the airport, via the Cuckoo Stream, which is a tributary to the Mayne River. Baldoyle Bay consists of a tidal, narrow estuary, which is separated from the sea by a dune system. Two rivers flow into it – the Mayne and the Sluice. The Sluice is in Good Ecological Status and flows into the bay near Portmarnock. The Mayne, which is Poor Ecological Status, with a Q value of 3 flows into the bay near Baldoyle Racecourse. The Mayne River is the hydraulic connection between the site and the SAC, via the Cuckoo Stream.

10.2.6. The SAC has large areas of intertidal flats. The qualifying interests are as follows:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

10.2.7. The Conservation Objective for mudflats and sandflats are to maintain these in favourable conservation condition. The target is to ensure that the permanent habitat area of 409 ha is stable or increasing. The particular community types are to be conserved in a natural condition. These are Fine sand dominated by *Angulus tenuis* community complex; and Estuarine sandy mud with *Pygospio elegans* and *Tubificoides benedii* community complex.

- 10.2.8. The Conservation Objective for Salicornia and other annuals colonising mud and sand is to maintain these in favourable conservation condition. The targets are to ensure that the area stable or increasing (circa 0.4ha), subject to natural processes, including erosion and succession; that there is no decline, or change in habitat distribution, subject to natural processes; that the natural circulation of sediments and organic matter is maintained, without any physical obstructions; that the physical structure of creeks and pans are maintained, subject to natural processes; that the flooding regime is maintained and that that the vegetation structure, height and cover is maintained.
- 10.2.9. The conservation objective for Salicornia and other annuals colonising mud and sand is maintained, in terms of its vegetation composition and structure. This requires that there is no significant expansion of common cordgrass (*Spartina anglica*), with an annual spread of less than 1%.
- 10.2.10. The conservation objective for Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) is maintained, in terms of its area is stable or increasing (circa 12 ha), subject to natural processes, including erosion and succession; that there is no decline, or change in habitat distribution, subject to natural processes; that the natural circulation of sediments and organic matter is maintained, without any physical obstructions; that the physical structure of creeks and pans are maintained, subject to natural processes; that the flooding regime is maintained and that that the vegetation structure, height and cover is maintained. 90% of the area outside the creeks is to remain vegetated.
- 10.2.11. The conservation objective for Mediterranean salt meadows (*Juncetalia maritimi*) is maintained, in terms of its vegetation composition and structure. This requires that there is no significant expansion of common cordgrass (*Spartina anglica*), with an annual spread of less than 1%.
- 10.2.12. *Potential Direct Effects*
- 10.2.13. There are no potential direct effects on the SAC during construction or operation.
- 10.2.14. *Potential Indirect Effects*
- 10.2.15. During construction and operation, potential indirect effects may occur arising from changes in water quality from waterborne pollution. The flow of groundwater

could be effected to the Cuckoo Stream arising from earthworks or the permanent interference with groundwater flow from the presence of the proposed underpass.

10.2.16. *In-combination Effects*

10.2.17. A planning search by the applicant found 129 applications within 1 km north and south of the Cuckoo Stream. The majority of the applications were small scale. It was concluded that there is potential for in-combination effects in the absence of mitigation.

10.2.18. A number of plans were also considered, including the then draft *Fingal Development Plan 2023-2029* and the *Dublin Airport Local Area Plan 2020*. These plans have been subject to Appropriate Assessment and no potential for in-combination effects were found.

10.2.19. *Mitigation Measures*

10.2.20. During construction, these include a temporary diversion of the 'Airfield Trunk Culvert'. This diversion will include the artificial pumping of water, which is subject to permit and will maintain existing waterflows at an appropriate rate. The 'Airfield Trunk Culvert Temporary Diversion Pollution Control' report provides the details on how this is to be managed.

10.2.21. All potential conduits for silt-laden run-off will be identified and physical measures, such as temporary sediment forebays with a designated attenuation basin will be provided. Interceptors will prevent any pollution or spillages from entering the drainage network. This will include silt mitigation, straw bales and Terram in road gullies, to intercept silt laden surface water,

10.2.22. A temporary, localised effect on groundwater during excavation is expected. De-watering will be returned to groundwater, so that these flows are not interrupted.

10.2.23. During operation, the mitigation measures to be employed include the standard designed in measures to deal with surface water flow i.e. the separation of clean water run-off from polluted run-off and the storing of water so that run-off rates are maintained.

10.2.24. *Residual Effects*

10.2.25. Should any pollutants escape, there will be no effect on the SAC due to the dilution effects of the volume of water in the bay. However, given the pollution controls

in place, that there is no net increase in water runoff or pollution, there is no effect anticipated on the SAC.

10.2.26. *Baldoyle Bay SPA 004016*

10.2.27. The SPA is located within the above SAC. It is a wetland habitat that supports wintering waterbirds. It is a nature reserve and a wetland of international importance under the Ramsar Convention. Species of Conservation Interest are as follows:

- Light-bellied Brent Goose (*Branta bernicla hrota*)
- Shelduck (*Tadorna tadorna*)
- Ringed Plover (*Charadrius hiaticula*)
- Golden Plover (*Pluvialis apricaria*)
- Grey Plover (*Pluvialis squatarola*)
- Bar-tailed Godwit (*Limosa lapponica*)
- Wetland and Waterbirds

10.2.28. The conservation objective for the Light Bellied Brent Goose is to maintain the population trend of the species to be stable or increasing and that there is no significant decrease in the range, timing and intensity of use of areas by light-bellied brent goose, other than that occurring from natural patterns of variation.

10.2.29. The same conservation objective applies to the rest of the species listed above. The Wetlands, an area of 263 ha, is to remain stable, save for natural variation.

10.2.30. *Potential Direct Impacts*

10.2.31. There is no direct impact as the site is outside the European Site.

10.2.32. *Potential Indirect Impacts*

10.2.33. The airport operates a Wildlife Management Plan, so there is limited bird use of the site. It is not an 'ex-situ' foraging site, as is evident from the bird surveys.

10.2.34. The development could give rise to deterioration of surface water during construction, due to hydrological connections as the SPA is downstream of the development. The flow of groundwater could be effected to the Cuckoo Stream

arising from earthworks or the permanent interference with groundwater flow from the presence of the proposed underpass.

10.2.35. *Potential In-combination Effects*

10.2.36. A planning search by the applicant found 129 applications within 1 km north and south of the Cuckoo Stream. The majority of the applications were small scale. It was concluded that there is potential for in-combination effects in the absence of mitigation.

10.2.37. A number of plans were also considered, including the then draft *Fingal Development Plan 2023-2029* and the *Dublin Airport Local Area Plan 2020*. These plans have been subject to Appropriate Assessment and no potential for in-combination effects were found.

10.2.38. *Mitigation Measures*

10.2.39. The mitigation measures are the same as stated above for Baldoyle Bay SAC in 10.2.19.

10.2.40. *Residual Effects*

10.2.41. None are anticipated (see above Para 10.2.25)

10.2.42. *Evaluation of Effects*

10.2.43. I consider that the mitigation measures are extensive, are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential effects arising from construction and operation. It is reasonable to conclude on the basis of best scientific information, that the proposed development would not be give rise to have an adverse effect on the integrity of *Baldoyle Bay SAC* (000199) and *Baldoyle Bay SPA* (004016) and that adverse effects on site integrity can be excluded.

10.2.44. *NIS Omissions*

10.2.45. No omissions were identified.

10.2.46. *Appropriate Assessment Conclusion*

10.2.47. Having reviewed the NIS and the supporting documentation, and taking into account the evaluation of the Inspectorate Ecologist and Inspectorate Scientist, I am satisfied that the applicant has provided adequate information in respect of the

baseline conditions, identifies the potential impacts, and uses best scientific information and knowledge in assessing those impacts. Details of mitigation measures are provided and they are contained in 6.3 of the NIS. I am satisfied that the information is sufficient to allow for complete, precise and definitive findings for the appropriate assessment of the development.

10.2.48. Having regard to the mitigation measures proposed during construction and operation and the success of the mitigation measures, , I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Stage 2 Appropriate Assessment, that the development, individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites, *Baldoyle Bay SAC* (000199), and *Baldoyle Bay SPA* (004016), or any other European site, in view of the sites' Conservation Objectives.

11.0 EIA

11.1. EIA Screening

11.1.1. The proposed development is a private road, 1.1 km in length, 0.7 km of which is subterranean. The length of the road is subthreshold for EIA purposes (a mandatory EIA is required for private roads in excess of 2000 metres). The proposed development is subthreshold for EIAR.

11.1.2. An EIAR has been submitted with the application. As such, under Article 102 of the Planning and Development Regulations, 2001, as amended, the EIAR is to be dealt with as if it has been submitted in accordance with Section 172(1) of the Planning and Development Act.

11.2. EIAR Report

11.2.1. This section of the report summarises the chapters in the EIAR.

11.2.2. Non Technical Summary

11.2.3. A Non Technical Summary (NTS) is provided in Volume 1 and Volume 4 of the EIAR, under the heading of Appendix 10-1 Natura Impact Statement. It sets out the project and provides brief summaries of each chapter. I am satisfied that it explains the information contained in the EIAR clearly. I will consider the contents of each chapter separately.

11.3. ***Introduction to the EIAR***

11.3.1. Prior to the Introduction, the EIAR sets out Key Concepts and Terminology. The project is stated to consist of four key elements:

- Subterranean Underpass, ramps, access road, plant;
- Relocation of aircraft stands at Pier 3. New nodes, fixed links and airbridges (Loss of 3 Narrow Body Equivalent and addition of 1 Wide Body Stand);
- Associated road modifications;
- Drainage works, including temporary diversion of the Cuckoo Stream and local attenuation.
- It includes part of the future drainage to serve future developments at the airport (6 no. inert pipes).

11.3.2. Survey work was undertaken in 2018-2021. Assessment years are 2024 (peak construction) and 2025 (opening year). SMTWE DAC consider this period too short.

11.3.3. The airport is described as being unofficially split into the Eastern Campus and the Western Campus, with the Crosswind Runway splitting the two. Most of the facilities are on the Eastern Campus. The West Apron is mainly used for cargo operations, general aviation and contingency stands. The access to Western Campus is via vehicular crossing of the Crosswind Runway. This is no longer viable once the Northern Runway is commissioned. All traffic would then have to use the 8 km Perimeter Road.

11.3.4. The construction of the proposed Underpass would require the use of a main, airside compound for concrete crushing and batching and storage and two landside compounds.

11.3.5. No additional aviation activity will arise as a consequence of the proposed development and the cap of 32 mppa remains in place for the terminals.

11.3.6. The report refers to the EIA Directive, as amended, and associated 2018 Regulations. A Screening for EIA was carried out. A number of classes of development are listed. The report finds that on the basis of the information currently available, significant effects on the environment cannot be ruled out. An EIA is necessary to identify, describe

and assess the direct and indirect effects on the environment of the proposed development.

11.3.7. The EIAR was prepared by Aecom, who have extensive experience in EIA. The persons who prepared the EIAR are appropriately qualified and either have extensive experience or have been supervised by persons of extensive experience. The EIAR states that the team have prepared EIARs for airports in the UK.

11.3.8. *Inspector's Comments and Conclusions*

11.3.9. The Screening for EIA identifies that the project could require EIA for a number of reasons. However, the trigger is not identified. The issue of mandatory EIA and Subthreshold EIA has not been properly addressed.

11.3.10. A subthreshold EIA has been triggered by Class 10 (dd) of Part 2 of Schedule 5 for a Private Road (being less than 2,000 metres), having regard to the fact that the proposed development requires a dual laneway subterranean underpass which is circa 0.7 km in length and requires extensive excavation, some of which may be contaminated.

