



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-320815-24

<b>Development</b>	Airfield Drainage Project – upgrades to the surface water management infrastructure at Dublin Airport etc.
<b>Location</b>	Dublin Airport, Swords, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F23A/0636
<b>Applicant(s)</b>	Dublin Airport Authority plc (DAA)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	(1) SMTW Environmental DAC (2) Wild Ireland Defence CLG incl. Sabrina Joyce-Kemper (3) DAA
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2025 14 <sup>th</sup> and 15 <sup>th</sup> May 2026
<b>Inspector</b>	Philip Maguire

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## 1.0 Introduction

- 1.1. This case relates to a first party appeal by DAA<sup>1</sup> and third-party appeals by Liam O'Gradaigh, on behalf of SMTW Environmental DAC, and a joint appeal by Sabrina Joyce-Kemper, on her own behalf, and Peter Sweetman, on behalf of Wild Ireland Defence CLG, following a decision to grant by Fingal County Council (FCC / the Council) under S. 34 of the Planning & Development Act 2000, as amended ('the Act').
- 1.2. Thus, the third-party appeals are being made pursuant to Section 37 of the Act whereas the first party appeal, against Condition numbers 3, 14, 23 and 25 of the planning authority's decision, is made under the provisions of Section 139 of the Act.
- 1.3. 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 across various townlands<sup>2</sup> in and around the Dublin Airport campus in north Co. Dublin, the appeal site is situated generally south and west of the airport terminal buildings. It has a stated area of c. 194ha and consists of two separate land parcels.
- 2.2. The larger land parcel is mainly airside<sup>3</sup>, and includes large tracts of airfield grassland as well as parts of the South Apron and 'crosswinds' runway, the entire West Apron, aircraft taxiways, and the Cuckoo Stream. It is, however, traversed by the Swords Road (R132), east of which lies a landside<sup>4</sup> area which is referred to as 'Eastlands'. This area includes playing fields and pasture as well as parts of the R132 in Commons Td., the Old Airport Road in Collinstown Td., and the R108 carriageway in Coultry Td.
- 2.3. The smaller of the land parcels, in the townland of Pickardstown, has been historically used as a construction compound, and I observed such use during my site inspection. The topography of the site is generally flat and between the 60-65mAOD contours airside but slopes gradually down to between the 50-55mAOD contours in 'Eastlands'.

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

<sup>2</sup> Cloghran, Clonshagh, Corballis, Commons, Coultry, Forrest Great, Forrest Little, Huntstown, Pickardstown, Stockhole, Toberbunny.

<sup>3</sup> Areas within the Critical Part of the Security Restricted Area (CPSRA) boundary which surrounds the airfield.

<sup>4</sup> Areas outside the CPSRA boundary e.g., the area(s) before passengers go through security, customs, and immigration including the landside access road network and public transport.

## 3.0 Proposed Development

### 3.1. Overview

- 3.1.1. Planning permission is sought for upgrades to the existing airfield drainage system.
- 3.1.2. The proposed development is accompanied by an Environmental Impact Assessment Report (EIAR) and is referred to therein as the 'Airfield Drainage Project' (ADP).
- 3.1.3. According to the EIAR, there are five main elements to the project:
- Contamination Detection and Response (CD&R) System;
  - Central Pollution Control Facility (CPCF);
  - Additional Hydraulic Capacity;
  - Airfield-wide Supervisory Control and Data Acquisition (SCADA) System; and
  - Re-Purposed Airfield Trunk Culvert (ATC) and North-South (N-S) Sewer.
- 3.1.4. The EIAR indicates that the ADP is safeguarded to facilitate future developments.

### 3.2. Development Description

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

#### *General Overview*

- 3.2.2. The proposed CD&R system comprises detection devices, network decision points (DPs), control kiosks, and ancillary infrastructure including local access roads, local drainage and power ducts. This pre-emptive, 'first flush' system is designed to segregate the airfield surface water network into distinct zones, each of which served by at least one DP (a chamber conveying incoming flows by valve to clean or contaminated outlets). Clean flows would be conveyed to the Cuckoo Supply Channel and on to the Cuckoo Stream, and contaminated flows would be directed to the CPCF.
- 3.2.3. The proposed CPCF consists of an underground pollution storage tank (81,700cu.m), a pumping station, a discharge pipeline to the Uisce Éireann network, mechanical and electrical equipment, a control building, and electrical substation, and ancillary development including local access road, enhanced flood bund, local drainage and ducting. The facility is designed to protect water quality in the downstream receiving

