



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-320748-24

<b>Development</b>	Construction of a surface car park with 950 airport staff parking spaces
<b>Location</b>	Lands bounded by the South Parallel Road (R108), Harristown Lane, Horizon Business Park and the Holiday Blue Long-Term Car Park, in Harristown, Swords, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW24A/0253E
<b>Applicant(s)</b>	Dublin Airport Authority (DAA) plc
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	DAA plc
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> August and 16 <sup>th</sup> December 2025
<b>Inspector</b>	Philip Maguire

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## 1.0 Introduction

- 1.1. This case is a First Party appeal lodged by Dublin Airport Authority (DAA<sup>1</sup>) under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a refusal of permission by Fingal County Council under Section 34.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

## 2.0 Site Location and Description

- 2.1. Located along and south of the R108 (South Parallel Road), the appeal site is situated in the townland of Harristown, south of the South Runway and west, southwest of the terminal buildings at Dublin Airport. The surrounding area is characterised by warehouses at Horizon Logistics Park to the south, an airport car park to the east and detached houses and farmland along Harristown Lane (L31251) further to the west.
- 2.2. The appeal site is irregular shaped, relatively flat and firm underfoot. It has a stated area of 4.26ha and a frontage of c. 270m along the R108. The majority of the site is under grass and in agricultural use with a cattle pen and small area of hardstanding located centrally. The site does, however, include a section of tree-lined business park estate road, including entrance gates and lamp standards, along the eastern boundary and extends marginally into the adjoining 'Holiday Blue' long-term car park.
- 2.3. The site boundaries are therefore generally undefined save for the roadside boundary which is delineated by mature hedgerow and a field gate. In addition to the agricultural structures, the site includes mesh fencing, earth mounds and berms, and stands of vegetation including those flanking the remnants of Harristown Lane which crosses the northwest corner of the site. Additional vegetation flanks the Santry River which traverses the site towards the southern boundary and flows in an easterly direction.
- 2.4. The wider area is characterised by the Dublin Airport complex including North and South runways, which is generally contained within the Naul Road and the R108 to the north, the R108 to the west, the R108 and Old Airport Road to the south, and the R132 to the east. Other remote airport car parks are located to the east of the R132.

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<sup>1</sup> Stylised by the applicant in lowercase as 'daa'.

## 3.0 Proposed Development

### 3.1. Overview

- 3.1.1. Planning permission is sought for a surface car park for Dublin Airport staff.
- 3.1.2. The proposed development is accompanied by an Environmental Impact Assessment Report (EIAR) and is referred to as the 'Remote South Staff Car Park' project therein.
- 3.1.3. A Natura Impact Statement (NIS) is set out in Appendix 5-1 of the EIAR.

### 3.2. Development Description

- 3.2.1. The proposed development is described in the statutory notices as per Appendix 1.

#### *General Comments*

- 3.2.2. The proposal involves the demolition of the existing agricultural structures, including the removal of the field gate on the R108 and the construction of a westward extension of the Holiday Blue Long-Term Car Park comprising 950 no. spaces for airport staff.
- 3.2.3. It would be accessed off the R108 via an upgraded former temporary business park entrance and tie into an existing roundabout in the Holiday Blue car park for emergency access purposes, albeit restricted by security barriers. The proposal also includes bike spaces, a bus shelter, riparian strip, substation, and welfare building etc.
- 3.2.4. In addition to the EIAR (Atkins, June 2024), other supporting documents include:
  - ANCA Proforma
  - Architectural Design Statement (Atkins, April 2024)
  - Civils Specification (Atkins, April 2024)
  - Electrical Particular Specification (Atkins, June 2024)
  - Engineering Planning Report (Atkins, June 2024)
  - Flood Risk Assessment (Atkins, April 2024)
  - MEP Engineering Report & Energy Statement (Atkins, April 2024)
  - Planning Report (Coakley O'Neill, June 2024)
  - Preliminary CEMP (DAA, June 2024)
  - Road Safety Audit Stage 2 (Atkins, June 2024)

## 4.0 Planning Authority Decision

### 4.1. Decision

4.1.1. Permission was refused on 8<sup>th</sup> August 2024 for the following reason:

1. *The subject site is within the 'GE-General Employment' land use zoning under the Fingal Development Plan, 2023-2029 the objective of which is to "Provide opportunities for general enterprise and employment." The proposed development which seeks permission to construct 950 no. surface car parking spaces for the use of Dublin Airport staff, would materially contravene the 'GE' zoning objective assigned to the subject lands and contravene Objective EEP2 within the Fingal Development Plan 2023-29 which seeks to ensure that GE zoned lands are developed for intensive employment purposes and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Development of the kind proposed would be premature pending the determination on the on-going planned infrastructure upgrade works to Dublin Airport lands under Reg. Ref. F23A/0781 and as envisaged in the Dublin Airport Local Area Plan given the nature of the proposed development as it cannot be considered in isolation and in the absence of the necessary upgrade to Dublin Airport's external road network, and upgrade to pedestrian or cycle infrastructure along the R108.*
3. *The Planning Authority is of the opinion that the EIAR submitted is deficient in information and has not adequately or sufficiently considered reasonable alternatives to the proposed development. In addition potential impacts on bats and birds were not considered sufficiently or potential impacts on climate/climate change. In the absence of same the planning authority is unable to determine that the proposed development is acceptable on environmental grounds.*

### 4.2. Planning Authority Reports

4.2.1. The Planning Officer's Report (06/08/24) can be summarised as follows:

#### *Principle of Proposal*

- Notes the 'GE' – General Employment zoning and states that such proposals are to be considered based on contribution towards the zoning objective and vision.

- States that the proposed use would not be considered as a highly intensive employment use, thus would not be considered as compliant with objective EEP2 and would materially contravene the GE zoning objective; notwithstanding the adjacent 'CP' – Car Park objective and applicant's rationale in respect of same.

#### *Procedural Issues*

- Highlights a number of inconsistencies, typographical and location errors and legal interest issues in the application documentation, including in relation to the submitted EIAR and NIS.

#### *Dublin Airport*

- Notes the site location within the Outer Public Safety Zone (PSZ) and Noise Zone A and the requirements of objective DAO18.
- States that car parks are permitted in the Outer PSZ and not considered to be a noise sensitive development for the purposes of Noise Zone A, whilst associated buildings are subject to the guidance in Table 6.1.

#### *Design, Layout and Impact on Surrounding Amenities*

- Notes the general layout and arrangement of the proposal with the majority of parking spaces, 795 no., located to the north of the Santry River around which a 10-15m wide riparian strip is provided as per objectives DMSO156 and GINHO43.
- States that the internal circulation road around the riparian strip is the proposed route for the shuttle bus to the airport.
- Notes the extension to an existing culvert to the east of the site, reuse of an existing culvert to the centre as a pedestrian bridge and new crossing to the west in the context of objectives IUO27 and DMSO211 which seek to restore watercourses.
- Raises concerns in relation to the site layout and site (red line) boundary in the context of the other (blue) lands in the applicant's control in terms of setbacks and a future road corridor; stating the proposal makes inefficient use of strategic lands.
- Notes the siting, layout and design of the ancillary structures and states that it is unclear if the location of the substation would interfere with the proposed *BusConnects* Route 24 corridor along the R108.
- Notes the amount of demolition and tree removal required to facilitate the proposal.

- Envisages the proposal will have some impact at street level from the removal of existing vegetation but states that there are no protected views of landscape attributes and notes the retention and augmentation of the roadside boundary.
- Also notes additional planting within the riparian strip and along the southern boundary and site entrance and states that the proposed structures are unlikely to result in any significant visual impact.

#### *Need for Development*

- Considers the applicant's justification, including the restriction under Condition 23(c) of PA ref. F06A/1248, but states that it does not include other proposed staff spaces (PA refs. F23A/0781 and F24A/0007) or temporary permissions (PA refs. F20A/0331 and F22A/0029); stating that a reactionary approach is not sustainable.
- Notes the policy shift towards more sustainable modes of travel since, as supported by objective DAPO6, and states that the need to develop a new car park on a greenfield site in lieu of lost, displaced or abandoned spaces is not endorsed.
- Raises concerns regarding the lack of information in relation to the use of existing car parking spaces, the number of staff currently employed by DAA or their work patterns to support the need for the proposal, including the lack of a mobility management plan, as required by objective SFO2 of the Dublin Airport LAP.
- States that the information provides an incomplete picture of staff arrival time and the reasoning for a higher proportion of staff commuting outside the traditional hours is not substantiated i.e., total staff arriving / leaving, shift pattern etc.
- Suggests that it is unclear whether the applicant has explored options to effectively manage existing staff parking spaces; noting the Planning Inspector's comments under ABP-313225-22 which indicated significant capacity in the Green Car Park.
- Notes a 50-70% occupancy at existing staff car parks i.e., White, Purple and Aer Lingus Hangar 6 and states that any proposal for new parking should demonstrate that the existing parking facilities are at capacity as per objective CPO2 of the LAP.
- Also notes Section 7.6.4 of the South Fingal Transport Study which states that new car parking provision should only be made where it is absolutely essential.

- States that the proposal is not aligned with objective DAO6 of the Development Plan or objectives CPO4 and CPO7 of the LAP and anticipates that the need for parking will reduce with the development of future projects i.e., *MetroLink* etc.
- States that the proposal should be considered in the context of other proposals including PA ref. F23A/0781, which incorporates 700 no. staff spaces, and suggests that the proposal will be premature prior its determination and in the absence of connecting infrastructure to the Airport.

#### *Transportation Issues*

- Notes the issues raised by the Council's roads section including those in relation to active travel connections; site access including the possibility of a right-turn lane; motorcycle parking; *BusConnects* Route 24; the TTA including the junction analysis of the R108 / Old Airport Road and proposed upgrade of same; a set-back for future roads proposals; mobility management / workplace travel plans etc.
- Also notes the more fundamental issue raised by the road section in relation to other infrastructure projects; stating that an Airport campus parking audit should be provided and include information regarding location, designation, capacity etc.
- Concludes the proposal would be premature until PA ref. F23A/0781 is determined.

#### *Water Services Infrastructure*

- Notes the proposed drainage design including separate northern and southern catchments, permeable surfaces, filter drains and separate attenuation with flow controls set to 7.4l/s and 2.0l/s respectively, before discharge to the Santry River.
- Considers the surface water design acceptable subject to standard conditions.

#### *Waste Management*

- Notes the environment section recommendation in relation to a RWMP condition.

#### *Parks and Green Infrastructure*

- States that the proposed hedge planting, in double staggered rows, is acceptable.
- Considers the quantum of tree retention / removal acceptable and recommends that the trees proposed in the car park areas be planted in tree pits.

- Considers the planting around the riparian strip acceptable and notes that the parks report concludes that the proposal is acceptable subject to conditions.

#### *Public Lighting*

- Notes the findings of the bat survey regarding activity along Harristown Lane and notes the measures proposed to minimise effect on crepuscular species around the western site boundary and along the riparian corridor.
- Notes the Council’s public lighting section has no objection subject to condition including a post-implementation provision in relation to lighting glare / spillages.

#### *Appropriate Assessment (AA)*

- States that it is reasonable and correct to conclude that there will be no adverse impacts arising as a result of the proposal, either alone or in combination with other plans or projects on any European sites, provided all mitigation is adhered to.

#### *Environmental Impact Assessment (EIA)*

- Notes the proposal exceeds a mandatory EIA threshold for the provision of car parking spaces i.e., 400 spaces.
- States that the EIAR has not adequately or sufficiently considered the reasonable alternatives, the potential impacts and mitigation of potential impacts on bats and birds, and the potential impacts on climate / climate change.

#### 4.2.2. Other Technical Reports

- |                              |   |
|------------------------------|---|
| • Air and Noise (16/07/24)   | No objection.   |
| • Environment (27/06/24)     | No objection subject to condition(s).   |
| • Parks (25/06/24)           | No objection subject to condition(s).   |
| • Public Lighting (04/07/24) | No objection subject to condition(s).   |
| • Roads (19/07/23)           | Non-committal / Further Information response:<br>Premature pending the determination of PA ref. F23A/0781 – does not support proposal – does not recommend refusal – lists further information to be addressed should permission be considered. |
| • Water (25/06/24)           | No objection subject to condition(s).   |

### 4.3. Prescribed Bodies

4.3.1. I note that IAA did not participate in the consultation process. Summary of responses:

- ANCA (26/06/24) No objection.
- DAA (24/07/24) No comment.
- NTA (18/07/24) No objection.
- TII (15/07/24) No objection.
- Uisce Éireann (28/06/24) No objection subject to condition(s).

### 4.4. Third Party Observations

4.4.1. The planning authority received 8 no. observations. The issues raised are similar to the grounds of appeal and summarised from the Planning Officer's Report as follows:

- Site not zoned 'DA' – extensive landbank zoned 'DA' available to the applicant.
- Proposal will result in more environmental damage / add to pollution.
- Proposal is premature pending footpath and cycle path connections to Airport.
- Applicant should be requested to provide footpaths and cycle paths.
- Proposal ignores pre-application advice issued by planning authority.
- Applicant is aiming to increase the number of parking spaces by project splitting.
- Existing car parking figures are inaccurate – do not include central or hotel spaces.
- More car parking will only encourage private car use.
- PFAS contamination is not screened out of EIAR / NIS.
- Proposal will result in a negative impact on surrounding residential amenity.
- Applicant does not comply with permissions/carries out unauthorised development.
- EIAR does not consider existing dwellings to the east of the site.
- Proposal will exacerbate traffic issues along the R108.
- Applicant is undermining national policies aimed at reducing GHG emissions.

4.4.2. The Planning Officer's Report notes all concerns were considered in the assessment.

## 5.0 Planning History

### 5.1. Appeal Site

#### *Holiday Blue Car Park*

- 5.1.1. ABP-301458-18 – permission granted under the provisions of SID in October 2018 for the permanent use of the 8,840-space long-term car park. This permission consolidated a number of previous temporary permissions including ABP ref. PL 06F.PA0022 and PA refs. F07A/0093, F06A/0088, F04A/1854, F02A/0203 and F99A/0426. As noted, the appeal site overlaps the western boundary of this car park.
- 5.1.2. ABP-321951-25 – in July 2025, An Coimisiún Pleanála determined that the terms of the Fingal County Council Development Contribution Scheme (DCS) had been properly applied in a point of detail referral regarding Condition 4 of ABP-301458-18. Noting the wording of Condition 23 of ABP ref. PL 06F.220670 (Terminal 2), the Commission considered that the development, which is for permanent long term car parking on a commercial basis subject to separate planning permission, in this case a SID, was not ancillary in the context of the T2 permission. The car parks were considered to align with the term of ‘non-ancillary carpark’ in accordance with the relevant Development Plan and as such a specific DCS exemption was not applicable.

#### *Horizon Logistics Park*

- 5.1.3. PA ref. F99A/1535 – permission granted by the planning authority in January 2001 for 5 no. warehouse units and an entrance off the R108 etc. This permission was subsequently modified (PA ref. F01A/0974) to allow for an alternative location for the security hut and access barriers taking account of future proposals for the R108.
- 5.1.4. PA ref. F01A/1230 – permission granted by the planning authority in July 2002 for 3 no. warehouse units and a second entrance to the business park etc. at the R108 / Old Airport Road junction. This entrance is now the main access to the business park and the original entrance permitted under PA ref. F99A/1535 is closed permanently and referred to in the appeal as an existing former temporary construction access.

#### *Metrolink Cables*

- 5.1.5. ABP-317831-23 – live application for 3 no. 110kV electricity circuits. The cable route runs roughly parallel to the R108, overlapping the southeast corner of the appeal site.

## 5.2. **DAA Proposals Overlapping Appeal Site**

### *'Infrastructure Application'*

- 5.2.1. PA ref. F23A/0781 – live application for certain project elements, including Ground Transportation Centre; T2 Multi-Storey Car Park; Staff Car Park North and Junction Improvements etc. It is also proposed to increase the passenger numbers from 32 to 40mmpa, thereby superseding / replacing Condition 3 of ABP ref. PL 06F.220670 and Condition 2 of ref. PL 06F.223469, in addition to superseding / replacing Condition 23 of ref. PL 06F.220670 in respect of short-term, long-term and staff parking. Further Information was submitted and the submission period closed in January 2025 – no decision to date. This proposal does not include any works within the appeal site.

### *'No Build (36mmpa) Application'*

- 5.2.2. PA ref. F25A/0094E – application to replace the 32mmpa conditions with a limit that a maximum of 36 million air passengers will be permitted to use the infrastructure at Dublin Airport per annum (36mmpa). Further Information requested in April 2025 and response period extended to January 2026. Deemed withdrawn on 15<sup>th</sup> January 2026.

## 5.3. **Wider Airport Campus**

### *Terminal 1*

- 5.3.1. PA ref. F06A/1843 – permission granted on appeal (ABP ref. PL 06F.223469) in January 2008 for an extension to T1. Condition 2 imposed a combined capacity cap of 32 million passenger per annum (mmpa) for T1 and T2 (ABP ref. PL 06F.220670). Subsequent alterations to T1 have been permitted including a recent vertical extension to the Pier 1 West building with 2 no. additional boarding gates (PA ref. F25A/0687E).

### *Terminal 2*

- 5.3.2. PA ref. F06A/1248 – permission granted on appeal (ABP ref. PL 06F.220670) in August 2007 for Phase 1 of T2. Condition 3 imposed a combined capacity cap of 32mmpa for T1 and T2. Condition 23 imposed a broad restriction on car parking with no increase in employee spaces. In refusing Phase 2, it was considered that it would be premature pending the determination by the road authority of the detailed network to serve the area and concluded that further expansion of terminal capacity would contravene LAP objectives EA2, EA3 and TP10 which sought to provide balanced road infrastructure to manage traffic and to cater for the comprehensive development

of the airport. Subsequent alterations and extensions to T2 have been permitted under PA ref. F08A/0023 (alterations to Pier E, now Pier 4, including a 511sq.m, single-storey extension to southeast of pier etc.), PA ref. F16A/0081 / ABP ref. PL 06F.246975 (apron bus access facilities comprising 2 no. circulation cores, c. 303sq.m in area), PA ref. F16A/0200 / ABP ref. PL 06F.247135 (Passenger Transfer Facility including a c. 1,772sq.m, three-storey extension to Pier 4 with link bridges etc.), PA ref. F23A/0301 / ABP-317828-23 (extension to the US CBP facility and SASC etc.).

#### *North Runway (10L-28R)*

- 5.3.3. PA ref. F04A/1755 – permission granted on appeal (ref. PL 06F.217429) in August 2007 for the new North Runway. Condition 3(d), restricting the use of the North Runway for take-off and landing ‘between 2300 and 0700 hours’, was amended to ‘between 00:00 and 06:00 (local time)’ and Condition 5, restricting the average number of night-time aircraft movements to 65 per night (between 2300 and 0700 hours), was revoked and replaced with a ‘Noise Quota System (NQS) with an annual limit of 16,260 between 23:00 and 07:00 (local time)’ in July 2025 under ABP-314485-22. The runway and taxiways were previously amended under ABP-305298-19 (F19A/0023).

#### *Airfield Drainage Project*

- 5.3.4. PA ref. F23A/0636 – permission granted by the planning authority in August 2024 for upgraded and additional drainage infrastructure in order to improve overall surface water management performance etc. The application was accompanied by an EIAR and NIS and is currently subject of a live planning appeal under ABP-320815-24.

#### *Airfield Underpass*

- 5.3.5. PA ref. F22A/0460 – permission granted on appeal (ABP-316138-22) in April 2024 to underpass runway 16/34. The application was accompanied by an EIAR and NIS.

#### *Surface Access*

- 5.3.6. PA ref. F21A/0518 – permission granted on appeal (ABP-313157-22) in March 2023 for alterations to sections of the internal road network on the departure routes to and from the T1 and T2 forecourts. Condition 2 restricts the use of the T2 surface car park, road configurations, tolling infrastructure and all development adjoining the southwest corner of the T2 multi-storey car park to a temporary basis, ceasing within 5 years or otherwise where required for purposes of *Metrolink*, unless prior to the end of that

period or where not required for purposes of *Metrolink*, permission for the continuance of use is granted, in order to facilitate the development of the site in accordance with Objective DMS120 of the Fingal County Development Plan 2017-2023 and to ensure the delivery of *Metrolink*. Condition 3 states that the proposed development shall comply with Conditions 12, 23 and 24 of ABP ref. PL 06F.220679 (PA ref. F06A/1248).

#### 5.4. Other Relevant History

##### *'Metrolink'*

- 5.4.1. ABP-314724-22 – approval issued in September 2025 for a Railway (Metrolink – Estuary to Charlemont via Dublin Airport) Order 2022 and includes the CPO of land.

##### *'BusConnects'*

- 5.4.2. ABP-317121-23 – approval issued in June 2024 for the Swords to City Centre Core Bus Corridor (CBC) with 'Other City Bound Route' No. 24 utilising the adjoining R108.

##### *East of Metropoint Business Park, Kettles Lane, Swords*

- 5.4.3. PA ref F24A/0007 – permission refused on appeal (ABP-319438-24) in March 2025 for a multi-storey car park (362 spaces with valet service) on 'GE' zoned lands. Amongst the refusal reasons were concerns regarding the increased supply of airport-related car parking and increased traffic volumes on the airport's internal road network, contrary to objective DAO6 of the Development Plan, and a failure to maximise the site's potential to provide employment intensive uses as required by policy EEP2 of the Development Plan, thus failing to align with objective and vision for the 'GE' zoning.

##### *Junction of the R108 / R122, west of appeal site*

- 5.4.4. PA ref. FW22A/0021 – permission granted by the planning authority in December 2022 for a solar farm on 'GE' lands, albeit with energy utilities etc. permissible in the zoning.

##### *East of Meakstown Cottages, Dubber, Co. Dublin*

- 5.4.5. PA ref. FW23A/0149 – permission granted on appeal (ABP-317687-23) in December 2024 for a self-storage facility on 'GE' zoned lands and within the Dubber (Horizon Business Park) framework plan area (FP 11.A) where it was considered that the proposed use was not incompatible with an enterprise and employment setting and the area of land involved was small in the context of the overall framework plan area.

## 6.0 Policy Context

### 6.1. Local Planning Policy

#### *Fingal Development Plan 2023-2029*

- 6.1.1. The current Development Plan came into effect on 5<sup>th</sup> April 2023. The planning authority decision of 8<sup>th</sup> August 2024 was made under the provisions of this Plan.
- 6.1.2. The appeal site is zoned ‘GE – General Employment’ with a stated land use zoning objective to *‘provide opportunities for general enterprise and employment.’*
- 6.1.3. The vision is to *‘facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible.’*
- 6.1.4. Appendix 7 of the Development Plan provides technical guidance in the context of the adopted use classes relating to zoning objectives as set out in the Development Plan. ‘Car Park Non-Ancillary’ is defined as ‘a building or land for the purposes of stand-alone car parking e.g. long-term car parking’, and excludes a public road used for the parking of vehicles or use of a car park which is ancillary to the principal use of land.
- 6.1.5. A car park, whether that be ancillary or non-ancillary, is not amongst the development types “permitted in principle” in this zoning, however it is not “not permitted” either.
- 6.1.6. Section 13.1 of the Development Plan indicates that uses which are neither ‘permitted in principle’ nor ‘not permitted’ will be assessed in terms of their contribution towards the achievement of the zoning objective and vision for the relevant zoning category.
- 6.1.7. The site is within the Dubber (Horizon Business Park) framework plan area (FP 11.A) and lies due south of the airport lands which are zoned ‘DA’ and subject to the LAP.
- 6.1.8. In terms of airport operations, the site is in the Outer Public Safety Zone and Noise Zone A. I also note that a specific ‘road proposal’ objective traverses the southeast corner of the site and a section of the GDA Cycle Network is shown along the R108.
- 6.1.9. The main objectives relevant to the proposal are set out in chapters 2 (Planning for Growth), 6 (Connectivity and Movement), 7 (Employment and Economy), 8 (Dublin Airport), 13 (Land Use Zoning) and 14 (Development Management Standards).

6.1.10. The following sections are relevant to the proposed development:

- 2.4.3 – Framework Plans (Table 2.19)
- 2.5 – Employment Lands
- 6.5.8 – Car Parking Management
- 6.5.9 – Dublin Airport
- 6.5.10 – Roads Network
- 7.5.1 – Employment and Economic Development
- 8.5.1 – The Dublin Airport Local Area Plan 2020 (LAP)
- 8.5.4 – Providing the Necessary Infrastructure
- 8.5.5 – Supporting Employment and Economic Development
- 13.5 – Zoning Objectives, Vision and Use Classes
- 14.3 – Assessment Required for Particular Projects (14.3.1 – EIA)
- 14.16 – Dublin Airport
- 14.17 – Connectivity and Movement (14.17.3 – MMP/Workplace Travel Plans)

6.1.11. Summary of the relevant policies and objectives:

EEP2	Seeks to maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible.
EEO14	Seeks to encourage high quality sustainable design, permeability and pedestrian and/ or cyclist friendly environments within general employment zoned areas.
CMP25	Seeks to implement a balanced approach to the provision of car parking by promoting a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.
CMP27	Seeks to support the continued protection of the core transport function of Dublin Airport including measures to enhance surface access, public transport connections and strategic freight movements.

DAP1	Seeks to continue to support Dublin Airport as a key national asset as per the strategic aims and objectives contained in the Dublin Airport LAP.
DAO2	Seeks to safeguard the current and future operational, safety, technical and developmental requirements of Dublin Airport (as per the LAP) etc.
DAO3	Seeks to ensure Dublin Airport is developed as a secondary hub.
DAP2	Seeks to ensure that facilities are provided as per LAP so that the airport can develop further and operate to its maximum sustainable potential.
DAO4	Seeks to ensure that the required infrastructure and facilities are provided at Dublin Airport so that the aviation sector can develop further and operate to its maximum sustainable potential etc.
DAO6	Seeks to control the supply car parking at the airport to maximise use of public and sustainable modes of transport by workers and passengers.
DAO7	Seeks to provide integrated public transport serving Dublin Airport.
DAO8	Seeks to protect and enhance the transportation capacity required to provide for the surface access needs of the airport.
DAO9	Seeks to maintain and protect accessibility to the Airport as a priority.
DAP3	Seeks to support an appropriate balance between developing the unique potential of Dublin Airport as an economic generator and major employer in the County and protecting its core operational function as the Country's main international airport in accordance with the LAP.
DAO11	Seeks to resist noise sensitive uses in Zone A (subject to Table 8.1).

### ***Dublin Airport Local Area Plan 2020***

6.1.12. The LAP came into effect in January 2020 and sets the airport policy context. The LAP duration was extended to 2030 at a Fingal Co. Council meeting in March 2025.

6.1.13. Although not within the LAP boundary, the following sections are relevant:

- 8.1 – South Fingal Transport Study 2019
- 8.5 – Mobility Management
- 8.6 – Car Parking (Airport Staff Car Parking)

6.1.14. Relevant objectives are summarised as follows:

- SF02 Requires, as part of any application that will result in increased demand for travel, the submission of a detailed transport model, to be undertaken in collaboration with stakeholders (i.e. NTA and TII); a traffic and transport impact assessment; and specific proposals for mobility management measures and the demonstration of consistency with the overall Dublin Airport Mobility Management Plan in order to prioritise public transport, appropriately phase transport infrastructure requirements and the appropriate provision of carparking as set out in the South Fingal Transport Study, relevant to the growth of the Airport.
- CP04 Seeks to limit the growth of employee parking in order to improve public transport usage, particularly in locations near the centre of Dublin Airport campus where land can be more efficiently used for other purposes.
- CP07 Seeks to limit the provision of new car parking to serve non-core uses within the DA zoned lands, and to control the supply of car parking at Dublin Airport so as to (a) maximise the use of public transport; (b) reduce traffic congestion; and (c) to secure the efficient use of land.

## 6.2. Regional Planning Policy

### ***Regional Spatial and Economic Strategy (RSES)***

- 6.2.1. The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031 (EMRA, 2019) sets the regional policy context. Regional Spatial Outcome (RSO) 14 seeks to promote Dublin as a global city region and protect and enhance international connectivity, including airports and promote the Region as a gateway to Ireland.
- 6.2.2. Regional Policy Objective (RPO) 8.17 supports the *National Aviation Policy* and the growth and movements and passengers at Dublin Airport to include its status as a secondary hub, and in particular improved terminal facilities and infrastructure. RPO 8.18 supports the improved airport access, including *MetroLink* and *BusConnects*.
- 6.2.3. I note that the appeal site is located in the Dublin MASP area and north of the Dublin City and Suburbs boundary. One of the guiding principles for the Dublin Metropolitan Area is to plan for increased employment densities within Dublin City and Suburbs and

at other sustainable locations near high quality public transport nodes and to relocate less intensive employment uses outside the M50 ring and existing built-up areas.

### 6.3. National Planning Policy and Guidelines

#### ***Revised National Planning Framework (NPF)***

- 6.3.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national policy context. National Strategic Outcome (NSO) 4 promotes high-quality international connectivity; crucial for overall international competitiveness.
- 6.3.2. The NPF identifies the improvement of access to Dublin Airport, including public transport access, connections from the road network from the west and north and in the longer term, consideration of heavy rail to facilitate direct services from the national rail network, in the context of potential future electrification, as a future growth enabler.
- 6.3.3. The NPF also seeks to ensure that development occurs within environmental limits, having regard to the requirements of relevant legislation and the sustainable management of natural resources as set out in National Policy Objective (NPO) 66. NPO 69 seeks to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

#### ***Environmental Impact Assessment Guidelines***

- 6.3.4. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (DHPLG, August 2018) provide guidance for competent authorities on legal and procedural issues and other matters arising from the amended codified Directive (2011/92/EU) by virtue of Directive 2014/52/EU.
- 6.3.5. Section 4.2 of the Guidelines notes that in cases where EIA is required the developer must prepare and submit an EIAR to the competent authority and the information to be provided by the developer must, at least, address the matters detailed in Article 5(1) of the Directive, including a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. Annex IV of the Directive notes reasonable alternatives can, for example, be in terms of project design, technology, location, size and scale.

6.3.6. This is reflected in Section 4.13 of the Guidelines, which also states that the type of alternatives will depend on the nature of the project proposed and the characteristics of the receiving environment, e.g., some projects may be site specific so the consideration of alternative sites may not be relevant. It also notes that a 'mini- EIA' is not required and it is generally sufficient to provide a broad description of each one.

#### ***Flood Risk Management Guidelines***

6.3.7. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DEHLG, November 2009)<sup>2</sup>, seek to avoid inappropriate development in areas at risk of flooding, and new development increasing flood risk elsewhere, whilst also avoiding unnecessary restriction of national, regional or local economic growth.

6.3.8. Figure 3.2 of the Guidelines illustrates the sequential approach to managing flood risk.

6.3.9. Section 3.5 of the Guidelines notes that development in Flood Zone C is appropriate from a flood risk perspective, subject to assessment of flood hazard from sources other than rivers and the coast and the other normal range of planning considerations.

#### ***Development Management Guidelines***

6.3.10. The Development Management Guidelines (DEHLG, 2007) are intended to promote best practice at every stage of the development management process. Section 7.5 of the Guidelines sets out the main factors to take into account when deciding whether a temporary permission is appropriate. Firstly, it notes that it will rarely be justified for development of a permanent nature that conforms with the provisions of the Development Plan. Secondly, it states that it is undesirable to impose a condition involving the removal/demolition of a structure that is clearly intended to be permanent.

6.3.11. Section 7.5 does however note that permission could reasonably be granted on an application for the erection of a temporary building to last seven years on land that will be required for road improvements in eight or more years' time, whereas permission would have to be refused on an application to erect a permanent building on the land.

### **6.4. Other National Plans and Policy**

#### ***Climate Action Plans***

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<sup>2</sup> These guidelines were amended/clarified under Circular PL 2/2014.

- 6.4.1. The Climate Action and Low Carbon Development Act 2015, as amended, ('the Climate Act'), commits the State to a legally binding 51% reduction in overall GHG emissions by 2030 and to achieving net zero emissions by 2050. Section 15 places an obligation on the Board to make all decisions in a manner consistent with this Act.
- 6.4.2. The Climate Action Plan 2024 (CAP24) follows the commitment in the Climate Act, and sets out the range of emissions reductions required for each sector to achieve the committed targets. Measures to reach a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres and a 50% increase in daily active travel.
- 6.4.3. In terms of air travel, it notes the European Green Deal 2050 aim but states that efforts to reduce aviation emissions are best undertaken within an international framework.
- 6.4.4. The Climate Action Plan 2025 (CAP25) was published in April 2025 (DECC) and builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and states that it should be read in conjunction with CAP24. As with CAP24, the CAP25 Annex of Actions contains only new, high-impact actions for delivery in 2025. In terms of reduction in total vehicle kilometres, Action TR/25/9 relates to *BusConnects*, and the commencement of works.
- 6.4.5. Similarly, CAP25 notes that aviation emissions are outside the scope of targets but acknowledges the role of SAFs<sup>3</sup> in decarbonising the sector in the short-medium term.