11.3.11. I do not consider that the level of demolition involved would trigger a subthreshold EIA, due to the limited extent of demolition.

11.3.12. I am satisfied that a subthreshold EIA would be triggered for a private road, due to the size (dual lane 0.7 km) and design (subterranean) and production of waste, which may be contaminated. I note that once an EIAR is submitted, the competent authority is required to treat the application as if it were required in any instance, as specified in the Planning and Development Regulations, 2001 as amended.

11.3.13. In relation to the construction year and opening year, being a two year period only, I consider this acceptable, given that the proposed development will not have significant impacts on the wider road network when operational. Any effects are likely to be experienced within a very short time of the commissioning of the facility. Therefore, the approach is acceptable.

11.4. **Alternatives**

11.4.1. Alternatives under EIA have to be reasonable alternatives, rather than all possible alternatives, as set out in the EU '*Guidance on the Preparation of the Environmental Impact Assessment Report*' 2017.

- 11.4.2. In this case, a 'Do Nothing Scenario' is not feasible, as the vehicular access over the runway has to be closed. This scenario however is assessed to show environmental change.
- 11.4.3. The Northern Perimeter Road is one alternative. It is not considered a viable alternative in the EIAR. It is stated that the road is not wide enough for the vehicles that would need to use it and that it is unsuitable for winter operations. The 8 km journey would take between 20 to 30 minutes and there could be further delays from slow moving traffic. The Southern Perimeter Road has similar disadvantages and is described as being closed, save for essential authorised staff only, to avoid potential interference the Instrument Landing System (ILS) used by aircraft landing at the airport.
- 11.4.4. Another alternative examined is the duplication of the Eastern Campus Facilities on the Western Campus. This is considered not practical for some operations, such as baggage handling and refuelling and would be very expensive.
- 11.4.5. An alternative is to close the Crosswind Runway to aircraft, to facilitate vehicular access. However, the runway is still needed for operational purposes.
- 11.4.6. The proposed Underpass is therefore considered to offer the best option.
- 11.4.7. A comparison of environmental effects of the alternatives is presented in Table 2-2. This assesses the four alternatives against the chapter headings in the EIAR. Save for the duplication of facilities, the other three alternatives have negligible effects on the environment.
- 11.4.8. Reasonable alternative routes, layouts, designs and mitigation measures are then assessed for the Underpass. Shorter routes are dismissed arising from conflicts with existing and future taxiways. The longer route is via Terminal 2 and from the US Customs and Border Protection and would create additional challenges. The environmental effects are considered broadly similar.
- 11.4.9. Alternative layouts relate to access from Pier 3. Alternative designs considered whether the single cell versus twin cell. Alternative construction processes considered tunnel boring instead of 'cut and cover'. Cost and the strength and stiffness of the glacial till ruled this out. Alternative architectural changes to Pier 3 were considered.
- 11.4.10. *Inspector's Comments and Conclusions*

- 11.4.11. The Third Parties consider that the alternatives very 'high level'. I consider that while the exploration of the main reasonable alternatives is limited, they comply with the requirements of the EIA Directive. The EIAR describes six different types of alternatives as set out in the 2022 EPA guidelines on EIA.
- 11.4.12. The EIA Directive, as amended, requires that the environmental impacts of the reasonable alternatives are considered and '*an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects*' in Annex IV (2). My interpretation of this statement is that the choice of one alternative over the others is to be informed by the comparison of the environmental effects, even if these effects are not considered significant. Table 2-2 in the EIAR is a standalone table and appears after the statement at Para 2.4.9. that the underpass is the permanent solution. It does not appear to have informed the decision. Third parties note that the alternatives do not consider Carbon Assessment when considering construction alternatives and recommend the use of a boring machine. I would not be inclined to require this as a condition, as this would require the scheme to be redesigned and would delay the project.
- 11.4.13. The chapter complies with the requirements of the EIAR Directive. I note that the discussion on the environmental effects of the alternatives is clearer in the NTS, where it is acknowledged that the proposal for a dual cell tunnel has the largest environmental 'footprint'.

11.5. **Description of Development**

- 11.5.1. Access to the proposed Underpass is from beside Pier 3. Pier 3 has 4 levels, with departure gates on Level 20 and Level 10 has arrivals immigration. There are 8 aircraft stands around the building. Reconfiguration of the arrangements is required, including new fixed links and nodes.
- 11.5.2. The proposed Underpass is a twin-cell enclosed subterranean tunnel, 0.7 km long with ramps at both ends, bringing the distance to 1.1 km. It is 24 metres wide, 5.5 metres in height from road level to ceiling height, and an overall height of 8.75 metres. A drainage sump sits below it. It is up to 13.9 metres below ground level, with the sump 17.5 metres below ground. A plant room is proposed at the portal to the east ramps, some 625 square metres in area. An airside, internal road is required to the north of Pier 3, to link into the east ramp from an existing roundabout which needs a clearance

of 4.55 metres for vehicles. From the reconfiguration of the aircraft stands, there will be a net loss of 3 no. NBE stands (12 to 9) and a net gain of 1 no. WB stand (4 to 5). There is no change to the aircraft stands on the West Apron. Due to the new road layout, passengers from Pier 3 will have to access the reconfigured stands via fixed links to three new nodes. The fixed links are of varying lengths, but a maximum of 150 metres. Fingal County Council is not satisfied that the quality of design, particularly of the structural supports of the fixed links, is of a high enough standard.

- 11.5.3. The proposed Underpass will provide for three sets of drainage – clean surface water, potentially polluted surface water and contaminated flow (from fuel spillage or use of the fire suppression system). The clean surface water is runoff from the ramps. This will be pumped to surface level and discharged to the Cuckoo Stream via attenuation tanks. Potentially polluted run-off will pass through a fuel interceptor. A separate storage tank will hold contaminated water. This will be pumped by a dry riser to a tanker at surface level for removal.
- 11.5.4. The Airfield Trunk Culvert (the Cuckoo Stream) will need to be diverted on a temporary basis. This will involve temporary piping and pumping.
- 11.5.5. Redundant drainage will be removed and sections of a new drainage system provided, unrelated to the proposed underpass. No development is associated with the drainage system, but the opportunity to install the drains while the Crosswind Runway is closed is being availed of. This will be carried out so there is no reduction in storage over the construction period. Drainage from the West Apron will be oversized so as the trunk pipeline to the Airfield Trunk Culvert can cater for future development. Two additional trunk pipelines will be installed at this time, for future development. These will not be commissioned until such development has been constructed, following planning permission.
- 11.5.6. A site adjacent to the Western Compound will be used for pre-screening of deliveries going airside and will include an airside pass office, car parking and bus parking for construction staff.
- 11.5.7. A new Southern Compound is proposed to the southwest of the airport. This will be utilised as a lorry waiting area and additional materials storage. No works are required for this area.

- 11.5.8. A compound will be located on the West Apron and will serve as the main construction compound. It will have site offices, laydown facilities and concrete crushing and batching.
- 11.5.9. At Further Information Stage, two minor compounds were identified adjacent to the West Apron on Taxiway W2 and adjacent to Taxiway F2.
- 11.5.10. The proposed development will be constructed using a bottom up, cut and cover method. This involves excavating two benches, laying the base slab, erecting the outer walls formwork, tunnel formwork and roof slab, then casting the walls and roof and recovering. The work is divided into 50 segments, which helps to limit the likelihood of potential contaminants mobilising. Groundwater pumping will be required. The water will be treated before discharge. Work will take place on a 24 hour, 7 day week basis in two 12 hour shifts. The nightshifts will be used to allow truck movements cross taxiways.
- 11.5.11. The construction period will be three years, allowing for Pre-Closure Works to the Crosswind Runway (Phase 1), Closure of that runway (Phase 2) and then Post-Closure (Phase 3).
- 11.5.12. HGV Traffic peaks at 1,900 vehicles per week in Phase 1 (average 1,500). Some 77% of construction vehicles will come from the landside Western Compound, the Recycling Compound or the M50. The remaining vehicles are already airside. Gates 9 and 1B will be used. The Northern Perimeter Road will provide access.
- 11.5.13. Some 330,063 cubic metres of construction material will be imported, 70,000 cubic metres re-used and 272,950 cubic metres of waste exported from the site. A Preliminary Construction Management Plan has been submitted in Appendix 3-1. It will involve a workforce of between 100 to 150 persons, with a peak of 180 persons.
- 11.5.14. In operation, the remote Traffic Control Centre will control all operations, including traffic control, power and fire detection. This is likely to be in the Airport Operations Centre. Traffic will pass through the Proposed Underpass without stopping. The tunnel will be naturally ventilated. Emergency procedures are in place in the event of accidents. A fire event will trigger mechanical ventilation.
- 11.5.15. *Inspector's Comments and Conclusion*
- 11.5.16. The proposed development is clearly explained.

11.6. **Methodology**

11.6.1. This sets out the EIA Process, how significant environmental effects are identified and characterised.

11.7. **Traffic & Transport**

11.7.1. *Inspector's Summary and Analysis*

11.7.2. The chapter sets out the guidance that informed it and the methodology used. It has been prepared by a person with appropriate qualifications and experience.

11.7.3. During operation, the proposed development will not add to traffic movements outside the airport or on the landside.

11.7.4. During construction, construction worker traffic will be designed to avoid traffic peaks, as work will take place in 12 hour shifts around the clock. Some 100 to 150 workers will be employed, with a peak of 180.

11.7.5. Construction vehicle movements will avoid the R132 and arrive via the M50, in general.

11.7.6. A Local Area Model (LAM) of the road network in the vicinity of the airport has been developed and is used to assess the impacts of projects on traffic in the area. It uses VISUM modelling software. The base year is 2019, where the airport hits its 32 mppa cap. Peak hours modelled are 0800-0900 and 1700-1800. TII have a permanent traffic counter within the area. The NTA have an Eastern Regional Model for the year of 2031. This has demand, model split and planned future road network upgrades. This includes MetroLink and BusConnects.

11.7.7. The chapter is informed by the Preliminary Construction Environmental Management Plan (PCEMP). 2024 is considered the peak period for construction activity.

11.7.8. The chapter states that the full details of the haul route origins / destinations are not known and so the assessment focuses on the immediate road network. Construction traffic will increase during the night to avoid operational impact on the airport. Some of the construction traffic will be within the airport, but circa 77% will impact on the LAM.

11.7.9. SMTWE DAC has identified that construction traffic will have a significant impact on residents living in in St. Margarets and these movements will be concentrated at night.

However, there is a bypass of St. Margarets, the R122 and so construction traffic will not travel through the village.

11.7.10. All construction traffic will avoid the M1 interchange and will come off the M50 at Ballymun (Junction 4) onto the R108 Naul Road. In Phase 1, no Construction HGVs will use the R122, as they will have turned off before onto the R108 Dunbro Lane. While the number of construction vehicles is large (231 HGV), the background traffic flows on most of the road network is high, so the impact is low. As the roads come nearer to the site, the percentage of HGVs is high at 24.4% on the Dunbro Lane. However, there are few residential units in this area.

11.7.11. In Phase 2, with a maximum of 293 HGVs, some of these will exit to the north via the Naul Road.

11.7.12. In Phase 3, there will 340 HGV movements. The EIAR states that 100% of construction vehicles will enter/exit via the Naul Road.

11.7.13. *Inspector's Evaluation of Direct Impacts*

11.7.14. The EIAR is correct in that the main significant effects on Traffic and Transport are during construction. The number of HGV's is very large on a daily basis, reflecting the substantial nature of the proposed development. However, the road network in the area is of a standard to cater for these movements and the impact of the construction traffic is generally very limited, save in relation to the R108 North Parallel Road. The significant increase on this road (24%) does not have a significant impact on sensitive receptors or the wider network. The village of St. Margarets is bypassed and peak hour travel by construction vehicles will be avoided.