waters by taking contaminated waters from the CD&R system and discharging them to the public foul sewer (at agreed discharge rates) for treatment at the public WwTP. The CPCF would be located at 'Eastlands', immediately south of the Cuckoo Stream. I note that the proposed near-term discharge route is via the existing North Fringe Sewer (NFS) along the R132, west of the CPCF, whereas the long-term proposal is to the orbital sewer of the recently permitted GDD Project, c. 200m south of the CPCF.

- 3.2.4. Regarding additional hydraulic capacity, the proposal includes clean water pipelines (CW-1 to CW-4) designed to convey intercepted greenfield inflows through the airfield to the reconfigured Cuckoo Supply Channel as well as clean flows identified by the CD&R system. Two separate Airfield Contaminated Pipelines (ACPs), designed to receive contaminated outflows from the CD&R system and provide additional hydraulic capacity for the conveyance of contaminated runoff to the new CPCF pipeline, are also proposed. I note that the CPCF pipeline will extend from the airfield in an easterly direction under the R132 carriageway towards the proposed CPCF in the 'Eastlands'.
- 3.2.5. In terms of additional hydraulic capacity, I also note that upgrades to the West Apron surface water collection network and to the downstream network in the vicinity of the South Apron, Pier 3 and Pier 4 are proposed. The West Apron upgrades include the construction of a 15,000cu.m underground attenuation tank (WA-AT), installation of a localised CD&R system, network DPs and control kiosks, construction of a 3,800cu.m underground pollution storage tank (WA-PT), a pumping station, and ancillary development including local ductwork, access roads and drainage, including slot drains. Similarly, the South Apron upgrades include the reconfiguration of the existing network pipelines, construction of a network decision point (DP8), localised diversion of the existing Cuckoo Supply Channel and upgrade of the existing Flow Diversion Structure (FDS), including a flow continuation weir to alleviate existing capacity issues.
- 3.2.6. The proposed airfield-wide SCADA system is designed to enable communication between the proposed CD&R system, the CPCF, including pumping equipment and pipelines, the WA-AT, and the proposed MEICA<sup>5</sup> equipment, in order to achieve an integrated surface water management system. It would also provide operational control of existing drainage infrastructure and future proposals with drainage outfalls.

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<sup>5</sup> Mechanical, Electrical, Instrumentation, Control, Automation.

- 3.2.7. Part of the existing Airfield Trunk Culvert (ATC), which serves as the main pipeline for all surface water generated within the airfield, and also conveys greenfield inflows from outside the airfield, will be reconfigured. The section of ATC, between DP1 and the proposed connection point to ACP2 will become the Repurposed Airfield Trunk Culvert (RATC) and will convey contaminated flows to ACP2, on to the CPCF pipe thereafter. The section of the existing ATC upstream of DP1 will be unchanged. The section of the existing ATC immediately downstream of the proposed ACP2 connection point will be decommissioned as all flows from the RATC will be diverted to the ACP2 instead of continuing along the ATC. Further downstream, the existing ATC will be retained and will continue to collect potentially contaminated runoff from the hardstand surrounding Pier 3 and Pier 4 (Zone 7), referred to as the downstream ATC. Flows in the downstream ATC will be conveyed to decision point DP7, which will convey clean flows to the Cuckoo Supply Channel and contaminated flows to the CPCF pipeline.
- 3.2.8. It is also proposed to repurpose the existing North-South (N-S) sewer. It currently receives contaminated flows from the North Runway Pollution Control Facility (PCF) and includes sufficient capacity to receive contaminated flows from Apron 5H. The proposed changes would enable flows from the North Runway and North Apron PCFs to be directed to either the repurposed N-S sewer for discharge to the Cuckoo Stream, or to the Pier 1 sewer for discharge to the public sewer via the CPCF and thus integrate the North Runway and Apron 5H systems into the proposed airfield CD&R system.