#### ***National Aviation Policy (NAP)***

- 6.4.6. The National Aviation Policy (DTTS, 2015) acknowledges the importance of the aviation sector to Ireland's economy. The stated policy position is that Dublin Airport, along with Cork and Shannon, will continue to provide essential strategic infrastructure and services that support the economic and social objectives of the State. In support of this position, Action 4.3.1 seeks to promote Dublin as a secondary hub airport and in this regard, it notes that surface access is particularly relevant in the case of Dublin.

#### ***National Sustainable Mobility Policy***

- 6.4.7. The National Sustainable Mobility Policy (Dept. of Transport, 2022) sets out a policy framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in greenhouse gas emissions by 2030.

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<sup>3</sup> Sustainable Aviation Fuels.

## 6.5. Other Guidance

### ***A Review of Future Capacity Needs***

- 6.5.1. This Department of Transport (DTTS) review (August 2018) provides a basis for planning for future growth and investment of Ireland's state airports including Dublin. It sets out forecasts for passenger and aircraft movements for Dublin Airport up to 2050 and Figure 25 outlines airport's key capacity requirements for the same period.

### ***Dublin Airport Mobility Management Plan 2024-2026***

- 6.5.2. This Mobility Management Plan (MMP) sets out Dublin Airport's approach to enhancing and promoting sustainable modes (walking, cycling and public transport) for passengers and staff travelling to and from the airport for the period 2024-2026. The MMP outlines a series of interventions for delivery in the short, medium and long-term. It notes that Dublin Airport will continue to actively oversee the implementation of short-term measures for delivery in 2024, while also commencing planning on further medium to long term interventions, including raising the current passenger cap.

### ***Greater Dublin Area Transport Strategy 2022-2042***

- 6.5.3. This National Transport Authority (NTA, January 2023) strategy sets out how transport will be developed across the region. Section 9.3 relates to international gateways. Measure INT2 outlines NTA's intention to serve international gateways with landside infrastructure, including Dublin Airport, which will facilitate their sustainable operation.

### ***Noise Action Plan for Dublin Airport 2024-2028***

- 6.5.4. The plan (Fingal Co. Co., December 2024) contains a long-term strategy for managing the noise climate around Dublin Airport. It provides information on the aircraft noise situation in the communities around Dublin Airport, highlighting areas for improvement and potential future developments at the airport that may affect future noise levels, such as changes to noise management measures and infrastructure upgrades.

### ***South Fingal Transport Study 2019***

- 6.5.5. Using the NTA's East Regional Model (ERM), this study identifies the key transport infrastructure that is required including the network serving Dublin Airport in order to address constraints in transport capacity. These include significant improvement to public transport infrastructure and services such as the Swords Core Bus Corridor,

*Metrolink* etc. In support of these public transport measures are upgrades to roads infrastructure which would aid improved public transport movements. These include an upgrade to the Airport Roundabout to complement *BusConnects* and other bus services, the provision of a western access route to provide contingency planning and serve improved shuttle transfers from parking and lands to the west of the airport.

- 6.5.6. The study notes that whilst it is possible that different modal shares or passenger numbers through airport may develop in future, on the basis of the estimated demand scenarios, the assessment of future transport demands up to 2027 concluded that the forecast growth can be accommodated by the surface transport network, provided the recommended infrastructural measures arising from the study are provided.

***Road Safety Audit Guidelines (GE-STY-01027) (TII, December 2017)***

- 6.5.7. This standard sets out the procedures required to implement RSA's. It relates to all schemes on national roads which result in new road construction or change to existing road or roadside layout. Section 4.3 notes that deferring the requirement for a RSA to a post decision condition does not allow for safety implications to be addressed.

**6.6. Natural Heritage Designations**

- 6.6.1. No Natural Heritage Areas (NHA's) nearby. Relevant proposed NHA's include:

- Santry Demesne pNHA (000178) – 2.6km southeast
- North Dublin Bay pNHA (000206) – 9.7km southeast

- 6.6.2. Relevant Special Areas of Conservation (SACs) include:

- Malahide Estuary SAC (000205) – 7.5km northeast
- North Dublin Bay SAC (000206) – 9.7km southeast
- Baldoyle Bay SAC (000199) – 9.8km east

- 6.6.3. Relevant Special Protection Areas (SPAs) include:

- Malahide Estuary SPA (004025) – 7.5km northeast
- North Bull Island SPA (004006) – 9.7km southeast
- Baldoyle Bay SPA (004016) – 9.8km east
- North-West Irish Sea SPA (004236) – 11.1km east

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. A first party appeal has been lodged by Atkins Réalis, on behalf of applicant, DAA. It includes an appeal overview and response to each of the refusal reasons, in addition to a Technical Note on particular issues raised in the 2<sup>nd</sup> and 3<sup>rd</sup> refusal reasons under the headings of 'Traffic and Transportation', 'Alternatives Considered', 'Biodiversity' and 'Climate'. I will refer to the responses in the Technical Note where appropriate.

7.1.2. The relevant grounds of appeal can, however, be summarised as follows:

#### *1<sup>st</sup> Refusal Reason*

- Notes that the GE zoning objective does not expressly prohibit staff car parking and therefore submits that it cannot be a material contravention in this context; stating that such proposals are to be assessed in terms of their contribution to the achievement of the zoning objective and vision, and consistency with the Plan.
- Having regard to objective EEP2, states that the proposal will contribute to the efficient operation of Dublin Airport, a national employer of scale, and states that the proposal will support extensive employment uses at the airport.
- States that the airport is vital in ensuring the delivery of intensive employment uses on the GE zoned lands that surround it and the provision of necessary supporting infrastructure for the airport is consistent with EEP2 as it applies to the GE lands.
- Noting the GE zoning on the adjoining 'Holiday Blue' car park, suggests that a precedent for car parking that serves the national economic asset has been established, and the additional 'CP' objective indicates that it is entirely suitable.
- Notes that neither the NTA nor the TII had any objection to the proposal.
- States that the proposal is consistent with national policy – Section 4.5 of the National Aviation Policy and NSO 6 of the National Planning Framework.
- Submits that the proposal is consistent with regional policy – Section 8.5 and RPO 8.17 and RPO 8.18 of the Regional Spatial and Economic Strategy.
- Suggest that the proposal is underpinned by local policy – policy DAP1 and objective DAO6 of the Development Plan and objective CP07 of the LAP.

- States that there will be no increase in staff parking at the airport, which was identified as 5,360 no. spaces and considered appropriate for 32mppa – thus the provision of parking remains within Condition 23 [for T2], as per LAP Section 8.6.1.
- Notes that c. 40% of staff commute by means other than private vehicle but also states that it remains essential for those who cannot avail of public transport whilst ensuring that those trips occur outside of the airport campus with bus connections.
- Notes the Article 5(1) [of the Regulations] definition of an airport; and states that the campus overall represents a higher order land use with associated economic benefits; and is required to provide parking for employees in the catchment area.
- States that the following Development Plan provisions are of particular relevance to the proposal – objectives DAO2, DAO4, DAO8, DAO9 and policy DAP3 (referred to as DAO9); in addition to objectives CP04 and CP07 of the Dublin Airport LAP.
- Requests that the 1<sup>st</sup> refusal reason be set aside as it does not constitute a material contravention of the GE zoning objective or objective EEP2 of the Plan; however submits that even if it was determined to be material contravention, suggests that it is permissible under the provisions of Section 37(2)(b) of the Planning Act.

#### *2<sup>nd</sup> Refusal Reason*

- States that the proposal is required to meet current operational needs in the context of the permitted passenger capacity and cannot wait, not is it dependent on the outcome of the ‘Infrastructure Application’, including passenger uplift to 40mppa.
- Submits that the proposal cannot be premature as a matter of principle, and can be considered in isolation of the proposals in the ‘Infrastructure Application’.
- Suggests that the 2<sup>nd</sup> refusal reason also fails to have regard to the ongoing collaboration between the applicant, the Council, the NTA and TII in the context of objective SF02 of the LAP; which seeks to prioritise public transport etc.
- Indicates that the relocation of staff parking to a remote location as a specific objective to reduce the number of vehicle kilometres travelled by staff i.e., transferring them to shuttle buses for the ‘last mile’ of their trip / commute.
- Refers to the EIAR, including TIA (Appendix 10.1) and the Technical Note submitted with the appeal, noting the following: proposal re-locates / consolidates

previously lost spaces; does not result in an increase in staff spaces; improves congestion / traffic movement at the airport; adequate capacity on the R108 to cater for the proposal with a negligible impact on the M50 Ballymun interchange and a slight negative impact on the R108 / Old Airport Road junction in the 'DS' scenario; anticipated upgrades to this junction would improve the situation but are not relied upon nor are the proposed works associated with the 'Infrastructure Application'; the traffic assessment anticipates that the overall impact will be minor etc.

- States that the implementation of the Mobility Management Plan (MMP) will mitigate any impact of the proposal on the local road network, noting an increase in public transport use amongst passengers, 24% to 34%, since the first MMP in 2006 and a similar increase amongst staff since 2014 i.e., 19% to 24%.
- Notes that the recommendations of the Stage 2 Road Safety Audit are to be incorporated into the design i.e., the provision of bollards, road marking etc.
- States that a critical part of consultations in respect of objective SF02 has been to agree on the appropriate provision of staff parking at remote location to the north and south of the campus which will also incentivise the use of public transport; noting that neither the NTA nor TII had any objection to the proposed development.
- Requests that the 2<sup>nd</sup> refusal reason be set aside as it has been demonstrated that the proposal is required to meet the current operational needs within the existing passenger cap and cannot wait, nor is contingent on the 'Infrastructure Application'.

### *3<sup>rd</sup> Refusal Reason*

- Notes that the environment, parks and water sections had no objections.
- Refers to the EIAR, Section 3.4, for an analysis of the reasonable alternatives considered, noting a total of 20 no. alternative design options (long-list), short-listed to 4 no. with Option 4, the preferred option, subject to further design iterations, and thus refutes the contention that the EIAR is deficient regarding same.
- Refers to the EIAR, Chapter 5, for an analysis of potential impacts on bats and birds, and refutes the suggestion that it is deficient in its assessment of same.
- Refers to the EIAR, Chapter 8, for an analysis of potential impacts on climate, and refutes the contention that it is deficient in its assessment in respect of same.

## 7.2. Planning Authority Response

7.2.1. The planning authority's response can be summarised as follows:

- States that the development was assessed having regard to the Development Plan zoning objective as well as the impact on surrounding lands and character.
- Opines that Condition 23 of PA ref. F06A/1248 (Terminal 2 parent permission) is a broad restriction towards any material increase in the provision of staff parking.
- Notes that the applicant's highlight the loss of 620 no. car parking spaces under PA refs. F22A/0029, F16A/0155 and F13A/0142, albeit not wholly staff spaces, but submits that this represented an abandonment of use of these parking spaces.
- Noting the policy shift towards more sustainable modes of transport, suggests that a further reduction in parking would be in line with objective DAO6 of the Plan.
- States that the need for a new surface car park on a greenfield site to cover spaces lost or displaced through other development is not endorsed by the Council.
- Submits that no supporting information has been provided regarding the use of existing spaces or the number of staff currently employed, or their work patterns.
- Suggests that the proposal would be premature pending a decision on PA ref. F23A/0781 (the 'Infrastructure Application'), which includes 700 no. staff spaces.
- Requests that the decision to refuse permission be upheld.
- Notes the southern portion of the site is indicated for a future road upgrade and states that the R108 is earmarked for a *BusConnects* route and GDA cycleway.
- Indicates that provision should be made for various contributions in accordance with the Council's Development Contribution Scheme if the appeal is successful.

## 8.0 Assessment

8.1. There are three separate elements to my assessment: a planning assessment, an environmental impact assessment (EIA) and an appropriate assessment (AA).

8.2. In each assessment, where necessary, I refer to the issues raised by parties in the submissions to the Commission. There is an inevitable degree of overlap between assessments, however, to avoid undue repetition I cross-reference where possible.

## 9.0 Planning Assessment

### 9.1. Introduction

9.1.1. Having examined the application details and all other documentation on the file, including the submissions and observations, and inspected the appeal site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this application are those generally raised in the grounds of appeal.

9.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle (1<sup>st</sup> refusal reason)
- Traffic and Transportation (2<sup>nd</sup> refusal reason)
- Other Issues (3<sup>rd</sup> refusal reason)

### 9.2. Land Use and Development Principle

9.2.1. The planning authority's 1<sup>st</sup> refusal reason states that the proposal would materially contravene the 'GE' zoning objective and contravene "Objective EEP2" of the Plan.

9.2.2. The applicant's grounds of appeal are summarised in section 7.1.3 above. Of particular note is their submission in respect of zoning, whereby they state that the 'GE' zoning does not expressly prohibit staff parking and thus there can be no material contravention in this regard. They also highlight more general policy-based support for the proposal including that under objective EEP2, noting the connection between the airport and intensive and extensive employment uses in the surrounding area. I also note the suggestion that the adjoining long-term car park is a zoning precedent.

9.2.3. The planning authority's response is summarised in section 7.2 above. They state that the need for a new surface car park on a greenfield site (in lieu of spaces lost or displaced through other development in the airport campus) is not endorsed, adding that no supporting information has been provided regarding the use of existing spaces or the number of staff currently employed, or their work patterns. Here they also suggest that reduced parking would align with the policy shift towards more sustainable modes of transport in line with plan objective DAO6. The planning authority also notes that a portion of the site is earmarked for a future road scheme.

### *Background*

- 9.2.4. Section 1.8 of the EIAR sets out the overall rationale for the proposed development. It notes that a number of essential airport developments have been constructed since 2007, resulting in a net loss of airport staff parking spaces, and suggests that the proposal will co-ordinate, consolidate, and control the approach to staff parking aligned with the total of 5,360 no. spaces permitted under Condition 23 of the T2 permission.
- 9.2.5. As noted, condition 23 of appeal ref. PL 06F.220670 imposed a broad restriction on car parking with 'no material increase in the number of employee car parking spaces at the airport'. This, the applicant suggests, equates to a total of 5,360 no. staff parking spaces, and I accept that this is the figure outlined in Section 8.6.1 of the Airport LAP.
- 9.2.6. Section 7.1 of the supporting Planning Report elaborates on the need for the proposal which is premised on a commuting principle (in the context of LAP objective SF02) that assigns staff parking permits based on the employee's home location and thus reducing traffic to the airport campus, i.e., staff living south of the airport will use the proposed car park. Whilst it notes that Dublin Airport's MMP remains focused on sustainable transportation modes, it states that appropriate levels of staff parking is fundamental in order for the airport to operate efficiently in line with national, regional and local planning policy objectives. In this regard, it is stated that the spaces lost through other developments at the airport is putting pressure on airport operations.
- 9.2.7. Table 3 of the Planning Report sets out the existing staff car parking provision at Dublin Airport. It details a total of 4,324 no. staff spaces across 21 no. locations (Figure 6). In this context, there would appear to be a total of 1,036 no. staff parking spaces lost through various developments at the airport campus since 2007. The applicant, therefore, suggests that the proposal will level-up the parking to a quantum previously deemed appropriate by the Board, whilst at the same time discouraging private car trips to and from work by airport staff due to the remote nature of the proposed facility.

### *Zoning Objective*

- 9.2.8. As noted, the appeal site is zoned 'GE – General Employment' with a stated land use zoning objective to provide opportunities for general enterprise and employment. A car park, whether that be ancillary or non-ancillary, is not amongst the development types "permitted in principle" in this zoning, however it is not "not permitted" either. In this regard, the proposal must be assessed in terms of its contribution towards the

achievement of the zoning objective and vision. The latter seeks to facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in areas that are highly accessible, well designed, permeable and legible etc.

*“Objective EEP2”*

9.2.9. The second aspect of the refusal reason cites “Objective EEP2” of the Development Plan. In the interests of clarity and preciseness, the Commission should note that EEP2 relates to a policy as opposed to an objective of the current Development Plan.

9.2.10. Policy EEP2 thus seeks to maximise the potential of GE zoned land, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible. I note that the latter policy aspects reflect the zoning vision in terms of access, design, permeability and legibility.

*Objective DAO6 and Others*

9.2.11. Whilst not cited in the 1<sup>st</sup> refusal reason, the planning authority’s appeal submission suggests that a reduction in car parking would align with objective DAO6 in terms of a shift towards more sustainable modes of transport. Whereas the applicant states that the proposal is underpinned by objective DAO6 in addition to policy DAP1. As noted above, objective DAO6 seeks to control the supply of car parking at the airport to maximise use of public and sustainable modes of transport by workers etc. and policy DAP1 seeks to continue to support the airport as a key national asset as per the LAP.

9.2.12. I also note that the applicant points to Development Plan objectives DAO2, DAO4, DAO8, DAO9 and policy DAP3 (referred to as DAO9) and objectives CP04 and CP07 of the LAP as being of particular relevance. These provisions seek to sustainably grow Dublin Airport as an economic generator and major employer whilst protecting its core operational function through commensurate increases in public transport and access infrastructure and carefully managing staff and passenger parking throughout.

*Is there a Material Contravention of the Development Plan?*

9.2.13. It’s the applicant’s position that there can be no material contravention of the Development Plan in respect of zoning objective or associated policy EEP2 on the basis that the proposal is not amongst the uses listed as “not permitted” in the Plan. Whereas the planning authority, having considered the proposed development against

the zoning objective and vision, suggest that it is not a highly intensive employment use and therefore does not contribute to achieving the 'GE' zoning objective or vision.

- 9.2.14. As noted, planning permission is sought for a surface car park consisting of 950 no. spaces for airport staff. The proposal is evidently not a general enterprise or employment generating use; it will, however, serve the staff of Dublin Airport, the main international gateway and national employer of scale. This is where the dispute lies, and with respect to the planning authority, their approach is somewhat reductionist.
- 9.2.15. In this regard, it is important to highlight that the proposed car park is ancillary to the main airport use, no different than staff parking within the airport campus, notwithstanding its remote location. In this case, and in the absence of any other relevant definitions, Article 5 of the Planning Regulations defines an "airport" as an area of land comprising an aerodrome and any buildings, roads and car parks connected to the aerodrome and used by the airport authority in connection with the operation thereof. There is nothing to suggest that the car park must be physically connected to the aerodrome, an operational connection would appear to be sufficient. Irrespective, I note that the adjoining section of R108 is in the charge of the airport authority and outlined in blue, and thus there is a physical connection, nonetheless.
- 9.2.16. Moreover, Appendix 7 of the Development Plan defines 'Car Park Non-Ancillary' as 'a building or land for the purposes of stand-alone car parking e.g. long-term car parking', noting, such use would not include car park use which is ancillary to the principal use.
- 9.2.17. In such circumstances, it is difficult to see where a contravention arises, let alone a material contravention, particularly given the strong policy support in the Plan and LAP to safeguard the airport's current and future operational needs as a key national asset, economic generator and major employer. The provision of staff parking to my mind is critical in this regard and whilst objective DAO6 does outline an aspirational shift towards more sustainable modes of transport, and this is entirely reasonable in the context of climate change and CAP24/CAP25, it is important not to put the cart before the horse. In this regard, whilst I note the planning status of both the *BusConnects* and *Metrolink* projects, the latter in particular is some distance away from construction.
- 9.2.18. Moreover, it is the applicant's position that not only will the proposal replace pre-existing staff spaces within the Dublin airport campus, but it will also reduce surface

access traffic demand at the campus and thereby align with LAP objectives CP04 and CP07 and Fingal Development Plan objectives DAO8 and DAO9, and policy DAP3.

- 9.2.19. Whilst I note the planning authority submit that the loss of car parking spaces (albeit not wholly staff spaces) through various permissions represents an abandonment of use of those parking spaces, abandonment is a distinct concept in planning law. In this instance it is perhaps best interpreted as the loss of parking spaces through new, higher order, land uses. For example, I note that the redevelopment of car parks associated with the former Aer Lingus building south of Corballis Road for office use under appeal ref. PL06F.247299 (PA ref. F16A/0155) resulted in 360 no. spaces lost. Similarly, on the northern side of Corballis Road, the applicant states that some 185 no. spaces were lost to a 'drive thru' fast food restaurant under PA ref. F13A/0142.
- 9.2.20. Thus, the applicant's approach above, to my mind, reflects the broad policy direction outlined in the LAP, and objectives CP04 and CP07 in particular. Both seek to control parking for various reasons, including securing the efficient use of airport land for purposes other than parking. With sufficient public transport infrastructure in place, in terms of capacity and frequency, the planning authority's reticence to endorse new surface car parks on greenfield sites to cover the lost spaces may be considered reasonable. Such a scenario has not been reached, however, and to consider otherwise is overly punitive, particularly where staff are critical to airport operations.
- 9.2.21. In this context, Section 7.1.8 of the applicant's Planning Report notes that achieving modal shift from staff requires more frequent, cheaper, faster and direct public transport services to Dublin Airport; whilst also noting that c. 40% of staff access the airport by means other than private car. Thus, according to the applicant, there remains a distinct need to facilitate staff who do not have access to alternative transport means, 42% of whom arrive to work before the AM peak hour (0800 – 0900).
- 9.2.22. Whilst I note the concerns of the planning authority regarding the use of existing spaces and the number of airport staff currently employed, and their work patterns, the reality is that the proposed 950 no. spaces in concert with the existing 4,324 no. staff spaces (total 5,274 no. spaces) does not represent an increase in the total number of staff spaces detailed in Section 8.6.1 of the LAP (5,360 spaces) or a material increase in the number of staff spaces as per Condition 23 of PL 06F.220670.

9.2.23. Similar concerns were raised in the Council's roads section who do not accept that Condition 23 of PL 06F.220670 'established an ongoing entitlement to maintain a level of staff parking'. Such language is unhelpful however, and dismissive of the reality.

*Conclusion on Land Use and Development Principle*

9.2.24. On balance, I consider that the applicant has presented a reasonable need for the proposed development, which is evidently ancillary to the main airport campus, notwithstanding its remote location. I am also persuaded that the proposal will effectively reduce pressure on surface access to the airport campus and therefore assist in achieving the objectives of both the Airport LAP and Development Plan, whilst also ensuring that the provisions of the NAP (Action 4.3.1), NPF and RSES are met.

9.2.25. In such circumstances I am unpersuaded that there is a material contravention of the zoning objective, "objective EEP2" or indeed policy EEP2 of the Plan in that the staff parking is indivisible from the major employment base that is Dublin Airport campus. Whilst I note that the planning authority also highlight that a portion of the site is earmarked for a future road scheme and this is detailed in Sheet No. 11 of the Development Plan, it is considered further below in terms of traffic and transportation.

### **9.3. Traffic and Transportation**

9.3.1. The planning authority's 2<sup>nd</sup> refusal reason indicates that the proposal is premature pending the determination of proposed infrastructure works under PA ref. F23A/0781 as envisaged in the Dublin Airport LAP. In this regard, they suggest that it cannot be considered in isolation and in the absence of necessary upgrades to Dublin Airport's external road network, and to the pedestrian or cycle infrastructure along the R108.

9.3.2. The applicant's grounds of appeal are summarised in section 7.1.3 above. Of particular note is their submission in respect of the current operational needs of the proposed car park, as considered above, where they suggest that the proposal cannot wait, nor is contingent on the 'Infrastructure Application'. In this regard, the applicant notes that these operational needs are within the context of the 32mppa cap and therefore it cannot be premature as a matter of principle and thus can be considered in isolation of the 'Infrastructure Application', including passenger uplift to 40mppa.

9.3.3. The planning authority, on the other hand, reiterate their concerns regarding prematurity, noting that the 'Infrastructure Application' (PA ref. F23A/0781) includes

700 no. staff spaces. Separately, and as noted above in terms of land use, the planning authority state that the southern part of the site is indicated for a future road upgrade, adding that the R108 is earmarked for a *BusConnects* route and cycleway.

### *Background*

- 9.3.4. As detailed in section 5.2 above, the 'Infrastructure Application' under PA ref. F23A/0781 is currently being considered by Fingal County Council, with no decision at the time of writing. The proposal includes 11 no. project elements, including a remote (northern) staff car park and junction improvements etc. It also proposes to increase passenger numbers from 32 to 40mppa, thus superseding Condition 3 of the T2 permission and Condition 2 of the permitted T1 extension, in addition to Condition 23 of the T2 permission regarding car parking spaces, including staff parking spaces.
- 9.3.5. In this regard, I note that the total number of long-term and short-term public car parking spaces serving the airport would not exceed 28,671 no. and 4,654 no. spaces, respectively, and the total number of staff car parking spaces would be unchanged.
- 9.3.6. Given the neutral impact on staff parking spaces coupled with the fact that the proposed development will not increase surface access demand, and in reality, will alleviate some of the existing pressure, it is difficult to see where the issue of prematurity arises insofar as it relates to the project elements of PA ref. F23A/0781. In this regard, Action 4.3.1 of the NAP seeks to promote Dublin Airport as a secondary hub and I note that surface access to the airport is particularly relevant in this case.

### *Junction Improvements & Traffic Impacts*

- 9.3.7. I do, however, note that 'Project Element 11' of PA ref. F23A/0781 proposes upgrades to Dublin Airport's external road network, through junction improvements at 6 no. locations in the vicinity of the airport. This will provide additional bus lanes and other priority measures to improve the operational performance of the external road network.
- 9.3.8. In relation to the R108 / Old Airport Road junction, which is c. 1.8km east of the appeal site, an additional left turn bus lane from R108 to Old Airport Road and optimisation of traffic signals and lane markings to prioritise bus movements are proposed. Other works along the bus route between the appeal site and the airport campus include an additional left filter bus lane from the Old Airport Road to the R132 (with additional right turn bus lane in the opposite direction) and optimisation of traffic signals in relation

to all bus movements at the Airport Roundabout, i.e., north-south on the *BusConnects* Swords to City Centre CBC. Indeed, in relation to *BusConnects*, Section 5.7 of the applicant's Planning Report suggests that *BusConnects* Route 24 is proposed to run through the appeal site, however I note a 2024 network revision diverts it to the R108.

- 9.3.9. In terms of traffic impacts, the applicant refers to the EIAR in addition to the Technical Note submitted with the appeal. There it is stated that there is adequate capacity on the R108 to cater for the traffic generated by the proposal with a negligible impact on the M50 / R108 interchange and a slight negative impact on the R108 / Old Airport Road junction in the 'Do Something' scenario. Whilst it also notes that the anticipated upgrades to the R108 / Old Airport Road junction would improve the situation, it states that they are not relied upon by the proposed development nor are the other works associated with the 'Infrastructure Application' which is in essence to facilitate an increase in passengers from 32 to 40mppa. In this context, the applicant notes that the traffic assessment (Appendix 10-1) anticipates that the overall impact will be minor.
- 9.3.10. In this regard, I note that the Council's roads section report outlines further information that should be addressed in the event that permission is to be granted. This includes details of the Future Staff Parking Strategy and the delivery mechanism, timeline and design capacity of the proposed upgrade to the R108 / Old Airport Road junction, which it considers should be included in an amended red line boundary. The report also states that the impact of the development on the R108 / R122 junction should be assessed, and similarly, any necessary upgrades incorporated in the site boundary.
- 9.3.11. As noted, the appeal site is located along and south of the R108 (South Parallel Road), c. 1.8km east of its 4-way signalised junction with the Old Airport Road / Horizon Logistics Park entrance (Harristown Road). The R108 is a single carriageway regional road with a posted speed limit of 80kph in the vicinity of the appeal site. It links Drogheda in County Louth to Christchurch Place, in Dublin City Centre and in doing so segues around the North and South Runways at Dublin Airport. It starts locally however, from Junction 4 on the M50 (where 60kph applies) and terminates at the R122, which itself terminates to the south, southwest at the R104 between Finglas and Poppintree. The Old Airport Road to the east runs between the R108 and the R132 (Swords Road) and provides access between the airport campus and the appeal site. The M50 and M2 are the nearest national roads to the proposed development.

- 9.3.12. Whilst I note the concerns raised by the Council's roads section in relation to potential impacts on the R108 / R122 junction, which is c. 1km west of the appeal site, I accept that the key locations in terms of traffic impacts are the R108 / Old Airport Road and the M50 interchange (Junction 4). In this regard, the modelled trip generation and distribution data presented in Table 4.1 and Figures 4.1 and 4.2 of Appendix B of the TTA (Appendix 10-1 of the EIAR) is reasonable. I note that traffic flows for the relevant road links and junctions were taken from the 2019 AM Peak and PM Peak, and 2031 'Do Minimum' AM Peak and PM Peak models. I also note trip distribution from the car park was based on the existing distribution in the 'Do Something' models and is mirrored between the AM and PM peaks. This is discussed further in section 10.9 of the EIA but I do note that the R122 was included in the Local Area Model (LAM) data source and other junctions were excluded on the basis of the locational based permit scheme. Therefore, I do not consider there is a requirement to assess the R108 / R122 junction.
- 9.3.13. Likewise, I accept that the main purpose of the proposed upgrades to the R108 / Old Airport Road junction is to improve the existing performance of the junction and they are not relied upon by the proposed car park nor are the other junction improvements included in the 'Infrastructure Application' given the overall traffic impact will be minor. However, in relation to the parking permit scheme, I agree with the planning authority that such details should be clarified and I recommend this is addressed by condition.

#### *Future Road Proposals*

- 9.3.14. In relation to future road proposals, the Council's roads section report notes that the appeal site is not linked to the airport campus by any active travel infrastructure and highlights the GDA Cycle Network designation along the R108 in this regard. In this case, the planning authority suggests that the development cannot be considered in isolation and in the absence of these necessary infrastructure upgrades. Moreover, the roads section report notes the proximity of the site boundary and the specific 'road proposal' to the south and recommends clarification of the reservation / buffer area.
- 9.3.15. Whilst I accept that no cycle or pedestrian infrastructure is proposed, it is axiomatic in the development description; it is a remote car park after all, whereas such active travel measures are better focussed on the airport campus. Moreover, the proposal will reduce the vehicle kilometres travelled by staff by shuttle bus transfer for the 'last mile' of their commute and thus active travel infrastructure is not critical in my opinion.

9.3.16. I do harbour concerns in relation to the specific Development Plan ‘road proposal’ objective however, and this, in my opinion, is a valid issue in relation to prematurity. Whilst I note that the Council’s roads section suggests that it can be addressed by increasing the reservation / buffer area, in the absence of details of the road scheme, which will realign the R108 to facilitate western access from the N2, a margin of uncertainty arises. I therefore recommend that a temporary permission of 7 years be granted in the first instance, after which the prevailing circumstances can be revisited, including the impact, if any, of *BusConnects* and *Metrolink*. Such an approach would be entirely consistent with Section 7.5 of the Development Management Guidelines.

#### *Mobility Management*

9.3.17. Finally, the Council’s roads section report notes that the implementation of effective Mobility Management Plans (MMPs), which include Workplace Travel Plans, is an effective means of reducing private car use to and from a development. Here they highlight the absence of an MMP with the application and suggest that one is required.

9.3.18. The applicant’s Planning Report does, however, note the overall Dublin Airport MMP which it states remains focused on sustainable transportation modes. Moreover, the appeal submission states that the implementation of the Dublin Airport MMP will mitigate any impact of the proposal on the local road network, noting an increase in public transport use amongst passengers, 24% to 34%, since the first MMP in 2006 and a similar increase amongst staff since 2014 i.e., 19% to 24%. In this context, I am unpersuaded that a specific MMP is required for the ancillary staff car park proposal.

#### *Conclusion on Traffic and Transportation*

9.3.19. On balance, I am satisfied that the proposal is not premature pending the determination of the proposed infrastructure upgrades under PA ref. F23A/0781 and can be considered in the absence of the proposed upgrades to the external road network and pedestrian or cycle infrastructure along the R108, subject to a 7-year temporary permission. I recommend the 2<sup>nd</sup> refusal reason be set aside in this regard.

### **9.4. Other Issues**

9.4.1. The planning authority’s 3<sup>rd</sup> refusal reason relates to the efficacy of the information in the submitted EIAR, specifically in relation to its consideration of ‘reasonable alternatives’ to the proposed development, in addition to potential impacts on bats and

birds, and climate / climate change. In the absence of same, the Council considered it was unable to determine that the proposal was acceptable on environmental grounds.

- 9.4.2. The concerns regarding the impact on bats and birds, including relevant SCI species, are considered and assessed in section 10.7 of the EIA and section 11, appropriate assessment, insofar as they relate to designated European sites. Similarly, concerns regarding other the alternatives studied, or indeed not studied, by the applicant and the impacts of the proposal on climate and climate change is considered in the EIA.