11.7.15. *Inspector's Evaluation of Indirect Impacts*

11.7.16. Indirect impacts arise from noise and air, which will be discussed below.

11.7.17. *Inspector's Evaluation of Residual Effects*

11.7.18. The Construction Traffic Management Plan is the main mitigation measure. SMTWE DAC recommend that construction traffic be limited to daytime traffic only. I consider that this would significantly elongate the construction timeline and add to daytime congestion, which ultimately would not be in the interests of residents. The residual effects are acceptable.

11.7.19. *Inspector's Commentary and Conclusion*

11.7.20. The traffic figures are considered reliable. There is a lack of detail in relation to haul routes, as referred to by SMTWE DAC. However, given the strategic location of the airport, which is accessible from the M50, M1 and N2, which are a high-quality road network, I am satisfied that the impact of traffic from haul routes will not be significant. I note that should the proposed development be permitted, any waste to be disposed of will go to, and clean backfill will come from, authorised sites, where the level of traffic would have been anticipated in the grant of planning permission. A list of suitable sites for acceptance of this waste are set out in Appendix 14-4 of the EIAR. I do not consider that the level of traffic generated by construction will have a significant negative impact on the road network. A condition to submit a Construction Traffic Management Plan will ensure that Fingal County Council have oversight of the final haul routes. All traffic during operation will be contained within the airside of the airport. I also note the judgement of *Holohan V An Bord Pleanála*, where it was found that leaving such detail to post decision is acceptable.

11.8. **Lands and Soils**

11.8.1. *Inspector's Summary and Analysis*

11.8.2. The chapter sets out the guidance that informed it and the methodology used. It has been prepared by a person with appropriate qualifications and experience.

11.8.3. Lands and soils are interwoven with water, as the site area has groundwater beneath it (hydrogeology).

11.8.4. The EIAR identifies that site investigation data is limited due to the size of the site and a large part of the site being in operation as an airport including runways and aprons. Eleven boreholes were drilled, (BH101-BH111), from west to east.

11.8.5. Much of the site is covered over with concrete and tarmac. It notes that aircraft are refuelled at their stands via trucks from the fuel storage farm. This is to change as fuel lines are to be installed underground from the fuel terminal and run to each aircraft stand. The underground fuel lines are double-contained.

11.8.6. The airport is relatively level, falling from west to east (66 m AOD to 62 m AOD).

11.8.7. The bedrock geology is underlain by the Tober Coleen Formation. This is a dark grey, calcareous shale and limestone conglomerate of Carboniferous Age. It has folded and faulted. There are areas of outcrops, but these are outside the site. The two

compounds are underlain by argillaceous limestone and shale of the Malahide Formation.

- 11.8.8. The overburden geology consists of fine loamy drift with limestone and moderate drainage. The Western Compound is similar, but drainage is poor.
- 11.8.9. Quaternary subsoil deposits overlying bedrock are glacial till of boulder clay. It is stiff to very stiff, but with some sandy gravelly lenses.
- 11.8.10. Depth to bedrock ranges from 21.4 m BGL (at BH102) and 32.55 m BGL (at BH111). BH104, BH106 and BH107 are proximate to the middle of the proposed Underpass and excavation will be to circa 48 m OD. This means that there will be approximately 10 m of low permeability clay between the base of the proposed Underpass and the top of the bedrock.
- 11.8.11. Groundwater vulnerability is considered 'low', save for near Pier 3 where the aquifer vulnerability is considered 'moderate'. Most of the application site is classified as a 'Poor' aquifer, generally unproductive except for local zones (i.e. yields less than 100m³/d). The West Apron is a 'Locally important aquifer' (i.e. yields between 100m³/d to 400m³/d).
- 11.8.12. A well is recorded a minimum of 750 metres from the eastern ramp of the proposed Underpass, at Cloghran House. It is not known if the well is still in use and its purpose is industrial. Eight other wells are between 1 and 2 km from the site.
- 11.8.13. There are groundwater monitoring wells around Hangers 1 to 6 in the North Apron. These are for EPA licenced activities. These wells have identified that Chlorinated Hydrocarbons have been detected in groundwater, but concentrations have shown declining trends. Another EPA site has found no contaminants in groundwater.
- 11.8.14. There are no source protection areas for a public water supply in the area. Water to the airport is supplied from the mains.
- 11.8.15. The proposed Underpass is located in the Dublin Groundwater Body, IE_EA_G_008. It is classified as a poorly productive bedrock aquifer. It was of Good Status in 2013-2018. I note that currently, the status of the Groundwater Body is categorised as under 'Review'. The Western Compound is located in a different

groundwater body. It is located in the Swords Groundwater Body (IE_EA_G_011), which is not at risk.

11.8.16. Trial pits were excavated and boreholes drilled in 2018. Static water levels were found in some at between 2.1m and 4.2 m bgl. However, at a second site investigation, boreholes were drilled between 22.5 m to 38 m bgl and not water was encountered and no monitoring wells were installed. During the 2022 site investigation, nine boreholes were drilled. Monitoring wells were installed in two boreholes. Pump and step tests were undertaken. These indicate that limited dewatering will be required during construction.

11.8.17. The hydraulic connection between groundwater and the Cuckoo Stream is limited, as the stream is culverted.

11.8.18. The groundwater samples from the boreholes were chemically tested. No PFAs or PAHS were detected above Minimum Detection Levels.

11.8.19. Soil samples were chemically tested. Some contamination was found in 7 of 22 samples for Total Petroleum Hydrogen (TPH). Polycyclic Aromatic Hydrocarbon (PAH) were found in for samples. Benzene and toluene were found in trace concentrations. Groundwater samples were collected from the two pumping wells in Boreholes 105 and 107.

11.8.20. The chapter finds that the proposed Underpass will be constructed in subsoil and will not interfere with bedrock. Groundwater around the proposed Underpass has a low vulnerability. The Cuckoo Stream is unlikely to be affected by groundwater as it is culverted beneath the application site.

11.8.21. *Inspector's Summary of Potential Direct Impacts*

11.8.22. Clean surface water will be pumped to surface level or stored if necessary. Potentially polluted surface water will enter a fuel interceptor before discharging to the pumped network. The fire suppression system will have its own contaminated storage tank, which can be pumped off later to a tanker at surface level.

11.8.23. The nearest wells are for monitoring purposes and are too distant to be impacted. The potential for leaching and mobilisation of contaminants is possible with the storage of excavated soils. However, the levels of soil contamination are not considered significant, as confirmed in the Board's Scientist memo of 12th December,

2023 (please see Appendix 2). He notes that the majority samples were within the Landfill waste acceptance criteria for inert waste landfill, save for Borehole 111. At 9.5 metres below ground, this had a value of 310mg/kg for PAH, which exceeds the 100mg/kg threshold, indicating a 'hot spot' of contamination.

11.8.24. Construction methods will limit the exposure of soils, which will also limit the time for potential contaminants to mobilise. The loss of the subsoil will be permanent. Changes in groundwater level may arise from de-watering. This is required only on a temporary basis, during construction. The impact is considered slight and not significant. Accidental spills and leaks could occur. If this arises, the impacts are considered to be confined and of a low impact, the significance is considered imperceptible. The use of concrete could raise the pH of groundwater, if spills arise. These are unlikely to arise and to temporary in nature. The use of natural resources will lead to their depletion. However, the extent of concrete required is 1.7% of overall national demand and the extent of fill required is 0.68% of overall national demand. The impact is characterised as minor.

11.8.25. During operation, the main risk arises from accidental spills and leakages.

11.8.26. *Inspector's Summary of Mitigation Measures*

11.8.27. Excavated soil will be managed so as stockpiles are positioned away from drainage systems or areas prone to flooding. Water pumped during construction will be treated before being discharged into existing drainage systems. Excavated soil and stone will be tested for contamination and waste acceptance criteria before being disposed of. Suitable material will be reused. Imported soil will be tested for contamination. Stockpiles will be graded and silt fencing will prevent runoff outside the designated area. De-watering water will be via a closed loop system that avoids aeration of re-injected groundwater. If water has to be discharged to surface water, it will be tested and treated. Pollution prevention procedures will be in place on the construction site. Refuelling will occur in a bunded area or a limited volume. Spill kits will be available. Concrete will not be laid during wet weather.

11.8.28. *Residual Effects*

11.8.29. The chapter states that these will be slight to imperceptible.

11.8.30. *Inspector's Commentary and Conclusion*

11.8.31. I consider that the effects on lands and soils are clearly set out. The Third Parties have raised the issue of uncertainty because of the limited level of physical investigation, which could have material impacts. I acknowledge the difficulties of undertaking ground inspection investigations of a working runway that is required for emergency use. The mitigation measures are well tested and robust and are capable of responding to different ground conditions. A condition can be attached that requires information on ground and groundwater conditions to be submitted to the planning authority prior to commencement of construction that can finalise the details of the mitigation measures.

11.8.32. I would expect that the removal of any contaminated soil would improve current soil conditions and reduce risk of contamination to groundwater. I note that the proposed development will result in a significant transfer of construction waste (soil and stones) from the site to backfill (circa 342,950 m³) which will be balanced by the importation of construction materials (circa 330,063 m³). I am satisfied that the loss of natural resources will be relatively balanced by way of the use of backfill, via the circular economy, which is a suitable use for waste soil and stones. The report from the Board Scientist finds that the impact of the project surface, lands, soils geological and hydrogeological to be slight or imperceptible, subject to the implementation of mitigation measures as set out in the EIAR. I would concur with this.

11.9. **Water**

11.9.1. This chapter includes a Water Framework Directive Assessment and a Flood Risk Assessment. It has been prepared by a person with appropriate qualifications and experience.

11.9.2. The chapter sets out the legal, guidance and policy framework. It states that a conceptual hydrological and hydrogeological model of the study area is developed; source-pathway-receptor model and a qualitative and where practical a quantitative risk assessment is developed.

11.9.3. The chapter notes that groundwater data is limited in relation to seasonality. However, this is not expected to affect the findings of the assessment.

11.9.4. The proposed development is located in the Mayne River sub-basin, which contains the culverted Cuckoo Stream, which flows to Baldoyle Estuary. The majority of the

airport drains to this stream. The stream is seriously polluted, with Q Values of 1-2, as has been the case since 2006.

- 11.9.5. Groundwater is expected to flow east or north-east to the coast. There is no expected connectivity between the shallow groundwater and the Cuckoo Stream due to the culverted nature of the stream.
- 11.9.6. Flood risk to the proposed Underpass is most likely to arise from a pluvial event with surface water/overland flow, or from sewer/drainage flooding and/or groundwater. There is potential for limited pluvial flooding from Pier 3, which has a total catchment area of 0.44 ha. At the West Apron, the potential is greater, given that it is located a low point and there is a larger area of impermeable hard standing. The catchment area is smaller at 0.28 ha. Therefore, there is a risk of overland flow flooding.
- 11.9.7. The Airfield Trunk is stated as having sufficient capacity for the 1 in 100 year flood event plus 30% Climate Change. If the storm event is greater than this, then there is a residual risk. There is a stated 760mm vertical clearance between the Airfield Trunk and the proposed Underpass.
- 11.9.8. The existing airport drainage requires regular intervention and could add to overland flows.
- 11.9.9. There is a risk of groundwater flooding.
- 11.9.10. No risk of increased downstream flooding is identified.
- 11.9.11. The airport has a stormwater drainage network. Pollution retention facilities are provided for the runways, aprons and taxiways to collect de-icing chemicals. Surface water runoff from other hard standing areas is not treated prior to downstream discharge. The paved area network is sealed to prevent groundwater contamination. Discharge licences at the airport from various companies are controlled by the EPA.
- 11.9.12. Attenuation facilities for the Cuckoo Stream are provided downstream of the culvert. These are for the 1% AEP storm event (1 in 100 year storm). There is a Pollution Control Facility to manually divert runoff to the public sewer, when activated. It can also segregate contaminated run-off in the event of an emergency spill. In relation to Baldoyle Estuary SAC, the chapter states that given the distance between the proposed development and the site, any pollutant would likely be diluted down upon reaching the sites.