### 3.3. Supporting Documentation

- 3.3.1. In addition to the EIAR (Nicholas O'Dwyer, October 2023), other documents include:
- AA Screening and Natura Impact Statement (NIS) (Altemar, August 2023)
  - Constr. Environmental Management Plan (CEMP) (N. O'Dwyer, October 2023)
  - Drainage Overview Document (N. O'Dwyer, October 2023)
  - Engineering Design Report (N. O'Dwyer, October 2023)
  - Flood Risk Assessment (N. O'Dwyer, October 2023)
  - Planning Report (N. O'Dwyer, October 2023)
  - WFD Assessment (CBEC, April 2023)

### 3.4. Further Information

3.4.1. The proposed development was amended by further information (FI) to include a new Volume IV (RFI Memorandum and Appendices) of the EIAR. Along with a cover letter (Nicholas O'Dwyer, June 2024), the further information updated the following:

- AA Screening and NIS (Altemar, June 2024)
- WFD Assessment (CBEC, April 2024)
- EIAR (N. O'Dwyer, June 2024)

## 4.0 Planning Authority Decision

### 4.1. Decision

4.1.1. Permission was granted on 21<sup>st</sup> August 2024, subject to 25 no. conditions. The conditions are generally of a standard nature; however, the following are of note:

Condition 3 – requires works to be carried out as per an agreed phasing scheme.

Condition 14 – requires the agreement of a net gain biodiversity action plan.

Condition 23 – limits the hours of construction i.e., 0800 to 1900 Monday-Friday etc.

Condition 25 – requires the RWMP (Condition 24) to include PFAS details etc.

### 4.2. Planning Authority Reports

4.2.1. The Planning Officer's Report (14/12/23) can be summarised as follows:

#### *Principle of Proposed Development*

- Proposal is an accepted use within the DA zoning i.e., utility installations.
- Engineering solutions to replace naturally functioning flood plain is contrary to policy and best practice and has not been adequately justified.
- Extent to which the development would impact on future proposals, including a third terminal, is unclear and considers that further information be sought.
- Not possible to conclude the proposal is consistent with all national and regional policies and goals.

- Welcomes the proposal in relation to remediation of water pollution issues.
- Raises concerns regarding the location of the CPCF in respect of removal of townland boundaries, lack of alternatives, including alternative pollution control strategies / hydraulic loading, and design capacity for 40mppa.
- Unclear whether the proposal is entirely for remediation of an existing problem from an established use or in part to facilitate the intensification of such use.
- Proposed phasing of the project as a remediation to primarily provide clean flows to the downstream catchment also presents concerns.
- Raises concerns regarding the absence of proposals to control the source and pathways to the proposed infrastructure i.e., existing and proposed hardstanding areas are not included in the red line boundary.
- Notes the use of Glycol Recovery Vehicles (GRVs), described as source control mitigation measures, is not included in the EIAR, and states that it is unclear if point-based source control measures were explored i.e. localised collection.
- Suggests that the applicant should reconsider the phasing with construction of the clean water supply pipeline and the downstream network reconfiguration in Phase 1, or alternatively justify the proposed phasing.
- Notes concerns raised by the Council's water services and environment sections, in addition to prescribed bodies in respect of the delivery of *Metrolink* and the GDD project, adding that the proposal may impact on Uisce Éireann infrastructure.
- Considers the proposal would not prejudice the achievement of Plan policies DAP 1, DAP 2, DAP 7 and DAP10, and Plan objectives DAO20, DAO21 and DAO26 but unable to conclude whether it is consistent with Plan policies and objectives CAP28, CAP30, CAP35, GINHP7, GINHO18, GINHP10, GINHO4, GINHO12, GINHP21, GINHO41, GINHO32, GINHO44, DAO2, DAO4, IUP13, IUO23, IUO26, DMSO125, DMSO126, DMSO128, DMSO134, DMSO140 and DMSO142.
- Considers the principle of the proposal would not prejudice the achievement of the Airport LAP objectives for the most part but unable to conclude whether it is fully consistent with objectives EI03, SW08, IW02, IW03, SWQ01, SWQ02 and WQ01.
- Recommends further information in this regard.

### *Impact on the Amenity of the Area*

- Does not anticipate that noise and vibration will result in significant negative impact on the amenity of the area during the construction or operation phase, subject to the mitigation measures proposed.
- Does not anticipate that air quality will result in significant negative impact on the amenity of the area during the construction phase, subject to the mitigation measures proposed.
- Notes the findings of the LVA, however, is cognisant of policies of the Plan regarding the protection of trees, hedgerows, riparian zones and biodiversity and not satisfied that alternative locations for the CPCF were adequately assessed.