#### *Reasonable Alternatives*

- 9.4.3. In this regard, the applicant submits that 20 no. alternative design options were identified and assessed under a process of Multi-Criteria Analysis (MCA), subsequent to which a shortlist of 4 no. alternative locations was identified. Of these locations, the applicant states that Option 4 was chosen due to its accessibility via the Western Access Road and this will limit traffic increases within the airport campus, whilst also acknowledging DAA's 'long term objective to locate staff parking outside the campus'.
- 9.4.4. The applicant also notes that once Option 4 was identified, it was further refined by 3 no. design iterations to ensure no likely significant environmental effects and in this regard, the applicant states that reasonable alternatives are adequately considered.
- 9.4.5. The planning authority's response does not engage with the applicant's appeal submission with regard to reasonable alternatives. It is however evident from the Planning Officer's Report, the basis of the 3<sup>rd</sup> refusal reason, that sufficient concerns existed. It notes that the EIAR did not include a comparison of environmental effects with respect to the alternatives examined nor did it include alternative mitigation measures. In this regard, it suggests there is insufficient rationale presented for Option 4 and alternatives such as a more efficient use of the existing car parks, including a portion of the long-term 'Holiday Blue' car park, or greater modal shift was considered.
- 9.4.6. I have reviewed Chapter 3 of the EIAR and Section 3 of the Non-Technical Summary (NTS). There is no evidence in Chapter 3, or elsewhere in the EIAR or supporting documents, which details a list of 20 no. alternative design options let alone an MCA of each option. In this regard, whilst Section 3.4.1 of the EIAR sets out the 4 no. alternative locations considered, it is vague as to how they were arrived at, or indeed how Option 4 was selected, other than due to its accessibility. Nor is it abundantly obvious why the other options were discounted, other than on inferred capacity issues.

- 9.4.7. Additionally, whilst I acknowledge that Section 3.4.2 of the EIAR considers the first and second design iterations against the various environmental topics, there is no explicit rationale for selecting the third design iteration, other than noting an increase in EV charging points (from 20 to 92) and PRM spaces (from 10 to 48) over and above the second iteration. In this regard, I consider that Chapter 3 is perfunctory, at best.
- 9.4.8. Section 4.13 of the EIA Guidelines notes, however, that some projects may be site-specific, so consideration of alternative sites may not be relevant and further notes that a 'mini-EIA' is not required and a broad description of each is generally sufficient.
- 9.4.9. Therefore, whilst a more efficient use of existing car parking capacity and a modal shift away from private car use appear to be amongst the possible alternatives suggested by the planning authority, failure to consider them is not contrary to the EIA Directive. The Directive does not require that all possible alternatives be considered, nor is it a consideration of the best alternatives; it is simply a matter of reasonable alternatives.
- 9.4.10. In this regard, the locational options presented, appear reasonable in the context of the project and its specific characteristics, namely areas of sufficient capacity, connectivity and proximity to the airport campus, to serve existing staff parking demand. Whilst the locational issue evidently wasn't determined taking into account the effects of the project on the environment, the design iterations, at the very least, appear to be. This is sufficient to accord with Annex IV of the Directive which notes that reasonable alternatives can include project design, location, size and scale etc.
- 9.4.11. Having regard to the EIA Directive and Guidelines (DHPLG, 2018), I accept that the applicant has provided enough information in relation to the reasonable alternatives studied, including the 'Do Nothing' scenario. On balance, I am satisfied that the requirements of Article 94 and Schedule 6 of the Planning Regulations have been discharged (see section 10.4) and I consider that the Commission can conduct an EIA.

#### *Bats, Birds and Climate Change*

- 9.4.12. As noted, the 3<sup>rd</sup> refusal reason also states that the potential impacts on bats, birds and climate were not considered sufficiently and the planning authority was unable to determine the acceptability of the proposal on environmental grounds in their absence.
- 9.4.13. The EIAR, which incorporates an NIS, sets out a robust assessment of potential impacts on birds and bats, in addition to potential impacts on climate and climate

change. As noted, this is discussed in detail in section 10.7 below in relation to bats and birds, in addition to section 11 insofar as they relate to designated European sites. Potential impacts on climate and climate change are addressed in section 10.8 below.

- 9.4.14. The applicant refutes any alleged deficiencies in the EIAR and highlights the fact that the Council's environment, parks and water services sections had no objections to the proposal. In relation to biodiversity, the Technical Note submitted with the appeal outlines key extracts from the EIAR and notes that comprehensive measures were developed to mitigate for the potential adverse impacts on bats and birds including retention of the wooded area to the north corner of the site. Whilst I note that this area is located outside the red line site boundary, it is within lands outlined in blue and thus can be conditioned in accordance with Section 34(4) of the Planning Act. Other measures include 562m (linear length) of new planted hedgerows and 4,448sq.m of woodland mix planting (equivalent area) to provide suitable habitat for breeding birds and foraging / commuting bats, in addition to the general landscape design with native plant species, a grassed area (3,076sq.m), and riparian buffer along the Santry River. As detailed below, these ecological mitigatory measures are evidently acceptable and will result in biodiversity enrichment for foraging, roosting and nesting bats and birds.
- 9.4.15. In relation to climate and climate change, the Technical Note submitted with the appeal indicates that the assessment in the EIAR was undertaken and determined in line with best practice and reached a scientifically robust conclusion that the effect of the proposal as a result of climate change is imperceptible and the effect of greenhouse gas (GHG) emissions during construction and operation is not significant. As detailed in section 10.8 below, I am satisfied that the climate issues have been adequately addressed and whilst I note the concerns of the planning authority in relation to the 'reasonable alternatives' in this regard, I do not consider it amounts to a refusal reason.

#### *Recommended Conditions*

- 9.4.16. As noted, the planning authority's appeal response concludes by recommending conditions in relation to financial contributions (including in respect of a shortfall in play facilities), a security bond and tree bond in the event of a grant of planning permission.
- 9.4.17. Aside from a standard development contribution under the provisions of Section 48 of the Planning Act, I do not consider the recommended conditions are warranted or indeed relevant to the proposed development. In terms of the level of contribution, as

noted, I consider the proposal is clearly ancillary to the principal use of the airport, notwithstanding the recent contribution referral decision under ABP-321951-25. In this regard, I specifically note the 'Car Park Non-Ancillary' definition in Appendix 7 of the Fingal Development Plan and the Article 5 definition of an "airport" in the Regulations. For clarity, the proposed car park is not standalone, long-term or for commercial gain.

- 9.4.18. Whilst I also note that the applicant's Technical Note indicates a willingness to make a special development contribution in relation to the delivery of active travel measures on the R108, I do not consider this necessary having regard to the Fingal County Council Development Contribution Scheme 2026-2030 which evidently includes active travel infrastructure under Class 1 of the scheme and 'Airport Transport Related Infrastructure' as an 'indicative project' under Appendix 3. To apply a special development contribution in this case could effectively amount to 'double charging'.

#### *Conclusion on Other Issues*

- 9.4.19. Having considered each of the refusal reasons and having regard to the applicant's response, and comments from the planning authority, on balance, I cannot find any justification to recommend a refusal on planning grounds. This concludes my *de novo* assessment of the proposed development, subject to the EIA and AA which follow.

## **10.0 Environmental Impact Assessment**

### **10.1. Statutory Provision**

- 10.1.1. Schedule 5, Part 2, Class 10(b)(ii) of the Planning Regulations requires EIA for the construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development. It is on this basis that the applicant has submitted the EIAR prepared by Atkins (June 2024).

### **10.2. EIA Structure**

- 10.2.1. This section of the report therefore comprises the environmental impact assessment of the proposed development in accordance with the Planning Act and associated Planning Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU, as amended by 2014/52/EU). Section 171A of the Planning Act defines EIA as:

- a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
- b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

10.2.2. Article 94 and Schedule 6 of the Planning Regulations set out requirements on the contents of an EIAR. This section of the report is therefore divided into two sections.

10.2.3. The first section provides an examination of the EIAR and assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposal to risks of major accidents and/or disasters.

10.2.4. The assessment also provides a reasoned conclusion and allows for integration of it into the Commission's decision, should they agree with the recommendation made.

### 10.3. **Issues Raised in Respect of EIA**

10.3.1. The main issues raised in respect of EIA by the parties are summarised in section 7 above. Whilst these issues have already been considered and concluded upon in the

main planning assessment, they also require consideration in the context of the EIA, where relevant. For completeness and clarity therefore, the main EIA issues are:

- Consideration of alternatives
- Biodiversity (Bats and Birds)
- Climate / Climate Change
- Traffic and Transport

#### 10.4. Compliance with Article 94 and Schedule 6 of the Regulations 2001

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under article 94(b).	A description of the proposed development is contained in Chapter 2 of the EIAR including details on the nature, extent and phasing of the proposal, the design and layout of the development, and arrangements for construction and environmental management as set out in the accompanying preliminary CEMP. In each technical chapter, where relevant, the EIAR provides details on use of natural resources and the production of emissions and/or waste. It is noted that the proposal does involve some demolition works, including the existing cattle pen and hardstanding area, and resource waste is generally addressed in Chapter 14 and refers to the preliminary CEMP submitted with the planning application and a specific RWMP by way of construction phase mitigation.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under article 94(b).	An assessment of the likely significant direct, indirect, and cumulative effects of the proposed development is carried out for each of the relevant technical chapters with cumulative impacts addressed specifically in Chapter 18 of the EIAR. I also note that Chapter 17 provides an overview of future developments in relation to Dublin Airport so that the environmental impacts of future plans can be assessed insofar as practically possible. Whilst it specifically addresses the <i>Infrastructure Application</i> , as referenced in section 5.2 above, and considers significant cumulative effects unlikely, I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the	The EIAR includes designed-in mitigation measures and other measures to address potential adverse effects

<p>measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under article 94(b)).</p>	<p>identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 16 of the EIAR (Schedule of Environmental Commitments) the relevant topic sections and the preliminary CEMP. Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified.</p>
<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under article 94(b)).</p>	<p>A description and illustration of the alternatives considered is contained in Chapter 3 of the EIAR. It relates to four alternative locations and three design layout iterations of the selected location (Option 4).</p> <p>The Planning Officer's Report infers that insufficient consideration has been afforded to a more efficient use of existing car parking capacity and a modal shift away from private car use. The design rationale is, however, premised on a location-based permit scheme and in this regard, I am satisfied that the EIAR sufficiently outlines the reasonable alternatives that were considered, including a 'Do Nothing' alternative, and sets out the reasons for selecting the chosen option, based on consideration of the environmental effects. This is discussed in detail in section 9.4 of the IR.</p>
<p>Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).</p>	
<p>A description of the baseline environment and likely evolution in the absence of the development.</p>	<p>In each technical chapter of the EIAR, details are provided on the baseline / receiving environment along with a brief description of how the baseline environment is likely to evolve in the absence of the development in the context of the 'do nothing' scenario.</p>
<p>A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>The methodology employed in carrying out the EIAR, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the relevant chapters where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am generally satisfied that forecasting methods are adequate, noting specifically the field studies and surveys in relation to biodiversity (incl. bats and birds).</p>
<p>A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major</p>	<p>This issue is dealt with in Chapter 2 of the EIAR. Specific risks have been identified in relation to the project's vulnerability to major accidents and/or disasters. The risk of major accidents and disasters is also addressed in</p>

accidents and/or disasters which are relevant to it.	Section “5.0” (of Chapter 5) in the context of ecological receptors, Section 7.12 in relation to air quality, Section 8.12 with regards climate change, Section 10.11 in respect of traffic and Section 13.11 in terms of cultural heritage. These risks are assessed in my report.
Article 94 (c) A summary of the information in non-technical language.	This information has been submitted as a separate standalone document (‘Non-Technical Summary’). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impacts are set out within the various introductory sections to each of the chapters and listed at the end of the EIAR. I consider the sources relied upon are generally appropriate and sufficient other than for example expired documents such as the Climate Action Plan 2023 (CAP23), which was replaced by the time the application was lodged with the planning authority. The EIAR does, however, also make reference to subsequent CAP24.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	A list of the various experts who contributed to the report are set out in Section 1.3 of the EIAR and where relevant the introductory section of each of the chapters also details the individual’s expertise / qualifications and demonstrates the competence of the person in preparation of the individual chapters within the EIAR.

### *Consultations*

10.4.1. Submissions were received from statutory bodies and third parties and have been considered in advance of decision making. The third-party observations are summarised in section 4.4 above and the Planning Officer’s Report indicates that all of the concerns raised were considered in the assessment. In this regard, I note that no additional observations were made following the first party appeal in this case.

10.4.2. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, in respect of public notices. In addition, the applicant carried out an environmental scoping exercise including consultation with relevant statutory bodies and the local authority as detailed in Section 2.5 of the EIAR.

10.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that all parties had the opportunity to comment on the proposed development / appeal.

#### *Compliance*

10.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant is sufficient to comply with Art. 94 of the Regulations, notwithstanding the Council's concerns. In this regard, I note that the Council's external consultants, who were engaged to review both the EIAR and NIS, indicated that the EIAR 'is sufficiently complete and of appropriate quality to meet the requirements of Article 94 and Schedule 6 of the Regulations so as to allow the competent authority to carry out an EIA'. Thus, there is clearly sufficient information contained within the EIAR to arrive at a reasoned conclusion; an integral part of the EIA process and one which is evidently absent from the Council's decision.

10.4.5. Moreover, the 3<sup>rd</sup> refusal reason would appear to be generally at odds with the comments of the Council's external consultants in this regard. This is discussed in general terms in section 9.4 above, with specific comments below, where relevant.

#### **10.5. Assessment of Likely Significant Effects**

10.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposal as detailed in the various chapters of the EIAR. These chapters are assessed under the following headings, as set out in Section 171A of the Act:

- Population and human health (section 10.6)
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (section 10.7)
- Land, soil, water, air and climate (section 10.8)
- Material assets, cultural heritage and the landscape (section 10.9)
- The interaction between these factors (section 10.10)

10.5.2. In accordance with Section 171A of the Planning Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative

effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in submissions / appeal;
- Examination, analysis and evaluation; and
- Direct and indirect significant effects.

## 10.6. Population and Human Health

### ***Issues Raised***

- 10.6.1. Issues raised by the applicant generally relates to the efficient, comfortable, and safe parking facility for airport staff. In this regard, I note the evidence presented in respect of the loss of staff parking spaces in recent years, as discussed above (section 9.2).
- 10.6.2. The planning authority have not raised any specific issues in relation to population and human health. As noted, their chief concern in respect of the EIAR relates to the consideration of reasonable alternatives and potential impacts on bats, birds and climate / climate change. The latter potential impacts are considered in detail below.
- 10.6.3. None of the prescribed bodies raised any concerns, and this includes the NTA and TII.

### ***Examination, Analysis and Evaluation***

- 10.6.4. Population and human health is addressed in Chapter 4 of the EIAR with regard to demographics, the economy, tourism and amenities, community and human health.
- 10.6.5. Other environmental topics with the potential to impact on population and human health, such as noise from construction traffic and works, and air quality from construction works, whilst noted in this chapter are assessed separately in this report.
- 10.6.6. Chapter 4 is supported by:
- Tables 4-1 to 4-4.
- 10.6.7. The assessment methodology includes:
- Baseline assessment, including identification of receiving environment/receptors;
  - Identification of environmental design and construction mitigation measures;

- Identification of potential impacts and assessment of magnitude and significance of potential effects;
- Consideration of mitigation measures; and
- Assessment of residual effects.

10.6.8. The EIAR states that there are no limitations to the assessment of this particular topic and notes that the future receiving environment is unlikely to change in the interim.

*Baseline*

10.6.9. In terms of demographic profile, Table 4-1 of the EIAR notes a 53% increase in population in the Airport Electoral District (ED) between 2011 and 2022, which is more than twice the growth rate for Fingal (21%) and four times that of the State (12%).

10.6.10. Regarding tourism, the EIAR notes a 17.9% increase in passengers arriving in Ireland from overseas routes between 2022 and 2023 compared to the 2021 and 2022 period.

10.6.11. In relation to economic activity, Table 4-2 of the EIAR notes a significant decrease in the unemployment rate between 2016 and 2022 (3.3%). It also notes that Dublin Airport is a key employment location for Fingal with more than 12,000 employees, and c. 7,500 of these in the aviation industry with companies such as DAA and Aer Lingus.

10.6.12. In terms of the local community, the EIAR acknowledges the role of St. Margaret’s Community Liaison Group (CLG) which has been focusing on areas of interest including airport operations and future plans since 2016. I also note the role of the independently chaired Dublin Airport Environmental Working Group (DAEWG) which was established in 2004 and focuses on issues including noise and air quality etc.

10.6.13. Regarding human health, the EIAR notes that the vast majority of people in Fingal reported that their health was good and very good in the 2022 CSO census.

*Potential Effects*

10.6.14. Potential effects are summarised in Table PHH1 below.

<b>Project Phase</b>	<b>Potential Effects</b>
Do Nothing	<ul style="list-style-type: none"> <li>• Will have a long-term moderate adverse effect on airport staff as a result of ongoing issues in relation to reduced parking.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Will lead to temporary traffic, noise and vibration, dust generation and visual impact within the site and general vicinity.</li> <li>• The existing landscape is expected to be only slightly impacted.</li> </ul>

	<ul style="list-style-type: none"> <li>Minor adverse temporary construction related effects overall.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>No negative direct or indirect effects on sensitive receptors anticipated.</li> <li>A slight positive permanent impact on mental health and wellbeing through the provision of a better staff car parking for Dublin Airport staff.</li> <li>No anticipated health risks from contaminated soils or noise and vibration.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>None anticipated having regard to consented DAA projects (Table 18-1) and proposed/consented projects in the wider area (Table 18-2), including the 'Infrastructure Application' and <i>Metrolink</i> project etc.</li> </ul>

**Table PHH1: Summary of Potential Effects**

*Mitigation*

10.6.15. The proposal will have minor adverse effects during the construction phase, and therefore no direct or indirect significant effects are anticipated. Nonetheless, the EIAR states that the mitigation measures within relevant chapters will be implemented.

*Residual Impacts*

10.6.16. Section 4.10 of the EIAR states that all construction activities are temporary, and no significant adverse residual effects are identified. Human health impacts are also addressed in Section 11.7.3 of the EIAR in the context of land, soil and geology. It identifies potential risk to construction workers through direct contact, ingestion or inhalation with contaminated soils i.e., containing hydrocarbons etc. However, this risk is addressed through the associated construction phase mitigation measures and no human health risks associated with exposure to contaminants are anticipated.

10.6.17. The EIAR states that there will be a permanent positive effect on mental health and wellbeing due to the provision of the staff car parking facilities proposed. These residual impacts are considered reasonable in the context of the proposed project.

***Assessment of Direct and Indirect Significant Effects***

10.6.18. I have examined, analysed and evaluated Chapter 4 of the EIAR, all of the associated documentation and submissions on file in respect of population and human health.

10.6.19. Having regard to the relatively short construction period as discussed in Chapter 2 of the EIAR, and the limited geographic extent of the project, I am satisfied that direct and indirect significant effects on population and human health are unlikely to arise. Thus, I agree that the proposal is limited to a minor adverse effect during construction.

10.6.20. Based on the evidence on file, I am also satisfied that the existing staff parking facilities are sub-optimal in terms of quantum and location. Whilst I acknowledge the planning

authority's contention that a reduction in car parking would align with Development Plan objective DAO6, it does not necessarily mean that this option would have any less impact on human health during the operation phase, indeed the health impacts on airport staff could be greater in terms of mental wellbeing through lack of parking.

10.6.21. I am also satisfied that the cumulative effects have been adequately considered. In this regard, there is sufficient information in Tables 17-1 and 17-2 in relation to the 'Airfield Drainage Project' and 'Infrastructure Application' respectively, with the results of the key studies regarding those projects incorporated into the EIAR. Should construction, and particularly site clearance, overlap with other projects, significant health effects, derived from dust, noise and contaminated water, are deemed unlikely.

### **Overall Conclusion: Population and Human Health**

10.6.22. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I consider that the proposed project will have a generally positive impact on the health and wellbeing of airport staff. I am also satisfied that the potential for significant adverse impacts on population and human health can be avoided, managed and mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on population or human health. The conditioning of a temporary permission does not alter my conclusion in this regard.

10.6.23. I recommend that a CEMP condition is attached in the event of a grant of permission.

## **10.7. Biodiversity**

### ***Issues Raised***

10.7.1. As noted, the planning authority has raised concerns in relation to this environmental factor. The 3<sup>rd</sup> refusal reason considers that the potential impact on bats and birds was not considered sufficiently and therefore the planning authority was unable to determine that the proposed development was acceptable on environmental grounds.

10.7.2. In their submission, the applicant refutes the contention that the EIAR is deficient in terms of bats and birds and the Technical Note points to specific aspects in this regard.

10.7.3. The Council's parks section had no objection to the proposal subject to condition.

### ***Examination, Analysis and Evaluation***

10.7.4. Biodiversity is addressed in Chapter 5 of the EIAR. It assesses the potential effects, both direct and indirect, of the construction and operation of the project on the biodiversity of the surrounding area. In this regard, I note that the project lands are largely comprised of agricultural grassland bordered by hedgerows and woodland habitat with a watercourse traversing the site. There are potential suitable habitats for mammals and bird species within and surrounding the proposed development site.

10.7.5. Chapter 5 is supported by:

- Tables 5-1 to 5-6,
- Figures 5-1 to 5-6,
- Plates 5-1 to 5-7,
- Appendix 5-1 (Natura Impact Statement), and
- Appendix 5-2 (Bat Survey Report).

10.7.6. The Natura Impact Statement (NIS) is addressed separately in section 11 below.

10.7.7. I have examined this chapter and the supporting documents. The assessment is undertaken having regard to the requirements for the protection of habitats, species and biodiversity, as set out in international, European and national legislation and national and local policy, and government and industry standard guidelines (EIA/EcIA).

10.7.8. Assessment methodology includes desktop study and site surveys. An ecological walkover and bat survey of the appeal site was carried out on the 17<sup>th</sup> and 18<sup>th</sup> June 2022 and the site was subject to resurveying on the 1<sup>st</sup> August 2023. I also note that static bat detectors were deployed over three consecutive nights from 17<sup>th</sup> June 2022.

10.7.9. No major site-specific difficulties or limitations were encountered in completing the site surveys which I note were undertaken within the seasonally appropriate time of year.

#### ***Baseline***

10.7.10. The proposed development does not lie within any European site, with no hydrological or ecological connectivity to any such site other than North Dublin Bay SAC and North Bull Island SPA. In this regard, the EIAR identifies an indirect hydrological pathway (c. 9.7km direct distance) via the surface water runoff / outfall to the Santry River (EPA code: 09S01) which rises to the west at Harristown Lane and crosses the appeal site.

- 10.7.11. The proposed development does not lie within any Natural Heritage Areas (NHAs), including those proposed (pNHAs), with no direct or indirect connectivity via physical means such as woodlands, treelines or hedgerows other than to Santry Demesne pNHA and North Dublin Bay pNHA via the same indirect hydrological connection noted above i.e., surface water. The EIAR notes that the primary importance of the Santry Demesne pNHA is that it contains a legally protected plant species, i.e., Hairy St. John's-wort *Hypericum hirsutum*. The North Dublin Bay pNHA is designated for the same conservation interests as the North Dublin Bay SAC and North Bull Island SPA.
- 10.7.12. In relation to aquatic ecology / hydrology, the EIAR notes the presence of the Santry River, which crosses the site in an easterly direction before eventually discharging to Dublin Bay. It is one of the airport's seven drainage catchments. Whilst the EPA mapping indicates this watercourse rises just east of Harristown Lane, the EIAR states that Santry River in this area receives surface water / storm water drainage from the southwest section of Dublin Airport lands which is comprised of the hardstanding areas of the Southern runway and associated grassland verges. In this regard, I also note that the historic OS 25 Inch Map (1909) indicates that the watercourse is in fact culverted under Harristown Lane and can be traced northwards towards the airfield.
- 10.7.13. Having inspected the site, however, I agree with the EIAR that the Santry River, as it crosses the appeal site, is more akin to a drainage ditch or stream in character and of limited aquatic ecology. In this regard, the EIAR notes that the stream has low flow and shallow banks across the entirety of the site with silty substrate therein but without signs of turbidity. No aquatic species were noted in the accessible areas during the surveys and the EIAR states that the Santry River in this area is of low fisheries value.
- 10.7.14. In considering other known sites of ecological value, the EIAR states that there are no Annex I habitats, wetlands, ancient woodlands or semi-natural grassland within, adjacent to, or hydrologically connected to the development project. The nearest Ramsar site, North Bull Island, covers the same geographical area as the North Bull Island SPA and shares the same indirect hydrological connection to the appeal site.

#### Terrestrial Habitat

- 10.7.15. Section 5.3.2 details the predominant habitats within the site area (Fig. 5-6). No habitats listed on Annex I of the Habitats Directive or records of rare or protected flora and fauna, or legally restricted invasive alien species are recorded within the site.

10.7.16. The dominant habitats within the appeal site are indicated as:

- Improved Agricultural Grassland (GA1)
- Woodland (WD1)
- Scrub (WS1)
- Treeline (WL2)
- Hedgerow (WL1)
- Amenity Grassland (GA2)
- Artificial Surfaces (BL3)

10.7.17. Whilst I note that Section 5.3.2 of the EIAR refers to the surface water feature as “the beginning of the Santry River (FW2)”, and this accords with EPA mapping, a more accurate classification is, perhaps, “FW4 – Drainage ditches” as defined by Fossitt<sup>4</sup>, i.e., linear water bodies or wet channels that are entirely artificial in origin, and some sections of natural watercourses that have been modified etc. to enhance drainage. In this regard, the comments of the archaeologist who prepared Chapter 13 of the EIAR are particularly noteworthy. In terms of baseline, they describe the watercourse as an ‘earth-cut field drain shown as a stream on historic OS maps’, adding that it retained very little water at the time of inspection’ and the ‘earthen sides appear to have been subject to machine cutting, likely during modern land drainage improvements.’ Fossitt also notes that drainage ditches may be intimately associated with hedgerows and that certainly appears to be the historic context on the appeal site. I note that the Bat Survey Report (Appendix 5-2) identifies it as an open drain “FW4”.

10.7.18. Table 5-6 of the EIAR sets out the ecological evaluation of the habitats recorded within the appeal site. None of the habitats exceed “Local Importance (Higher Value)” status.

#### Birds

10.7.19. In relation to birds, the EIAR notes that the appeal site lies within the survey area conducted between 2018-2023 as part of the ‘Infrastructure Application’. These surveys noted a flock of starling *Sturnus vulgaris*, dove *Columba oenas* (pair) and herring gull *Larus argentatus* within the vicinity of the site. The surveys in 2022 and

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<sup>4</sup> Fossitt, J.A., 2000. *A Guide to Habitats in Ireland*. The Heritage Council.

2023 for the proposed development noted buzzard *Buteo buteo*, mistle thrush (pair) *Turdus viscivorus*, starling, wren *Troglodytes troglodytes*, blackcap *Sylvia atricapilla*, blackbird (2 pairs) *Turdus merula*, dunnoek *Prunella modularis* and magpie *Pica pica*.

- 10.7.20. The desktop study indicates that there were no Annex I species recorded in the 1km grid square around the site (NBDC ref. O1342). In this regard, the EIAR states that the only bird species listed is a buzzard (recorded in 2021). I have reviewed the NBDC resource and note that the common woodpigeon *Columba palumbus* is also listed and both species are recorded in Annex II of the Birds Directive. I also observed a buzzard perched in the wooded area during my site inspection, albeit outside the site boundary.

#### Badgers

- 10.7.21. This species was last recorded within the 10km grid square (NBDC ref. O14) in 2015 but there are no records within the 1km square (NBDC ref. O1342), nor were there any sightings or sett evidence during the 2022 and 2023 surveys. Given the suitable habitat within the site, the EIAR states that there is potential for badger utilization.

#### Bats

- 10.7.22. The desktop study found that no species were recorded within the appeal site during the last 10 years, and, historically, the Lesser Noctule *Nyctalus leislen* or Leisler's bat was recorded once within the 1km grid square (NBDC ref. O1342) in 2007 (August).
- 10.7.23. Following a review of the wider area, the EIAR also notes that the Common pipistrelle *Pipistrellus sensu lato*, Brown Long-eared bat *Plecotus auritus*, Daubenton's bat *Myotis daubentonii*, Natterer's bat *Myotis nattereri* and Soprano pipistrelle *Pipistrellus pygmaeus* have also been historically recorded. Given the characteristics of the site, the EIAR states that the site has potential for suitable foraging or commuting habitat.
- 10.7.24. I note from the EIAR that the emergence survey was carried out at dusk on 17<sup>th</sup> June 2022 and at dawn on 18<sup>th</sup> June 2022 at the derelict house, west of the appeal site. The house is surrounded by a small, recolonising, woodland, and considered by the applicant as part of the baseline notwithstanding its location outside the site boundary. No bats were recorded emerging from the house but Leisler's bat, Common pipistrelle and Soprano pipistrelle were recorded foraging over the open field and wooded areas.
- 10.7.25. As noted above, static bat detectors were also deployed on consecutive nights between 17<sup>th</sup> and 20<sup>th</sup> June 2022. No bat calls were detected from the house and

results from the second detector, located on the treelined boundary, are detailed in Table 5-5 of the EIAR. Calls from Leisler’s bat amounted to c. 61% of all calls (93 of 153 no.) over the three nights with Common and Soprano pipistrelles also recorded.

10.7.26. The EIAR therefore concludes that the derelict house was not being used as a roost site notwithstanding its moderate roosting potential. The majority of bat activity therefore related to foraging, with Leisler’s bat particularly prevalent. The EIAR notes that this species will lose foraging areas on part of the site but equally notes that this area was being exploited due to the presence of cattle and thus large yellow dung flies *Scatophaga stercoraria* which the female species feed on during maternity / lactation.

Otter

10.7.27. The EIAR notes that there are no records of otter within the reviewed grid square surrounding the appeal site and states that watercourse within the site is not deep enough for otters and does not accommodate aquatic species suitable as otter prey.

Other Mammals

10.7.28. The desktop study notes that the only other mammal species recorded within the proposed development site is the Irish Hare *Lepus timidus subsp. Hibernicus* in 2017. In this regard, or other mammal refugia was found within the site, save for rabbit.

Flora

10.7.29. The EIAR states that there have been no recordings of protected floral species within the immediate vicinity of the proposed development site and notes that Butterfly-bush *Buddleja davidii* a low impact invasive plant species not subject to legal restrictions was recorded within the proposed development site during site surveys in 2022 and 2023. No other invasive species were noted within the proposed development site.