11.9.13. *Potential Direct Effects as Summarised by the Inspector*

11.9.14. During construction, the proposed development could give rise to pollution of surface water and groundwater, over-pumping of the Cuckoo Stream and groundwater level, due to decreased availability.

11.9.15. During operation, surface water flows will have to be attenuated due to the increase in impermeable surfaces. The existing discharge rates will have to be maintained and treatment provided for contaminated run-off. The availability of flow to groundwater could be decreased. The proposed Underpass could form a barrier to groundwater flow. This could cause an insignificant rise in the local groundwater table. Pollution to groundwater could arise, from accidental spillages.

11.9.16. *Mitigation Measures as Summarised by the Inspector*

11.9.17. During construction, any effects of groundwater arising from spillages is likely to be low, due to measures in the PCEMP and would be localised in terms of impact. No ground contamination has been detected to date, which means that the risk of mobilisation of contaminants is low.

11.9.18. There is potential for sediments to become entrained in runoff, which could be discharged to the Cuckoo Stream. Pollution prevention controls will be in place, as set out in Appendix 7.2. Leaks and spillages, including concrete, will be controlled.

11.9.19. The pumping of water of the Airfield Trunk will maintain flows at existing drainage rates. A Non-Return Valve will be provided so as no backflow from the Cuckoo Stream will enter the proposed Underpass.

11.9.20. During operation, the ground levels around the entrance ramps will be elevated, to minimise surface water entry to the proposed Underpass (circa 150 mm). A new surface water system will be provided to attenuate surface water flows and maintain existing discharge rates. The runoff rate will be 2 litres per second for all return periods, including the 1 in 100 year storm + 30% Climate Change, via cellular tank storage. Additional emergency storage volumes will also be provided, in the event of pump failure. Runoff will be treated prior to discharge via an interceptor and contaminated water stored separately, to be removed off site via tanker.

11.9.21. In relation to groundwater, the proposed Underpass will be surrounded by a waterproof membrane, with a design life of 120 years. The alignment of the proposed

Underpass will parallel groundwater flow, thus minimising its impact. Groundwater is expected to flow around it, thus dissipating any flooding risks. Any increase in the groundwater table will be minimal. No significant effects are expected.

11.9.22. *Residual Effects*

11.9.23. No significant effects are expected, as stated in the chapter.

11.9.24. *Inspector's Comments and Conclusion*

11.9.25. Please note that I have summarised the chapter on water solely on the impacts of the Cuckoo Stream and groundwater. This is because the proposed Underpass is located within the catchment of the Cuckoo Stream and other sub-catchments within the airport site are unaffected by the proposed development.

11.9.26. The impacts of the proposed Underpass on Water are adequately described and suitable mitigation measures are proposed. The Third Party has argued that the Conceptual Design Model is lacking in detail and I would agree with that. The pump test data is not provided, but is, in any case, limited. However, under the circumstances that the majority of the proposed Underpass is beneath an operational runway, this lack of detail is understandable. I am satisfied that the mitigation measures set out are sufficient to ensure that proposed development would not cause a deterioration to the ecological status of surface waterbodies or the groundwater status of the waterbodies. The removal of any historic contamination in the subsoil would be beneficial.

11.9.27. The Board Scientist notes that there is limited hydraulic connectivity between the Cuckoo Stream and perched groundwaters. While the Mayne River downstream is of ecological status, it would appear that the elevated parameters generally come from nutrient and diffuse urban sources of pollution. At Monitoring Point 3, propylene glycol, utilised in de-icing agents was detected at 4.5mg/l, but by the next monitoring point this was below detection levels. It should be noted that Monitoring Points 1 and 2 are closer to the airport and no detectable levels of propylene glycol were found in these samples. This would indicate that the source of the pollution is not from airport activities.

11.9.28. BH105 samples indicated that Total Petroleum Hydrocarbons (TPH) were present at 780 µg/l. The threshold value for TPH is 7.5 µg/l in the *European Union Environmental Objective (Groundwater) Regulations 2010*, as amended.

- 11.9.29. The same borehole has elevated Ammonium of 0.91mg/l, which significantly exceeds the overall threshold range for Groundwaters for Ammonium of 65-175 µg/l. The Board Scientist considers that the source of this pollutant is likely to be due to urban/industrial sources, rather than airport activities. Please see Appendix 2 for his full memo.
- 11.9.30. I am satisfied that the proposed development will not give rise to further deterioration of surface water or groundwater.

11.10. **Air Quality**

- 11.10.1. *Inspector's Summary and Analysis*
- 11.10.2. The chapter consists of two parts – a qualitative dust assessment arising from construction and road traffic emissions. It sets out the methodology, legislation, guidance and policy. The chapter has been prepared by a person with appropriate qualifications and experience.
- 11.10.3. The chapter relies on 2019 data, as this is seen as more representative than when Covid restrictions on travel were in place.
- 11.10.4. Construction dust impacts, as set out in the IAQM guidance, generally extends for up to 350 metres from construction compound, 50 metres from either side of the construction traffic route and up to 500 metres from the works entrance to the site for human health receptors and up to 50 metres from the site boundary, construction traffic route and up to 500 metres from the works entrance to the site for ecological receptors.
- 11.10.5. The main air impacts are dust deposition, plumes, elevated PM₁₀ concentrations, increase in airborne particles and NO₂ due to exhaust emissions. These arise from demolition, earthworks, construction and track-out. The potential dust emission from the proposed development is large.
- 11.10.6. There is existing monitoring data for air quality at the airport. For 10 years survey data, NO₂ concentrations has only exceeded the air quality standard in one year, at the Airport Bus Depot.
- 11.10.7. Nineteen no. receptors are identified. They are residential dwellings and schools in the main. There are no exceedances in the study area for NO₂, Annual Mean PM₁₀ and Annual Mean PM_{2.5}.

11.10.8. *Potential Direct Effects During Construction, as Summarised by Inspector*

11.10.9. There is a dwelling located off the R108 some 120 metres from the application site boundaries (it is north-east of the southern compound, Receptor 5, Dunbro Lane).

11.10.10. The highest predicted concentration of NO₂ is at R13 Meakstown Cottages, at 30.3 µg/m³ (40 µg/m³ is the emission limit value). The effects are considered negligible.

11.10.11. The effects of PM₁₀ and PM 2.5 are also considered negligible (40 µg/m³ and 25 µg/m³ are the respective emission limit values). Again, R13 is the most affected residence. The effects are considered negligible.

11.10.12. *Mitigation and Monitoring, as Summarised by Inspector*

11.10.13. Dust mitigation will be dealt with in the CEMP, when more accurate information on plant and work locations has been provided. A series of mitigation and monitoring measures are set out. These are standard and well tested.

11.10.14. No mitigation is required for Construction Traffic Emissions.

11.10.15. *Residual Effects*

11.10.16. These are stated to be negligible for both construction dust and traffic emissions.

11.10.17. *Inspector's Comments and Conclusion*

11.10.18. The proposed development is of very significant scale and I would consider construction dust would be one of the largest impacts of the proposed development. However, the isolation of the work areas from sensitive receptors and the lack of impact from traffic emissions, I would concur that the impacts are limited.

11.11. **Noise and Vibration**

11.11.1. *Inspector's Summary and Analysis*

11.11.2. The main noise and vibration impact arise during construction, from the construction methods. Noise would also arise from construction traffic travelling to and from the site. No change is expected for operation stage. The chapter sets out the

methodology, legislation, guidance and policy. The chapter has been prepared by a person with appropriate qualifications and experience.

11.11.3. The construction traffic study area extends to 50 metres either side of the local roads. Residential receptors are located on Harristown Lane, Newtown Cottages, Sandyhill and Forest Road. Receptors are defined as those impacted by a rise in noise of over 1dB, which is classed as a minor impact. It should be noted that the ambient noise levels as detected on the R122 by edge of Newton Cottages from the hours of 1000 to 1300 on 19.09.2019, found the LA₁₀(3-hour) dB was 77dB, indicating the substantial noise generating activities in the area, at least on that day.

11.11.4. *Potential Direct Impacts, As Summarised by the Inspector*

11.11.5. The worst road affected by construction noise is Road D, the R108 North Parallel Road. Receptor 5 is set back circa 240 metres from the R108. However, the change in noise levels is of the order 1 dB. Receptor 6 on Harristown Lane is similarly moderately effected. The chapter refers to BS 5228-1, which states that adverse levels of noise or vibration tend to occur within 300 metres of a construction site. The main construction activity generating construction noise is the crushing of concrete and this will take place circa 350 metres from the nearest noise sensitive dwelling (Receptor 5). Vibration from traffic is unlikely to occur as the road system is in good repair. There will be an increase in noise from construction traffic at night of 3-5dB, which is significant. However, there are no sensitive receptors affected to this extent. No significant effects are expected during operation.

11.11.6. *Mitigation Measures*

11.11.7. The CEMP will set out how construction will comply with the BS 5228-1:2009 + A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites. Weekly inspection sheets to the Daa for review. The mitigation measures are standard and well tested. Noise monitoring will be carried out near sensitive receptors.

11.11.8. *Residual Effects*

11.11.9. There is no significant residual noise or vibration effects.

11.11.10. *Inspector's Comments and Conclusions*

11.11.11. The area is not a quiet area and there are significant levels of HGV movements on the local road network as well as the noise from aircraft movements. I would

question whether the ambient noise level is as high as stated 77dB LA10(3-hour) in the EIAR on an on-going basis. There will be a significant change at night during construction from construction traffic, but noise sensitive receptors will not be significantly effected by it.

11.11.12. SMTWE DAC has suggested that the noise assessment is no longer accurate because of the change in flight movements since the commissioning of the North Runway. This is correct that the survey does not capture current conditions, as the noise survey was undertaken in 2019. The focus of the noise survey is traffic noise, rather than aircraft noise, which is the contribution that the proposed development would make to noise sensitive receptors in the area. The construction element of the proposed development is distant and so does not effect these receptors. The EIAR helpfully shows where the increase in noise from construction traffic occurs and it does not effect St. Margaret's.

11.11.13. Noise from aircraft is a separate issue, in my opinion, from the traffic noise the proposed development would generate during construction. The question is whether the increase in noise arising from construction traffic movements is acceptable. Construction traffic noise, particularly at night (2300 to 0700) when there are no aircraft movements is the main impact on third parties. I am satisfied therefore that the analysis of the baseline night conditions remains relevant, notwithstanding a change in aircraft movement.

11.11.14. A suggestion was made by SMTWE DAC that the excavated material be retained on site to act as noise buffers. This is a matter outside the scope of this application.

11.12. **Biodiversity**

11.12.1. *Inspector's Summary and Analysis*

11.12.2. This chapter sets out the methodology, legislation, guidance and policy. It has been prepared by a person with appropriate qualifications and experience.

11.12.3. It refers to the NIS, which states that pollution controls are necessary to protect Baldoyle Estuary SAC and SPA from waterborne pollution via the Cuckoo Stream and there could be disruption of flow to groundwater or reduction in flow to groundwater.