### *Access, Parking and Transport*

- Notes that the Council's roads section have no objection subject to conditions, including items which require pre-commencement agreement (the Construction Traffic Management Plan, the pipeline alignment under the R132, the layout and access to the control building) and design coordination with the *Metrolink* project.
- Notes the concerns raised by the NTA in relation to the delivery of *Metrolink* and potential design conflicts and recommends further information in this regard.

### *Flooding, Services and Drainage*

- Notes 3<sup>rd</sup> Party concern in respect of surface water and infrastructure connections.
- Notes the comments from the water services section which considers that the omission of alternative sites / locations for the CPCF needs to be rationalised.
- Notes further engagement requested by Uisce Éireann in relation to specifications and maintenance of the SCS, including requirements relating to peak flows, organic loading and contribution towards the upgrade of Sutton Pumping Station.
- Highlights Uisce Éireann concerns regarding new infrastructure crossing the existing watermain and sewer beneath the Swords Road, noting that Uisce Éireann does not permit build over of assets and separation distances must be achieved.
- Also notes Uisce Éireann concerns regarding potential impacts on the GDD project and recommends further information in respect of the GDD pipeline, levels etc.

### *Impact on Water Quality and Biodiversity*

- Notes 3<sup>rd</sup> Party concern in respect of water quality and ground water.
- Considers that further information is required in relation to water quality having regard to the Council's environment section report.
- Considers the applicant's WFD report central to the justification of both the approach to, and design of, the proposal but highlights a number of areas where further information is required, including in relation to potential impacts from morphological changes and retention of wetland areas which pre-date the airport.

### *Impact on Heritage and Archaeology*

- Notes that the Council's heritage officer / archaeologist has no objection to the proposal subject to the mitigation measures set out in the EIAR and other conditions, including a final report, given the scale of excavations proposed.
- Also notes that whilst the heritage officer / archaeologist suggests it is preferable to avoid removing historic town land boundaries, should this not be possible then written and photographic records should be made and works monitored.
- Notes the report from DAU-NMS which recommends that archaeological mitigation measures are included in any grant of permission and concurs with this approach.

### *Waste Management*

- Notes that the Council's environment (waste) section had no objection subject to conditions in respect of a Construction and Demolition RWMP, including details of all potential ground contamination or contaminated soils linked with PFAS etc.
- Notes 3<sup>rd</sup> Party concern in respect of PFAS and the removal of soil from the site.
- States that the planning authority is cognisant of potential PFAS contamination but considers that the identification and treatment of contamination of soils would appropriately be addressed as part of a Construction and Demolition RWMP.

### *Appropriate Assessment (AA)*

- Outlines the independent review by an external consultant ecologist.
- Considers that the AA Screening Report be reviewed to ensure that the potential for significant effects on European sites other than those associated with Baldoyle

Bay can be definitively screened out (incl. those in Dublin Bay via Ringsend WWTP), and that the potential for in-combination effects is fully addressed.

- The independent NIS review is premised on adequate further information being provided in respect of the AA Screening Report conclusions but notes that should this not be the case, then the NIS will need to be similarly updated.
- Concludes that construction-related impacts on European sites have been adequately addressed and, provided the mitigation measures proposed are fully implemented there will be no adverse on the integrity of the European sites.
- States further information is required in order to address any potential risks arising from the excavation of contaminated soils due to airport-related activities, including a review of the potential effects of the removal and safe disposal of soils.
- Accepts that the overall purpose is to improve water quality, including in the Cuckoo Stream downstream of the airport (and by extension, in Baldoyle Bay) but states that detailed quantitative evidence is lacking in this regard, noting the uncertainties/queries raised by environment section in relation to diversion limits (to foul sewer) and inconsistencies in figures regarding COD, BOD and TOC.
- Highlights that the trigger figure of 50mg/l COD (for diversion to foul sewer) needs further appraisal/interrogation i.e., whether it is achievable and sufficient to improve water quality over existing scenarios to justify the construction-related effects etc.
- States that it is unclear what potential effects contaminant-laden surface water could have on the Cuckoo Stream/Mayne River and downstream European sites in the operational phase having regard to the overflow arrangements to the stream.
- Details further information required in respect of the AA Screening Report and NIS.