*Potential Effects*

10.7.30. Potential effects, as identified in the EIAR, are summarised in Table B1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>Proposed development site will remain as agricultural land in the short-term and its potential value to species such as nesting birds, foraging mammals and commuting bats would continue, provided that the linear landscape features (hedgerows/woodland) would not be lost due to other development.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Designated Sites: No direct effects on any European sites. Potential impacts on North Dublin Bay SAC and North Bull Island SPA, albeit 10.9km downstream, given the indirect hydrological connection (including in-stream</li> </ul>

	<p>/ culvert works). Uncontrolled release of pollutants and sediment could enter the drainage ditch / stream and negatively affect the water quality on which QI's and SCI's depend. Thus, potential short-term, significant adverse effects at a local geographical scale but potential for significant effects downstream at the European sites is considered extremely low (see section 11 for AA). Neutral effects on Santry Demesne pNHA are anticipated.</p> <ul style="list-style-type: none"> <li>• Habitats: Permanent loss of c. 3.19ha of improved agricultural grassland, a section of double treeline along the remnants of Harristown Lane (c. 170m combined), a section of double hedgerow (c. 90m combined) and less than 0.1ha of scrub, in addition to a small group of trees (Horse Chestnut) on the raised bank to the northeast corner of the appeal site. No features exceed local importance and there will be a net gain in tree numbers in addition to replacement habitat of similar ecological value. Thus, the effect of habitat loss would be adverse, temporary and significant at site level with no long-term significant effects other than potentially on bats (see below). Potential also for adverse, not significant, short-term effects from invasive species.</li> <li>• Bats: The removal of foraging and commuting habitat would be a long-term, significant adverse effect at the local scale, in the absence of mitigation (Note: elsewhere the EIAR describes the alteration / removal of treeline, hedgerow and grassland as a permanent, moderate adverse effect). No bat roosts were recorded thus the proposal will have no effect on any local bat refugia. Disturbance to bats from lighting would have a short-term, significant adverse effect at the local scale in the absence of mitigation.</li> <li>• Birds: No direct / ex-situ effects on SCI bird species anticipated, including those of the nearest SPA, Malahide Estuary (c. 7.5km direct). In this regard, I note the EIAR incorrectly states that North Bull Island is the closest SPA site. The appeal site is evidently not of value as a roosting or feeding area for waterbirds associated with the nearest coastal or estuarine waters and there will be no impact on migratory flightpaths of waterbirds or wildfowl nor restrictions on their mobility between wetland sites. The indirect hydrological connection to North Bull Island SPA, as noted above, could have a negative effect on the water quality on which the SCI species of this SPA rely. The loss of habitat for breeding birds is considered permanent, slight and negative at a local scale without mitigation (Note: elsewhere the EIAR describes the loss of feeding and nesting sites as permanent, moderate and adverse). No effect on wintering and native waterbirds / wildfowl anticipated.</li> <li>• Water Quality: No direct effects on water quality, however indirect impacts on the Santry River through in-stream / culvert works (1 no. new culvert and widening of 1 no. existing culvert) which involves impounding the watercourse and over-pumping (flume) via settlement tank downstream of each works area. During wet conditions sediment can mobilise in the form of overground runoff during excavations and/or movement of heavy machinery, with sedimentation of particular concern for aquatic species. The same vector, albeit indirect, applies for uncontrolled release of pollutants e.g., chemicals and concrete. Thus, impacts as a result of sediment or construction related pollutants in the Santry River would be adverse moderate and likely temporary at a local level. The EIAR's hydrological assessment anticipates any adverse effects on surface water or groundwater will be adverse, slight and temporary given the mitigation measures proposed. The effects on aquatic species accommodated within the Santry River is considered to be short-term, adverse imperceptible.</li> <li>• Mammals (excl. bats): Disruption to foraging for terrestrial mammals would be a short-term slight adverse effect at the local geographic scale given the appeal site is within lands that includes security fencing on three sides i.e., it is not considered an ecological corridor for terrestrial mammals.</li> </ul>
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Operation	<ul style="list-style-type: none"> <li>• Designated Sites: No direct connectivity and therefore no likely significant effects. Potential indirect hydrological connectivity to North Dublin Bay SAC and North Bull Island SPA, as noted above, but impacts on water quality to be mitigated by the proposed drainage infrastructure / works. No significant impact to aquatic species in the Santry River and this is not considered a viable pathway to any designated site given the distance, and due to dilution and dispersal. No European sites within 2km of the appeal site and therefore a detailed assessment of NO<sub>x</sub> concentrations and nitrogen deposition was screened out as there is no potential for significant impacts as a result of changes in air quality as a result of usage of the proposed car park.</li> <li>• Habitats: No significant impacts on terrestrial habitats are predicted but potential for contamination of the water quality of the Santry River through routine maintenance of the access road, paved areas, car park surface, utilities, foul, watermain and the storm water drainage system, may result in small quantities of lubricant oils, fuel and chemicals being brought to the car park site. This could result in adverse slight and temporary effects to the surface water quality of the Santry River in the absence of mitigation and in the highly unlikely event of a spill. Thus, the proposed development will not result in significant effects, directly or indirectly, on any of the habitats or species accommodated within the aquatic environments of the Santry River.</li> <li>• Bats: Increased lighting may reduce the availability of feeding sites for bats and would be a long-term significant adverse effect at the local geographic scale in the absence of mitigation. The loss of connecting features, such as hedgerows and treelines, would have a long-term significant adverse effect at the local geographic scale, in the absence of mitigation.</li> <li>• Mammals (excl. bats): The loss of c. 4.56ha of potential mammal foraging habitat is considered a long-term, slight adverse effect at a local level given there was no evidence of terrestrial mammal activity within the appeal site during site surveys and given the wide availability of undeveloped (agricultural) lands to the south and west of the proposed development.</li> <li>• Birds: Treeline and hedgerow loss will result in a slight adverse effect on local bird populations following construction but once the landscaping has established, the site will provide for a net gain in terms of habitats suitable for nesting and the level of activity is anticipated to stabilise with birds habituating to the volume of activity proposed. Thus, there will be imperceptible effect to birds at a local level in the long-term.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• None anticipated having regard to consented projects (Table 18-1) and wider proposed/consented projects (Table 18-2), subject to mitigation.</li> </ul>

**Table B1: Summary of Potential Effects**

*Construction Phase Mitigation*

Designated Sites

10.7.31. In relation to designated sites and their features, the EIAR states that the mitigation measures detailed in chapters 11 (Land, Soils and Geology) and 12 (Water) will ensure instream works do not negatively impact the Santry River and also ensure that surface water run-off quality is appropriately treated before it discharges to the river. The EIAR also states that works will follow Inland Fisheries Ireland (IFI) best practice. The measures contained in chapters 11 and 12 include various pollution control measures in addition to culvert-specific measures and are discussed further below.

### Habitats

10.7.32. Measure including:

- Retention of boundary hedgerows.
- Protection of boundaries from accidental damage through use of exclusion fencing.
- Incorporation of trees and hedgerows into the development.
- Substantial native tree and hedgerow planting – pollinator friendly habitat.
- Landscape enhancement measures.

### Water Quality

10.7.33. The EIAR refers to the mitigation measures detailed in chapters 11 and 12, as noted above. An Ecological Clerk of Works (ECoW) will also be appointed. It includes:

- Liaising with the contractor and monitoring their compliance regarding the CEMP.
- Authorisation to stop works if required.
- Monitoring weather conditions regarding in-stream works in the Santry River.

### Bats

10.7.34. Measures include:

- Loss of commuting and foraging habitat will be mitigated by landscaping proposals.
- Retention of boundary hedgerows and treelines.
- Landscape design with ecological buffer / riparian corridor along the stream.
- Planting to ensure connectivity to linear / woodland habitat.
- No construction during the hours of darkness / directed away if required.

### Birds

10.7.35. Measures include:

- Removal of nesting habitat outside the breeding season (1<sup>st</sup> March – 31<sup>st</sup> August).
- NPWS contacted/ecologist appointed if breeding season clearance is unavoidable.
- Landscape design to provide net gain in nesting and foraging habitat.

### Terrestrial Mammals

10.7.36. Standard management and protection measures will be implemented and monitored by the project ecologist including means of egress for uncovered excavations overnight, covering storage units overnight, secure storage and disposal of food waste, set procedures in the event of refugia discovery. Other measures include:

- Adherence to NRA guidelines on badgers and construction (2006).
- Site resurvey (and within 150m) for badger activity prior to commencement.
- No construction works during night-time hours / badgers foraging.

### Invasive Species

10.7.37. Regarding invasive species, the EIAR states that strict bio-security protocols will be implemented so as to ensure no contaminated materials are brought to site.

10.7.38. Additional construction ecological mitigation measures highlighted include:

- Good practice environmental and pollution control measures with regard to current best practice guidance such as *Environmental Good Practice On-site Guide* (CIRIA, 2018).
- Construction management with regard to other CIRIA guides such as *Control of Water Pollution from Construction Sites* and *Groundwater Control – Design and Practice*, in order to minimise the risk of pollution.
- All necessary precautions to prevent potential impact on the aquatic species of the Santry River via the surface or groundwater.

10.7.39. The EIAR also notes the mitigation through comprehensive landscape design which includes 91 no. new standard sized trees, 4,448sq.m of woodland mix and 562m (linear) of new native hedgerow, with an overall net gain in the number of trees.

### *Operational Phase Mitigation*

10.7.40. The EIAR states that the operational phase mitigation measures will be implemented through the design of the proposed development (e.g. lighting, drainage, landscaping etc.), or by those in charge of maintenance and management of the development.

### Lighting

10.7.41. The EIAR notes that the lighting was designed to be cognisant of minimising effects on local nocturnal species, such as bats, and is darker on the western side of the site.

10.7.42. Specific lighting elements include:

- Use of LED luminaries i.e., highly directional, lower intensity, dimming capabilities.
- Use of warm white spectrum to reduce blue light component of LED spectrum.
- Careful consideration of column heights – shortest (6m) to west of site.
- No upward tilt of luminaries i.e., mounted on the horizontal plane.
- Design in accordance with ILP guidance note on bats (UK, 2018).

### Surface Water Drainage

10.7.43. The EIAR refers to measures outlined in Chapter 12 in relation to routine maintenance of the proposed car park and primarily in relation to spillages. Other measures include:

- Drainage designed to *Dublin Strategic Drainage Study* (GDSDS).
- Drainage designed to CIRIA Design Report C753 *The SuDS Manual*.
- SuDS measures include porous paving, filter drains, interceptors and attenuation.

### Landscaping Establishment

10.7.44. Measures include:

- Ecological buffer / riparian corridor.
- Compensatory habitat – with failsafe measures and monitoring.
- Generally, mitigation by design.

### *Residual Impacts*

10.7.45. The EIAR states that residual ecological impacts are not expected to be significant and are likely to be localised to the site and immediate environs. Local populations of bats and birds may suffer some disruption and habitat loss in the short-term but, as the greater part of the site is of low ecological value, habitat losses to development are not significant. Some minor beneficial effects are expected in the long-term. The overall residual effect on biodiversity will be neutral over the long-term at a local level.

### ***Assessment of Direct and Indirect Significant Effects***

10.7.46. I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. The main issues can be considered under designated sites, habitats (incl. water), bats, birds and mammals.

#### *Designated Sites*

10.7.47. Having regard to the distance from the appeal site to the nearest European sites, I am fully satisfied that no direct significant effects will arise. I agree with the EIAR that indirect effects could arise in respect of North Dublin Bay SAC and North Bull Island SPA, which are hydrologically connected to the appeal site, via the Santry River, which traverses the site, albeit resembling a drainage channel. Uncontrolled release of polluting material from the in-stream works in the Santry River (new culvert and extended culvert sites) or other works areas connected to the Santry River, including via the surface water network could negatively impact on the water quality on which QI's and SCI's depend. However, having regard to the mitigation measures, which generally reflect good construction practice, I agree that significant effects are unlikely.

#### *Habitats (incl. water)*

10.7.48. As noted, the majority of the appeal site is under grass and in agricultural use. A small herd of beef cattle were on site during my initial inspection in August 2025 and thus my site walkover was conducted in December 2025 when the cattle were housed.

10.7.49. The dominant habitats on the appeal site include improved grassland, woodland, scrub, treelines and hedgerows. Whilst a section of double hedgerow to the northwestern corner of the site is notable for being the remnants of Harristown Lane, which served as a secondary access to Harristown House, the footprint of which lies within the Southern Runway, I agree that none of the habitats on site exceed local importance. In this regard, the loss of terrestrial habitat, whilst adverse at a local level, will reduce substantially below the threshold of significant in the long-term when the compensatory landscaping, including the net gain in tree numbers, mature. I am therefore satisfied that the residual impact on terrestrial habitat will not be significant.

10.7.50. I also agree with the EIAR that the section of Santry River which traverses the appeal site is more akin to a drainage ditch or stream. Whilst it appears from historic mapping to be a natural watercourse, it has clearly been modified to enhance drainage over the

years. It is particularly notable that the water level in the upper (western) part of the stream was very low for the time of year during my second site inspection (December 2025). Thus, the low volume, flow, and lack of aquatic species are all indicative of a watercourse of low ecological (aquatic) importance and certainly of low fisheries value.

10.7.51. The deterioration in water quality is the primary vector for direct and indirect significant effects to arise in relation to aquatic ecology. Whilst the in-stream works, involving the construction of the new culvert and the culvert extension, will require the impoundment and over-pumping (flume) of the watercourse to facilitate dry working areas, I do not consider significant effects are likely. In this regard, the mitigation measures for the construction, including good surface water management, and operational phases, including maintenance, will ensure direct and indirect significant effects are unlikely.

#### *Bats*

10.7.52. As noted, the planning authority's 3<sup>rd</sup> refusal reason states that the potential impact on bats was not sufficiently considered. Having reviewed the Planning Officer's Report, specific concerns relate to the loss of foraging habitat for Leisler's bat and the failure to consider retention of the treelined hedgerow to the northwestern corner of the site.

10.7.53. Whilst I acknowledge the concerns of the planning authority, it is important to clarify the context within which the Bat Survey Report (Appendix 5-2 of the EIAR, not the NIS as stated in the Planning Officer's Report) describes the appeal site as 'an important foraging site'. This report, and indeed the EIAR, note that the bats are exploiting the area due to the presence of cattle which attract yellow dung flies. It is therefore the presence of the cattle, or lack thereof, that determines the level of importance, particularly in the absence of any recorded bat roosts in the area and notwithstanding suitable structures and habitat in the vicinity to support such roosts i.e., the derelict house, woodland and the remnants of Harristown Lane. In this regard, whilst the Bat Survey Report does conclude that retaining the remnants of Harristown Lane should be considered, and I accept that it is also used for foraging, I do not consider its removal, c. 170m, to be a significant environmental impact for the reasons outlined.

10.7.54. I also note that the wooded area to the northwest corner (and outside) of the appeal site will not be significantly impacted, with on-site lighting designed to allow for darker areas along the western boundary and riparian corridor as per Section 1.3 of the submitted engineering report. The treeline between the site and Harristown Lane is

also an important foraging area for bats and I note that lighting will be directed away from this area, with no light spillage onto Harristown Lane to the west of the site. Whilst I note that the lighting design follows ILP (Institute Lighting Professionals) Guidance Note 08/18, *Bats and artificial lighting in the UK*, and it is acceptable, that guidance has since been superseded by GN08/23, *Bats and Artificial Lighting at Night*. In this regard, I recommend the Commission attach a revised public lighting condition in addition to a pre-commencement bat survey in relation to any potential new roosts.

10.7.55. Moreover, the appeal site is zoned and was therefore subject to the SEA process, a key aspect of which has countenanced the development of this agricultural land. The Commission may wish to consider the retention of the remnants of Harristown Lane which lie within the appeal site, but I do not consider it necessary as detailed above. In this regard, it should be noted, and I place particular weight on the fact that, the Council's parks section had no objection to the proposed development subject to conditions including a tree bond and retention of the riparian corridor etc. I thus recommend the Council's 3<sup>rd</sup> refusal reason be set aside insofar as it relates to bats.

#### *Birds*

10.7.56. Having regard to the nature of the site and associated activities, significant direct and indirect effects on bird populations would be limited to those SCI species associated with the identified SPAs via the aforementioned hydrological pathway and any deterioration in water quality in the Santry River and displacement of common passerine species through increased noise and disturbance. Having regard to the mitigation measures, however, I accept that significant effects on birds are unlikely.

10.7.57. In this regard, I am fully satisfied that the potential impacts on birds were sufficiently considered in the EIAR and I recommend the Council's 3<sup>rd</sup> refusal reason be set aside insofar as it relates to birds. In that context it is worth reiterating that no Annex I species have been recorded on the NBDC resource with the last 10 years, and the only two Annex II species recorded in the same period were buzzard and woodpigeon. Whilst I accept that the loss of breeding habitat is permanent and adverse, it's level of impact is no greater than moderate in the short-term and residually is imperceptible.

#### *Mammals (excl. bats)*

10.7.58. Given the enclosed nature of the appeal site, with security fencing on three sides, I consider that limited displacement or disturbance of faunal species, direct or indirect,

will occur during the construction and operational phases notwithstanding the habitat suitability. During the construction phase, I agree with the EIAR that the impact will be slight, adverse but short-term, with a similar but longer-term impact during the operational phase through the permanent loss of habitat, albeit largely inaccessible. The residual impact is therefore notably below the threshold of significant, and I note the badger survey prior to commencement as a key mitigation measure in this regard.

#### *Cumulative*

10.7.59. Having regard to the above, and subject to the implementation of the proposed mitigation measures, I do not consider that any cumulative impacts are likely to arise.

#### **Overall Conclusion: Biodiversity**

10.7.60. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, particularly in relation to water quality. The conditioning of a temporary permission does not alter my conclusion in this regard.

10.7.61. I do, however, recommend that a condition in relation to the protection of bats, particularly during demolition/tree clearance, be submitted and agreed prior to commencement, in addition to a bat friendly public lighting scheme during operation.

10.7.62. Other conditions, including bio-security measures, can be included within the CEMP. I also note that OPW 'Section 50 consent' is required in relation to in-stream works.

#### **10.8. Land, Soil, Water, Air and Climate**

10.8.1. This section of the EIA relates to chapters 7 (Air Quality), 8 (Climate Change), 9 (Noise and Vibration), 11 (Land, Soils and Geology) and 12 (Water) of the EIAR.

##### **Air Quality**

##### ***Issues Raised***

10.8.2. The planning authority have not raised concerns in relation to this environmental topic.

10.8.3. The Council's environment section, which includes climate action, had no objection subject to condition, nor had the air and noise section as confirmed during the appeal.

### ***Examination, Analysis and Evaluation***

- 10.8.4. The likely significant effects on air quality (incl. human health) associated with the proposed development is addressed in Chapter 7 of the EIAR. It is supported by:
- Tables 7-1 to 7-21, and
  - Figures 7-1 and 7-2.
- 10.8.5. I have examined this chapter and the supporting documents. The assessment methodology includes an overview of criteria for rating effects including those relating to air quality and dust deposition. Table 7-1 sets out the Air Quality Standards Regulations which include limit values for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. In terms of construction phase air quality, it applies the UK's Institute of Air Quality Management (IAQM) methodology in the absence of applicable Irish guidance. Similarly, in terms of dust deposition limits, the EIAR applies the German TA-Luft standard, which recommends a maximum 350mg/sq.m/day, in the absence of national guidelines.
- 10.8.6. The EIAR also notes the use of TII technical document PE-ENV-01106 '*Air Quality Assessment of Specified Infrastructure Projects*' in relation to the construction traffic stage, but states that it does not meet any of the criteria set out therein and a detailed air quality assessment is not required as there is no potential for significant effects.
- 10.8.7. In terms of the operational phase, it should be noted that the EIAR again utilises PE-ENV-01106 as best practice, noting that it can be applied to any development that causes a change in traffic. It notes that operational traffic will increase by more than 1,000 average annual daily traffic (AADT) on 3 no. link roads due to the proposal and air dispersion modelling was conducted for operational traffic emissions. A total of 1 no. high sensitivity (R1 – residential) and 1 no. medium sensitivity (R2 – Ballymun Kickhams GAA club) receptors were included in the modelling assessment as detailed in Figure 7-1 of the EIAR in addition to the relevant road links (Link A and Link B), which were included on the basis of TII scoping criteria, i.e., within 200m of receptors.
- 10.8.8. Noting TII guidance, the EIAR states that modelling of operational NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations has been conducted for the 'Do Nothing' and 'Do Something' scenarios using the TII Road Emissions Model (REM) online calculator tool. Table 7-4 of the EIAR details the traffic data used in the air and climate modelling assessments for the 'Opening Year 2028' and 'Design Year 2038' in both the 'Do Minimum' and 'Do

Something' scenarios, relative to 'Base Year 2023'. In this regard, the EIAR suggests that the 'Do Nothing' scenario equates to the 'Do Minimum' scenario as per TII's 2022 version of PE-ENV-01106 i.e., the scenario that represents the situation that would occur without the proposed scheme in operation, including permitted developments.

10.8.9. In this context, the Commission should note that PE-ENV-01106 was updated in December 2025, and after the appeal was lodged. It provides a slightly expanded definition of the 'Do Minimum' scenario in that it also refers to Section 2.6.3 of the TII technical document PE-PAG-2013 '*Project Appraisal Guidelines Unit 4.0 – Options Report*'. I have reviewed Section 2.6 of PE-PAG-2013. Whilst it provides separate definitions of both the 'Do Nothing' and 'Do Minimum' options, and indeed notes that the 'Do Minimum' option may actually be the same as the 'Do Nothing' option if no committed schemes are present in the study area, this is evidently not the case here, with both *Metrolink* and *BusConnects* now being considered as 'committed' projects.

10.8.10. In this regard, the Traffic Impact Analysis (Appendix B of the TTA / Appendix 10-1 of the EIAR) indicates that the 'Do Minimum' traffic flows for 2023, 2028 and 2038 are based on a derived annual growth rate determined using a straight-line interpolation / extrapolation exercise from the difference in traffic flows from the 2019 Base Model and the 2031 Do Minimum model. It also states, however, that the 2031 Do Minimum Future Year Local Area Model (LAM) scenario reflects a situation where Airport growth remains static at 32mppa, but background growth and committed public transport and road schemes within the Eastern region, including *Metrolink* and *BusConnects*, have been delivered. Therefore, whilst the EIAR now mistakenly equates 'Do Nothing' to 'Do Minimum', I am fully satisfied that the LAM is methodologically sound and robust.

10.8.11. The EIAR states that no difficulties were encountered when compiling this chapter.

#### *Baseline*

10.8.12. Section 7.2.1 of the EIAR sets out the receiving environment in terms of meteorological data, baseline air quality data and sensitivity to dust impacts. Having regard to the meteorological data obtained from Dublin Airport and the EPA air quality monitoring data, it estimates the current background NO<sub>2</sub> concentration as 19µg/cu.m, the current background PM<sub>10</sub> concentration as 12µg/cu.m and the current PM<sub>2.5</sub> concentration is estimated as 7µg/cu.m. The EIAR states that on this basis the air quality in the area is predominantly good, with concentrations of key pollutants generally well below the

relevant limit values. However, it also notes that the EPA have indicated that road transport emissions are contributing to increased levels of NO<sub>2</sub>, with potential for breaches in future years identified within our urban centres and roadside locations.

10.8.13. In terms of the sensitivity of the receiving environment, the EIAR notes that there are between 1 and 10 residential properties within 100m of the main works area (4 no. of which are located on Harristown Lane). Based on the IAQM criteria, the EIAR states that the worst-case sensitivity of the area to human health effects is considered to be low. The EIAR also notes that there are no sensitive ecological receptors within 50m of the site / access, or 250m from the entrance and thus no ecological effects arise.

*Potential Effects*

10.8.14. Potential effects, as identified in the EIAR, are summarised in Table AQ1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>Ambient air quality will remain as per the baseline and change in accordance with trends within the wider area, including influences from similar development on the site given the zoning e.g., changes in road traffic.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Air Quality: Potential to effect air quality through construction dust emissions. The major dust generating activities include demolition; earthworks; construction and track-out, and therefore there is potential for direct, short-term, localised, negative and slight dust related effects to air quality. Potential also for traffic emissions in the short-term, particularly due to the increase in HGVs accessing the site, however this will have an imperceptible, neutral and short-term effect on air quality i.e., none of the affected road links satisfy the TII assessment criteria (scoped out).</li> <li>Human Health: Potential to impact on human health through release of PM<sub>10</sub> and PM<sub>2.5</sub> from dust emissions.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Air Quality: Potential for traffic-related emissions from NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> have been modelled at the sensitive receptors (R1 and R2), as noted above, and assessed relative to the “Do Nothing” levels (see commentary above regarding ‘Do Nothing’ and ‘Do Minimum’). The results of the assessment of the effects of the proposal on NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> concentrations in the Opening Year 2028 and Design Year 2038 are shown in Tables 7-19, 7-20 and 7-21 of the EIAR. The EIAR states that the impact on NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> concentrations is neutral according to TII guidance. Thus, the potential effect on ambient air quality is considered to be direct, long-term, negative and not significant</li> <li>Human Health: Potential for traffic-related air emissions to effect quality and thus human health, however, as noted above, the EIAR states that air dispersion modelling has shown that emissions of air pollutants are significantly below the ambient air quality standards which are based on the protection of human health.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Construction: Should construction phases of other developments (planned/permitted) coincide then there is potential for cumulative construction dust effects to nearby receptors. Such effects will be short-term, negative and imperceptible, if mitigated.</li> </ul>

	<ul style="list-style-type: none"> <li>Operational: The effect is predicted to be long-term, neutral and imperceptible – noting that cumulative impacts were incorporated into the traffic data supplied for the operational stage air modelling assessments.</li> </ul>
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**Table AQ1: Summary of Potential Effects**

*Construction Phase Mitigation*

10.8.15. Communication / site management-related mitigation measures include:

- Stakeholder communications plan with community engagement.
- Notice board / contact details regarding air quality and dust issues.
- Monitoring dust control methods depending on prevailing weather conditions.
- Use of a complaints register.

10.8.16. Site preparation / maintenance-related mitigation measures include:

- Site layout – ensure that machinery and dusty activities are away from receptors.
- Erect solid screens / barriers around dusty activities or site boundary.
- Avoid site runoff of water or mud.
- Keep site fencing, barriers and scaffolding clean.
- Remove materials that have the potential to produce dust unless being reused.
- Cover, seed or fence stockpiles.

10.8.17. Vehicle / machinery operation-related mitigation measures include:

- Ensure vehicles are switched off when stationary (no idling).
- Use mains or battery power where practicable – avoid the use of generators.
- Application of 15kph haul roads / work areas through sign-posted speed limits.

10.8.18. General operational / waste management / construction mitigation measures include:

- Use of cutting, grinding or sawing plant subject to dust suppression techniques.
- Ensure adequate water supply for effective dust / particulate matter suppression.
- Use of enclosed chutes and conveyors, and covered skips.
- Minimise drop heights from conveyors, hoppers and other loading equipment etc.
- Ensure equipment is readily available to clean any dry spillages etc.

- Avoid bonfires and burning of wastes.
- Revegetation of earthworks and exposed areas/soil stockpiles and use of hessian, mulches etc. where it is not possible to re-vegetate or cover with topsoil.
- Use of a water bowser during dry and windy periods to ensure soil moisture/stability.
- Storage of sand and other aggregates in bunded areas.
- Delivery of bulk cement and other fine powder materials in enclosed tankers and storage in silos with suitable emission controls.

10.8.19. Mitigation measures specific to track-out include:

- Application of a 15kph speed restriction for on-site vehicles.
- Covering of vehicles entering and leaving the site.
- Inspection and recording of on-site haul routes with repair work as necessary.
- Installation of hard surfaced, regularly cleaned, haul routes i.e., sprinkler etc.
- Implementation of a wheel washing system, including rumble grids.
- Provision of adequate hard surface area between road and wheel wash facility.
- Location of access gates at least 10m from receptors.

10.8.20. Monitoring-related measures include:

- Daily on-site and off-site inspections to monitor dust and record results etc.
- Increase frequency of inspections when high dust potential is likely.
- Dust controls methods will be monitored depending on the prevailing weather.

*Operational Phase Mitigation / Monitoring*

10.8.21. No measures are proposed as predicted effects are neutral and imperceptible.

*Residual Impacts*

10.8.22. In terms of the construction phase, the EIAR states that residual air quality and human health effects of the project are direct, short-term, localised, negative not significant.

10.8.23. Regarding the operational phase, the EIAR states that residual air quality and human health effects from traffic emissions is direct, long-term, negative and not significant.

### ***Assessment of Direct and Indirect Significant Effects***

- 10.8.24. As noted, the parties have not raised any concerns in relation to air quality and I am generally satisfied with the content of the EIAR regarding the significance of impacts.
- 10.8.25. Given the location of the site on zoned employment land bounded by similar uses and having specific regard to the distance from sensitive residential and ecological receptors, I agree that the residual air quality and health impacts are not significant.
- 10.8.26. Whilst I have slight concerns regarding short-term effects on air quality should construction, and particularly site clearance, overlap with other permitted and proposed projects within and adjacent to the airport, including but not limited to the 'Infrastructure Application', I consider the dust measures sufficiently allay this concern.
- 10.8.27. Therefore, having regard to the relatively modest scale and nature of the proposed development, and the proposed mitigation measures, which generally amount to good construction practices, I am satisfied that significant effects on air quality are unlikely.

### ***Conclusion on Air Quality***

- 10.8.28. I have considered all of the written submissions made in relation to air quality and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on air quality can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have unacceptable direct, indirect or cumulative impacts on air quality.
- 10.8.29. As above, I recommend that a CEMP condition is attached in the event of a grant of permission and I note that such a condition should incorporate air quality measures.

### **Climate**

#### ***Issues Raised***

- 10.8.30. As noted, the planning authority has raised concerns in relation to this environmental factor. The 3<sup>rd</sup> refusal reason considers that the potential impact on climate / climate change was not considered sufficiently and therefore the planning authority was unable to determine that the proposal was acceptable on environmental grounds.

- 10.8.31. In their submission, the applicant refutes the contention that the EIAR is deficient in respect of climate / climate change. The Technical Note states the assessment was undertaken in line with best practice and has reached a scientifically robust conclusion.
- 10.8.32. The Council's environment section, which includes climate action, had no objection.
- 10.8.33. An observation at application stage suggests the proposal undermines GHG policies.

***Examination, Analysis and Evaluation***

- 10.8.34. The likely significant climate effects associated with the proposed development is addressed in Chapter 8 of the EIAR. Chapter 8 is supported by:
- Tables 8-1 to 8-8; and
  - Figures 8-1 to 8-3.
- 10.8.35. I have examined this chapter and the supporting documents, including the energy and energy report. The methodology includes an overview of criteria for rating of effects including those laid down in national law, policy and guidance. The assessment is divided into a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). I note that the GHGA relates to the construction and operational phases of the proposal whereas the CCRA relates primarily to the operational phase.
- 10.8.36. In terms of potential GHG emissions during the construction phase, and given the nature of the proposed development, the EIAR considers the use of the TII Carbon Tool (as per PE-ENV-01104) appropriate in relation to embodied carbon as material types and construction activities are likely similar to those associated with road and rail projects. I note that whilst full details of materials and exact methodologies was not available, the EIAR states that best estimates have been used in the assessment.
- 10.8.37. The EIAR also notes that the emissions from road traffic associated with the proposal have the potential to emit CO<sub>2</sub> which will affect climate change and refers to the UK's *Design Manual for Roads and Bridges* (DMRB) as the relevant guidance document. In this regard, the EIAR notes that some road links will experience a change of over 10% AADT and thus an assessment of traffic-related CO<sub>2</sub> emissions was conducted. As noted above in respect of air quality, traffic related emissions were calculated using TII's REM tool and the output is provided in terms of CO<sub>2</sub>e for the Base Year 2023, Opening Year 2028 and Design Year 2038. The EIAR states that both the 'Do Nothing' and 'Do Something' scenarios are quantified in order to determine the degree of

change in emissions as a result of the proposed development. Whilst I have some reservations in relation to terminology used in the EIAR, as noted above, I am fully satisfied that the methodology used in Appendix 10-1 of the EIAR is sound and robust.

10.8.38. Table 8-3 of the EIAR outlines the criteria used to determine the significance of the GHGA. It is derived from Table 6.7 of PE-ENV-01104 (TII, 2022) along with consideration of the following two factors:

- the extent to which the trajectory of GHG emissions from the project aligns with Ireland's GHG trajectory to net zero by 2050; and
- the level of mitigation taking place.

10.8.39. The EIAR states that the CCRA involves an analysis of the sensitivity and exposure of the proposal to climate hazards which together provide a measure of vulnerability to hazards as a result of climate change as per TII guidance PE-ENV-01104 *Climate Guidance for National Roads, Light Rail, and Rural Cycleways (Offline & Greenways)*. The first initial step is a screening and, in this regard, I note that the screening CCRA did not identify any residual medium or high risks to the proposal as a result of climate change and therefore a detailed CCRA for the construction phase was scoped out.

10.8.40. Table 8-4 of the EIAR details the climate change vulnerability matrix.

10.8.41. I consider the above approaches to GHGA and CCRA to be entirely reasonable.

#### *Baseline*

10.8.42. Section 8.4 of the EIAR sets out the baseline climate scenario with Table 8-5 detailing the total national GHG emissions in 2022 and noting that the transport sector was the second highest emitter for that year. The EIAR states that the future baseline with respect to the GHGA can be considered in relation to the future climate targets and thus determined by Ireland meeting its CAP<sup>5</sup> targets alongside binding EU targets.

10.8.43. Although the EIAR also notes that the effects as a result of climate change will evolve over time and refers to the following potential adverse effects compiled by the EPA:

- More intense storms and rainfall events;
- Increased likelihood and magnitude of river and coastal flooding;

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<sup>5</sup> Climate Action Plans – see section 6.4.

- Adverse effects on water quality; and
- Changes in the distribution of plant and animal species.

10.8.44. Whilst I note that the EIAR states that there were no difficulties encountered in compiling this chapter, as noted, it also states that the data used in the GHGA (construction phase) are best estimates, with some uncertainty over the exact materials. Further minimisation appears possible at project detailed design stage.