- 11.12.4. Baseline ecological studies were conducted in 2019. Breeding bird surveys were carried out in April, June and July 2019 and non-breeding bird surveys were carried out in the winter period of 2018-2019. Follow up surveys were undertaken in 2021 and 2022.
- 11.12.5. The application site is actively managed to exclude wildlife, which could give rise to a safety threat to aircraft.
- 11.12.6. Landcover is industrial, commercial, made ground and improved grassland. There are hedgerow/tree lines on field boundaries. These are described as having a medium biodiversity value as they could provide for foraging and commuting bats.
- 11.12.7. The Cuckoo Stream is classed as having a Bad Ecological WFD status.
- 11.12.8. There is no record of invasive species.
- 11.12.9. *Potential Direct Effects, as Summarised by the Inspector*
- 11.12.10. The chapter states that there will be no direct impacts on any sensitive ecological receptors. There is potential for impact on groundwater. The Irish Hare is present on site but does not enjoy the normal protections due to the need to preserve safety. No significant effects are expected during operation.
- 11.12.11. *Mitigation Measures*
- 11.12.12. The CEMP provides for an Ecological Clerk of Works. Pollution control measures are included and the diversion of the culvert will be undertaken so as flow is maintained. Artificial lighting during construction will be directed only to required areas, to minimise impacts on bats.
- 11.12.13. During operation, any contaminated water will not be allowed to enter the surface drainage systems.
- 11.12.14. *Inspector's Comments and Conclusions*
- 11.12.15. I note that there is a difference between the findings in this chapter in relation to water borne pollution reaching Baldoyle Estuary SAC and SPA in sufficient concentrations to effect the European Sites or that there is such a disruption to the flow or volume of groundwater, without mitigation and the findings of the Water and Soils chapters. Those EIAR chapters do not consider that mitigation measures are

necessary for the European Sites, due to their distance and dilution effects. An NIS has been submitted in any event.

11.12.16. The bird surveys were undertaken within 5 years of this assessment and so are considered valid, having regard to guidance issued by NatureScot in 2017. The DAU found the information on the survey results was very limited. While this may be the case, the airport is an area where birds are actively discouraged through the Wildlife Management Plan. Therefore, while the information on the survey results is limited, it is very likely that bird use is limited as well.

11.12.17. I note that the DAU has concerns about the use of hedgerow around the compound for bat foraging and that artificial lighting should be directed onto the compounds only. This mitigation measure has been proposed in the EIAR. The impact on otters has also been raised. As the Cuckoo Stream is culverted on the site, there is no direct impacts on otters. Any indirect impact arising from water quality or water flow has been considered under the chapter on water and mitigation measures are proposed. Therefore, no impacts on otters are likely to arise.

11.12.18. The Board Ecologist has considered this chapter and she is satisfied with the biodiversity assessment and that the CEMP provides for an ecological clerk of works.

11.12.19. I am satisfied that there are no significant effects on biodiversity arising from the proposed development.

11.13. **Climate**

11.13.1. *Inspector's Summary and Analysis*

11.13.2. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been prepared by a person with appropriate qualifications and experience.

11.13.3. The chapter assess the Greenhouse Gas (GHG) emissions within the context of carbon budgets, which are aiming to achieve net zero in 2050. A 51% emission reduction target is set for 2030. The chapter was written when *Climate Action Plan 2021* was in place. It refers to the transport sector and the need to develop a more circular economy.

11.13.4. The GHG emissions during construction are discussed. The main sources are from raw material extraction, transportation, manufacture of products and materials

and transportation of construction waste. There will be limited GHG emissions during operation.

11.13.5. In terms of Climate Change Resilience, a factor of 30% has been built into the drainage design.

11.13.6. During construction, the GHG are estimated to be circa 80,000 tCO₂e. The bulk of this is stated to be the materials at 84%. Transport of materials is circa 13%. Waste, including transport, is stated to be 1.4%. Some improvements in relation to carbon could be made during procurement, such as low carbon concrete. The GHG are not considered significant.

11.13.7. During operation, and assuming a design life of 60 years, the GHG are estimated to be circa 7,000 tCO₂e. These are expected to decrease over time with the electrification of the grid. This will facilitate alignment of the proposed development with the achievement of Net Zero by 2050.

11.13.8. *Potential Direct Effects as Summarised by the Inspector*

11.13.9. There will be an increase in GHG emissions during the construction of the proposed Underpass. The scale is not considered significant in terms of the overall carbon budget. The impact during operation will not be significant.

11.13.10. *Mitigation Measures*

11.13.11. Some mitigation can be achieved through the CEMP. No other mitigation measures are proposed.

11.13.12. *Residual Effects*

11.13.13. Construction GHG emissions are described as Minor (Not Significant), as are operational GHG.

11.13.14. *Inspector's Comments and Conclusions*

11.13.15. The construction element of the proposed Underpass would have the most significant environmental effects, as stated above. The GHG emissions of this element of the project are described as not significant, in terms of national GHG. This is accurate in terms of the immediate comparison. However, this does not imply that the project is not large in itself. I estimate that the GHG gas emissions for its construction is similar to the construction of a 24 turbine wind farm or the construction of

approximately 800 dwellings. That has to be weighed against the improvements in safety and efficiency in the airport.

11.14. **Cultural Heritage**

11.14.1. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been reviewed by a person with appropriate qualifications and experience.

11.14.2. *Inspector's Summary and Analysis*

11.14.3. There are three buildings of heritage significance in and around Dublin Airport. The Old Central Terminal Building is a Protected Structure (RPS 612) and is listed on the National Inventory of Architectural Heritage (NIAH 11349006). The Church of Our Lady Queen of Haven is a Protected Structure (RPS 864) and is also listed on the National Inventory of Architectural Heritage (NIAH 11349001). There is a thatched cottage on the Swords Road that is a Protected Structure (RPS 604) and is listed on the National Inventory of Architectural Heritage (NIAH 11349003).

11.14.4. In terms of archaeology, there has been extensive archaeological investigations in 2017, with the construction of Terminal 2. That permission facilitated the demolition of Corballis House (NIAH 11349002) and Corballis Castle (DU014-011), both heritage assets. These would have been the nearest heritage assets to the site. DU014-008 and DU014-040 are beneath the Southern Runway, in proximity to the Southern Compound. DU014-090 is the Boot Inn, located off the R108. There are three other heritage assets to the west of the site. There are more heritage assets north and south of the airport lands.

11.14.5. *Potential Direct Effects, As Summarise by the Inspector*

11.14.6. No changes to archaeology are likely to arise and no significant effects are anticipated during construction. None are expected during operation.

11.14.7. *Mitigation Measures*

11.14.8. No archaeology is expected to be found during groundworks, due to the disturbance of the area when construction works took place in the past. The Western Compound has been subject to archaeological investigation previously. The Southern compound will not require ground works. Therefore, no mitigation measures are necessary.

11.14.9. *Residual Effects*

11.14.10. None will arise.

11.14.11. *Inspector's Comments and Conclusions*

11.14.12. I concur with the findings.

11.15. ***Landscape and Visual***

11.15.1. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been reviewed by a person with appropriate qualifications and experience.

11.15.2. *Inspector's Summary and Analysis*

11.15.3. There are no sensitive landscapes nor protected views within Dublin Airport. No significant effects are expected from construction works or operation on the landscape. There will be views of construction but this is not unusual in the airport. These will be limited and confined. Views during operation will be imperceptible.

11.15.4. *Mitigation Measures*

11.15.5. None are proposed.

11.15.6. *Residual Effects*

11.15.7. None will arise.

11.15.8. *Inspector's Comments and Conclusions*

11.15.9. I concur with the findings.

11.16. ***Material Assets (Waste)***

11.16.1. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been prepared by a person with appropriate qualifications and experience.

11.16.2. *Inspector's Summary and Analysis*

11.16.3. The proposed development will result in significant quantities of excavated stones and soils – 316,000 m³. Of this, 246,000 m³ will be removed from the site and 70,000 m³ will be reused on site. An additional 26,950 m³ of concrete, granular fill

and asphalt will be removed from the site. The amount is equivalent to 6.4% of annual national construction and demolition waste. Waste to be disposed of is circa 18,300 m³.

11.16.4. The chapter states that ground investigation work to date has not found any hazardous waste and so only small quantities are expected as part of the construction of the proposed development.

11.16.5. The chapter considers that the scale of the waste arising from is insignificant in relation to national waste treatment trends.

11.16.6. *Mitigation Measures*

11.16.7. A Preliminary CEMP has been prepared, which contains a Preliminary Waste Management Plan, which sets out the mitigation measures. Should permission be granted, contractors will prepare a Detailed Construction and Demolition Waste Management Plan. On site and off-site re-use, recycling and recovery will be the priority. Article 27 by-product notification will be prepared and submitted prior to the commencement of construction works.

11.16.8. *Residual Effects*

11.16.9. None will arise.

11.16.10. *Inspector's Comments and Conclusions*

11.16.11. While I accept the finding that the vast majority of the waste will be recovered, and so the amount of waste that is to be disposed of is minor in comparison, this does not detract from the fact that this single project would generate 6.4% of National Construction Waste output.

11.16.12. Given the limited amount of ground investigation has been undertaken, hazardous material or non-hazardous material may be discovered during. However, I am satisfied that there are sufficient facilities available in Ireland and abroad to cater for these wastes. A condition can be included that a more comprehensive ground investigation programme is to take place, post closure of the runway and prior to construction of the proposed development, the results of which are to be shared with the planning authority.

11.17. **Material Assets (Built Services)**

11.17.1. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been prepared by a person with appropriate qualifications and experience.

11.17.2. *Inspector's Summary and Analysis*

11.17.3. Built Services in Dublin Airport are gas, electricity and potable water supply. The airport owns and operates a substation at Dardistown, which has a dual supply of 100 KVA power lines. Potable water is supplied from Ballycoolin Reservoir.

11.17.4. The proposed development will not require significant heating, power or water supply.

11.17.5. *Mitigation Measures*

11.17.6. The CEMP will provide construction methodologies for the diversion of necessary services. Standard safety procedures will ensure that there is no accidental damage to unidentified below ground services.

11.17.7. *Residual Effects*

11.17.8. No significant residual effects are expected.

11.17.9. *Inspector's Comments and Conclusions*

11.17.10. I am satisfied that that there will be no significant effects on Built Services in the Airport.

11.18. **Major Accidents and Disasters**

11.18.1. This chapter sets out the methodology, legislation, guidance and policy relating to the topic. It has been prepared by a person with appropriate qualifications and experience.

11.18.2. *Inspector's Summary and Analysis*

11.18.3. There are European safety standards for road tunnels. The Seveso III Directive also applies. A Risk Assessment has been carried out and considers the vulnerability of the project to natural disasters, on-site sources and off-site sources during construction and operation.

- 11.18.4. The likelihood of the risk is considered against the severity of the impact arising and where mitigation measures are available to reduce this impact, the residual impact is then combined to arrive a residual risk.
- 11.18.5. The natural disasters assessed are extreme rainfall events and subsequent flooding, strong winds and tornadoes, high temperatures, heat waves and drought, snow and ice and lightning. Other natural disasters are considered but dismissed.
- 11.18.6. Flooding risk is considered in the chapter on Water and is described at Section 11.09 above. A waterproof membrane will prevent water ingress of groundwater and measures are in place to prevent surface water from flooding the tunnel.
- 11.18.7. Major accidents on site from fire and or explosion or other accident, ground instability and major leaks or spillages are considered. Off-site sources such as fires or explosion and structural collapse at neighbouring sites are considered. Vandalism, Terrorism, civil unrest and disease are also considered. Other issues include loss of utilities, road accidents and aircraft accidents.
- 11.18.8. Aircraft movements and the fuel farm facility, which is a lower tier Seveso site are considered the main potential off site hazards. The risk of aviation accidents is considered to be well within the level considered acceptable. There is a major accident plan in place for the fuel farm.
- 11.18.9. The risk of natural disasters is considered minor and unlikely to occur during construction. The risk during operation is considered minor and likely to occur, once in every 10 years.
- 11.18.10. The risk from on-site hazards is considered minor and likely to occur during construction. During operation, this is considered minor and unlikely.
- 11.18.11. The risk from offsite hazards is considered minor during both construction and operation.
- 11.18.12. *Mitigation Measures*
- 11.18.13. Mitigation measures for construction accidents are contained in the CEMP. Mitigation during operation for fire and traffic accident has been designed in.
- 11.18.14. *Residual Effects*
- 11.18.15. No significant residual effects are expected.