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

- Outlines the independent review by a suitably qualified external consultant.
- Raises concerns in respect of the alternatives considered in terms of locations, storage requirements, infrastructure sizing, construction effects, waste and traffic generation and programme implications and recommends further information to allow for an adequate assessment of the localised versus centralised approach.

- In terms of biodiversity, considers that the likely significance of impacts arising from loss of existing riparian habitats, historic hedgerows, treelines and trees, together with a range of habitat types in the 'Eastlands' area of the site is understated and insufficient detail is provided in terms of likely effects, likely impacts, mitigation etc.
- Details further information required in respect of biodiversity and request the applicant to address the generalised assessment of impacts and having regard to GINHP21, GINHP22, DMSO125, DMSO126, DMSO128, DMSO140 in the Plan.
- Considers that the proposed design, involving 3 no. overflow arrangements for contaminated flows to the Cuckoo Stream and to groundwater, undermines the objectives of the proposal and poses unacceptable risks to water quality and meeting the WFD, and seeks removal of Overflow Nos. 1 and 2 in this regard.
- Raises concerns regarding the removal of c. 230m of boundary between Toberbunny and Stockhole Tds. in terms of archaeology and cultural heritage, adding that there is no characterisation, discussion or assessment of impact.
- Raises concerns regarding the efficacy of the geophysical survey from 2019, adding that the 'Eastlands' area should be subject to survey work and further evaluation / assessment pending the results and recommends further information.
- Considers that potential exists for likely significant effects in relation to traffic and transportation given the interface between the proposal and the *BusConnects* Swords to City Centre CBC and the deliberation of 'residual cumulative effects' is not sufficiently detailed to allow for an adequate assessment.

### *Conclusion*

- Proposal is generally consistent with relevant national, regional and local policy but design issues and consistency with the Development Plan, LAP and wider environmental considerations are outstanding.
- Highlights inconsistencies in the supporting documents including references to a berm along the Cuckoo Stream during construction and thus requires a Mitigation Implementation Schedule to ensure consistency across EIAR, NIS, CEMP etc.
- States that the EIAR and AA Screening / NIS should be revised and updated to determine whether the proposal would or would not be likely to have significant

effects on the environment and whether individually or in combination with other plans or projects would have a significant effect on a European site, respectively.

- Invites the applicant to address the concerns of the planning authority, relevant consultees and 3<sup>rd</sup> parties, and recommends further information (FI) in this regard.

4.2.2. The Planning Officer's Report (15/08/24) can be summarised as follows:

*FI – Item 1 (General Issues)*

- Notes the objective not to increase the risk to the environment at any point temporarily or otherwise and in that regard, all project components are interrelated.
- Notes that the subject application seeks no intensification of the use and is restricted to addressing the impact of existing activity on the environment.
- Rejects the justification presented in relation to the location of the CPCF, adding that its relationship to the Cuckoo Stream is secondary and suggesting that resistance towards alternatives upstream is in effect a commercial argument.
- States that DAA have declined to avail of the opportunity to prioritise remediation of the consequences of past and ongoing actions and inactions for stated reasons of a commercial nature but adds that this is outside the scope of application.
- Recommends conditions in the event of a grant of permission i.e., to allow for changes to be made to the phasing towards addressing the pollution in the shorter term etc. and requiring the monitoring of the volumes of Glycol etc.

*FI – Item 2 (Environment Section)*

- States that the COD:BOD ratio used is still unclear, noting that the proposal could result in 4.3mg/l BOD or 6.0mg/l BOD on top of the baseline BOD in the river depending on the ratio used and this is of concern for meeting the WFD targets.
- States the reduction in de-icer load (between 70-90%) to the river is significant and notes, on this basis, the Council's senior engineer recommends approval based on the 32mppa limit notwithstanding the uncertainty over projected BOD levels.
- Recommends conditions in the event of a grant of permission i.e., an accessible sampling point downstream of the CPCF overflow and recording of de-icing activity.
- Considers the further information acceptable subject to the above conditions.