10.8.45. These caveats are considered reasonable in the contemporary construction context.

*Potential Effects*

10.8.46. Potential effects, as identified in the EIAR, are summarised in Table C1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>• Considered neutral – no construction works would take place, and the climate baseline would continue to develop in line with identified trends.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• GHG: Estimated to result in 16,587 tonnes of embodied CO<sub>2e</sub> for product and construction phases (0.008% of the 2030 Industrial Sector Budget and 0.006% of the Transport Sector Budget when annualised over the project lifespan, assumed 50 years). Highest impact area is construction waste due to excavation (89% of the total embodied CO<sub>2e</sub>) followed by material embodied carbon and then material maintenance (as per Table 8-6 of the EIAR). This is considered direct, long-term, negative and not significant.</li> <li>• Climate Change Vulnerability: None anticipated (scoped out) but potential effects derived from flood risk (fluvial and pluvial) due to increased and intense periods of rainfall; increased and reduced temperatures; geotechnical impacts; and major storm damage persist. The contractor will be required to mitigate against these effects through site risk assessment and method statements etc.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• GHG: Predicted that in 2028 the proposed development will increase CO<sub>2</sub> emissions by 146 tonnes CO<sub>2e</sub> which equates to 0.00041% of the 2028 national emission ceiling or 0.00244% of the 2030 Transport Sector Budget (as per Table 8-7 of the EIAR). Similarly low increases in CO<sub>2</sub> emissions are predicted to occur in 2038 with emissions increasing by 269 tonnes CO<sub>2e</sub> which equates to 0.00081% of the 2030 national emission ceiling or 0.00449% of the 2030 Transport Sector Budget. This is considered direct, long-term, negative and not significant.</li> <li>• Climate Change Vulnerability: The proposal has a worst-case low vulnerability to flooding, extreme heat, extreme cold, drought, extreme wind, lightning and hail, and fog. The FRA concludes that the proposal would not be at risk of pluvial flooding and the groundwater vulnerability, when the groundwater table may be high, is indicated as low. The site is well elevated (c. 70m above sea level) and is c. 11km inland from the nearest coastline, thus, the risk of tidal flooding is highly unlikely and there is no risk of fluvial flooding, notwithstanding the presence of the Santry River through the site.  Extreme heat and cold have the potential to impact the building materials and some related infrastructure, albeit unlikely, thus extreme temperatures are not considered a significant risk and there is no additional vulnerability</li> </ul>

	with respect to all climate hazards when design mitigation has been put in place and therefore effects are direct, long-term, negative and imperceptible.
Cumulative	<ul style="list-style-type: none"> <li>Whilst Section 8.7 of the EIAR notes that global climate effects from a project are not geographically constrained and therefore the normal approach for cumulative assessment in EIA is not considered applicable, it does state that the assessment approach is inherently cumulative in the context of its alignment with Ireland's trajectory towards net zero.</li> </ul>

**Table C1: Summary of Potential Effects**

*Construction Phase Mitigation*

10.8.47. The following measures will be put in place to reduce embodied CO<sub>2</sub>e:

- Waste audits, including recovery best practice and material reuse, where possible.
- Prevention of on-site or delivery vehicles idling.
- Regular maintenance / inspection of all plant and machinery.
- Minimising material waste due to poor timing / over-ordering / sourcing locally.

10.8.48. The contractor will also be required to mitigate against the effects of extreme rainfall, flooding, extreme wind / temperatures, storms, hail etc. through site risk assessments.

*Operational Phase Mitigation*

10.8.49. Design measures include the incorporation of adequate attenuation and improved drainage to avoid potential flooding effects as a result of increased rainfall in future years. No additional climate-specific mitigation measures have been identified.

*Residual Impacts*

10.8.50. The EIAR states that the proposed development will result in some impacts to climate through the release of GHGs and these impacts are considered direct, long-term, negative and not significant. In relation to climate vulnerability, the effect of the proposal as a result of climate change is direct, long-term, negative and imperceptible.

**Assessment of Direct and Indirect Significant Effects**

10.8.51. As noted, the planning authority's 3<sup>rd</sup> refusal reason states that the potential impact on climate / climate change was not sufficiently considered. Having reviewed the Planning Officer's Report, specific concerns appear to emanate from the planning authority's external consultants' comments in their review of Chapter 8 of the EIAR. There they recommend that 'the assessments / statement of effects on climate change should be considered further and in tandem with the potential reasonable alternatives'.

- 10.8.52. Whilst I acknowledge the concerns of the planning authority, it is important to clarify that neither the Planning Officer's Report nor their appeal response provides any scientific evidence or rationale to reject the assessment in respect of climate change.
- 10.8.53. The crux of the issue is the inference that alternative parking solutions, such as a more efficient use of the existing car parks, would have less of an impact on climate change. Whilst I accept the rationale, particularly given the highest impact is due to excavation (89% of the total embodied CO<sub>2</sub>e), this cuts both ways. For example, if the appeal site was developed for a warehouse or logistics use, which is entirely reasonable given the land use zoning and adjacent uses, the same climate impacts would apply. Moreover, the proposed development is in fact relatively modest given the lack of built structures.
- 10.8.54. Given my conclusions above in respect of reasonable alternatives and having regard to the location of the appeal site on zoned employment lands within close proximity to Dublin Airport complex and having specific regard to the relatively modest nature of the proposed project in this context, I agree that residual impacts are not significant.
- 10.8.55. Like my concerns regarding the impact on air quality and human health, should the construction phase overlap with other permitted and proposed developments, there is the potential for short-term effects on climate. However, having regard to the modest embodied carbon projection, and the imperceptible impact on the transport (0.006%) and industrial (0.008%) sector carbon budgets, cumulative impacts are highly unlikely. Similar low increases in CO<sub>2</sub> emissions are anticipated during the operational phase of the proposal i.e., 0.00449% of the transport sector carbon budget for 2030. I thus recommend the Council's 3<sup>rd</sup> refusal reason be set aside insofar as it relates to climate.

### ***Conclusion on Climate***

- 10.8.56. I have considered all of the written submissions made in relation to climate and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on the climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have unacceptable direct, indirect or cumulative impacts on the climate.
- 10.8.57. As above, I recommend that a CEMP condition is attached in the event of a grant of permission and I note that such a condition should incorporate the climate measures.

## **Noise and Vibration**

### ***Issues Raised***

10.8.58. The planning authority have not raised concerns in relation to this environmental topic.

10.8.59. Neither the Council's air and noise section nor ANCA, the Aircraft Noise Competent Authority, who made a submission, have objected to the proposed development.

### ***Examination, Analysis and Evaluation***

10.8.60. Noise and vibration is addressed in Chapter 9 of the EIAR. It is supported by:

- Tables 9-1 to 9-15, and
- Figures 9-1 to 9-7.

10.8.61. I have examined this chapter and the associated figures and tables. It focuses on potential noise and vibration effects of the proposal on its surrounding environment, during both the short-term construction phase and the long-term operational phase.

10.8.62. The assessment methodology includes baseline noise monitoring in order to characterise the existing noise environment; a review of the most applicable standards and guidelines in order to set a range of acceptable noise and vibration criteria for both phases of the project; predictive calculations at the nearest sensitive locations for the construction phase and a review of potential effects during the operational phase.

10.8.63. The EIAR notes that there is no national guidance relating to the maximum permissible noise levels of a construction project. In the absence of such limits, the EIAR defers to other industry guidelines and standards. In this regard, Table 9-1 sets out the permissible noise levels at dwellings during construction based on Part 1 of BS 5228<sup>6</sup>. Table 9-2 includes guidance as to the likely magnitude of effect associated with construction activities relative to the construction noise threshold (CNT) based on UK guidance and adapted to include the relevant significance of effects as per the EPA.

10.8.64. In terms of construction vibration, the EIAR outlines criteria for building responses and human perception. In this regard, Table 9-3 details the recommended construction vibration threshold for light-framed and resident buildings as per Part 2 of BS 5228 and BS 7385<sup>7</sup>. Similarly, Table 9-4 sets out guidance on effects of human response

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<sup>6</sup> Code of Practice for Noise and Vibration Control on Construction and Open Sites (BS 5228:2009+A1:2014).

<sup>7</sup> Measurement of Vibration in Buildings – Guide to Damage from Ground Borne Vibration (BS 7385-2:1993).

to peak particle velocity (PPV) magnitudes based on Part 2 of BS 5228 but notes that where values are routinely measured or expected then an assessment in accordance with BS 6472<sup>8</sup> might be more appropriate to determine any degree of adverse impact.

- 10.8.65. In terms of construction traffic noise, and due to the short-term period over which this impact occurs, the EIAR assesses the magnitude of impact against the 'short term' period in accordance with the UK's DMRB *Noise and Vibration* document. Table 9-5 sets out the classification of changes in noise level on human perception in this regard.
- 10.8.66. Similarly, in terms of operational noise, Table 9-6 details the likely impacts associated with a change in traffic noise as a result of additional vehicular traffic using the UK's DMRB *Noise and Vibration* document. Once operational, however, the main potential source of noise will relate to car parking activities, namely vehicles driving around internal roads, entering and exiting parking spaces, doors closing etc. The operational noise levels are set in the EIAR with reference to BS 8223<sup>9</sup> as detailed in Table 9-7.
- 10.8.67. I note that operational vibration has been scoped out and this is entirely reasonable.

#### *Baseline*

- 10.8.68. An environmental noise survey has been conducted in order to quantify the baseline noise environment. The noise measurement locations were selected to represent the noise environment at the nearest Noise Sensitive Locations (NSLs) surrounding the proposed development<sup>10</sup>. The survey locations are illustrated in Figure 9-1 of the EIAR and include 2 no. attended locations (AN1 and AN2) and an unattended location (UN 1). AN1 was sited at the existing field gate along the R108; AN 2 was located to the western extent of the long-term 'Holiday Blue' car park; and UN1 was located to the western extent of the appeal site and immediately east of the recolonising woodland.
- 10.8.69. The attended measurements were carried out between 0935 and 1200 hours on 10<sup>th</sup> November 2023 and the survey results are summarised in Table 9-9 of the EIAR. At AN1, noise levels were in the range 69 to 72 dB LAeq,15min and 50 to 51 dB LA90,15min. Noise from the R108 and air traffic were the dominant sources at this location, distant construction noise could be heard also. At AN2, noise levels were in the range 59 to 64 dB LAeq,15min and 50 to 55 dB LA90,15min. Excavation noise in the long-term 'Holiday

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<sup>8</sup> Guide to evaluation of human exposure etc. – Vibration sources other than blasting (BS 6472-1:2008)

<sup>9</sup> Guidance on Sound Insulation and Noise Reduction for Buildings (BS 8233:2014).

<sup>10</sup> NSL 1 (residential along the western boundary); NSL 2 (commercial along the southern boundary).

Blue' car park and street sweeping were the dominant source at this location with road traffic noise and occasional local traffic, including reversing beacons, were observed. This reflects my site observations, and I am fully satisfied with the timing of surveys.

- 10.8.70. The unattended measurements were carried out on 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> November 2023 and the results of the surveys are summarised in Table 9-10 of the EIAR for the daytime (0700 to 1900 hours), evening (1900 to 2300 hours) and night (2300 to 0700 hours). Noise levels during the daytime periods were in the range 58 to 62 dB  $L_{Aeq}$  and 47 to 51 dB  $L_{A90}$ . During the evening periods, noise levels were in the range 52 to 60 dB  $L_{Aeq}$  and 45 to 49 dB  $L_{A90}$ . Noise levels were in the range 64 to 65 dB  $L_{Aeq,15min}$  and 43 to 46 dB  $L_{A90}$  for the night-time periods. The EIAR notes that road traffic noise along the R108 with air traffic were the dominant sources at this location. During the night period, between 0500 and 0700 hours, the highest noise levels associated with air traffic occur increasing the overall measured levels during the night-time periods.
- 10.8.71. In terms of daytime and night-time aircraft noise zones, Figures 9-2 and 9-3 of the EIAR presents the aircraft noise levels across the site in terms of the  $L_{den}$  and  $L_{night}$  parameters as per the EPA noise mapping. The appeal site is located within the 65 to 70dB  $L_{den}$  noise contour and within the 55 to 60 dB and 60 to 65 dB  $L_{night}$  noise contours. The nearest noise sensitive locations to the west of the appeal site also fall within the 65 to 70dB  $L_{den}$  and 55 to 60dB  $L_{night}$  noise contours for aircraft noise.
- 10.8.72. Similarly, Figures 9-4 and 9-5 of the EIAR presents the road traffic noise levels across the site in terms of the  $L_{den}$  and  $L_{night}$  parameters as per the EPA noise mapping. The northern portion of the appeal site is located within the 60 to 65  $L_{den}$  noise contours along the road edge, reducing to within the 55 to 60dB  $L_{den}$  further south, and within the 55 to 60dB and 60 to 65 dB  $L_{night}$  noise contours. The nearest noise sensitive locations to the west of the appeal site are located within the 45 to 50 and 50 to 55 dB  $L_{den}$  and the 45 to 50 and 50 to 55 dB  $L_{night}$  noise contours for road traffic noise.
- 10.8.73. I note that Table 9-11 of the EIAR details the resultant cumulative noise level. The EIAR states that the measured baseline levels at UN1 are at the lower end of the mapped contour noise levels during the daytime period and at the upper end of the mapped contour noise levels during the night-time period, noting noise levels across the study area are dominated by aircraft noise, with road traffic to a lesser extent.

## Potential Effects

10.8.74. Potential effects, as identified in the EIAR, are summarised in Table NV1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>The baseline noise environment will remain unchanged in this scenario.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Noise: No potential to experience a significant effect given the construction noise predictions (Table 9-13 of the EIAR). The nearest commercial properties (30m from the majority of works, 60m from rock breaking works) would be expected to be at or below significance threshold of 75 dB <math>L_{Aeq,12hr}</math>. The closest residential NSLs are 60m from the nearest construction works, as a result the construction noise levels are at or below the CNT of 65 dB <math>L_{Aeq,12hr}</math>. Potential effects are thus negative, slight to moderate and short-term for the nearest noise sensitive residential locations.</li> <li>Vibration: Potential for vibration to be generated during intermittent breaking activity at ground level however the vibration magnitudes associated with this activity at 60m from the proposed construction works are well below those associated with any form of cosmetic damage to buildings and have the potential to be just perceptible in residential environments. Potential effect in relation to vibration in the absence of mitigation will be short term, negative and not significant at distances &gt;60m.</li> <li>Traffic: The additional traffic is predicted to produce a neutral, imperceptible and long-term effect. In this regard, the EIAR notes that in order to increase traffic noise levels by 1 dB, traffic volumes would need to increase by c. 25%.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Road Traffic Along Surrounding Network: The additional traffic is predicted to produce a negligible, long-term and not significant effect. In this regard, the EIAR notes that during both assessment years (2028 and 2038) there is minimal change in traffic noise levels calculated between the 'Do Nothing' (Do Minimum) and Do Something scenarios. This is due to the low volume of traffic associated with the proposal compared to the total traffic along the surrounding road network.</li> <li>Car Parking Activities: Using the survey data from AN2 (western extent of 'Holiday Blue' car park), 60 dB <math>L_{Aeq}</math>, and applying a highly conservative assumption that this was dominated by car parking activities, the potential noise level at the nearest residential properties is calculated as 38 dB <math>L_{Aeq}</math>, comfortably below the prevailing noise environment and therefore deemed to have a neutral, long-term and not significant effect.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Potential for significant noise effect at nearby NSLs where construction on multiple developments is ongoing simultaneously. An increase of +3 dB representing the worst-case scenario of a doubling of construction traffic when compared to either site operating in isolation. Similarly, an increase of +3 dB represents the worst-case scenario whereby construction noise incident on noise sensitive receptors from two sites is matched in level.</li> <li>Operational impacts are most likely to be associated with increase noise associated with traffic. An increase +3 dB represents a worst-case scenario of a doubling in volume of traffic, representing a perceptible change with negative, slight to moderate significance and short-term.</li> </ul>

**Table NV1: Summary of Potential Effects**

### Construction Phase Mitigation

10.8.75. Measures include:

- Screening – hoarding will be constructed around the site boundaries in addition to careful site layout, i.e., placement of site buildings for noise screening etc.
- Selection of Quiet Plant – potential for any item of plant to generate noise will be assessed prior to the item being brought onto the site, i.e., selection of least noisy item wherever possible.
- Project Programme – phasing programme will be arranged so as to control the amount of disturbance in noise and vibration sensitive areas at times that are of greatest sensitivity, i.e., to prevent unacceptable disturbance at any time.
- Specification of Construction Noise Criteria in Contract Documents – contractor will be obliged to take specific noise abatement measures and comply with the recommendations of BS 5228-1:2009+A1:2014 etc.
- Control of Noise Sources – in the event that low noise plant or replacing noisy plant is not a viable option, consideration will be given to noise control “at source” through modification etc. The following is also proposed:
  - Installation of an acoustic exhaust and/or maintenance of enclosure panels for mobile plant items such as dump truckers, excavator and loaders.
  - Switching off plant when not in use i.e., not left idling.
  - Ensuring materials are not dropped from excessive heights and drop chutes / dump trucks are lined with resilient materials.
  - Use of acoustic lagging or acoustic enclosures around compressors, generators and pumps.
  - Use of demountable enclosures such as acoustic screens / sheds.
  - Ensuring regular maintenance of all plant items.
- Public Liaison – appointment of a designated environmental liaison officer to inform the nearest NSLs of the time and expected duration of the noisy works, and log and follow-up on any noise complaints.

#### *Operational Phase Mitigation*

10.8.76. No operational phase noise mitigation measures are deemed necessary with respect to noise associated with parking activities or traffic along the surrounding network.

### *Residual Impacts*

- 10.8.77. The EIAR states that noise levels at the nearest noise sensitive locations will continue to be dominated by road traffic along the R108 and aircraft noise during the operational (Do Something) phase, thus the residual impact is neutral, long-term, not significant.
- 10.8.78. With mitigation, the EIAR states that the overall impact of the construction phase is negative, short-term and not significant with no further noise impacts upon completion.

### ***Assessment of Direct and Indirect Significant Effects***

- 10.8.79. As noted, the parties have not raised any concerns in relation to noise and I am generally satisfied with the content of the EIAR regarding the significance of impacts.
- 10.8.80. Given the location of the site on zoned employment land bounded by similar uses and having specific regard to the distance from sensitive residential and ecological receptors, I agree that the residual noise and vibrations impacts are not significant.
- 10.8.81. Similar to my concerns regarding the effects on air quality and climate change, should construction, including demolition, overlap with other permitted and proposed projects, there is the potential for adverse effects due to noise. However, having regard to the proposed mitigation measures, which generally amount to good construction practices, I am satisfied that significant effects due to noise and vibration are unlikely.

### ***Conclusion on Noise and Vibration***

- 10.8.82. I have considered all of the written submissions made in relation to noise and vibration and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts from noise and vibration can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have unacceptable direct, indirect or cumulative impacts.
- 10.8.83. I note that a standard CEMP condition will include controls for noise and vibration.

### **Land, Soil and Geology**

#### ***Issues Raised***

- 10.8.84. The planning authority have not raised concerns in relation to this environmental topic.
- 10.8.85. Whilst I note that an observation at application stage suggests that PFAS contamination is not screened out of the EIAR (or NIS), the Council had no concerns.

### ***Examination, Analysis and Evaluation***

10.8.86. Chapter 11 of the EIAR describes the type of land, soils and geology likely to be encountered beneath the proposed development and addresses the potential effects of the proposal on land, soils and geology (incl. human health). It is supported by:

- Table 11-1,
- Figures 11-1 to 11-8, and
- Appendix 11-1 (Ground Investigation Report).

10.8.87. The methodology includes geotechnical site investigations, including trial pits (TP's), TRL / DCP<sup>11</sup> probing to determine the CBR<sup>12</sup>, and Plate Bearing Tests, in addition to a desk-based review of historical and relevant ground investigation data / information.

10.8.88. The EIAR gives no indication as to whether difficulties were encountered during the data collection and assessment stages but asserts that the assessment was completed in accordance with the relevant best practice, including EPA guidance. I do note, however, that laboratory testing of samples taken from selected exploratory holes was pending and thus not included in Appendix 5 of the Ground Investigation Report. This is noteworthy given the above observation and considered further below.

#### ***Baseline***

10.8.89. Table 11-1 provides a summary of historic land use development at the site and in this regard, I note the section of Harristown Lane, which served as a secondary access to Harristown House; remnants of which lie to the northwest corner of the site and are tree-lined, as discussed in section 10.7 above. I also note the evolution of the long-term 'Holiday Blue' car park in a westerly direction from near the junction of the R108 and Old Airport Road towards the appeal site and the concurrent development of the Horizon Logistics Park since the turn of the millennium. In this regard, the section of now culverted Santry River east of the appeal site, is clearly identifiable pre-2006. The topography of the site slopes from c. 73mAOD in the west to c. 71mAOD in the east, although I note that a manmade berm at c. 75mAOD is located to the northeast corner.

10.8.90. Figure 11-1 illustrates the ground investigation locations, a number of which lie within the footprint of the proposed works. Having inspected the appeal site, I agree with the

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<sup>11</sup> Transport Research Laboratory / Dynamic Cone Penetrometer.

<sup>12</sup> California Bearing Ratio.

EIAR that the site has generally remained a greenfield site and Figures 11-2, 11-3 and 11-5 illustrate the underlying soils, superficial / quaternary deposits and bedrock geology, respectively. I note that my site observations, and data held by Teagasc and GSI, was verified by ground investigation which can be summarised as follows:

- Topsoil encountered in all exploratory hole to a maximum depth of 0.40mBGL;
- Localised made ground beneath topsoil consisting of 'brownish grey sandy gravelly clay with low subangular cobble content and fragments of plastic, metal, timber and rubber' encountered in TP06 and TP08 at a maximum depth of 1.8mBGL;
- Cohesive deposits were encountered beneath the made ground and were of 'brown slightly sandy gravelly clay with medium subangular cobble and boulder content';
- Granular deposits were found to a maximum depth of 3.2mBGL and consisted of 'grey/brown clayey sandy subrounded to subangular fine to coarse gravel with occasional cobbles and rare boulders'; and,
- Weathered rock consisting of 'angular gravel and cobbles of limestone or mudstone' was encountered in TP13 and TP14.

10.8.91. I note the EIAR erroneously states that topsoil was encountered to a maximum depth of 3.5mBGL whereas 3.5mBGL was the max. depth of any of the trial pits, i.e., TP17.

10.8.92. The EIAR notes that slow ingress groundwater was encountered in the majority of the trial pits at depths between 0.5mBGL to 2.8mBGL, however I note that the Ground Investigation Report states that the exploratory holes did not remain open for a sufficiently long period to establish the hydrogeological regime; groundwater levels would be expected to vary with the time of year, rainfall, nearby construction etc.

10.8.93. Whilst the EIAR notes that weathered rock was located at TP13 and TP14, the Ground Investigation Report clarifies that trial pits were terminated upon encountering the more competent bedrock. In this regard, the EIAR refers to GSI mapping which identifies the underlying bedrock as Malahide Formation and illustrates a thrust fault running through, and identifies 8 no. bedrock outcrops within the vicinity, of the site. Above the bedrock it identifies the primary superficial / quaternary sediments underlying the site comprise of till derived from limestone as per the Teagasc soil map.

10.8.94. Figure 11-4 illustrates EPA licenced facilities outside the appeal site boundary; however, no evidence of significant onsite soil contamination is noted in the EIAR, notwithstanding the proximity of the nearest EPA waste licenced facility (site code: W0134-01). In this regard, whilst I also note the presence of what could be considered as C & D waste in TP06 and TP08, it is not widespread throughout the site. The EIAR also notes the proximity of the site to Huntstown Quarry, a geological heritage area and working quarry site, c. 2.1km to the west. The proposal is not considered to have any impact on this site nor is the appeal site considered susceptible to landslides with the closest reported landslide c. 8.1km southwest at Knockmaroon Glen Quarry.

10.8.95. Figure 11-8 of the EIAR illustrates the EPA regional radon map which shows that less than 1 in 20 homes are estimated to have radon concentrations above the national reference level of 200Bq/cu.m. Thus, radon is not likely to have a significant effect.

*Potential Effects*

10.8.96. Potential effects, as identified in the EIAR, are summarised in Table LSG1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>The existing greenfield site will remain unchanged with a neutral and imperceptible effect on land, soils and geology.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Land: Works will see a change from greenfield to surface car park but the topography of the site will be unchanged thus the proposal is likely to have a permanent negative, not significant effect on land, including land take.</li> <li>Soils and Geology: Activities include the demolition of the existing cattle pen and hardstanding area, removal of the gated entrance and construction of an extension to the 'Holiday Blue' car park. Excavation to a max. depth of c. 5m (to facilitate surface water drainage) but average excavations of c. 1.2m across the site. Potential rock breaking will be required north of the Santry River. Total volume of soil requiring excavation is expected to be c. 20,220 tonnes; c. 550 tonnes to be retained for landscaping and c. 19,670 tonnes to be disposed at a suitable facility. Stripping of topsoil and localised hardstanding may result in subsoil erosion and sediment laden runoff. Machinery use may result in soil compaction and dust can be generated as a result of construction traffic. Soil is also at risk of contamination through construction activity, i.e., spillages and leaks with associated health risks. These are likely to result in moderate negative effects on receiving soils and/or bedrock; however, impacts are considered short-term and localised.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Given the proposed attenuation system and the fact that the development is underlain by low permeability clay; in the unlikely event of vehicle spillages/leaks any soil impacts would be very localised, with low potential for vertical migration. Thus, potential risk will not result in an adverse impact on soils and geology in the receiving environment of the proposal.</li> <li>Maintenance works also have the potential to result in the mobilisation of suspended solids from shallow excavations and fuel and lubricating oils from machinery and equipment. This may potentially result in negative, slight and</li> </ul>

	short-term effects on receiving soils and/or bedrock; however, any impacts are considered to be short-term and localised.
Cumulative	<ul style="list-style-type: none"> <li>No significant cumulative effects are anticipated.</li> </ul>

**Table LSG1: Summary of Potential Effects**

*Construction Phase Mitigation / Monitoring*

10.8.97. Mitigation measures include:

- Removal of stripped hardstanding and topsoil (c.19,670 tonnes) for offsite disposal to a suitably licenced / permitted waste facility.
- Road levels designed to minimise cut / fill earthworks.
- Duration of subsoil layer exposure will be minimised.
- Exposure of subsoils minimised and disturbed layers will be stabilised as soon as practicable e.g., backfilling of trenches, laying of road capping layers etc.
- All waste soils (including made ground) will be classified in accordance with EPA guidance on waste classification, including hazardous waste, and disposed off site as per national and European law, i.e., Waste Framework Directive 2008/98/EC.
- Implementation of a detailed Resource and Waste Management Plan (RWMP).

10.8.98. The EIAR notes that other measures outlined in Chapter 12 (Water) are also applicable to the protection of soils and geology. These include:

- Cessation of works in the event that ground contamination is encountered, seek advice from contaminated land specialists and undertake a phased environmental risk assessment in accordance with EPA and UK Environment Agency advice.
- Confinement of earthwork / piling plant and vehicles delivery construction materials to predetermined haul routes.
- Installation of wheel wash facilities as needed and subject to the phasing of works.
- Road sweeping as necessary to maintain the road network.
- Implementation of dust suppression during dry periods.
- Storage of excavated materials away from excavations / immediate works area in a stable manner i.e., maximum 3m high temporary stockpiles.
- Monitoring and supervisory regime including excavation and stability assessments.

- Good construction management practices in line with CIRIA C532, *Control of Water Pollution from Construction Sites, Guidance for Consultants etc.*
- Regarding pollution control measures, the EIAR includes the following:
  - Careful handling of fuels, lubricants and hydraulic fluids, solvents, oils and paints to avoid spillage, properly secured and provided with spill containment.
  - Collection of waste oils and hydraulic fluids in leak-proof containers and removal for disposal or re-cycling.
  - Immediate containment of any spillage of fuels, lubricants or hydraulic oils and removal for disposal of contaminated soil.
  - Refuelling of site vehicles in bunded areas using drip trays. The areas will be adequately sealed and covered within the construction compound and also be used for the storage of ancillary equipment e.g., hoses and pipes.
  - Use of drip trays for fixed or mobile plant i.e., pumps and generators.
  - Servicing of machinery before being mobilised to site.
  - Storage of mobile bowzers, tanks and drums in secure, impermeable areas away from open water.
  - Regular inspections for fuel and chemical stores including tanks and drums.
  - Procedures and contingency plans to deal with accidents or spills including emergency spill kit with oil boom, absorbers etc.

10.8.99. The EIAR states that the mitigation measures, including those listed above, will be incorporated during the detailed design stage and form part of the CEMP.

10.8.100. I also note that a comprehensive monitoring and supervisory regime, including monitoring of excavations, stability assessments and waste soil classification, will be put in place. As noted above, it will be the contractor's responsibility to ensure that all waste soils are classified correctly and managed, transported and disposed of legally.

#### *Operational Phase Mitigation / Monitoring*

10.8.101. Mitigation measures include:

- Careful planning and management of car park maintenance works.

- Strict supervision of contractors in terms of plant machinery etc.
- Careful handling of fuels, lubricants and hydraulic fluids and paints to avoid spillage, properly secured and provided with spill containment.
- Immediate containment of any spillage of fuels, paints, lubricants or hydraulic oils and removal for disposal of contaminated soil.
- No temporary storage of fuels etc. in the vicinity of shallow excavations.
- Careful management of excavated soils to prevent dust nuisance.
- Re-use of soils generated during localised maintenance, where possible.

10.8.102. I note that no monitoring measures will be required during the operational phase.

*Residual Impacts*

10.8.103. With mitigation, the EIAR states that the residual effects (with the exception of off-site soil removal) will be short-term, negative and not significant. In this regard, the primary impact is the potential removal of c. 19,670 tonnes of waste soils for offsite disposal, however soils will be classified prior to disposal to an appropriate facility. The residual effect regards soil removal is thus likely to be permanent, negative and not significant.

10.8.104. With mitigation, the residual effects are stated as negative, short-term and not significant during operation based on the nature, scope and location of the proposal.

10.8.105. Taking account of the baseline environmental setting and the proposed mitigation measures during the construction phase, the EIAR states that no human health risks associated with exposure to contaminants (via direct contact, ingestion, or inhalation) resulting from the proposal are anticipated and thus no significant effects are likely.

***Assessment of Direct and Indirect Significant Effects***

10.8.106. As noted, the Council has not raised any concerns in relation to geology, and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

10.8.107. Given the location of the appeal site on zoned employment land bounded by similar uses and having specific regard to the relatively modest nature of the proposal in this context in terms of excavation depths, I agree that residual impacts are not significant.

10.8.108. The proposal will not directly or indirectly impact on land, soil or geology to a significant extent and there will be a minor, and indeed reversable, change in overall land use.

10.8.109. Whilst I note the concerns raised by the observer at application stage in respect of possible PFAS contamination, and particularly in the context of the 'pending lab results', I am satisfied that the precautionary mitigation and monitoring regime proposed, including the classification of waste soil and cessation of works in the event that contamination is encountered, is sufficiently robust. In the absence of any scientific evidence to reject the assessment in respect land, soils and geology, I am satisfied with the efficacy of the EIAR in this regard. The Commission may, however, wish to request further information, but I do not deem this necessary given the consideration of PFAS in analogous cases, including ABP-316138-23, where groundwater samples were analysed for PFAS and all returned below detection levels.

### ***Conclusion on Land, Soils and Geology***

10.8.110. I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on land and soil can be avoided, managed and/or mitigated for the proposed development by measures that form part of the proposed scheme, the proposed mitigation measures and through suitably worded conditions.

10.8.111. As above, I recommend that a CEMP condition is attached in the event of a grant of permission and this condition should incorporate the above contamination response.

## **Water**

### ***Issues Raised***

10.8.112. The planning authority have not raised concerns in relation to this environmental topic.

10.8.113. Neither Uisce Éireann nor the Council's water services section raised objections.

10.8.114. Again, I note the observation at application stage in relation to PFAS screening.

### ***Examination, Analysis and Evaluation***

10.8.115. Water is addressed in Chapter 12 of the EIAR. It assesses potential impacts of the proposal on the hydrology (surface water) and hydrogeology (groundwater) regimes.

10.8.116. Chapter 12 is supported by:

- Tables 12-1 and 12-2,
- Figures 12-1 to 12-6,

- Appendix 12-1 (Screening Results),
- Appendix 12-2 (Monitoring Plan / Sampling Points), and
- Appendix 12-3 (Flood Risk Assessment).

10.8.117. I have examined this chapter and the supporting documents. The assessment methodology includes walkover and geotechnical investigations in addition to a review of desk-based hydrological information and routine surface water sampling events. It is stated that no difficulties were encountered during data collection or assessment.

*Baseline*

10.8.118. Section 12.3 of the EIAR sets out the receiving environment in terms of site development, setting and topography (including potential sources of contamination), flood risk, and drainage design and climate. It notes the evolution of the surrounding land to the north and east with airport related infrastructure since the late 20<sup>th</sup> century.