11.18.16. *Inspector's Comments and Conclusions*

11.18.17. I am satisfied that that the risks have been adequately considered and provided for. Therefore, in the event of a natural disaster or major accident there will be no significant effects on the environment.

11.19. ***Interaction and Cumulative Effects***

11.19.1. This chapter has been prepared by a person with appropriate qualifications and experience.

11.19.2. *Interactions*

11.19.3. The potential for main interactions is expected during construction, between land and water, arising from pollution or with air, from dust emissions. These in turn could impact on public health. Noise could impact on biodiversity. Built Services and Waste could be impacted. However, as none of these effects are anticipated to be more than minor, so no significant effects arise.

11.19.4. The Third Party has argued that there will be interactions on residential receptors arising from noise from construction traffic and related fumes and that these will have a significant impact on the three locations affected (R1 – St. Margaret's, R2, a residential dwelling on Dunbro Lane and R3, a residential dwelling on the Old Naul Road).

11.19.5. *Cumulative Impacts*

11.19.6. A planning history search identified a large number of permissions within 1 km north and south of the Cuckoo Stream, which could contribute to cumulative effects (129 permissions). The majority of these were small scale. Chapter 18 shortlists the most significant schemes (22 permissions).

11.19.7. The main cumulative effects relate to traffic noise during construction and potential impacts on the Cuckoo Stream. No cumulative effects are expected during operation.

11.19.8. Construction noise is generally ruled out as a cumulative effect, due to the distance between the site and elsewhere. Construction traffic is generally ruled out as the permissions will use the M1. Where construction traffic is likely to use the same routes, it is stated that this traffic will arise during the day, whereas construction traffic will be concentrated at night. (FS5/036/21 – new paving area for Runway 10 and

existing northern Taxiway; FW20A/0187 - 8 industrial units in Horizon Logistics Park; FW20A/0126 – 4 warehouses in Kilshane Cross, FW19A/0143 - 2 industrial units over 11,000 square metres).

11.19.9. FS5/024/20 and FS5/017/19 are for the construction of new and rehabilitated runways, which will give rise to cumulative effects in terms of noise and construction traffic. However, the construction noise will not impact on noise sensitive receptors and the volumes of traffic are small. The Construction Traffic Management Plan would enable Fingal County Council to ensure that traffic management does not give rise to serious impacts on the road network.

11.19.10. The impact on the Cuckoo Stream will be mitigated by CEMP on the three runway projects so as no significant cumulative effects arise.

11.19.11. *Inspector's Comments and Conclusions*

11.19.12. I consider that the main interactions have been set out. I would agree that the interactions within the site can be successfully mitigated, so as no significant impacts arise.

11.19.13. The main cumulative impacts have also been identified. These are generally limited due to use of other routes for construction purposes.

11.20. ***Future Development Plans***

11.20.1. The long term plans of the airport authority are set out as an overview. It stated that the chapter does not intend to EIA these future plans.

11.20.2. It refers to the intention to submit a planning application to grow the airport to 40mppa. Key drivers will be population growth, climate change and technological change.

11.20.3. Drainage and pollution control will be significant projects. An Infrastructure Project will be made to cater for the 40mppa [this has been lodged 15.12.2023 – Inspector]. This will include for an expansion of the South Apron, extension of Pier 1, internal changes to Pier 3 for US Preclearance and car park expansion. Other projects relating to upgrading and replacing infrastructure will be needed.

11.20.4. The potential effects of the Infrastructure Application are considered. None are considered to result in a change in the conclusion of the current EIAR. Generally, this

project is considered to be constructed ahead the other projects, having regard to the requirement to close the Crosswind Runway to general vehicular access.

11.20.5. *Inspector's Comments and Conclusions*

11.20.6. The above sets out a useful overview of the anticipated growth of the airport. I note that the Third Party considers that the current application is project splitting, as the proposed infrastructure will facilitate the growth of the airport to 40mppa. This may well be the case. However, I am satisfied that the Crosswind Runway is no longer available for everyday use for vehicles other than aircraft and an alternative access is required for the West Apron and that the proposed underpass is necessary in any event. I do not consider that the applicant is trying to avoid EIA, which is the purpose of 'project splitting'.

11.21. **Summary of Mitigation Measures**

11.21.1. The chapter lists the mitigation measures set out in each chapter. Should permission be granted, all the mitigations measures will be required to be adhered to.

11.22. **Indirect or Secondary Effects**

11.22.1. When assessing the EIAR, I considered that the indirect or secondary impacts, if any, had not been clearly identified, as required by 2. (e)(ii) of Schedule 6 of the *Planning and Development Regulations, 2001*. This requires that the description of likely effects should cover any indirect, or secondary effects. The applicant was requested to clarify whether they considered that indirect or secondary effects in relation to:

- (i) population sand human health;
- (ii) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;
- (iii) land, soil, water, air and climate
- (iv) material assets, cultural heritage and the landscape; and,
- (v) the interaction of the above.

11.22.2. A Section 132 Notice was issued to the applicant and circulated to the third parties, outlining the gap in information. This information was received on 07.07.2023 and circulated to the third parties for comment.

- 11.22.3. The First Party, in its response, notes that only indirect or secondary effects have to be assessed if identified as being significant. A table is provided in which the chapter headings set out. Whether indirect or secondary effects arise under each heading is considered. No significant indirect or secondary effects are considered to arise and the justification for this finding is set out in the table.
- 11.22.4. It notes that the indirect effects of transport of pollution via the Cuckoo Stream is identified and the CEMP will ensure that significant effects are avoided and mitigated and there will be no downstream impacts on protected habitats or species.
- 11.22.5. The potential for indirect effects for air pollution comes from the possibility of 'Track Out' where dust and dirt are tracked out of the construction site and onto the public road network. No significant effects are anticipated.
- 11.22.6. The impact of global emissions and climate change was considered and found to be negligible. The emissions profile is fully consistent with net zero in 2050.
- 11.22.7. The indirect effect of construction traffic on human health was considered and found not to be significant.
- 11.22.8. No significant indirect or secondary impacts are considered to arise from interactions. Any impacts are temporary and not significant.
- 11.22.9. Ryanair, in its response, considers that the storage and disposal of excavated material and the construction traffic has not been detailed and this could give rise to significant disruption to operations. In addition, the absence of consideration of the effect of not having the Crosswind Runway available during storms has not been considered. No assessment has been made of the impact of the loss of aircraft stands, which contravenes the Local Area Plan.
- 11.22.10. SMTWE DAC reiterates the concern about the application facilitating increased passenger numbers and refers to the CEO of DAA's contribution to the Joint Oireachtas Committee on Transport and Communication on 16.06.2023. The tunnel is described as necessary to reach remote stands, as the airport grows from 32 mppa to 40 mppa by 2030. This indirect effect has not been addressed in the EIAR. **PA Reg. Ref. F23A/0301** (extension of the US Customs and Border Protection Pre-Clearance Facility) was refused on the basis that it would lead to the increase in passenger numbers, which would in turn impact on the existing transportation capacity. The

implications from an EIA perspective is that it is deficient in terms of Human Health due to Noise and Air Pollution.

- 11.22.11. The Cuckoo Stream is classified as 'Poor' under the Water Framework Directive. The applicant has not shown how the proposed development will not lead to a further reduction in water quality. It has not shown how water quality could be improved.
- 11.22.12. The AA Screening report focuses only hydrological links to the Baldoyle SPA and SAC. There are other European Sites not considered that are also hydrologically connected.
- 11.22.13. The screening does not take into account the Red Kite, which has been reintroduced to Fingal.
- 11.22.14. Future aircraft movements are not considered in relation to 'Air' or 'Climate' and Greenhouse Gases.
- 11.22.15. Future vehicle movements emissions as a result of the increase in airport operations.
- 11.22.16. The Appropriate Assessment should include for the North Runway, which has not been carried out to date.
- 11.22.17. The Planning Authority had no comment on the further information, but requested that Condition 21 be upheld.
- 11.22.18. Having considered the information submitted and the response of the parties to it, I am satisfied that the Indirect Effects have been considered.

11.23. Reasoned Conclusion

- 11.23.1. Having regard to the examination of environmental information as set out above, based upon the EIAR submitted by the applicant, together with the written submissions on file, I would conclude the following in relation to significant effects:

(a) The most significant effects in construction arise from the excavation and removal of soil and subsoil (waste). This will have both positive and negative effects. The positive impacts arise from the removal of any material which might be contaminated, which could in turn effect groundwater and surface water and the re-use of the excavated inert stones and soil as By-product elsewhere,

which can be used for infill purposes. The negative effects for Climate Change arise from the emission of greenhouse gases from excavation and generation of materials. Dust would impact on air quality and the construction traffic generated, in terms of noise and emissions, which would effect human health. However, the impacts on human health are limited due to mitigation measures and distance from sensitive receptors.

- (b) The most significant effect during operation will be the positive reduction in risk of a major accident, resulting from the closure of the Crosswind Runway. A negative effect arises from obstruction of groundwater flows. However, this impact is not considered significant and flows will adjust over time.
- (c) Cumulative impacts, in terms of other on-going and anticipated development in the area have been considered and assessed in the EIAR. The most significant cumulative impact arises from traffic. The cumulative impact is not significant, as the majority of the construction traffic generated from other consents will use different haul routes.

11.23.2. The EIAR reasonably concludes, in my opinion, that there will be limited adverse impacts arising from the proposed development, given its location. Adverse impacts will be largely confined to construction and mitigation measures employed will greatly reduce the potential impacts during this phase. The permanent impact will be to increase airport safety, which in environmental terms, is positive. I am satisfied that the proposed development would not have any unacceptable long term, direct, indirect or cumulative effects on the environment during the construction or operational phase.

11.23.3. I am satisfied that the information provided is reasonable and sufficient to enable the Board to reach a reasoned conclusion on the significant effects of the project on the environment, during the construction and operation phase, taking account of current knowledge and methods of assessment. Overall, I am satisfied that the information contained within the EIAR complies with the provision of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

12.0 Recommendation

- 12.1. I recommend that planning permission be granted for the proposed development.
- 12.2. I have reviewed the conditions attached by the planning authority. Some of the conditions require separate reports for issues that would be normally covered within the final CEMP, such as control of vermin and so these have not been included in the conditions set out below. Others specify measures that are already contained in the summary of mitigation measures, such as the appointment of an Ecological Clerk of Works, so I have not included these to avoid repetition.

13.0 Reasons and Considerations

13.1.

In coming to its decision, the Board had regard to the following:

- (a) the *Environmental Impact Assessment Directive* (Directive 2014/52/EU, as amended, on 16.04.2014 April 2014, on the assessment of the effects of certain public and private projects on the environment,
- (b) the *EU Habitats Directive* (92/43/EEC),
- (c) the *European Union (Birds and Natural Habitats) Regulations 2011-2015*,
- (d) Section 15 of the *Climate Action and Low Carbon Development (Amendment) Act 2021*
- (e) The likely consequences for the environment and the proper planning and sustainable development of the area where the development is located and the likely significant effects of the development on European Sites,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Baldoyle Bay SAC (site code 000199) and the Baldoyle Bays (site code: 004016),
- (g) the policies and objectives of the *Fingal Development Plan, 2023-2028*, in particular, **Policy DAP2**, Infrastructure Provision, and **Objective DA017**, to restrict the use of the Crosswind Runway on completion of the second east-west runway.