#### *FI – Item 3 (WFD)*

- States that the applicant’s contention that the airport is having a positive impact on the water quality of the Cuckoo Stream is unhelpful.
- Considers the concluding statement of the WFD report regarding the catchment context and referencing the importance of a coordinated programme significant and integrated measures as an important and relevant point.
- Rejects the suggestion that the proposal will not result in the removal of any natural flood plain/wetland, highlighting the location of the CPCF was once a floodplain.
- Notes the overall impact is positive for the water quality of the watercourse and whilst it may be too localised to register as a significant benefit to the baseline condition over the whole length of watercourse, it is also too localised to constitute a risk of a negative impact nor would impede future improvement proposals.
- Considers the proposal poorly developed having regard to the impact on the natural/naturalised stream bed, bank and flood plain along with re-culverting sections, contrasting it those implemented for the River Mole at Gatwick Airport.
- Concluded by the planning authority that when commissioned the proposal will result in an improvement in downstream water quality, by substantially addressing one aspect of longstanding/intensifying pollution arising from airport operations.
- Concludes that the extent to which the proposal has potential to impact the future achievement of good biological status “has not been set out with the clarity or detail of the remedial actions” but elsewhere accepts the proposal “will not compromise the achievement of good status in the Cuckoo Stream.”

#### *FI – Item 4 (Uisce Éireann)*

- States that sufficient information has been submitted to illustrate that the proposal would not interfere with the Greater Dublin Drainage (GDD) project corridor.
- Notes the proposal discharges to the north fringe sewer, with potential construction phase impacts on the R132; this shall remain until the GDD is completed.
- Accepts that the east compound is temporary and would cease upon completion of the proposal to avoid any conflict with the GDD project, adding that it is necessary to condition cessation of use upon completion.

*FI – Item 5 (NTA, Metrolink)*

- Notes that NTA were consulted and acknowledged the amended location of Node CW4-TS2 and its adjoining pipework as reflected in the FI documents.
- Notes the NTA recommendation regarding consideration of the 'Metrolink, Outline Guidance Note for Developers' at detailed design stage and conditions regarding pre-construction stage consultation to ensure Metrolink is not impacted.

*FI – Item 6 (Third Party Submissions)*

- Notes the responses to the issues raised.
- Notes the applicant's suggestion that it is outside the planning authority remit to have regard to unauthorised development but states that this is contradicted by case law and by the provisions of Section 35 of the Planning Act.
- Notes the sizing of the CPCF tank with reference to 40mppa in this regard.

*FI – Item 7 (EIA)*

- States that an adequate consideration of 'reasonable alternatives', as required of the EIA Directive and associated legislation, has been completed.
- Considers the proposal has potential for significant negative impacts on biodiversity, especially between the R132 Swords Road and the M1 corridor, one of the last remaining corridors of historic fields and field boundaries in the area.
- Notes the positive objective of the project as a whole, and its positive impact on surface water management and quality, in addition to the green infrastructure enhancement measures which will, in time, assist in mitigating the impacts.
- States that the FI response has provided clarification on the reasoning and essential requirement for the overflows as proposed i.e., to minimise the impact of emergency events on both airfield operation and safety and surface water quality.
- Notes that the capacity provided by the CPCF alone ensures no overflows in 95% or de-icing seasons, thus without considering operational control measures to limit overflows the capacity provided will ensure that such emergency events are rare.

- Considers the response in respect of archaeological impacts adequate, noting the additional geophysical survey and the recommended 10m exclusion zone in addition to archaeological testing by condition.
- States that the FI response has provided clarification and detail on the level and extent of assessment provided in relation to interaction of environmental factors and to cumulative impacts and is thus considered adequate.

*FI – Item 8 (AA)*

- States that the updated AA Screening Report satisfactorily addressed the issues i.e., no possibility of any significant effects arising on any European site, during construction or operational, other than, potentially, on Baldoyle Bay SAC and SPA.
- Notes that the revised NIS has acknowledged that potentially contaminated soils within the airport will require excavation and thus additional, comprehensive mitigation measures are proposed i.e., Table 13 of the NIS.
- Accepts that sufficient evidence has been provided to confirm that the construction and operation of the proposal will not result in direct, indirect or In-combination effects which would adversely affect the Integrity of the relevant European Sites (Baldoyle Bay SAC and SPA) in light of their conservation objectives.
- Considers that the applicant has demonstrated that the project, with the implementation of the mitigation, either alone or in-combination with other plans or projects, will not have a significant adverse impact on any European site.