10.8.119. In terms of flood risk, the EIAR refers to Appendix 12-3. It notes that the FRA carried out for the proposal includes a Stage 1 assessment and highlights that a Justification Test was not required given the car park is considered 'less vulnerable development'. The EIAR also notes the following design measures as detailed within the FRA:

- Site levels to ensure overland flow will not flood the welfare building or footpaths with runoff designed to remain within the roadway and directed to open space etc.
- Drainage system designed to cater for the 1 in 2-year return period for underground pipes flowing full of surcharge capacity up to 1 in 30-year event with the attenuation system designed to cater for the 1 in 100-year event, with 20% climate change etc.
- Regular maintenance of flow control and interceptors to reduce blockage risk.

10.8.120. In terms of drainage design and climate change, the EIAR notes that the appeal site is located within Flood Zone C i.e., <0.1% AEP. Nevertheless, it states that the design of all surface water drainage collection and conveyance systems associated with the proposed development includes an uplift factor of 20% to all rainfall data / events and drainage infrastructure is designed for a 1 in 100-year flood event, as noted above.

10.8.121. In relation to hydrology, the EIAR notes the presence of the Santry River (EPA code: 09S01) traversing the site in an east-west direction. Figure 12-1 illustrates the

watercourse as per the EPA mapping but also includes the route of the diverted / culverted section as it passes through the adjacent long-term 'Holiday Blue' car park.

- 10.8.122. In terms of surface water quality, the EIAR notes that the WFD river waterbody status for the Santry River for the 2016 to 2021 monitoring period was 'poor' and 'at risk' of failing to meet the relevant WFD objectives by 2027. The EIAR also notes that the EPA monitor the Santry River at Clonshaugh Road (station code: RS09S010300), c. 6.5km downstream, and a 'poor' Q-value status (score 2-3) was last recorded in 2022. The Commission should note that the WFD river waterbody status for the Santry River for the 2019-2024 monitoring period remains 'poor' as per the latest EPA data<sup>13</sup>.
- 10.8.123. As previously noted, the Santry River discharges to the North Dublin Bay / North Bull Island, c. 10.9km downstream. North Bull Island is noted as having 'moderate' WFD transitional waterbody status for 2016 to 2021 and is currently under review with regards meeting the relevant WFD objectives by 2027. The EIAR also notes that North Bull Island discharges to Dublin Bay which is classified as having 'good' WFD coastal waterbody status for the 2016 to 2021 monitoring period and is currently 'not at risk' in meeting the relevant WFD objectives by 2027. The Commission should also note that the transitional waterbody status and the coastal waterbody status are unchanged for the 2019 to 2024 EPA monitoring period, i.e., 'moderate' and 'good' respectively<sup>14</sup>.
- 10.8.124. The results of routine surface water quality monitoring of the Santry River at downstream monitoring location SW-S-3 are also set out in the EIAR for a c. 3-year monitoring period (December 2019 to October 2023) in Appendix 12-1. In this regard, I note that monitoring location SW-S-3 is located in the adjacent long-term 'Holiday Blue' car park (see Appendix 12-2) and is considered to give an accurate indication of riverine water quality as it leaves the airport lands. The results note occasional exceedances of relevant generic acceptance criteria (GAC) for orthophosphate (>0.06mg/l) but the mean value for this period was subthreshold at 0.046mg/l. I also note that 50% of ammonia samples exceeded the GAC threshold of 0.065mg/l and whilst the mean value was c. 0.113mg/l there is no obvious seasonal pattern for the exceedances other than to note that they tended to occur more frequently in summer. It should also be noted that TPH (total petroleum hydrocarbons) concentrations were

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<sup>13</sup> Environmental Protection Agency. *Maps Application (Water)*. [Online] Available at <https://gis.epa.ie/EPAMaps/Water> [accessed 14<sup>th</sup> January 2026]

<sup>14</sup> Ibid Note 13.

consistently recorded as <1 µg/l which is significant given the car park monitoring location. Overall, the EIAR states that no significant surface water quality issues have been identified at monitoring location SW-S-3 and downstream of the appeal site.

- 10.8.125. The appeal site is located on a locally important aquifer (LI – bedrock which is moderately productive only in local zones). The EIAR notes that the Liffey Gravels are a locally important gravel aquifer albeit c. 6.9km south of the appeal site and whilst a karst feature, a ‘spring’, is identified c. 7.4km east, there is none beneath the site and thus the EIAR does not assess connectivity via groundwater flow, which is reasonable. The EIAR also notes that the average recharge rate to the locally important bedrock aquifer beneath the general vicinity of the appeal site is reported to be c. 31mm/yr.
- 10.8.126. The groundwater vulnerability rating is noted as ‘low’ (Figure 12-3 of EIAR). In relation to groundwater flow, the EIAR notes the site within the Dublin Groundwater Body (GWB) and states that the majority of groundwater flow in the general region of the site will be rapid in the upper weathered zone but flow in conduits is commonly at 30m to 50mBGL. Whilst no groundwater monitoring was carried out, the EIAR states that inferred groundwater flow is expected in a general easterly / south-easterly direction.
- 10.8.127. The EIAR states that there are no group water scheme or public water supply abstraction points, or source protection areas within the vicinity of the site, and whilst there are 16 no. wells and springs nearby (Table 12-2), none are present on the site.
- 10.8.128. In terms of groundwater quality, the EIAR notes that the WFD groundwater status below the proposed development site for 2016 to 2021 is ‘good’ (Figure 12-6 of EIAR). The Commission should note that this is unchanged for the 2019 to 2024 period<sup>15</sup>.
- 10.8.129. Given the nature of the project, the EIAR states that there will be no impact to regional or local groundwater resources or surface water levels / flows in the receiving Santry River and therefore potential effects on groundwater resources, groundwater levels or surface water levels / flows did not warrant further consideration. This is reasonable.
- 10.8.130. Significant effects on European sites are ruled out as per Chapter 5 (see Section 11).
- 10.8.131. Similarly, the risk of impacts on geological heritage areas, including Huntstown Quarry, were screened out; having regard to distance and the site specific hydrogeological CSM (conceptual site model) any potential effects to the Irish Sea are viewed unlikely.

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<sup>15</sup> Ibid Note 13.

10.8.132. The key receptors in terms of surface water and groundwater quality are therefore:

- bedrock aquifer (LI) beneath the site; and
- the Santry River which flows through the central portion of the site.

*Potential Effects*

10.8.133. Potential effects, as identified in the EIAR, are summarised in Table W1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>• The baseline environment is unlikely to change and there will be no impact on the receiving water environments.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Accidental spillages or leaks in the vicinity of exposed groundwater / surface water pose a potential pollution risk given the Santry River is a key on-site receptor with 'poor' WFD status and this could result in direct, adverse moderate and temporary effects to the quality of this surface water receptor. Additionally, localised perched water may be present and would be vulnerable to water quality effects through leaks and spillages which could result in direct, slight adverse and temporary effects to the quality of groundwater receptors (i.e., the perched water or deeper LI aquifer) and indirect, adverse slight and temporary effects to the water quality of the Santry River via groundwater migration.</li> <li>• General site activities associated with cement handling and pouring pose a potential pollution risk and could result in direct, adverse moderate and temporary effects to the Santry River in addition to direct, adverse slight and temporary effects on groundwater quality beneath the site (i.e., the perched water or deeper LI aquifer) and indirectly on water quality of the Santry River.</li> <li>• Localised temporary dewatering may be required in the unlikely event that perched water is encountered, however, this is not likely to have a significant effect on groundwater or surface water quality subject to a dewatering plan, including disposal to a licenced / permitted facility.</li> <li>• Importation of c. 24,136 tonnes of construction material has the potential to result in direct, adverse moderate and temporary effects to the quality of the key surface water receptor i.e., the Santry River.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Ground and surface water receptors (i.e., localised perched water, bedrock aquifer and the Santry River) could be at risk from occasional fuel / oil leaks along the access roads, paved areas and car park surface, however, taking account of the likely volumes and localised nature of such spills and the low permeability of the underlying soils, the potential risk to any areas of localised perched water or the bedrock aquifer is negligible. Similarly, the drainage design, including attenuation and hydrocarbon interceptors, and the likely dilution effects, the potential risk to the Santry River is negligible.</li> <li>• Ground and surface water receptors could be at risk during an unplanned event (i.e., traffic collision, fire water arising from a fire etc.) however taking account of the unlikelihood of such an event along with the drainage design, potential adverse effects to these receptors are negligible.</li> <li>• Ground and surface water receptors could be at risk of contamination through routine site maintenance and use of lubricant oils, fuels and chemicals, resulting in direct, adverse slight and temporary effects on the surface water quality of the Santry River and indirectly to the quality of</li> </ul>

	groundwater receptors and to the surface water quality of the Santry River via groundwater migration.
Cumulative	<ul style="list-style-type: none"> <li>No significant cumulative effects are anticipated.</li> </ul>

**Table W1: Summary of Potential Effects**

*Construction Phase Mitigation*

10.8.134. In addition to measures for the protection of soils and geology, and specifically in relation to surface water and groundwater quality, the following are noted:

- Good construction management practices in line with CIRIA C532 as noted above, in addition to CIRIA C750 *Groundwater Control: Design and Practice (2<sup>nd</sup> ed.)* and CIRIA C741 *Environmental Good Practice on Site Guide (4<sup>th</sup> ed.)*.
- Protection of the existing drainage network along the Santry River i.e., use of physical barriers, signage located 15m max. from both sides of the riverbank, and the implementation of a site-specific water runoff management plan (within CEMP).
- No material, including stockpiled soils, imported / hazardous materials, to be stored nor site compound to be located within the 15m buffer / riparian strip.
- Implementation of a dewatering plan.
- Measures to prevent the release of hydrocarbons / chemical contaminants to surface or groundwater including handling and security procedures / protocols such as collection of waste oils and hydraulic fluids in leak-proof containers.
- Response procedures to deal with accidental pollution events including supervision of all fuel / oil deliveries in addition to the fuel and chemical storage and refuelling protocols noted above.
- Measures to prevent the release of materials during concrete pours include:
  - No batching/production of concrete on site.
  - Shutters designed to prevent failures including grout loss.
  - Not discharging mixer washings and excess concrete to the drainage network, or any drainage ditches, surface water bodies etc.
  - Returning surplus concrete to batching plant after completion of a pour.
- Directing foul drainage from site compounds to the existing wastewater network or containing and disposing off site in an appropriate manner.

- Cessation of works in the event that ground contamination is encountered, seek advice from contaminated land specialists and undertake a phased environmental risk assessment in accordance with EPA and UK Environment Agency advice.

10.8.135. The following mitigation measures are specific to the in-stream / culvert works:

- Appointment of / supervision by an ECoW as noted in section 10.7 above.
- No works within 24hrs of yellow, orange or red weather warnings.
- Culvert installation only after and during dry weather / low water levels / dry stream.
- Culverts to be pre-cast units with no concrete pours within the Santry River.
- Use of clean washed stone in foundation base and clear of fines in riverbed.
- Temporary over-pumping to facilitate dry riverbed conditions in addition to temporary impoundment / damming of watercourse upstream of each culvert through use of sandbags or similar and installation of silt fence downstream of dam.
- Installation and monitoring of sandbag dam and silt fences by ECoW.
- Flows upstream of temporary dam to be pumped to settlement tanks before discharge to downstream of the culverts work area and the water in the tanks will be inspected by the ECoW to ensure adequate settlement of suspended solids.
- Monitoring at SW-S-3 to continue as part of ongoing monitoring programme.

#### *Operational Phase Mitigation*

10.8.136. In relation to surface water and groundwater quality, the following are noted:

- Fuels, oils, chemicals etc. required for maintenance to be brought to / from site by contractor and temporarily stored in secure / bunded areas with relevant Material Safety Data Sheets available onsite. Fuel / oil tanks will be double skinned etc.
- No material, including hazardous material such as fuels, oils, chemicals, paints etc., to be stored within the 15m buffer zone / riparian strip.
- Implementation of emergency spill response measures in such an event.
- Implementation of surface water drainage system maintenance programme.

### *Residual Impacts*

- 10.8.137. The EIAR states that the proposed development will not result in an adverse impact on the existing hydrological regime and is appropriate from a flood risk perspective.
- 10.8.138. With mitigation, the EIAR states that the anticipated residual effects on surface water or groundwater, including the Santry River and the receiving transitional waters (North Bull Island), will be temporary and slight adverse during the construction phase.
- 10.8.139. With mitigation, the anticipated residual effects on surface water quality, including the Santry River, is temporary, adverse and imperceptible during the operational phase.
- 10.8.140. According to the EIAR, the proposal is not likely to cause a deterioration in surface or groundwater status or compromise the ability of affected waters to comply with the WFD, concluding that no significant effects are likely as a result of the proposal.

### ***Assessment of Direct and Indirect Significant Effects***

- 10.8.141. As noted, the parties have not raised any concerns in relation to water and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

### *Flood Risk*

- 10.8.142. The appeal site is located in Flood Zone C where planning guidelines indicate that development is appropriate, subject to an assessment of flood hazard from sources other than riverine and coastal, and there is no requirement for a Justification Test.
- 10.8.143. Given the net increase in hardstanding, which will further limit opportunities for infiltration to ground, a pluvial event represents the only likely source of flooding at the appeal site and notwithstanding the Santry River flowing west-east through the site. In this regard, I note that the FRA considers the risk of fluvial flooding to be low, and I agree given the nature of the proposal, including riparian strip and minor culvert works, and my site observations, where the volume of water in the upper part of the stream was very low for the time of year during my second inspection (December 2025). I also note that there is no record of fluvial flooding in the vicinity of the appeal site.
- 10.8.144. Moreover, the FRA highlights the wider pluvial flooding concerns referenced in the Dublin Airport SFRA (Appendix 6 of the LAP). In this regard, flood risk identified from the initial assessment stage was moderate risk of pluvial flooding from overland flows for external and internal sources, in addition to a moderate risk due to blockage or

mechanical failure of the proposed drainage network. This also reflects my inspection where I observed some standing water (ponding) along the northern site boundary.

10.8.145. As noted above, site levels will ensure the welfare building and footpaths will not be flooded and runoff will remain within the roadway and routed to water compatible open spaces. Moreover, the surface water infrastructure is designed to mimic the natural drainage catchments of the site, i.e., Northern catchment and Southern catchment intersected by the Santry River. The EIAR notes that both catchments will have porous asphalt parking bays and are designed to cater for the 1 in 2-year return period for underground pipes flowing full of surcharge capacity up to 1 in 30-year event with the attenuation system designed to cater for the 1 in 100-year event, with 20% climate change etc. The attenuation volumes are 500cu.m and 235cu.m and flow control will be at a rate of 7.4l/s and 1.9l/s respectively during the critical 1 in 100-year event. Regular maintenance of flow control and petrol interceptors will reduce any blockage risk and outfall to the Santry River will be otherwise restricted to Q-bar or 2 l/s/ha.

10.8.146. In this regard, I am satisfied that the proposed development will not give rise to flooding or increase the likelihood of a flood event elsewhere due to flood water displacement. I therefore agree that the proposed development will not result in an adverse impact on the existing hydrological regime and is appropriate from a flood risk perspective.

#### *Water Quality*

10.8.147. Given the location of the appeal site on zoned employment land bounded by similar uses and having specific regard to the relatively modest nature of the proposal in this context, in terms of excavation depths, and the design capacity of the drainage system proposed, I agree that the proposed development would not be likely to cause a further deterioration in surface or groundwater status or compromise the ability of affected waters, namely the Santry River, to comply with the relevant WFD objectives. I am therefore satisfied that no significant effects, direct or indirect, are likely as a result of the proposal and any localised contamination finds can be addressed in the CEMP.

10.8.148. However, like my concerns regarding noise impacts, and the effects on air quality and human health, should construction, including demolition, overlap with other permitted and proposed developments, there is the potential for short-term significant effects on water quality from sedimentation and spills in the absence of mitigation measures. Having regard to the mitigation measures, however, which generally amount to good

construction practices, in addition to regular checks and maintenance of the proposed drainage infrastructure, I am satisfied that significant water quality effects are unlikely.

### **Conclusion on Water**

10.8.149. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on water can be avoided, managed and/or mitigated by measures that form part of the proposal, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on water.

10.8.150. I recommend water and wastewater conditions in the event of a grant in addition to a CEMP condition which incorporates a ground / surface water contamination response.

### **Overall Conclusion: Land, Soil, Water, Air and Climate**

10.8.151. Having regard to the foregoing, I am satisfied that the potential for significant adverse impacts on land, soil, water, air and climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, including those relating to a CEMP and water/wastewater. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on land, soil, water, air and climate. The conditioning of a temporary permission does not alter my conclusion in this regard.

## **10.9. Material Assets, Cultural Heritage and the Landscape**

10.9.1. This section of the EIA relates to chapters 6 (Landscape & Visual), 10 (Traffic), 13 (Cultural Heritage) and 14 (Material Assets) of the EIAR. In this regard, whilst I note that Table 3.1 of the *Guidelines on the information to be contained in Environmental Impact Assessment Reports* (EPA, 2022) indicates that 'roads and traffic' topics could be considered under 'material assets', the EIAR considers them in a standalone chapter. This is considered reasonable given the planning history at Dublin Airport.

### **Material Assets**

#### **Issues Raised**

10.9.2. The planning authority have not raised concerns in relation to this environmental topic.

### ***Examination, Analysis and Evaluation***

10.9.3. Material assets is addressed in Chapter 14 of the EIAR. It focuses on the likely significant effects on the built services and waste management assets serving the proposed development. As noted, roads/traffic is addressed separately in Chapter 10.

10.9.4. Chapter 14 is supported by:

- Tables 14-1 and 14-2.

10.9.5. The assessment methodology relating to the built services assets is prepared in accordance with the aforementioned EPA guidelines (2022) in addition to the existing subsurface utility drawings and design guidance relating to storm and foul drainage.

10.9.6. The EIAR also states that the assessment methodology relating to waste management assets has similar regard to the EPA guidelines in addition to *Best Practice Guidelines on the Preparation of Waste Management Plans for C & D Projects* (EPA, 2021) and having regard to the findings of Chapter 11 in relation to the underlying site geology.

#### ***Baseline***

10.9.7. In terms of drainage, the EIAR notes the lack of surface water infrastructure on site save for the road gullies along the former entrance to the business park and a storm drain along the eastern boundary. It also notes that the site lies within the North Fringe Sewer and the Ringsend WWTP catchment, with a package pumping station (which served the security hut) to the east; it discharges to an 80mm diameter foul rising main which in turn runs south to join the foul rising main network serving the business park.

10.9.8. Regarding water supply and distribution, the EIAR states that the appeal site is located in the Ballycoolin Reservoir Supply Area and current airport demand is met from an internal reservoir and boosting system. I note that there is a watermain to the east of the site which runs south to join the watermain network catering to the business park.

10.9.9. The EIAR also notes that the airport is served by electricity from the Dardistown substation and gas from the Cloghran Ground Installation, but there are no overhead electricity lines running through the site or gas utilities within the site boundary. I also note that there are reported ESB assets along the northern and eastern site boundaries and I observed a utilities access point "MV 083" during my site inspection.

10.9.10. The receiving environment in relation to waste management is based on its geological make-up, namely underlying bedrock of the Malahide Formation, comprised of shale,

and argillaceous bioclastic limestone. Having regard to the geotechnical investigations, and taking account of mitigation measures, the EIAR states that soils beneath the site are unlikely to have a significant effect on health, building services, or environmental receptors. This is a reasonable conclusion to draw in this case.

*Potential Effects*

10.9.11. Potential effects, as identified in the EIAR, are summarised in Table MA1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>• Built Services: Neutral effect on built assets within the vicinity of the proposed development and thus no likely significant effects.</li> <li>• Waste Management: The disposal of excavation and other construction wastes would not occur and thus a neutral effect is anticipated.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Built Services: Potential damage to existing foul rising main, ESB assets, storm water drain and watermain all of which run along the eastern site boundary in addition to contamination of the existing public water supply network during connection into the water supply network. However, these potential effects are considered unlikely, and temporary and not significant in nature, should they occur, with the implementation of the CEMP.</li> <li>• Waste Management: Potential for nuisance issues associated with dust or waste materials impacting adjacent roads however all waste streams will be managed in accordance with a project-specific RWMP. The potential effects of waste generated via transport and disposal and potential nuisance will be short-term, temporary and slight adverse.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Built Services: Utilities will be connected in accordance with relevant service provider guidelines. There will be a requirement for wastewater discharge and electricity during the operational phase with potential effects considered adverse, not significant and long-term.</li> <li>• Waste Management: All waste materials will be removed offsite to an appropriate facility. The potential effects of waste generated via transport and disposal will be long-term and imperceptible.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• Built Services: None anticipated during the construction or operational phases and thus no likely significant effects on built services.</li> <li>• Waste Management: None anticipated during the construction or operational phases based on the nature and scale of the proposal and given the implementation of a RWMP. Thus, no likely significant effects associated with waste generation or management.</li> </ul>

**Table MA1: Summary of Potential Effects**

*Construction Phase Mitigation*

10.9.12. The following measures are noted in relation to built services:

- Ground Penetrating Radar (GPR) surveys prior to commencement.
- Implementation of a CEMP which will take account of all environmental considerations including water, dust and noise control; soil / stockpile

management; temporary groundwater management; site compound management; fuel, oil and chemical storage and use; and waste management.

- Temporary welfare facilities to include foul drainage and potable water supply.
- Testing and certification of new utilities / services prior to commissioning.
- Strict compliance with utility providers and HSA in relation to existing / new utilities.
- Detailed Surface Water Management Plan to be included as part of CEMP.

10.9.13. In addition to the above, the following waste management measures are noted:

- Implementation of a RWMP, taking account of the above-mentioned CEMP.
- Provision of waste containers / skips for relevant waste streams and wastes to be segregated accordingly with waste haulage contractors to hold valid permits.
- Waste management routes for each waste stream to be recorded in the site Waste Management Plan and waste generation reduced as far as possible.
- Delivery of construction materials (of sufficient dimensions) on 'as needed' basis.
- Dust control using wheel washer and road sweepers etc.

#### *Operational Phase Mitigation*

10.9.14. The EIAR states that no mitigation measures are required in respect of built services.

10.9.15. In terms of waste management, the EIAR states that private contractors will be utilised in accordance with statutory requirements, regional policy and best practice and guidance, and regulated by Fingal County Council. No further measures are proposed.

#### *Residual Impacts*

10.9.16. With specific regard to mitigation for built services, the residual effects of the proposed development are stated as short-term and not significant during the construction phase, and long-term and imperceptible during the operational phase of the project.

10.9.17. Having regard to the mitigation measures proposed for waste management, the residual effects are stated as short-term and imperceptible during the construction phase and long-term and imperceptible during the operational phase of the project.

### ***Assessment of Direct and Indirect Significant Effects***

- 10.9.18. As noted, the parties have not raised any concerns in relation to material assets, and I am satisfied with the content of the EIAR regarding the significance of impacts.
- 10.9.19. Given the location of the appeal site on zoned employment land bounded by similar uses and having specific regard to the relatively modest nature of the proposal in the context of utility demand and waste, I agree that residual impacts are not significant.
- 10.9.20. The proposal will not directly or indirectly impact on material assets to a significant extent and there will be limited change in overall use of the existing material assets.

### ***Conclusion on Material Assets***

- 10.9.21. I have examined, analysed and evaluated Chapter 14 of the EIAR and all of the associated documentation in relation to material assets. I am satisfied that the potential for impacts on material assets can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on material assets.
- 10.9.22. I recommend that a RWMP condition is attached in the event of a grant of permission.

### **Traffic**

#### ***Issues Raised***

- 10.9.23. As noted, both the planning authority and observers raised concerns in relation to traffic. The 2<sup>nd</sup> refusal reason considers that the proposed development is premature pending the determination of various infrastructure works proposed under PA ref. F23A/0781 and in this regard, they suggest that it cannot be considered in isolation and in the absence of necessary upgrades to Dublin Airport's external road network.
- 10.9.24. In their appeal submission, including Technical Note, the applicant refers to the traffic assessment in the EIAR, highlighting that the overall impacts are anticipated as minor. According to the Technical Note, the proposal represents a re-location of existing and previously lost spaces from the airport, and there is no overall increase in spaces. The EIAR indicates that this will reduce c. 284-330 staff related trips to the campus area.
- 10.9.25. The report of the local authority roads section is couched in non-committal terms. On the one hand it states that the proposal is premature pending the determination of the

'Infrastructure Application' (PA ref. F23A/0781), adding that it does not support the proposed development, whilst on the other hand it does not explicitly recommend refusal of permission, adding that issues require attention if permission is to be granted; this includes access and layout geometry in addition to road reservations etc.

10.9.26. Significantly, neither the NTA nor TII have raised any fundamental concerns.

### ***Examination, Analysis and Evaluation***

10.9.27. The anticipated traffic impact of the proposed development is addressed in Chapter 10 of the EIAR. This chapter is supported by:

- Figures 10-1 to 10-6,
- Tables 10-1 to 10-6, and
- Appendix 10-1 (Traffic and Transport Assessment)

10.9.28. I have examined this chapter and supporting documents, including Appendix B of the Traffic and Transport Assessment (TTA) which sets out the Traffic Impact Analysis.

### ***Baseline and Methodology***

10.9.29. In terms of the surrounding road network, the EIAR notes the site location along the R108 in addition to its proximity to the M50, M1, R122, R132 and Old Airport Road. Whilst the EIAR suggests that the speed limit along the R108 is 60kph, and this is correct for a section between the M50 (Junction 4) and northwest of its junction with the Old Airport Road, 80kph is the posted limit from there to its junction with the R122. I also note that the EIAR states that the nearest national roads are the M50 and M1, and whilst this is accurate as far as road distance, the M2 to the west is closer linearly.

10.9.30. Section 10.3.2 of the EIAR details the key locations in the area of influence of the proposal in terms of potential vehicular traffic impact. For the reasons outlined in section 9.3 above, and discussed further below, I am satisfied that the R108 / Old Airport Road junction and the R108 / M50 interchange will carry the greatest traffic impacts and thus the methodology employed in the TTA is considered to be robust.

10.9.31. In this regard, I note that the traffic flows used in the assessment were taken from a LAM of the road network in the vicinity of Dublin Airport and developed to assess future projects at the airport. Figure 2 of the Traffic Impact Analysis illustrates the extent of the model which includes sections of the M1, M2 and M50 (including Port Tunnel) and

sections of local and regional roads extending from west of M2 to east of the M1 and from the canal belt in the city and to north of Swords; it notably includes the R122.

- 10.9.32. The Base Year is justified on the basis that the airport reached the 32mppa passenger cap in 2019; this again is the contemporary scenario and therefore acceptable. The modelled time periods (0800 to 0900 and 1700 to 1800) represent the AM and PM peaks based on traffic survey data from that year. I note that the future year LAM scenarios are informed by the NTA's Eastern Regional Model (ERM) in terms of demand, modal split and planned future road network upgrades and specifically includes *Metrolink* and *BusConnects* which have informed subsequent traffic flows. I also note that '2031 Do Something Future Year LAM' scenario reflects a situation where airport capacity has grown to 40mppa and represents a proxy for the trip generation for the proposed staff car park whereas the '2031 Do Minimum Future Year LAM' scenario reflects the status quo of 32mppa but background growth and committed public transport and road schemes have been delivered. The distinction between 'Do Nothing' and 'Do Minimum' is set out above, albeit in an altered context.
- 10.9.33. In terms of methodology, therefore, I note that traffic flows and turning movements for the relevant road links to the west (Site 1) and east (Site 2) of the appeal site and key junctions, as noted above, were taken from the 2019 Base Model and 2031 'Do Minimum' model with a straight line interpolation / extrapolation using the difference between these traffic flows to derive an annual growth rate which was then used to determine 'Do Minimum' traffic flows for 2023, 2028 and 2038. I note that this allowed the traffic flows to be established using the flows in the 2031 'Do Something' model.
- 10.9.34. Additionally, junction modelling was undertaken to determine the impact of the proposal on the operation of the R108 / Old Airport Road junction and the R108 / M50 interchange only on the basis of the proposed locational based parking permit scheme.
- 10.9.35. In terms of trip generation, I note that the 2031 'Do Something' model assumed 1,074 spaces in the proposed car park and the EIAR states that this was 'factored-up to account for the potential increase to 1,585 spaces'. In this regard, the scope of the analysis of the impact of 1,585 spaces on the surrounding network, in terms of link and junction capacities, is to be commended as an evidently conservative approach. In this context, and as noted above, the modelled trip generation and distribution data presented in Table 4.1 and Figures 4.1 and 4.2 of the TTA (Appendix B) is reasonable.

- 10.9.36. In relation to link capacity, I note that current and expected traffic volumes on the R108 were compared against the determined link capacity in order to calculate a volume to capacity ratio (V/C). A V/C close to, or above 1.0 indicates that the link is over capacity and breakdown flow will likely occur. Tables 5.2 and 5.3 of the TTA (Appendix B) detail the 'Do Minimum' and 'Do Something' peak hour scenarios for opening year 2023, opening year +5 (2028) and opening year +15 (2038). I note that the V/C remains less than the capacity for both links analysed (Site 1 and Site 2) with the highest V/C in 2038 being a maximum of 40% during the 2023 future year PM peak.
- 10.9.37. In terms of junction capacity, the TTA utilises computer software to assess both individual entry 'arms' and the junction as a whole. For the individual arms, the outputs are Degree of Saturation (DoS) and Mean Maximum Queue Length (MMQ). The Practical Reserve Capacity (PRC) is also detailed in the TTA. The PRC shows the percentage of 'spare' capacity remaining at the junction. As the DoS on any arm increases, the PRC remaining at the junction decreases. A negative PRC signifies that the overall junction is operating above capacity and will be subject to queuing.
- 10.9.38. Tables 6.1 and 6.2 of the TTA (Appendix B) detail the 2019 Base Model AM and PM peak hour scenarios for the R108 / M50 interchange and R108 / Old Airport Road junction respectively. I note the M50 interchange operates above capacity for the AM and PM peaks with PRC values of -71.30% (AM) and -4.10% (PM), however this is predominantly due to the volume of city-bound traffic. I also note the Old Airport Road junction operates at above capacity for the PM peak with a PRC value of -25.10%.
- 10.9.39. Tables 6.3 and 6.4 detail the 'Do Minimum' AM and PM peak hour scenarios for the R108 / M50 interchange for 2023, 2028 and 2038. The M50 interchange is forecast to operate above capacity from 2028 onward in the AM peak with PRC's of -10.3% (2028) and -45.0% (2038) and from opening year in the PM peak with PRC's of -11.3% (2023), -12.3% (2028) and -13.0% (2038), when junction signal times are optimised.
- 10.9.40. Tables 6.5 and 6.6 detail the 'Do Minimum' AM and PM peak hour scenarios for the R108 / Old Airport Road junction. It is predicted to operate within capacity for all future AM scenarios with PRC's of 31.3% (2023), 21.6% (2028) and 11.4% (2038) but above capacity for all future PM scenarios with PRC's of -29.9% (2023), -35.8% (2028) and -50.3% (2038). I note that substantial queuing is forecast on the Old Airport Road left

turn, where the DoS ranges from 117% to 135%, and on the R108 (south) right turn, where the DoS ranges from 110% to 130%, in the respective future year scenarios.

- 10.9.41. Tables 6.7 and 6.8 detail the 'Do Something' AM and PM peak hour scenarios for the R108 / M50 interchange for 2023, 2028 and 2038. Notably the M50 interchange remains under capacity in the AM peak but above capacity from 2028 onward with PRC's of -30.6% (2028) and -45.0% (2038) and substantial queuing on the M50 off-slip (west), where the DoS is 118-131% and 115-127% for nearside and offside lanes.
- 10.9.42. Tables 6.9 and 6.10 detail the 'Do Something' AM and PM peak hour scenarios for the R108 / Old Airport Road junction. It is predicted to operate within capacity for all future AM scenarios with PRC's of 31.4% (2023), 23.7% (2028) and 10.2% (2038) but above capacity for all future PM scenarios with PRC's of -38.9% (2023), -40.3% (2028) and -53.1% (2038). Again, I note that substantial queuing is forecast on the Old Airport Road left turn, where the DoS ranges from 124% to 138%, and on the R108 (south) right turn, where the DoS ranges from 125% to 130%, in the respective future years.
- 10.9.43. Whilst Appendix B of the TTA notes that there are no current proposals to upgrade the M50 interchange, it does highlight the southern circulatory offside lane is underutilised across all scenarios. This, it suggests, is the result of existing lane marking which effectively restricts traffic from exiting onto the R108, i.e., facilitates an M50 U-turn only. I also note the M50 off-slip (west) free flow lane is within capacity for all modelled scenarios and I therefore agree that clockwise moving city-bound traffic is the issue.
- 10.9.44. I also note that Tables 6.11 and 6.12 detail the 'Do Something' AM and PM peak hour scenarios for the R108 / Old Airport Road junction where there is an upgraded junction layout. This is presented in the TTA as a potential mitigation measure to capacity issues with upgrades including the widening of the approaches from the R108 south and Old Airport Road to provide c. 50m of two and three-lane approaches, respectively. In this scenario, the junction would continue to operate within capacity.
- 10.9.45. In terms of parking alternatives, the TTA notes *BusConnects* Route 24 which will serve the airport, although it refers to a '2020 redesign' which illustrated the route through the Horizon Logistics Park and appeal site. This has since been revised to the R108.