- (h) the policies and objectives of the *Dublin Airport Local Area Plan, 2020*, in particular, **Objective AV01**, to support and facilitate the efficient circulation of airside ground support service vehicles within the airfield.
- (i) the *National Planning Framework - Ireland 2040*,
- (j) the *Climate Action Plan, 2023*,
- (k) *Ireland's Action Plan for Aviation Emissions Reduction, 2019*,
- (l) *National Aviation Policy for Ireland 2015*,
- (m) The planning history of the site, in particular, **Condition 4 of PL06F.217429**, which requires the closure of the Crosswind Runway, on the commissioning of the North Runway,
- (n) the nature and extent of the proposed works as set out in the application for approval,
- (o) the distance to dwellings or other sensitive receptors,
- (p) the impact on residential amenity arising from construction traffic noise and fumes,
- (q) the submissions made in connection with the application and appeal, and
- (r) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter, including the reports from the Board's ecologist and scientist.

In compliance with Section 172 of the Planning and Development Act, 2000, as amended, the Board completed an environmental impact assessment of the development, taking into account:

- (a) the nature, location, scale and extent of the development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application and appeal,
- (c) the submissions from the applicant, the planning authority, the observers and prescribed bodies in the course of the application,

(d) and the Inspector's report, which includes reports from the Board's ecologist and scientist.

The Board considered that the Environmental Impact Assessment Report (EIAR), supported by the information submitted by the applicant, identifies and describes adequately the direct, indirect, and cumulative effects of the development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) which are incorporated into the Board's decision.

The Board considered that the main significant direct and indirect effects of the development on the environment were and are, and will be mitigated as follows:

During Construction:

- Volume of excavated material and imported material, which will give rise to Greenhouse Gases, dust and construction traffic;
- Risk of pollution of surface waters;
- Risk of pollution to groundwater;
- Risk to biodiversity indirectly from pollution of waters from suspended solids.

These would be mitigated by the implementation of measures set out in the EIAR which include specific provisions relating to construction environmental management mitigation measures.

During Operation:

- Risk of obstruction of groundwater and surface flows and indirect risk to biodiversity

These are to be mitigated by the orientation of the proposed underpass and the implementation of measures set out in the EIAR which include specific provisions relating to the maintenance of flows to the Cuckoo Stream.

The Board completed an environmental impact assessment in relation to the construction, operation and development of the proposed development and concluded that any impacts on the environment that occurred during the construction phase were temporary and short to medium term in duration following the implementation of mitigation measures. Subject to the continued implementation of the mitigation measures as set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, were, and would be acceptable. In doing so, the Board adopted the report and conclusions of the Board Inspector, Ecologist and Scientist.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's and Ecologist's report that the Baldoyle Bay SAX (site code: 000199) and the Baldoyle Bay SPA (site code: 004016) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's and Ecologist's assessments. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Baldoyle Bay SAC (site code: 000199), and the Baldoyle Bays SPA (site code:004016), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector and Ecologist's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

Having regard to the nature of the proposed development, its location 'airside' within the boundaries of the airport, which is not accessible to the general public, the planning history of the airport and, the policies and objectives of the *Fingal County Development Plan 2023-2020*, the *Dublin Airport Local Area Plan 2020*, the *Climate Action and Low Carbon Development (Amendment), Act 2021* and national policy as set out in the *National Planning Framework 2018-2040*, and the *National Aviation Policy for Ireland 2015*, it is considered that the proposed underpass would facilitate safe and efficient passage for airside vehicles that are required to traverse Runway 16/34, the Crosswind Runway, which is no longer available for this purpose. Subject to compliance with the conditions set out below, it is considered that the proposed development would not give rise to any unacceptable impacts on the amenities of the surrounding area or on traffic safety and convenience during construction and operation and would not present an unacceptable risk to water quality. The proposed development, would therefore be, in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The 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 submitted on the 22nd day of December, 2022 and 25th July, 2023 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>A. All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement accompanying the application and other particulars submitted with the application to the planning authority shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>B. Upon completion of construction works, the applicant shall submit a report to the planning authority confirming the implementation of the above mitigation measures and any associated monitoring results.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operation phases of the development.</p>
3.	<p>The construction of the development shall be managed in accordance with a final Construction Environmental Management Plan, which shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide final details of the suite of preliminary construction documents submitted with this application and shall include the details of the person responsible for the works.</p> <p>Reason: In the interests of public safety, amenity, ecological and environmental protection.</p>
4.	<p>The Ecological Clerk of Works shall liaise on a monthly basis with the Fingal Biodiversity Officer regarding ongoing ecological monitoring until the commissioning of the proposed development is complete. This shall include the biological monitoring of the Cuckoo Stream.</p> <p>Reason: In the interest of ecological protection.</p>
5.	<p>A Final Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall provide the phases of construction, the location and use of compounds, haul routes and measures proposed to minimise impact on the road network and its users.</p> <p>Reason: In the interests of traffic safety and convenience and amenity.</p>
6.	<p>A Final Construction and Demolition Resource Waste Management Plan, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include for details of waste streams and expected tonnage which will be generated during site clearance, demolition, excavation and construction phases. This shall include for quantities of material assessed under By-Product notification. All</p>

	<p>records relating to the movement of waste shall be retained on site and made available for inspection in the site office.</p> <p>Reason: In the interest of minimising waste disposal and environmental protection.</p>
7.	<p>A Construction Mobility Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To reduce the level of construction generated traffic on the local road network.</p>
8.	<p>Prior to commencement of development, a decommissioning plan for the construction compounds and associated structures shall be submitted to and agreed in writing with the planning authority. The decommission plan shall include a timeframe for the decommissioning works.</p> <p>Reason: Having regard to the temporary nature of these facilities and the need to ensure that these are removed in an appropriate timeframe.</p>
9.	<p>Prior to commencement of construction works, the details of a ground investigation and groundwater monitoring programme shall be agreed with the planning authority and the findings and any mitigation measures required, shall be submitted to the planning authority for their written agreement.</p> <p>Reason: In the interest of groundwater protection.</p>

10.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
11.	<p>The detailing, materials and finishes of Pier 3 and associated airbridges, nodes, and structures, shall be agreed in writing with the planning authority, prior to commencement of construction of these elements.</p> <p>Reason: To achieve a high standard of architectural quality,</p>
12.	<p>A connection agreement with Uisce Eireann shall be entered into prior to the operation of the development.</p> <p>Reason: To avoid pollution.</p>
13.	<p>A structural condition survey of the road surface of the R108 from the roundabout with the R122 to where the junction of the R108 with the L3132 shall be undertaken prior to commencement of development. A second survey shall be undertaken following the commissioning of the proposed development. The developer shall repair any damage arising to the public road or pay the planning authority to cost of making good such damage.</p> <p>Reason: In the interest of road safety.</p>
14.	<p>A Community Liaison Group shall be established, involving representation of the Saint Margaret's Community, Fingal County Council and the Dublin Airport Authority. The composition of the committee and any variation thereof shall be subject to the prior agreement of the planning authority. The</p>

	<p>committee shall facilitate consultation with the existing community in in relation to Saint Margaret's and the proposed development.</p> <p>Reason: To provide for ongoing communication, dissemination of information and consultation with the local community affected by the proposed runway.</p>
15.	<p>Emergency way-finding signposts shall be provided in the tunnel.</p> <p>Reason: In the interest of safety</p>
16.	<p>The developer shall pay the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at time of payment. Details of the application of the terms shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 200, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 18 of the Act be applied to the permission.</p>

44.1. Declaration of No Conflicts and Professional Independence

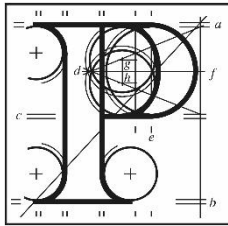
Having reviewed the case assigned to me, I hereby declare that to the best of my knowledge, I am satisfied that I do not have a conflict of interest in relation to this case and I am in compliance with the Board's Code of Conduct.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary	Mac	Mahon
Senior	Planning	Inspector

19th December, 2023

Appendix 1: Report from Board Ecologist



An
Bord
Pleanála

Report to Inspector
(Appendix to main report)
ABP-316138-23

Development

Dublin Airport Underpass

Type of Application

Normal Appeal

Topic:

Adequateness of information for purpose of Appropriate Assessment and Environmental impact assessment: Biodiversity

Appropriate Assessment

EIA: Biodiversity and Ornithology

Ecologist

Maeve Flynn BSc. PhD. MCIEEM

Senior Planning Inspector

Mary MacMahon

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45.0 Introduction

45.1. Scope of Report

45.1.1. This report to the Inspector and available to the Board is a written record of my review and examination of the submitted information provided by Dublin Airport Authority as it relates to biodiversity and the requirements for Appropriate Assessment (including screening) in this planning appeal. In my capacity of Inspectorate Ecologist, I have the relevant expertise to provide a professional opinion as to the adequacy of the information for the Inspector and the Board to undertake Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) of the proposed Dublin Airport Underpass project. The proposed development will consist of the construction of a subterranean Underpass of Runway 16/34 and all associated and ancillary works.

45.1.2. I have reviewed and examined the following documents including relevant appendices and figures (plans and particulars):

- NIS including AA Screening Report
- EIAR with particular focus on Chapter 10 Biodiversity

45.1.3. The documents have been reviewed with respect to the following current best practice guidance:

- CIEEM (2019) Ecological Impact Assessment Checklist
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EPA (2023) Guidelines on the information to be contained in environmental impact assessment reports.

45.2. Expertise and technical content of Ecological Reports

- 45.2.1. The biodiversity chapter of the EIAR, the NIS and associated AA Screening reports were prepared by suitably qualified and experienced Ecologists from AECOM. The scope structure and content of the EIAR and the NIS is in accordance with good practice guidance (EPA 2023, CIEEM 2019)
- 45.2.2. Scientific information on surveys, nature conservation sites, species, and habitats is adequate and up to date (at the time of submission) and included desk study, habitat survey and breeding bird and non-breeding bird survey on lands within the application site. I am satisfied that the ecological surveys were undertaken in line with published good practice methods and at the optimum seasonal periods providing a robust baseline for the impact appraisal as part of the EIAR and the NIS.
- 45.2.3. I note that as part of their assessment, Fingal County Council commissioned an independent review of the EIAR and NIS and this review did not raise any significant issues in relation to the application at the time.

46.0 Consideration of the Likely Significant Effects on a European Site

46.1. Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB of the Planning and Development Act 2000 (as amended) are considered in this section.

46.2. Screening for Appropriate Assessment

- 46.2.1. The first test of Article 6(3) is to establish if the proposed development is directly connected with or necessary to the management of a European sites and where this is not the case, then whether the development (either alone or in combination with other plans and projects) could result in (likely) significant effects to a European site in view of the sites conservation objectives.
- 46.2.2. The project is not directly connected with, or necessary for the management of any European Site and consequently is subject to the Appropriate Assessment Screening process. No part of the development is within or immediately adjacent to a European site. An ecological connection via a hydrological link (the Cuckoo Stream) between

the proposed development and Baldoyle Bay SAC and SPA has been identified. The AA screening report prepared by the applicant concluded that in the absence of further detailed assessment likely significant effects on Baldoyle Bay SAC and SPA could not be excluded as the Cuckoo stream will be directly impacted by the proposed development.

46.2.3. Waterborne pollution generated during the construction and operational phase of the proposed development could affect qualifying or supporting habitats downstream and disruption of flow/ reduction in volume of groundwater could affect the hydrological functioning. In the absence of mitigation or further detailed assessment, these impacts could lead to adverse effects which could undermine the attainment of the conservation objectives set for these European Sites.