*FI – Item 9 (Mitigation Measures)*

- States that sufficient detail has been provided outlining the proposed list of mitigation measures and these are acceptable subject to a specific condition.

*Principle of Development*

- In terms of need and policy, it considers there is strong policy and legislative support for the proposal and there is a demonstrated need to alleviate on-going pollution issues to nearby waterbodies, concluding that it is acceptable in principle.
- Expresses satisfaction that reasonable alternatives were considered.

- In terms of effectiveness, it notes that the scheme when in operation will result in a significant positive impact on surface water management and quality and concludes that the principle the proposed development has strong policy support.

#### *Planning Assessment*

##### *Phasing and Timing Delivery*

- Unconvinced of the rationale for phasing, considers development first at the source of pollution and/or to deliver clean flows from upstream to downstream to be a more logical approach, thus recommends a phasing plan condition.

##### *Future Expansion*

- Notes the design capacity of the CPCF to serve up to and including 40mppa but accepts the sizing nonetheless whilst also expressing prematurity concerns.

##### *Archaeology and Cultural Heritage*

- Concludes that the archaeological heritage of the site can be adequately safeguarded through the mitigation measures and NMS recommendations.
- States that the loss of hedgerow along the townland boundary would not warrant a reason for refusal and no significant impacts arise subject to conditions.

##### *Biodiversity*

- Notes that the proposal includes measures designed to improve water quality and the hydrodynamics of the Cuckoo Stream and thus improve instream biodiversity.
- No significant impacts on biodiversity anticipated subject to protection measures.
- Identified impacts would be avoided, managed and / or mitigated by the measures, which form part of the proposed scheme, by mitigation and by suitable conditions thus satisfied that the proposal would not have an excessive impact on biodiversity.

##### *WFD*

- Concludes that the proposal would result in better quality water and the potential nett impacts from consolidation of existing and proposed morphological changes would not preclude future achievement of WFD objectives.
- Raises concerns, however, regarding the applicant's failure to re-naturalise areas of the Cuckoo Stream highly impacted (damaged) over time.

### Flooding

- Considers the Eastlands flood protection bund acceptable subject to condition on detailed design and geotechnical / structural assessment prior to commencement.
- Considers that the final detailed design and minor reconfiguration of the CPCF tanks would enhance and protect the functioning of the flood plain / riparian zone.

### Climate Action and Carbon

- States that greater consideration should have been given to the carbon cost of the proposed engineering solution relative to natural solution and effects on climate.
- States, however, that the proposal can be justified having regard to the need to improve water quality flows in the Cuckoo Stream and thus the impacts on air and climate have been adequately assessed in the EIAR.

### Access, Parking and Transport

- Considers the quantum of car parking associated with the proposed construction compounds excessive outlines that a pre-commencement condition should be applied in respect of the compounds and the amount of parking therein.
- Notes that the northeast corner of the Control Building compound extends into the existing road verge and could jeopardise any future upgrades.
- States that the horizontal direction drilling (HDD) under the R132 is acceptable in principle subject to final detailed design and construction management proposals.
- States that the proposal will not impact on the delivery of *Metrolink* and notes that the NTA are satisfied with the proposal subject to condition.

### Soil, Waste and Contamination

- Notes the volume of material to be excavated in respect of the CPCF tank (220,000cu.m / 75% removal off site) and the West Apron Pollution Tank / West Apron Attenuation (116,000cu.m combined / c. 65,000cu.m retained for backfill).
- States that the local authority is aware of historic PFAS contamination from firefighting foam at the airport and notes a recently publish airport report on the monitoring undertaken of soils at contamination sites, groundwater and streams.

- Notes the proposal relates to ongoing pollution from de-icing activities as opposed to addressing PFAS contamination and considers it unnecessary to make the implementation of the proposal contingent on addressing PFAS contamination.
- Notes the measures for monitoring for contamination of excavated soils states that the issue of PFAS pollution is subject to ongoing interaction with DAA.
- States that the underground tank is not located in an area where highly contaminated material has been found and thus should not be made contingent on a series of boreholes being installed to monitor groundwater and PFAS.
- Satisfied that the identification and treatment of contamination of soils will be appropriately addressed as part of a Construction and Demolition RWMP.