#### *Potential Effects*

- 10.9.46. Potential effects, as identified in the EIAR, are summarised in Table T1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>No impact expected on the surrounding road network in this scenario.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>The majority of construction activity includes earthwork and surface work and the construction traffic is anticipated to be minimal as a result with the majority of traffic operating outside the network peak hour. Thus, the impact is predicted as negligible.</li> <li>Table 10-2 of the EIAR details the expected volume of imported material, 24,136 tonnes in total with 19,670 tonnes to be exported (550 tonnes of topsoil to remain on site). Table 10-3 details the number of trips associated with the construction phase, 70 in total. The impact on weekday traffic conditions are anticipated to be imperceptible assuming the trips are spread evenly throughout the day.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>As noted, two links and two junctions were be brought forward for detailed assessment, based on TII TTA guidelines as detailed above.</li> <li>Table 10-4 details the peak hour 'Do Something' future year link capacity, as set out in detail above, noting that both sites (Site 1 and Site 2) continue to operate well within capacity and thus the effect on links is negligible.</li> <li>Tables 10-5 and 10-6 summarise the junction analysis at the R108/Old Airport Road and M50 interchange as set out in detail above. It notes that whilst both junctions are operating over capacity in the 2019 Base scenario, the predicted 'Do Something' flows have little impact on the M50 interchange when compared to the 'Do Minimum' flows and a slight negative impact on the R108/Old Airport Road junction. The overall impact of the proposed car park is anticipated to be minor and the EIAR notes that the main purpose of the proposed upgrades to the R108/Old Airport Road junction are to improve throughput and demonstrate that the junction could operate within capacity.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Construction will be phased over a period of 9 months but due to the relatively small scale of the project, no cumulative effects are anticipated during the construction phase.</li> <li>No nearby developments were considered for the assessment and thus no cumulative effects are anticipated during the operational phase.</li> </ul>

**Table T1: Summary of Potential Effects**

### *Construction Phase Mitigation*

10.9.47. The measures relate entirely to the construction phase and includes the site access being clean, well-lit and signed, with robust hardstanding, and controlled by experienced gatemen. A Construction Traffic Management Plan (CTMP) will address:

- Maintaining free traffic flow along the local road networks.
- Ensuring all footpaths and road surfaces are free from debris.
- Ensuring the efficient free flow of operatives entering/exiting the site.
- Managing the distribution flow of materials within the building and debris removal.
- Enforcing robust traffic management practices to ensure construction traffic does not create congestion and cause inconvenience.

- Protecting the public for the duration of the proposed development.

10.9.48. A “Just in Time” delivery philosophy and Logistics Plan will also be implemented.

10.9.49. As noted, the EIAR does not propose any operational phase mitigation measures.

#### *Residual Impacts*

10.9.50. The EIAR states that there are no residual effects from the proposed development.

#### ***Assessment of Direct and Indirect Significant Effects***

10.9.51. As noted, a perceived impact on the airport’s external road network forms the crux of the planning authority’s refusal reason. The proposal, they therefore suggest, would be premature pending the determination of infrastructure works proposed under PA ref. F23A/0781 as envisaged in the Dublin Airport LAP, including junction upgrades. It is therefore important to consider the links and junction analysis presented in the EIAR.

#### *Junction and Link Analysis*

10.9.52. As detailed above, the link capacity analysis indicates that the R108, in the vicinity of the proposed staff car park, has adequate capacity to cater for the traffic generated by the proposal with the highest V/C in 2038 being a maximum of 40% during the 2023 future year PM peak. Therefore, I am satisfied that there are no road capacity issues.

10.9.53. In terms of junctions, both the R108 / Old Airport Road junction and the R108 / M50 interchange are operating over capacity in the 2019 Base scenario (the M50 Ballymun interchange in the AM peak and the R108/Old Airport Road junction in the PM peak).

10.9.54. The ‘Do Something’ flows have little impact on the M50 interchange when compared with the annual derived growth rate from the ‘Do Minimum’ flows. In this regard, I am mindful that the M50 off-slip (west) free flow lane towards the R108 is within capacity for all modelled scenarios. It is only when traffic is backed-up on the M50 off-slip (west) nearside and offside lanes that queuing arises. This can be partly explained through underutilisation of the southern circulatory offside lane as a result of existing lane markings which restricts traffic from exiting onto the R108, i.e., allows U-turn only.

10.9.55. Whilst I accept that the ‘Do Something’ flows have a negative impact on the R108 / Old Airport Road junction due to the extra trips generated by the presence of the car park in that scenario, and I note that the proposed junction upgrades are predicted to improve throughput, I agree with the applicant that they are not relied upon by the

proposal nor are any of the other works associated with the 'Infrastructure Application' which is in essence to facilitate an increase in passengers from 32mppa to 40mppa.

10.9.56. Thus, I am fully satisfied that the construction, operational, cumulative and residual traffic impacts are accurately described and the 2<sup>nd</sup> refusal reason can be set aside.

#### *Summary*

10.9.57. In the absence of information to the contrary, and particularly in the absence of any objections or concerns from TII or the NTA, I agree with the conclusions outlined in the EIAR and consider that no significant operational traffic effects are likely to arise.

10.9.58. I am also satisfied that the construction phase impacts for the proposal have been adequately assessed and there will be no significant or residual effects as a result.

#### ***Conclusion on Traffic***

10.9.59. I have considered all of the written submissions made in relation to traffic and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on traffic can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on traffic or transport.

10.9.60. I recommend that a CTMP condition is attached in the event of a grant of permission.

#### **Cultural Heritage**

##### ***Issues Raised***

10.9.61. None of the parties have raised concerns in relation to this environmental factor.

##### ***Examination, Analysis and Evaluation***

10.9.62. Cultural heritage is addressed in Chapter 13 of the EIAR. It assesses the baseline archaeological and cultural heritage environment, in order to evaluate the likely effects.

10.9.63. Chapter 13 is supported by:

- Tables 13-1 to 13-5,
- Figures 13-1 to 13-4, and
- Appendix 13-1 (Archaeological Test Trenching Report).

- 10.9.64. I have examined this chapter and the supporting documents. I note the extent of the study area as set out in Figure 13-1 of the EIAR, i.e., the appeal site and lands extending for 500m in all directions from the site boundary. The assessment methodology includes a desktop study of documentary and cartographic sources, and as noted, a programme of archaeological test trenching carried out in November 2023.
- 10.9.65. The methodology also sets criteria to be used for rating the magnitude of effect on heritage assets (Table 13-1) and factors for assessing the value of such assets (Table 13-2), as well as criteria for assessing the significance of effects (Tables 13-3 / 13-4).
- 10.9.66. The EIAR states that no difficulties were encountered in preparing the chapter.

*Baseline*

- 10.9.67. The appeal site consists of agricultural grassland traversed by the Santry River, with an area of hardstanding to the centre and section of treelined former carriageway (Harristown Lane) to the northwest corner. This is the only surface feature of note which the EIAR describes as an access route to the former location of Harristown House, now under an airport runway to the north, which remains as an overgrown farm track. It states that the surface of the track is formed by exposed natural subsoil, likely the result of cattle trampling, and no tree-lining or other potential landscaped features associated with the former house to the north were noted. This reflects my observations but I did note that the track surface appears recently altered / elevated.
- 10.9.68. Regarding the pre-historic period, the EIAR does not identify any significant features in the study area but does note evidence of Bronze Age activity from trench testing, recorded as Feature 1 and Feature 2. Both are described as potential pit features comprising charcoal rich silty clay and occasional heat fractured stones. Feature 1 is oval shaped, c. 1.90m by 1.50m, and located towards the southern site boundary. Feature 2 is circular shaped with a 1.15m Ø and located to the northwest of the site.
- 10.9.69. In relation to the early medieval period, the EIAR does not identify any features of importance within the appeal site but notes 3 no. within the study area; 1 no. enclosure (DU014-008----) to the north, below the South Runway taxiway, and 2 no. features to the southeast, adjacent the Horizon Logistics Park (Table 13-5 / Figure 13-1). These are described as an enclosure (DU014-123----) and an earthwork (DU014-139----).

10.9.70. The EIAR notes that there are no recorded high or late medieval archaeological sites located within the study area and the only feature of post-medieval significance being the site of a levelled 16<sup>th</sup> / 17<sup>th</sup> century house (DU014-040----) which is now occupied by the South Runway. The EIAR notes that this house was described as being in ruins in the mid-17<sup>th</sup> century and subsequently replaced by a later house at the same location which is named 'Harristown House' on 19<sup>th</sup> century cartographic sources.

10.9.71. In that regard, the EIAR notes that the 1<sup>st</sup> edition OS 6-inch map (1843) shows the appeal site as vacant farmland fields and appearing as part of the Harristown House landholding. This map appears to indicate that the main access to the house was the tree-lined avenue located to the northeast and now occupied by the airport runway. No demesne features, such as formal gardens, woodlands or other landscaped features, are shown in the vacant fields within the boundary of the proposal. A linear section of a stream is shown extending east to west through the centre of appeal site and no associated features such as bridges, fords, stepping stones, weirs are shown.

10.9.72. The EIAR notes that later historic mapping indicates that the site has remained largely unchanged since the mid-19<sup>th</sup> century and no potential unrecorded archaeological structures of any date or historic townland boundaries were noted and a review of available LiDAR imagery did not reveal any crop marks or other surface feature traces.

10.9.73. In terms of architectural heritage, the EIAR notes that there are no protected structures or buildings listed in the NIAH<sup>16</sup> located within the appeal site or wider study area, nor is the proposed development located within an Architectural Conservation Area (ACA).

10.9.74. Finally in terms of undesignated cultural heritage, the EIAR indicates that remnants of Harristown Lane, a secondary access route associated with the later Harristown House and not listed in the RMP, comprises a feature of low heritage significance.

*Potential Effects*

10.9.75. Potential effects, as identified in the EIAR, are summarised in Table CH1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>This scenario would see the continued preservation of the recorded and potential cultural heritage resource within the study area.</li> </ul>

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<sup>16</sup> National Inventory of Architectural Heritage.

Construction	<ul style="list-style-type: none"> <li>• No predicted direct or indirect effects on the locations or settings of recorded archaeological monuments.</li> <li>• Ground excavation works will result in a high magnitude, permanent, direct, moderate to significant, negative effects on these potential archaeological features encountered during test trenching and will require mitigation.</li> <li>• No predicted direct or indirect effects on the architectural heritage resource.</li> <li>• Direct, permanent, slight, negative effect on an overgrown farm track of low cultural heritage which follows an access route shown extending to the former location of Harristown House on historic OS maps.</li> <li>• Potential for the presence of subsurface archaeological remains within the channel (Santry River) does exist and this will require mitigation.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• No predicted effects on the locations or settings of recorded archaeological monuments or architectural heritage resource.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• None anticipated having regard to consented DAA projects (Table 18-1) and proposed/consented projects in the wider area (Table 18-2), including the 'Infrastructure Application' and <i>Metrolink</i> project etc.</li> </ul>

**Table CH1: Summary of Potential Effects**

*Mitigation & Monitoring*

10.9.76. Similar to traffic impacts, the measures set out in the EIAR in relation to cultural heritage relate entirely to the construction phase. In this regard, the EIAR notes that preservation by record through full archaeological excavation at the loci of Feature 1 and Feature 2 in advance of development works is required and this will be carried out under licence by the National Monuments Service (NMS). It is also proposed that a wider excavation area around both features will be opened in order to reveal their full extent as well as any potential associated features and these areas will extend for 10m from the outermost identified archaeological feature to the edge of the excavation.

10.9.77. Following the completion of onsite archaeological excavations, the EIAR states that a post-excavation phase of works, including specialist analysis of environment samples, will be carried out. A programme of archaeological monitoring, including the licensed use of a metal detector, of works to facilitate the installation of two culverted crossing points within the drain/stream extending through the appeal site will also be carried out during the construction phase. In the event that any features of archaeological significance are identified during monitoring in these areas, they will be cordoned off and recorded in situ. The NMS will then be consulted in relation further mitigation which may include preservation in situ or preservation by record (archaeological excavation) of any identified features, in addition to detailed method statements.

### *Residual Impacts*

10.9.78. The EIAR states that preservation by record (excavation) of the two potential archaeological deposits (Feature 1 and Feature 2) will result in a high magnitude of effect, albeit somewhat ameliorated by the creation of a detailed archaeological record. This would result in a potential slight to moderate significance of negative effect in the context of residual impacts on the unrecorded archaeological resource.

### ***Assessment of Direct and Indirect Significant Effects***

10.9.79. Given the test trenching results, which I must commend as a conservative approach in the methodology, and notwithstanding the nature of the appeal site and desktop data available in respect of same, and indeed the relatively modest nature of the proposal, I agree that residual impacts are negative, and slight to moderate in significance in respect of unrecorded archaeological resources. The proposal will not directly or indirectly impact on cultural heritage assets to a significant extent however, subject to archaeological excavation and preservation by record in respect of the potential deposits found and other undiscovered subsurface remains. In this regard, I recommend that such a condition be attached in the event of a grant of permission.

10.9.80. Similarly, I am also satisfied that whilst the impact on the remnants of Harristown Lane, which was a secondary access to Harristown House, and described in the EIAR as a feature of low heritage significance, will be direct, permanent and negative, the significance of effect will be slight. I do however recommend that an archaeological monitoring condition also be attached in respect of this feature in the event of a grant.

### ***Conclusion on Cultural Heritage***

10.9.81. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on archaeology, architectural and cultural heritage can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on archaeological, architectural or cultural heritage in relevant proximity of the site.

10.9.82. I recommend that both preservation by record and monitoring be attached as outlined.

## **Landscape and Visual**

### ***Issues Raised***

10.9.83. The planning authority have not raised concerns in relation to this environmental topic.

### ***Examination, Analysis and Evaluation***

10.9.84. Landscape and visual impact issues are addressed in Chapter 6 of the EIAR.

10.9.85. Chapter 6 is supported by:

- Tables 6-1 to 6-11,
- Appendix 6-1 (Visibility Drawing),
- Appendix 6-2 (Viewpoint Images),
- Appendix 6-3 (Tree Survey and Report), and
- Appendix 6-4 (Landscape Design).

10.9.86. The assessment methodology includes a Landscape and Visual Impact Assessment (LVIA) which is used to assess the likely significance of the effects of change resulting from the proposal and involves an assessment of both landscape and visual effects.

10.9.87. I note that the study area is defined by the likely 'Visual Envelope' of the proposal in combination with the proposed site itself i.e., c. 1km the proposed development site. It has been used to identify the views experienced by people, or the 'visual receptors'.

10.9.88. I also note that no constraints were identified with the field study undertaken during a period of maximum visibility (November 2023). During my second site inspection there was also little by way of leaf coverage other than to the northwest of the appeal site.

10.9.89. The impact classification system appears to be derived from criteria in the UK's Highways Agency (2010), *Landscape and Visual Effects Assessment, Interim Advice Note 135/10*. The significance of effect matrix (Table 6-3) ranges from 'Neutral' to 'Large or Very Large', with judgements of 'Neutral' or 'Slight' not considered to be 'significant' in EIA terms. It applies equally to visual and landscape impact significance.

### ***Landscape Baseline***

10.9.90. The study area is within the 'Low Lying Character Type' which the Development Plan describes as open in character, with few tree belts and low roadside hedges. It

therefore has few protected views or prospects and is categorised as having a 'modest value' and 'low sensitivity'. The site and study area have no landscape designations.

10.9.91. In addition to the appeal site, the EIAR states that the study area incorporates part of the runway system and outfields of Dublin Airport, the R108, fields, commercial and industrial premises, large areas of car parking and a small number of residential dwellings to the immediate west of the proposed development site. The topography is flat and tree cover minimal, so that wide ranging views are possible across the area, with relatively low buildings and structures forming key features on the skyline in any direction. The southern boundary fencing of the airfield makes a strong impression, dividing the rural agricultural landscape south of Dublin Airport from the simple, extensive plain of the airfield. Roadside and field ditches form the only surface water.

10.9.92. Table 6-5 of the EIAR sets out the attributes contributing to character within the study area, together with their sensitivity values which range from 'low' to 'medium'. Thus, the value attributed to landscape within the study area is likely to be 'low', which the EIAR states is in keeping with the 'modest' attribution given in the 'Low Lying Character Type' LCA designation. The EIAR also states that attributes of landscape character such as vegetation (incl. trees and woodland) are likely to have 'medium local value'. I consider the EIAR's classification and rating of the landscape baseline is reasonable.

10.9.93. Potential effects on the landscape attributes selected are summarised in Table LV1.

#### *Visual Baseline*

10.9.94. As per the Development Plan, there are no protected views in the study area. In terms of the 'Visual Envelope', the areas identified are predominantly within 1km of the appeal site and includes the R108 (South Parallel Road), both near the site and on its return section north of the southern runway, the southern runway and Harristown Lane. The EIAR notes that views from the south are limited by intervening buildings located within Horizon Logistics Park which restrict views to the site from the south.

10.9.95. Representative viewpoints were selected to represent the experience of visual receptors and the different users from a range of directions and distances from the site. I consider the EIAR's classification and rating of the visual baseline is reasonable.

10.9.96. Potential effects on the 9 no. viewpoint locations are summarised in Table LV2 below.

<b>Table LV1: EIAR Assessment of Landscape Effects</b>						
<b>Source: Chapter 6 (sections 6.4, 6.6 and 6.7) and Appendix 6</b>						
<b>Attribute</b>	<b>Description of Effects during Construction / Operational Phases</b>	<b>Sensitivity</b>	<b>Landscape Effect Magnitude</b>		<b>Significance of Landscape Effect</b>	
			<b>Constr.</b>	<b>Operation</b>	<b>Constr.</b>	<b>Operation</b>
<b>Topography</b>	Removal of mounding at entrance / New car parking with landscaping.	Low	Minor Adverse	Minor Adverse	<b>Slight Adverse</b>	<b>Slight Adverse</b>
<b>Vegetation</b>	Loss of trees, scrub and grassland / Additional landscaping.	Medium	Moderate Adverse	Moderate (OY) reducing to Neutral	<b>Moderate Adverse</b>	<b>Moderate Adverse (OY) reducing to Neutral</b>
<b>Surface water</b>	Minor culverting of watercourse.	Medium	Negligible Adverse	Negligible	<b>Neutral</b>	<b>Neutral</b>
<b>Land-use</b>	Construction site / Change of site use to car park.	Low	Negligible Adverse	Minor Adverse	<b>Neutral</b>	<b>Neutral</b>
<b>Spatial pattern</b>	Closing off previously open areas / No overall change.	Low	Minor Adverse	No Change	<b>Neutral</b>	<b>Neutral</b>
<b>Materials</b>	Presence of building materials / Increase in tarmac, concrete etc.	Low	Minor Adverse	Minor Adverse	<b>Slight Adverse</b>	<b>Slight Adverse</b>
<b>Features</b>	No effects noted on any features.	Medium	No Change	No Change	<b>Neutral</b>	<b>Neutral</b>
<b>Aesthetic qualities</b>	Introduction of plant machinery / Replacement of farmland with car park.	Low	Negligible Adverse	Negligible	<b>Slight Adverse</b>	<b>Neutral</b>

Note: Opening Year (OY)

<b>Table LV2: EIAR Assessment of Visual Effects</b>								
<b>Source: Chapter 6 (sections 6.5, 6.8 and 6.9) and Appendix 6</b>								
<b>VP's</b>	<b>Location</b>	<b>Direction</b>	<b>Visibility</b>	<b>Sensitivity</b>	<b>Visual Effect Magnitude</b>		<b>Significance of Visual Effect</b>	
					<b>Construction</b>	<b>Operation</b>	<b>Const.</b>	<b>Operation</b>
<b>1</b>	From R108 – c. 53m from site	SW	Yes	Low	Moderate	Moderate	<b>Moderate Adverse</b>	<b>Moderate Adverse (OY) reducing to Neutral</b>
<b>2</b>	From R108 – c. 250m from site	SW	Yes	Low	Minor	Minor	<b>Slight Adverse</b>	<b>Slight Adverse (OY) reducing to Neutral</b>
<b>3</b>	From R108 – c. 530m from site	SW	Yes	Low	Negligible	Negligible	<b>Neutral</b>	<b>Neutral</b>
<b>4</b>	From R108 – c. 60m from site	SE	Yes	Low	Moderate	Moderate	<b>Moderate Adverse</b>	<b>Moderate Adverse (OY) reducing to Neutral</b>
<b>5</b>	From R108 – c. 215m from site	SE	Yes	Low	Minor	Minor	<b>Slight Adverse</b>	<b>Slight Adverse (OY) reducing to Neutral</b>
<b>6</b>	From R108 – c. 520m from site	SE	Yes	Low	Minor	Minor	<b>Slight Adverse</b>	<b>Slight Adverse (OY) reducing to Neutral</b>
<b>7</b>	From Harristown Lane – c. 86m from site	NW	No	Medium	Negligible	Negligible	<b>Neutral</b>	<b>Neutral</b>
<b>8</b>	From Harristown Lane – c. 478m from site	NW	No	Low	No Change	No Change	<b>Neutral</b>	<b>Neutral</b>
<b>9</b>	From R108 – c. 478m from site	SE	Yes	Low	Negligible	Negligible	<b>Neutral</b>	<b>Neutral</b>

## Potential Effects

10.9.97. Potential effects, as identified in the EIAR, are summarised in Table LV2 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>No effect on landscape character or visual amenity.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Landscape: As noted in Table LV1, the sensitivity of landscape is 'Low' which is entirely representative of a receiving environment characterised by the airfield of a national airport and nearby business park and reflected in LCA classification (Low Lying Character Type). Potential for weakening of landscape characteristics due to the presence of plant machinery, bare earth, construction compounds and materials etc., in addition to the loss of mounded area at the proposed entrance (NE corner of site) and vegetation (tree lines and scrub belt) along the northern boundary. The overall significance of the effect on landscape character in the study area would, however, be slight adverse and of temporary to short term duration.</li> <li>Visual: As noted in Table LV2, the sensitivity of visual receptors is mostly 'Low' which is entirely representative of a receiving environment characterised by the airfield of a national airport and nearby business park. A total of 3 no. (of the 9 no.) views are deemed to have slight adverse effects, or result in a limited deterioration of the view, whilst 2 no. will have a moderate adverse effect and result in an obvious deterioration of the view. Of the remaining 4 no. views, each are rated as neutral and thus difficult to distinguish and / or there would be barely perceptible change in view. The duration of these effects would, however, be temporary to short-term.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Landscape: As noted above, landscape sensitivity in the study area is 'Low'. The proposed development would not affect the majority of the landscape character attributes i.e., surface water, land-use, spatial pattern, features and aesthetic qualities. Slight adverse effects are anticipated on topography and materials through additional hard surfaces (tarmac, concrete etc.) and parked cars and a moderate effect is predicted on the vegetation attribute in the 'Opening Year' albeit reducing to neutral once the proposed screen planting matures. Thus, the overall significance of effect on landscape character would be neutral.</li> <li>Visual: As noted above, the sensitivity of the visual receptors is predominantly 'Low'. In the 'Opening Year', a total of 3 no. (of the 9 no.) views are deemed to have slight adverse effects, each from the R108 and across a range of distances and directions. Although for each of these views, it is anticipated that the effect will reduce to neutral once the proposed screen planting matures. Of the remaining 5 no. views, each are rated as neutral save for VP4 which has a moderate effect in the 'Opening Year' given the proximity to the appeal site (60m) but will also reduce to neutral once the proposed screen planting matures.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>None anticipated.</li> </ul>

**Table LV3: Summary of Potential Effects**

## Mitigation

10.9.98. The EIAR states that there would be no significant landscape and visual effects as a result of the proposed development, thus no further mitigation measures are proposed.

### *Residual Impacts*

10.9.99. The EIAR states that there would be no residual landscape or visual effects.

### ***Assessment of Direct and Indirect Significant Effects***

10.9.100. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation and submissions on file in respect of landscape and visual effects, including the landscaping proposal. I have inspected the site and surrounding area and considered the sensitivity of the landscape character as set out in the Development Plan and the sensitivity of the selected landscape attributes and viewpoints against the classification in the EIAR as detailed in Tables LV1 and LV2.

10.9.101. As noted, the EIAR's assessment relates to both the landscape and visual impacts.

### *Potential Landscape Impacts*

10.9.102. There will be some temporary landscape impacts during the construction phase due to the presence of plant machinery but I agree with the EIAR that these are neutral and are not significant overall given the context of the receiving environment. My assessment therefore focuses on the operational phase of the proposed development.

10.9.103. As noted, the EIAR correctly highlights the appeal site's location within the 'Low Lying Character Type' as detailed in the LCA. Table 9.3 of the Development Plan confirms the modest landscape value and low sensitivity of this landscape character type. Having regard to the extent of the works proposed, which includes limited built structures, I agree with the EIAR that the landscape character would be unaffected.

### *Potential Visual Impacts*

10.9.104. As with landscape impacts, I consider that there will be temporary visual impacts associated with the construction phase but this is not a cause for concern nor has it been raised. My assessment therefore focuses on the proposed operational phase.

10.9.105. Having inspected the appeal site and surrounding area, comprising the R108 and southern airfield to the north, Holiday Blue' long-term car park to the east, Horizon Logistics Park to the south and rural housing, farmland and a large solar farm to the west, I agree that views and thus impacts are generally restricted to passing traffic on the R108, with the magnitude of impact increasing with proximity to the site but generally fleeting given the road alignment and posted speed limit. On this basis and

having regard to the extent of the works and landscaping proposed, I consider that the operational impacts of the proposal are neutral-slight on the representative viewpoints.

### ***Conclusion on Landscape and Visual***

10.9.106. I have considered all of the written submissions made in relation to landscape and visual impacts and the relevant contents of the file including the EIAR. I am satisfied that the potential for landscape and visual impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative landscape and visual impacts subject to the contemporary material finishes proposed.

### **Overall Conclusion: Material Assets, Cultural Heritage and the Landscape**

10.9.107. Having regard to the foregoing, I am satisfied that the potential for significant adverse impacts on material assets, cultural heritage and the landscape would be avoided, managed and/or mitigated by measures that form part of the proposal, the proposed mitigation measures and through suitable conditions, including those requiring archaeological monitoring and governing the proposed finishes. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on material assets, cultural heritage and the landscape.

## **10.10. Interactions**

10.10.1. The interactions between the above factors are addressed in Chapter 15 of the EIAR. Generally, the interactions identified in Table 15-1 relate to environmental topics that have the potential to impact adversely on human health, such as air, soil and water quality, climate or climate change, and noise and vibration. These interactions are identified for both the construction and operational phases of the proposed development and have been considered in my assessment of the topics heretofore.

10.10.2. Sections 15.3 to 15.13 describes the interactions in greater detail, indeed Section 15.6.1 notes that the most significant interactions are between population and human health and air quality. It states that an adverse impact due to air quality in either the construction or operational phase has the potential to cause health and dust nuisance issues but adds that the mitigation measures will ensure that the impact of the proposed car park development complies with all ambient air quality legislative limits.

10.10.3. Similarly, Section 15.6.3 notes that the interaction between air quality and traffic can be significant with increase traffic movements and reduced engine efficiency due to congestion etc. However, as noted, congestion is only likely to occur at the R108 / Old Airport Road junction due to the extra trips generated and the air dispersion modelling has shown that emissions of air pollutants are significantly below the ambient air quality standards which are based on the protection of human health.

10.10.4. Having regard to the nature of the proposed development, the receiving environment and the foregoing chapters of the EIAR, I am satisfied that the summary of the potential for interactions between environmental factors is reasonably set out in this chapter. In this regard, I note that the air, climate, and noise and vibration assessments and modelling are derived from information detailed in the TTA, which I found to be robust.

### 10.11. **Accident and Disaster Risks**

#### ***Issues Raised***

10.11.1. No specific issues raised in respect of risk of major accidents or natural disasters.

#### ***Examination, Analysis and Evaluation***

10.11.2. Section 2.7 of Chapter 2 of the EIAR deals with the risk of major accidents and/or natural disasters. It considers the vulnerability of the proposal from on- and off-site, existing and future sources of hazards. I note that potential impacts on the other environmental topics, including air, climate etc. are addressed in the relevant chapters.

10.11.3. The risk of major accidents and disasters is also addressed in Section “5.0” of Chapter 5 in the context of ecological receptors. It notes that events such as a large hydrocarbon spill or release of high volumes of contaminants during the construction could potentially have a negative impact on ecological features such as the Santry River’s downstream habitats which include the European sites in North Dublin Bay.

#### ***Baseline***

10.11.4. The EIAR identifies two main ‘offsite hazards’, albeit within the main airport complex and namely aircraft movement, including taxiing, take-offs and landing, and the fuel farm facility, a lower tier Seveso site, c. 3.7km east of the proposed development.

10.11.5. Table 2-1 of the EIAR identifies 23 no. Seveso sites within 15km of the appeal site.

## Potential Effects

10.11.6. Potential effects, as identified in the EIAR, are summarised in Table ADR1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"><li>• This scenario would not have any effect with regards to major accidents and disasters.</li></ul>
Construction/Operation and Decommissioning	<ul style="list-style-type: none"><li>• It is unlikely that an accident of sufficient scale (i.e., hydrocarbon spill or high-volume contaminant release etc.) could potentially have a negative effect on surface water features or aquatic habitats. The magnitude of such an accident is likely to be significant at a site level only, and imperceptible in relation to ecologically important features.</li><li>• Significant effects associated with aircraft movements not likely, noting the aircraft movement safety record at Dublin Airport.</li><li>• Significant effects associated with the fuel farm facility, and indeed any other Seveso site, not likely given their strict regulatory framework and distance from the proposed development.</li></ul>

**Table ADR1: Summary of Potential Effects**

### ***Assessment of Direct and Indirect Significant Effects***

10.11.7. I have examined, analysed and evaluated Section 2.7 of the EIAR, all of the associated documentation and submissions on file in respect of risk of major accidents and/or natural disaster. Having regard to the nature and location of the proposal outside the airport complex, removed from centres of population, and to the technical information on file, I am generally satisfied that there are no significant adverse effects on the environment deriving from its vulnerability to major accidents or to natural disasters.

## 10.12. Reasoned Conclusion

10.12.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submission from the planning authority, prescribed bodies and observers during the course of the application, it is considered that no significant residual impacts occur.

10.12.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. Thus, having regard to the foregoing assessment, I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the environment.

## 11.0 Appropriate Assessment

### 11.1. Introduction

11.1.1. The planning application is accompanied by a NIS which was prepared by Atkins (June 2024) and included as Appendix 5-1 of the EIAR. It incorporates an appropriate assessment (AA) screening. The screening considers 18 no. European sites within the potential zone of influence (Zol) of the proposal; 9 no. SACs and 9 no. SPAs.

11.1.2. The SACs and SPAs identified (and the stated direct line distances) are:

- North Dublin Bay SAC (9.7km / 10.9km downstream)
- Baldoyle Bay SAC (9.8km)
- Malahide Estuary SAC (7.6km)
- Rogerstown Estuary SAC (10.9km)
- South Dublin Bay SAC (10.6km)
- Rye Water Valley/Carton SAC (14.4km)
- Rockabill to Dalkey Island SAC (14.5km)
- Ireland's Eye SAC (14.7km)
- Howth Head SAC (13.8km)
- North Bull Island SPA (9.7km / 10.9km downstream)
- Baldoyle Bay SPA (9.8km)
- Malahide Estuary SPA (7.6km)
- Rogerstown Estuary SPA (11.4km)
- South Dublin Bay and River Tolka SPA (7.8km)
- North-West Irish Sea SPA (12.4km)
- Ireland's Eye SPA (14.5km)
- Howth Head Coast SPA (16.3km)
- Lambay Island SPA (19km)

11.1.3. Having regard to the nature of the proposal, the receiving environment and the source-pathway-receptor (S-P-R) model, I consider this an extremely conservative approach.