46.2.4. Other European Sites were considered in the screening report but excluded on the basis of objective information, with sites lying outside of any likely zone of impact due to distance and lack of impact pathways.

46.2.5. The Planning and Inspector and the Board should also note the designation of a candidate SPA the Northwest Irish Sea SPA which adjoins coastal SPA site around Dublin Bay and northwards along the County Meath and Louth Coasts [North-west Irish Sea SPA | National Parks & Wildlife Service \(npws.ie\)](https://www.npws.ie/en/our-work/protected-areas/north-west-irish-sea-spa). This SPA is designated to protect open waters of importance for feeding and other activities of seabirds that breed or overwinter along the coast. I consider that this SPA can be screened out of the need for further assessment based on the rationale presented above and in view of the conservation objectives of the site.

46.3. Screening recommendation

46.3.1. Having regard to the information presented in the AA Screening Report, including the nature, size and location of the development and its likely indirect effects, the source pathway receptor model and sensitivities of the ecological receptors, I consider that the applicant has correctly identified the potential for impacts to occur due to the works proposed. The actual significance of those impacts required further examination in the NIS and the consideration of pollution control measures to firmly rule out the possibility of significant effects.

46.3.2. AA Screening is a preliminary examination and is considered by the applicant at an early stage in a projects development. The preparation of a NIS for Stage 2 AA allows for a more detailed assessment of possible impacts based on detailed project design or where there is uncertainty as to the significance of those impacts, and/or an assessment of any mitigation measures required to ameliorate negative effects. Where measures are required to specifically avoid adverse effects on a European Site, these cannot be considered in the screening stage. Recent clarifications in case law related to pollution control measures such as SUDS (*inter alia* the CJEU judgement Eco Advocacy CLG v An Bord Pleanála (C-721/21) confirm that features which have been incorporated into the project as stand alone features, inherent in the project and would be implemented irrespective of any possible effect on a European Sites can be taken into account in the screening stage.

46.3.3. Notwithstanding that the screening report (and subsequent AA by Fingal County Council) predated case C-721/21, I consider that the approach taken by applicant in submitting a NIS for AA is valid as the potential for significant effects required further investigation in view of the conservation objectives of Baldoyle Bay SAC and SPA and the Inspector and the Board should consider progression to stage 2 and conduct an AA of the proposed development to ensure that clear, precise and definitive findings can be reached which demonstrate that adverse effects on site integrity can be excluded with confidence.

46.4. Evaluation of the Natura Impact Statement

46.4.1. The NIS has been prepared by qualified and experienced Ecologists from AECOM to inform Appropriate Assessment.

46.4.2. Scientific information was collated from desk study, field survey and information from the National Parks and Wildlife Service resources (www.npws.ie).

46.4.3. A full and detailed description of the proposed development is presented with detail on all aspects of the construction and operational phase, drainage plans, site management and pollution control measures to be implemented as part of the project design.

- 46.4.4. The conservation objectives, targets and attributes for Baldoyle Bay SAC and SPA are detailed and considered in detail regarding any possible effects on qualifying interest habitats and special conservation interest bird species.
- 46.4.5. Following detailed assessment the applicant determined that negative effects from the proposed development of the underpass can be excluded due to the pollution control measures that will be in place during construction, the fact that there will be no net increase in water runoff or pollution risk compared to the existing situation during operation, and the large dilution effect should any residual pollutants enter the Cuckoo Stream and subsequently the SAC / SPA despite pollution controls. Therefore, adverse effect on the integrity of Baldoyle Bay SAC / SPA can be excluded for the proposed development alone and in-combination with other plans and projects.
- 46.4.6. Having reviewed the NIS I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies and evaluates impacts and uses the best scientific information and knowledge to determine implications in view of the conservation objectives of the European sites. Details of measures which will be effective in preventing pollution reaching Baldoyle Bay SAC and SPA and thereby excluding possible adverse effects are provided and will be implemented via the CEMP.
- 46.4.7. I consider the measures as detailed to be standard, best practice and will be effective in achieving their aim. Detail is provided on sediment control, timing of works, concrete and hydrocarbon control, an emergency response plan and control of invasive species.

46.5. **Conclusion on scientific information to inform the Appropriate Assessment**

- 46.5.1. I am satisfied that the scientific information submitted will allow the Board to come to complete, precise and definitive findings as part of the Appropriate Assessment of the implications of the proposed development on the integrity of Baldoyle Bay SAC and SPA in view of the conservation objectives of those sites.
- 46.5.2. I consider that the applicant has demonstrated that adverse effects on the integrity of European sites can be excluded and there is no reasonable doubt remaining as to the absence of such effects.

47.0 Likely effects on the Environment: biodiversity

47.1. Chapter 10 Biodiversity identifies, describes and assesses direct and indirect effects of the proposed development on biodiversity with particular attention to species and habitats protected under the Habitats and Birds Directive.

47.2. The application site is within the airport boundary in an area of active use with no natural or semi natural habitats or protected species that could be affected. The cuckoo stream is culverted and described as being of negligible ecological value at the stretch within the airport compound as it culverted and has no natural watercourse features at this point. The proposed temporary diversion of the Cuckoo stream will not significantly affect the stream itself and mitigation measures are proposed to protect downstream ecological receptors at Baldoyle Bay.

47.3. Mitigation and Monitoring

47.3.1. A preliminary CEMP has been prepared which sets out the framework of how mitigation and monitoring measures have and will be implemented. The measures include standard measures to prevent pollution of surface waters and management of the diversion and protection of the Cuckoo steam. The CEMP provides for an ecological clerk of works to be consulted on ecological issues during construction.

47.3.2. Following examination and review, I am satisfied that the biodiversity assessment submitted as part of the EIAR is adequate to undertake EIA. Given the type and location of the proposed development within the airport, no significant biodiversity issues will arise.

48.0 Conclusion

48.1. Following review and examination of the material submitted as part of the application for my findings and recommendations are as follows:

48.2. Appropriate Assessment

48.2.1. I consider that the information presented to inform AA Screening and AA of the proposed development conforms to the requirements for best available scientific information in terms of the assessments undertaken, the scientific information

available on protected sites at the time of preparation of the application and mitigation proposed.

48.2.2. I consider that the scientific information presented in the NIS is adequate to ensure that all aspects of the project can be assessed by the Board and to provide for complete, precise, and definitive findings for the purpose of Appropriate Assessment.

48.3. Biodiversity

48.3.1. The information presented for the biodiversity impact assessment is more than adequate for the purpose of EIA. Due to the location and nature of the proposed development within a highly developed site, no significant impacts on biodiversity are predicted.

Signed:



Maeve Flynn BSc. PhD, MCIEEM
Inspectorate Ecologist

14th December 2023

Appendix 2: Memo from Board Scientist

Memorandum ABP- 316138

To: Mary MacMahon.

From: Emmet Smyth.

Re: Dublin Airport Authority PLC- Subterranean Underpass.

Date: 12th December 2023.

The bedrock formation underlying the subject site is the Tober Coleen Formation, which is described as a calcareous shale, limestone conglomerate. The majority of the site is classified as a poor aquifer with bedrock generally unproductive except in local zones. The aquifer classification changes to Locally Important where the bedrock is moderately productive only in Local zones under the Western apron and the southern and Western compounds on the subject site. Similarly, the groundwater vulnerability across the site, as mapped by the Geological survey of Ireland, reports low vulnerability across much of the site with this changing to moderate vulnerability in the area around pier 3 with soil permeability described as low across the site. Soils across the site can be described as made ground. Ground water flow across the site can be inferred from topography and an expected groundwater flow will be in an easterly, north-easterly direction.

The majority of the site is located within the WFD sub catchment Mayne_SC_010. The watercourse that traverses the site in an east south easterly direction (via culvert) is the Cuckoo stream which joins the Mayne further east. The site does not contain any open watercourse. The EPA do not monitor any part of the Cuckoo stream for water quality; however, Dublin Airport carries out both biological and chemical analysis of the stream. The Mayne waterbody (Mayne and Cuckoo stream) is classified as at risk, with the Mayne River being classified as at risk also. In 2022, the EPA monitored site

on the Mayne, downstream of the Cuckoo stream Mayne River confluence, ecological conditions at Hole-in-the-Wall Rd Br (0500) remains poor (Q3) (despite a slight improvement on 2019 results), this is attributable to elevated nutrient and diffuse urban sources of pollution.

The 4 points monitored on the Cuckoo Mayne stream all indicate that the watercourse will not meet the required standard for good status under the Water Framework Directive. The first two monitoring points are on the Cuckoo stream downstream of the airport, referenced in table 3-3 of the EIAR, both showing the influence of elevated nutrients and diffuse urban sources of pollution, however it should be noted that the stream is culverted through the airport site and as such there will be limited hydraulic connectivity between the Cuckoo stream and perched groundwaters.

Monitoring points 3 and 4 downstream of the confluence of the Cuckoo stream and the Mayne River there is again evidence pointing to elevated nutrient and diffuse urban sources of pollution. One parameter of note is propylene glycol (4.5mg/l), utilised in de-icing agents, amongst other uses, at monitoring point 3, this can exert high levels of Biochemical Oxygen demand during its breakdown in surface waters, and this is borne out by an elevated BOD of 13.6mg/l at this monitoring location 3. This parameter was below the limits of detection at the three other monitoring points, most notably in the Cuckoo stream at monitoring points 1 and 2, that drains the area subject of this proposal.

The redline boundary of the site is located within the Dublin groundwater body (IE_EA_G_008) with overall status designated good, both chemically and quantitatively. Ground waterbody referred to as the Industrial facility (IE_EA_G_086) is located to the East of the area subject of this proposal with overall status designated poor chemically but quantitatively good. A significant portion of this groundwater body is designated as highly vulnerable to extreme vulnerability with rock. Industry is the primary pressure on the groundwaters here. There are 2 EPA licensed facilities to the

north of the site both with 16 groundwater monitoring wells which are monitored under the licences. EPA groundwater wells associated with two licensed facilities are located within this groundwater body with significant hydrocarbon contamination in one of the wells located between 500-800m from the subject site.

Two boreholes were assessed BH 105 and BH107 for the purpose of this application, with Total Petroleum Hydrocarbons present in BH105 at 780µg/l, as a guide the overall threshold value for TPH in groundwaters is 7.5 µg/l as referenced in the European Union Environmental Objectives (Groundwater) Regulations 2010, as amended. BH105 also had elevated Ammonium 0.91mg/l indicative of significant pollution exceeding the overall threshold value range for Groundwaters for Ammonium of 65-175 µg/l. Given the within the area this is likely due to urban/industrial pollution sources.

Groundwaters samples were analysed for PFAS compounds, and all samples returned were below the level of detection. The applicant submitted 22 soil samples for analysis against the Waste acceptance criteria as outlined in the Council Decision of 19th December 2022 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC. None of the samples contained any presence of asbestos or Polychlorinated Biphenyl (PCB). There was detection of Total Petroleum Hydrocarbons (TPH) in 7 of the 22 samples, however all samples were within the Landfill waste acceptance criteria for inert waste landfill.

There was also the detection of Polycyclic Aromatic Hydrocarbon (PAH) in 4 of the samples again with all falling within the Landfill waste acceptance criteria for inert waste landfill, except for Borehole 111 at 9.5m below ground level returning a value of 310mg/kg exceeding the 100mg/kg threshold for PAH for the Inert waste landfill acceptance criteria, this is indicative of a point of significant contamination.

It is accurate to conclude that the impact of the project on waters both surface and lands, soils, geological and hydrogeological, subject of this application would be slight to imperceptible subject to the implementation of mitigation measures as outlined in the EIAR.