11.1.4. Noting the indirect hydrological connectivity to North Dublin Bay via the Santry River, the screening report concluded that:

*“Whilst the risk of impacts to this [North Dublin Bay] SAC via these hydrological pathways is considered to be low, following a precautionary approach, in the absence of mitigation measures likely significant effects on this SAC cannot be entirely ruled out at Stage 1 Screening. Therefore, North Dublin SAC will proceed to more detailed consideration and full Stage 2 Appropriate Assessment”.*

*“As this [North Bull Island] SPA is located downstream of the proposed scheme, in the absence of mitigation measures, the risk of likely significant effects on the Qualifying Interest Wetland Habitats cannot be ruled out at Stage 1 Screening, so North Bull Island SPA will proceed to more detailed consideration and full Stage 2 Appropriate Assessment”.*

11.1.5. The subsequent AA, contained in Section 6 of the report, is based on the guidance, studies, surveys and monitoring set out in Sections 2, 3 and 4 of the report. In this regard, I note that the NIS was informed by the following:

- Desk Studies incl. EPA, NBDC and NPWS database access etc.,
- Surveys undertaken as part of the ‘Infrastructure Application’ (PA ref. F23A/0781),
- Site visits (17<sup>th</sup> and 18<sup>th</sup> June 2022, and 1<sup>st</sup> of August 2023), and
- DAA surface water (physico-chemical) monitoring.

## 11.2. Stage 1 – Screening

11.2.1. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on any of the designated European sites. I have carried out a full screening determination for the development and it is attached to this report (Appendix 2). For completeness, the 7 no. sites included in the screening exercise are as follows:

- Baldoyle Bay SAC (000199)

- Malahide Estuary SAC (000205)
- North Dublin Bay SAC (000206)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)
- North Bull Island SPA (004006)
- North-West Irish Sea SPA (004236)

11.2.2. As noted, the applicant's inclusion of an additional 11 no. European sites represents an extremely conservative approach. For example, the Rye Water Valley/Carton SAC, at a stated distance of 14.4km, was included but it is not hydrologically connected to the appeal site and would be upstream, nonetheless. Moreover, its QI's are dependent on the localised water quality of the Rye Water and have no conceivable association with the appeal site. I have adopted a similar approach to other SAC's included in the NIS such as Ireland's Eye SAC and Howth Head SAC where perennial vegetation of stony banks, vegetated sea cliffs and European dry heaths are amongst the QI's. I have also excluded SPA's beyond 10km, except for the North-West Irish Sea SPA which overlaps North Bull Island SPA. In this regard, I note that DAA operate a Wildlife Management Plan which prevents flocks of birds, including SCI species, from forming near the South Runway and thus the appeal site. Moreover, no Annex I species have been recorded around the appeal site – see section 10.7.19 – 20 above.

11.2.3. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the North Dublin Bay SAC and North Bull Island SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

11.2.4. An appropriate assessment is required on the basis of the effects of the project alone and therefore AA (Stage 2) under Section 177V of the Planning Act 2000, is required.

### 11.3. **Stage 2 – Appropriate Assessment**

11.3.1. The following is a summary of the objective scientific assessment of the implications of the proposal on the QI / SCI features of the abovementioned European sites using

the best scientific knowledge in the field. All aspects of the proposed development which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

#### *Relevant European Sites*

11.3.2. In the absence of mitigation, potential for significant effects could not be excluded for:

- North Dublin Bay SAC (Site Code 000206)
- North Bull Island SPA (Site Code 004006)

11.3.3. A description of the sites, their conservation objectives and QI's or SCI's, including relevant attributes and targets, are set out in the NIS. I have also reviewed the conservation objectives listed for the site on the NPWS website ([www.npws.ie](http://www.npws.ie)).

11.3.4. Tables AA1 and AA2 below summarise the information considered for the appropriate assessment and the site integrity test. This information has been compiled from the information contained in the NIS as well as information from the NPWS.

#### **11.4. Mitigation Measures**

11.4.1. The mitigation measures are set out in Section 7 of the NIS and include measures in relation to mitigation by design (SuDS) (Section 7.2), ecological supervision (ECoW) (Section 7.3), and the implementation of specific construction and operational measures (Section 7.4 and 7.5) which are summarised in Table AA1 (Appendix 3).

#### *Appropriate Assessment Conclusion: Integrity Test*

11.4.2. In screening the need for appropriate assessment, it was determined that the proposed development could result in significant effects on the North Dublin Bay SAC and North Bull Island SPA in view of the conservation objectives of those sites and that appropriate assessment under the provisions of Section 177U was required.

11.4.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of North Dublin Bay SAC and North Bull Island SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

11.4.4. This conclusion is based on:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European sites within a zone of influence of the application site.
- Consideration of the conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects, including those specifically referred to by the appellant.

11.4.5. I therefore conclude that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of any European sites, in view of those site's conservation objectives. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of these European sites.

## 12.0 Recommendation

I recommend that permission be **granted** for the reasons and considerations below.

## 13.0 Reasons and Considerations

In coming to its decision, the Commission was consistent with the following:

- the Climate Action and Low Carbon Development Act 2015, as amended,
- the Climate Action Plan 2024, and
- the Climate Action Plan 2025.

And, in coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:
  - Directive 2011/92/EU, as amended by 2014/52/EU, on the assessment of the effects of certain public and private projects on the environment, and
  - Directives 92/43/EEC (Habitats) and 79/409/EEC (Birds), as amended by 2009/147/EC, on the conservation of natural habitats, wild fauna and flora.

- National and regional planning and related policy, including:
  - the National Aviation Policy which seeks to promote Dublin as a secondary hub airport (Action 4.3.1), noting that surface access is particularly relevant in the case of Dublin,
  - the National Planning Framework, *First Revision* (April 2025), which seeks to promote high-quality international connectivity, noting its importance to international competitiveness (NSO 4), and
  - the Regional Spatial and Economic Strategy 2019-2031, which seeks to protect and enhance international connectivity (RSO 14), and support growth and movements and passengers at Dublin Airport to include its status as a secondary hub, and in particular improved airport access (RPO 8.18).
- Local planning policy, including the:
  - the location of the proposed development on zoned 'GE – General Employment' lands under the provisions of the Fingal County Development Plan 2023-2029, which seeks to provide opportunities for general enterprise and employment in the context of the ancillary nature of the proposal, the development of Dublin Airport as a secondary hub (objective DAO3), the protection and enhancement of the transportation capacity required to provide for the surface access needs of the airport (objective DAO8) and the maintenance and protection of accessibility to the Airport as a priority (objective DAO9).
  - the provisions of the Dublin Airport Local Plan 2020, as extended, which seeks to limit the growth of employee parking in order to improve public transport usage, particularly in locations near the centre of Dublin Airport campus where land can be more efficiently used for other purposes (objective CP04) and to control the supply of car parking at Dublin Airport so as to (a) maximise the use of public transport; (b) reduce traffic congestion; and (c) to secure the efficient use of land (objective CP07).
- other relevant national policy and guidance documents,
- the planning history of Dublin Airport generally and Terminal 2 specifically, and in particular Condition 23 of appeal ref. PL 06F.220670 (PA ref. F06A/1248),

- the nature, scale and design of the proposed development, as set out in the planning application and the pattern of development in the vicinity including the adjacent 'Holiday Blue' long-term car park and Horizon Logistics Park,
- the submissions made in connection with the application and appeal,
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to EIA and AA.

### **Proper Planning and Sustainable Development:**

Having regard to the nature of the development, which does not propose any material increase in staff parking capacity at Dublin Airport, it is considered that the proposed Remote South Staff Car Park would assist in promoting Dublin Airport's status as a secondary hub through reduced surface access demand to the main airport campus, thus improving international connectivity and competitiveness in line with local, regional and national policy. Subject to compliance with the conditions set out below, it is considered that the proposed development would not give rise to unacceptable impacts on traffic safety and convenience during construction and operation, would not detract from the visual amenities or the character of the area, nor adversely impact on airport operations or public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Environmental Impact Assessment:**

The Commission considered that the Environmental Impact Assessment Report (EIAR), supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report (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, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Planning Inspector.

### **Appropriate Assessment:**

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's Report that North Dublin Bay SAC and North Bull Island SPA are the European sites for which there is a likelihood of significant effects.

The Commission considered the Natura Impact Statement (NIS) and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the North Dublin Bay SAC and North Bull Island SPA, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Commission considered, in particular, the

- i. Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European sites within a zone of influence of the application site.
- ii. Conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
- iii. Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- iv. Assessment of in-combination effects with other plans and projects, including those specifically referred to by the appellant.

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

In overall conclusion, the Commission 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.

## 14.0 Conditions

1. 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 received on the 4<sup>th</sup> day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. (a) This permission shall be for a period of 7 years from the date of this order. At the end of this period the use of the lands shall cease unless, prior to the end of the period, planning permission shall have been granted for a further period.

(b) Upon cessation of the use hereby permitted, all ancillary structures and services, including buildings and hard surfaces, shall be removed, the lands shall be topsoiled and reseeded with grass and restored to agricultural use.

**Reason:** In the interest of clarity and to allow for a future assessment of road proposals in the vicinity of the site and the demand for staff car parking spaces serving Dublin Airport in the light of the circumstances then prevailing.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

**Reason:** To protect the environment.

4. The mitigation and monitoring measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European sites.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters (including a management response to prohibit

the mobilisation / migration of contaminants such as PFAS and invasive species such as Japanese Knotweed), site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of residential amenities, public health and safety and environmental protection.

6. (a) The internal road network serving the proposed development, including junctions, parking areas (including motorcycle parking areas), footpaths and kerbs shall be in accordance with the requirements and detailed construction standards of Fingal County Council, as the roads authority for such works.

(b) The final quantum and layout of the staff parking spaces, not exceeding 950 in number (inclusive of motorcycle spaces), shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development hereby permitted.

(c) Details of the allocation and operation of the staff parking permit scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development hereby permitted.

(d) The development shall not open for the approved use intended by the developer until the Road Safety Audit process has been complied with by the developer in accordance with TII Standard GE-STY-01024 and the agreed recommendations from the Road Safety Audit report have been completed by the developer to the satisfaction of Fingal County Council, as the roads authority.

**Reason:** In the interest of traffic and pedestrian safety.

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of traffic safety and convenience.

8. Public lighting shall be provided in accordance with a scheme prepared in line with the principles of the Bat Conservation Trust *Guidance on Bats and Artificial*

*Lighting at Night.* The scheme shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the operation of the car park hereby permitted.

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

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

**Reason:** In the interest of wildlife protection.

10. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS).
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation [preservation in-situ / excavation].
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the NMS, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be

furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

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

**Reason:** In the interest of public health.

12. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the attenuation and disposal of surface water from the site for the written agreement of the planning authority, following consultation with Inland Fisheries Ireland.

**Reason:** To prevent flooding and in the interests of sustainable urban drainage.

13. (a) The woodland area between Harristown Lane (L31251) and the western (red line) site boundary, as outlined in blue, shall be permanently retained.

(b) The landscaping scheme shown on drawing number D21081-ATK-SCS-01-XXX-DR-C-040-0002, as submitted to the planning authority on the 14<sup>th</sup> day of June, 2024 shall be carried out within the first planting season following substantial completion of construction works.

(c) The applicant shall protect and retain the proposed riparian corridor throughout development. All planting in this area shall be water compatible and not obstruct the watercourse, and otherwise be in accordance with Inland Fisheries Ireland guidance.

(d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of two years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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

**Reason:** In the interest of sustainable waste management.

15. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

16. The developer shall pay to 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 or intended to be 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 the time of payment. Details of the application of the terms of the Scheme 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

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Philip Maguire

Inspectorate

30<sup>th</sup> January 2026

## **Appendix 1 (Development Description)**

- 1) the demolition of existing cattle pen and hard standing area (total 911m<sup>2</sup> and the removal of 1 no. existing gated site entrance from the South Parallel Road (R108), and the construction of a westwards extension to the existing Holiday Blue Long-Term Car Park to provide an extended surface car park which will comprise 950 no. airport staff car parking spaces, of which 48 no. will be provided for Persons with Reduced Mobility (PRM) and 96 no. will be serviced by Electric Vehicle (EV) charging points, to be accessed off the South Parallel Road (R108) via an upgraded existing former temporary construction access/egress, with an emergency access also to be provided through the existing Holiday Blue Long-Term Car Park immediately east of the proposed development site via a tie in, with security barriers, to the existing internal roundabout;
- 2) 30 no. bicycle spaces;
- 3) 1 no. new bus shelter;
- 4) new internal road layout, with set down areas for buses and footpaths, incorporating 2 no. existing culverts (one of which is to be extended) and 1 no. new culvert over the Santry River;
- 5) proposed riparian corridor either side of the Santry River;
- 6) 1 no. single-storey substation;
- 7) 1 no. new single storey welfare building;
- 8) 1 no. new single-storey security hut with security barriers;
- 9) new foul and surface water drainage system works incorporating attenuation;
- 10) the erection of CCTV equipment, security fencing, electrical enclosure, lighting, signage, and boundary fencing; and
- 11) all other associated site development works, including temporary construction compound, and all hard and soft landscaping.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development and will be submitted to the planning authority with the application.

## Appendix 2 (AA – Stage 1)

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Construction of a 950-no. space surface car park.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>A 4.26ha greenfield site bounded by warehouses at Horizon Logistics Park to the south, an airport car park to the east, regional road (R108) and airfield, including the South Runway, to the north, and detached houses and farmland along Harristown Lane (L31251) to the west.</p> <p>Natural surface water and groundwater vectors on the appeal site by virtue of the Santry River which discharges to North Dublin Bay SAC and North Bull Island SPA, albeit 10.9km downstream (9.7km direct distance).</p> <p>Site clearance and demolition – removal of existing cattle pen and hardstanding (911sq.m), removal of 1 no. field gate along the R108, removal of hedgerow and vegetation, including existing grassed surface. Removal of some pre-existing construction-type wastes, as identified by ground investigation, also anticipated.</p> <p>Topsoil stripping – c. 20,220 tonnes of soil to be excavated with c. 550 tonnes retained for landscaping subject to chemical testing. Excess soil to be removed off-site.</p> <p>Ground works – excavations to a max. depth of 5mBGL for drainage but the majority of the site will be excavated to 1.2mBGL for pavement founds etc. Some rock breaking may be required in areas with localised outcrops.</p> <p>Drainage/Services – split into 2 no. catchments to mimic existing natural drainage and designed to comply with GDSDS and C753. Outfalls to the Santry River following SuDS measures, i.e., attenuation, interceptor etc. Foul drainage from welfare building and security hut to connect to network via new pumping station (old pumping station serving former security hut to be removed). Water supply from existing watermain to east of site.</p> <p>Construction activities, including culvert works, are likely to require the use of potentially harmful materials, such as fuels, concrete and other such substances and will give rise to waste for disposal. Such wastes are typical of construction sites. Noise and dust emissions during construction are likely but highly localised and very temporary in nature. Significant wastes, emissions or pollutants are not anticipated during operation.</p>

<b>Screening report</b>	Yes – AA Screening included within NIS (Atkins, June 2024) submitted with application.			
<b>Natura Impact Statement</b>	Yes, as above.			
<b>Relevant submissions</b>	None.			
<b>Additional information</b>	<p>As noted, the planning authority engaged external consultants to review the NIS. Based on the information provided, they stated that it is reasonable and correct to conclude that, provided the mitigation measures outlined in the NIS and EIAR, including the preliminary CEMP are strictly adhered to, there will be no adverse impacts arising as a result of the proposal, either alone or in-combination with other plans or projects on any European Sites.</p> <p>I note that the application was referred to Uisce Éireann and no objections were received by the planning authority.</p>			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Malahide Estuary SAC (000205)	Estuarine and coastal habitats  <a href="#">Conservation Objectives Link</a>  NPWS, 2013	c. 7.5km northeast of appeal site boundary	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile conservation interests associated with this SAC.	<b>N</b>
North Dublin Bay SAC (000206)	Marine and coastal habitats  <a href="#">Conservation Objectives Link</a>  NPWS, 2013	c. 9.7km southeast of appeal site boundary (10.9km downstream)	Indirect hydrological connection via the Santry River – North Dublin Bay.	<b>Y</b>

Baldoyle Bay SAC (000199)	<p>Marine and coastal habitats</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2012</p>	c. 9.8km southeast of appeal site boundary	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile conservation interests associated with this SAC.	<b>N</b>
Malahide Estuary SPA (004025)	<p>Wintering water birds (14 x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2013</p>	c. 7.5km northeast of appeal site boundary	<p>No direct or indirect connection i.e., no surface / ground water or other vectors.</p> <p>Whilst some species do feed in fields in the wider area of the SPA, the airport lands, through ongoing management (to reduce bird strike), do not support suitable roosting / foraging habitat.</p>	<b>N</b>
North Bull Island SPA (004006)	<p>Wintering water birds (17 x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2015</p>	c. 9.7km southeast of appeal site boundary (10.9km downstream)	Yes, indirect hydrological connection via the Santry River – North Dublin Bay.	<b>Y</b>
Baldoyle Bay SPA (004016)	<p>Wintering water birds (6 x species)</p> <p>Wetland and waterbirds</p>	c. 9.8km southeast of appeal site boundary	No direct or indirect connection i.e., no surface /	<b>N</b>

	<a href="#">Conservation Objectives Link</a>  NPWS, 2013		ground water or other vectors.  Whilst some species do feed in fields in the wider area of the SPA, the airport lands, through ongoing management (to reduce bird strike), do not support suitable roosting / foraging habitat.	
North-West Irish Sea SPA (004236)	Wintering water birds / water birds (21 x species)  <a href="#">Conservation Objectives Link</a>  NPWS, 2023	c. 11.1km east of appeal site boundary	Indirect, tentative hydrological connection via the Santry River – North Dublin – Irish Sea.  Whilst some species do feed in fields in the wider area of the SPA, the airport lands, through ongoing management (to reduce bird strike), do not support suitable roosting / foraging habitat.	<b>N</b>

<sup>1</sup>Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup>Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

**Further Commentary / Discussion**

Due to the relatively modest scale of the proposed development, and the enclosed nature of the (serviced / serviceable) appeal site within a larger landholding controlled and operated by DAA, and surrounded by similar and compatible land uses, I consider that the

proposal would not be expected to generate impacts that could affect anything but the immediate area of the site, thus a limited potential zone of influence is reasonable i.e., <10km unless overlapping another European site. In this regard, I note that as part of the ongoing airport operations, a Wildlife Management Plan is in place which permits airport operators to disturb and prevent birds from flocking at or immediately adjacent to Dublin Airport in the interests of public safety. Therefore, flocks of birds, including SCI species, are prevented from forming near the South Runway and the appeal site within the airport lands, thereby reducing the risk of bird strike from aircraft at the airport. Whilst I note that the applicant's NIS included 18 no. European sites in its zone of influence, I consider this to be an excessively conservative approach for the reasons outlined in section 11 above.

Sources of impact and likely significant effects are considered in the Table below.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>North Dublin Bay SAC (000206)</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>The proposed development involves site clearance, excavation to formation levels, installation of drainage infrastructure, construction of hardstanding areas, installation of culverts in the Santry River and the erection of a welfare building and security hut.</p> <p>Potential to result in the release of silt and sediment to the Santry River during construction works.</p> <p>Potential to result in the release of construction and maintenance related compounds including</p>	<p>A deterioration in the water quality associated with an inadvertent release of sediment or spillages of hydrocarbons and/or other chemicals during construction and operational phases has the potential damage to the habitats dependent on water quality, albeit 10.9km downstream.</p> <p>An impact of sufficient magnitude could undermine the sites conservation objectives.</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) (priority) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>hydrocarbons to the surface and ground waters during construction and operational phases.</p>	
	<p>Likelihood of significant effects from proposed development (alone): <b>Yes</b></p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b></p>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>North Bull Island SPA (004006)</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>As above.</p>	<p>As above.</p> <p>An impact of sufficient magnitude could undermine the sites conservation objectives.</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>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<p><b>Further Commentary / discussion (only where necessary)</b></p> <p>The applicant has submitted an NIS to assist with this screening. In relation to North Dublin Bay SAC, whilst the report notes that normal construction methodologies will ensure that potential significant impacts on the Santry River are low, and thus no likely significant effects to the SAC are anticipated (given the downstream distance), it does adopt a “highly precautionary approach” in the event standard methodologies are not applied, and the potential for impact on surface water quality cannot be entirely eliminated. A similarly highly precautionary approach is adopted in respect of North Bull Island SPA.</p>		

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided in the screening report, my site inspection, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on North Dublin Bay SAC and North Bull Island SPA in view of those sites conservation objectives.

I concur with the NIS that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and in-situ disturbance on QI habitats and species. Any potential ex-situ disturbance or displacement of SCI species is screened out on the basis that the appeal site does not represent suitable habitat given the Wildlife Management Plan in operation across the airport lands and particularly given the proximity of the South Runway, c. 300m north.

**Screening Determination**

**Finding of potential significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the North Dublin Bay SAC and North Bull Island SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

## Appendix 3 (AA – Stage 2)

### Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed car park development in view of the relevant conservation objectives of **North Dublin Bay SAC and North Bull Island SPA** based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- EIAR, including NIS (Appendix 5-1)
- Engineering Planning Report (Atkins, June 2024)
- Flood Risk Assessment (Atkins, June 2024)

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

Environment Section – no objection

Park Section – no objection

Uisce Éireann – no objection subject to condition (connection agreements etc.)

Public observations – none at appeal stage – application stage comments noted.

**Table AA1 – North Dublin Bay SAC (Site Code 000206)**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**Water quality degradation (construction and operation)**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (as relevant – summary)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Mudflats and sandflats not covered by seawater at low tide [1140]	<p>To maintain favourable conservation condition.</p> <p>Community structure [<i>Mytilus edulis</i> (common mussel) density] – conserve the high quality of the <i>Mytilus edulis</i> dominated communities.</p> <p>Community distribution – conserve the following community types in a natural condition: Fine sand to sandy mud with <i>Pygospio elegans</i> (bristleworm) and <i>Crangon crangon</i> (brown shrimp) community complex; Fine sand with <i>Spio martinensis</i> (bristleworm) community complex.</p>	<p>Applies to all Conservation Objectives listed opposite:</p> <p>Water quality degradation and/or alteration of habitat (from release of silt and sediment during site works and release of construction / maintenance related compounds including hydrocarbons to surface waters) would undermine conservation objectives.</p>	<p>Mitigation measures are detailed in Section 7 of the NIS and include:</p> <ul style="list-style-type: none"> <li>• Mitigation by design (surface water drainage infrastructure),</li> <li>• Supervision by a Site Ecologist (ECoW).</li> <li>• Application of industry standard controls during the construction phase including pollution control measures.</li> <li>• Application of industry standard controls during the operational phase including pollution control measures.</li> </ul>
Annual vegetation of drift lines [1210]	To restore favourable conservation condition.		

	<p>Physical structure [functionality and sediment supply] – maintain the natural circulation of sediment and organic matter, without any physical obstructions.</p> <p>Vegetation structure [zonation] – maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation composition [typical species and subcommunities] – maintain the presence of species-poor communities with typical species: sea rocket (<i>Cakile maritima</i>), sea sandwort (<i>Honckenya peploides</i>), prickly saltwort (<i>Salsola kali</i>) and oraches (<i>Atriplex spp.</i>)</p>		
Salicornia and other annuals colonising mud and sand [1310]	<p>To restore the favourable conservation condition.</p> <p>Physical structure [sediment supply] – maintain, or where necessary restore, natural circulation of sediments and organic matter, without any physical obstructions.</p>		

	Vegetation structure [zonation, height, cover] – maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession; maintain structural variation within sward; and maintain more than 90% of area outside creeks vegetated.		
Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> ) [1330]	To restore favourable conservation condition.  Physical structure [sediment supply] – maintain natural circulation of sediments and organic matter, without any physical obstructions.  As above regarding vegetation structure [zonation, height, cover].		
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	To main favourable conservation condition.  Physical structure [sediment supply] – maintain/restore natural circulation of sediments and organic matter, without any physical obstructions.		

	As above regarding vegetation structure [zonation, height, cover].		
Embryonic shifting dunes [2110]	<p>To restore favourable conservation condition.</p> <p>Physical structure [functionality and sediment supply] – maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <p>Vegetation structure [zonation] – maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation composition [typical species and subcommunities] – maintain the presence of species-poor communities with typical species: sand couch (<i>Elytrigia juncea</i>) and/or lyme-grass (<i>Leymus arenarius</i>).</p>		
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	<p>To restore favourable conservation condition.</p> <p>As above regarding physical structure [functionality and sediment supply].</p>		

	<p>As above regarding vegetation structure [zonation].</p> <p>Vegetation composition [plant health of dune grasses] – 95% of marram grass (<i>Ammophila arenaria</i>) and/or lyme-grass (<i>Leymus arenarius</i>) should be healthy (i.e., green plant parts above ground and flowering heads present).</p>		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	<p>To restore favourable conservation condition.</p> <p>As above regarding physical structure [functionality and sediment supply].</p> <p>Vegetation structure [zonation, bare ground, sward height] – maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession; bare ground should not exceed 10% of fixed dune habitat, subject to natural processes; maintain structural variation within sward.</p>		
Humid dune slacks [2190]	To restore favourable conservation condition.		

	<p>Physical structure [functionality and sediment supply, and hydrological and flooding regime] – maintain natural circulation of sediments and organic matter, without any physical obstructions; main natural hydrological regime.</p> <p>Vegetation structure [zonation, bare ground, sward height] – maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession; bare ground should not exceed 5% of dune slack habitat, with the exception of pioneer slacks which can have up to 20% bare ground; maintain structural variation within sward.</p>		
<p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>To maintain favourable conservation condition.</p> <p>Hydrological conditions [soil moisture] – maintain hydrological conditions so that substrate is kept moist and damp throughout the year, but not subject to prolonged inundation by flooding in winter.</p>		

	Vegetation structure [height and cover] – maintain open, low vegetation with a high percentage of bryophytes (small acrocarps and liverwort turf) and bare ground.		
<p><b>Assessment of issues that could give rise to adverse effects:</b></p> <p><b>Water quality degradation</b></p> <p>Water quality of the SAC insofar as it relates to the North Bull Island transitional waterbody (i.e., the River Santry discharges north of the causeway to Bull Island) is classified as ‘moderate’ for the 2019 to 2024 monitoring period and currently under review with regards meeting the relevant WFD objectives by 2027. The majority of the SAC is within Dublin Bay however, which is classified as having ‘good’ WFD coastal waterbody status for the 2019 to 2024 monitoring period and is currently ‘not at risk’ in meeting the relevant WFD objectives by 2027.</p> <p>Good quality water is necessary to maintain the Annex I marine and coastal habitats associated with this SAC. Water quality degradation is the main risk from unmanaged site works during the construction phase, and particularly the in-stream culvert works, where silt laden surface water could reach North Dublin Bay via the Santry River, which is already itself ‘at risk’ of failing to meet the relevant WFD river waterbody objectives by 2027. Further decrease in water quality would compromise conservation objectives for these habitats and increase sedimentation could alter habitat quality for spawning or nursery grounds. Similar adverse impacts on water quality derived from accidental spillage of contaminating substances, including hydrocarbons, or indeed mobilisation or migration of pre-existing contaminants, including PFAS substances as raised by an observer at application stage, are also possible. During the operational phase there is also the potential for surface water / storm water run-off from the development site to be contaminated with hydrocarbons (e.g. from vehicles) or to a lesser degree to be contaminated with dirt and debris from hardstanding areas and paints used in regular maintenance.</p> <p><b>Mitigation measures and conditions</b></p> <p>The focus of mitigation measures proposed are to prevent ingress of pollutants and silt / contaminants into the receiving surface and ground waters. This is to be achieved via design (avoidance through SuDS), ecological supervision (ECoW) and the application of specific construction and operational measures.</p> <p>Specific construction measures can be summarised as follows:</p>			

- Good construction management practices in line with CIRIA C532 *Control of water pollution from construction sites. Guidance for consultants and contractors*, CIRIA C750 *Groundwater Control: Design and Practice (2<sup>nd</sup> ed.)* and CIRIA C811 *Environmental Good Practice on Site Guide (5<sup>th</sup> ed.)*.
- Protection of the existing drainage network along the Santry River i.e., use of physical barriers, signage located 15m max. from both sides of the riverbank.
- No material, including stockpiled soils, imported / hazardous materials, to be stored nor site compound to be located within the 15m buffer / riparian strip.
- Implementation of a site-specific water runoff management plan (within CEMP).
- Implementation of a dewatering plan.
- Specific in-stream / culvert works measures include:
  - Supervision by ECoW.
  - No works within 24hrs of yellow, orange or red weather warnings.
  - Culvert installation only after and during dry weather / low water levels / dry stream.
  - Culverts to be pre-cast units with no concrete pours within the Santry River.
  - Use of clean washed stone in foundation base and clear of fines in riverbed.
  - Temporary over-pumping to facilitate dry riverbed conditions in addition to temporary impoundment / damming of watercourse upstream of each culvert through use of sandbags or similar and installation of silt fence downstream of dam.
  - Installation and monitoring of sandbag dam and silt fences by ECoW.
  - Flows upstream of temporary dam to be pumped to settlement tanks before discharge to downstream of the culverts work area and the water in the tanks will be inspected by the ECoW to ensure adequate settlement of suspended solids.
  - Monitoring at SW-S-3 to continue as part of ongoing monitoring programme.
- Measures to prevent the release of hydrocarbons / chemical contaminants to surface or groundwater including handling and security procedures / protocols such as collection of waste oils and hydraulic fluids in leak-proof containers.

- Response procedures to deal with accidental pollution events including immediate containment of any spillage of fuels, lubricants or hydraulic oils and removal for disposal of contaminated soil.
- Refuelling of site vehicles in bunded areas and adequately sealed and covered areas.
- Strict supervision of contractors in terms of plant machinery etc.
- All oil stored on site for construction vehicles will be kept in a locked and bunded area.
- Generators, pumps, and similar plant will be placed on drip-trays to prevent contamination.
- Measures to prevent the release of materials during concrete pours include:
  - No batching/production of concrete on site.
  - Shutters designed to prevent failures including grout loss.
  - Not discharging mixer washings and excess concrete to the drainage network, or any drainage ditches, surface water bodies etc.
  - Returning surplus concrete to batching plant after completion of a pour.
- Directing foul drainage from site compounds to the existing wastewater network or containing and disposing off site in an appropriate manner.
- Cessation of works in the event that ground contamination is encountered, seek advice from contaminated land specialists and undertake a phased environmental risk assessment in accordance with EPA and UK Environment Agency advice.

Specific operational measures include:

- Fuels, oils, chemicals etc. required for maintenance to be brought to / from site by contractor and temporarily stored in secure / bunded areas with relevant Material Safety Data Sheets available onsite. Fuel / oil tanks will be double skinned etc.
- No material, including hazardous material such as fuels, oils, chemicals, paints etc., to be stored within the 15m buffer / riparian strip.
- Implementation of emergency spill response measures in such an event.

- Implementation of surface water drainage system maintenance programme.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected marine and coastal habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. I recommend that these measures are integrated into a CEMP by way of condition in the event of a grant of permission.

#### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS (Section 8). I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

#### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the **North Dublin Bay SAC**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction and operational related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects, including cessation in event of a ground contamination find, have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

The proposed development will not affect the attainment of the Conservation Objectives for the **North Dublin Bay SAC**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Table AA2 – North Bull Island SPA (Site Code 004006)**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**Water quality degradation (construction and operation)**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (as relevant – summary)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	Applies to all QI's listed opposite:  To maintain the favourable conservation condition  Distribution – no significant decrease in the range, timing or intensity of use of areas by the listed bird species, other than that occurring from natural patterns of variation.	Water quality degradation and/or alteration of habitat (as above).	Mitigation measures are detailed in Section 7 of the NIS and include:  <ul style="list-style-type: none"> <li>• Mitigation by design (surface water drainage infrastructure),</li> <li>• Supervision by a Site Ecologist (ECoW).</li> <li>• Application of industry standard controls during the construction phase including pollution control measures.</li> <li>• Application of industry standard controls during the operational phase including pollution control measures.</li> </ul>
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 (Pluvialis apricaria) [A140]			
Grey Plover (Pluvialis squatarola) [A141]			
Knot (Calidris canutus) [A143]			
Sanderling (Calidris alba) [A144]			
Dunlin (Calidris alpina) [A149]			
Black-tailed Godwit (Limosa limosa) [A156]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Curlew (Numenius Arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Turnstone (Arenaria interpres) [A169]			

Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Wetland and Waterbirds [A999]			
<p><b>Assessment of issues that could give rise to adverse effects:</b></p> <p><b>Water quality degradation</b></p> <p>As above for SAC. Maintenance of good water quality is required to maintain favourable conservation condition for waterbirds and wetlands.</p> <p><b>Mitigation measures and conditions</b></p> <p>As above.</p>			
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS (Section 8). I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>			
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the <b>North Bull Island SPA</b>. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction and operational related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects, including cessation in event of a ground contamination find, have been assessed as effective and can be implemented and conditioned if permission is granted.</p>			

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation Objectives for the **North Bull Island SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the North Dublin Bay SAC and North Bull Island SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of Section 177U was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of North Dublin Bay SAC and North Bull Island SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European sites within a zone of influence of the application site.
- Consideration of the conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects, including those specifically referred to by the appellant.

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