#### Conclusion of Planning Assessment

- States that the proposal is not for intensification of use of the airfield or airport generally notwithstanding the increase in surface water carrying capacity.
- States that the capacity of the existing pollution control systems have been chronically exceeded by way of unmitigated expansion.
- Notes that whilst the referenced design capacity with associated landscape, biodiversity, hydrological and construction carbon impacts may exceed what is required, it is not determinative of the assessment.
- States that the basis for not exploring opportunities to de-culvert sections of the Cuckoo Stream has been justified by expert opinion insofar as it relates to wildlife habitat management.
- States that whilst the pollution of the Cuckoo Stream is relevant, it is not the subject of the assessment, report or permission in the event of a grant and considers the proposal, on balance, to be in accordance with proper planning.

#### *AA (see also FI Item 8 above)*

- Notes that the updated WFD assessment confirms that the system upgrades will not cause deterioration of the current WFD status of the Cuckoo Stream and will not compromise the achievement of good status in the Cuckoo Stream.
- Considers that the mitigation measures set out in Table 13 of the updated NIS are comprehensive and sufficient evidence has been provided to confirm that the

construction and operation will not result in direct, indirect or in-combination effects which would adversely affect the integrity of Baldoyle Bay SAC or SPA.

*EIA (see also FI Item 7 above)*

- Consideration of alternatives has informed the process and are inherent in the preparation of the non-statutory Drainage Masterplan Project (DMP) which is based on an understanding of the existing drainage system, and thus reasonable.
- States that further engagement with IFI should be a condition of any resultant grant.
- Considers the updated EIAR adequate subject to conditions requiring the recognition and representation of both the biodiversity and cultural heritage historic townland boundaries in the proposal landscape and naturalisation plan.

*WFD*

- Concludes that the proposal would result in better quality water than now exists.
- States that potential net impacts accruing on implementation of the proposal through consolidation of existing morphological changes would not preclude the future achievement of the objectives of the WFD.

*Conclusion, Recommendation and Reasons*

*Reasoned Conclusion and Recommendation for the purposes of EIA*

- Concludes that the construction phase will give rise to likely significant negative direct impacts on the local biodiversity environment, short to medium term; medium to longer term, including permanent impacts, will be offset by mitigation.
- Concludes that the construction phase will not give rise to any other likely significant direct, indirect or cumulative environmental impacts.
- Lists recommended conditions in the event of a grant of permission including CEMP condition, surface water monitoring condition, riparian zone condition, landscape and biodiversity enhancement condition, cultural heritage condition etc.

*AA Determination*

- Considers that the applicant has demonstrated that the project, with the implementation of the mitigation, either alone or in-combination with other plans or projects, will not have a significant adverse impact on a European site.

### Conclusion of the Planning Report

- Considers the need and effectiveness of the scheme to be fully established.
- Concludes that benefits of the proposal would outweigh the loss of landscape, biodiversity, in particular aquatic biodiversity, hydrological and carbon impacts.
- Recommends approval of the proposal subject to conditions as set out in the order.

#### 4.2.3. Other Technical Reports

- Archaeology (30/07/24) No objection subject to condition(s).
- Environment (Waste) (27/06/24) No objection subject to condition(s).
- Environment (Water) (07/08/24) No objection subject to condition(s).
- Parks (18/07/24) No objection subject to condition(s).
- Public Lighting (24/11/23) Non-committal / FI response:  
States that a “lighting reality File” must be provided displaying Lighting results for FCC to prepare a Public Lighting Report.
- Roads (28/11/23) No objection subject to condition(s).
- Water Services (04/12/23) FI requested:  
Rationale required for omitting alternative sites identified for the CPCF.

#### 4.3. Prescribed Bodies

- ANCA (06/11/23) No objection.
- DAA (23/11/23) No comment.
- DAU-NMS (23/11/23) No objection subject to condition(s).
- IAA (02/11/23) No observations.
- NTA (30/07/24) No objection subject to condition(s).
- TII (20/06/24) No observations.

- Uisce Éireann (01/12/23)

FI requested:

Provide revised layout drawings clearly illustrating the GDD pipeline route corridor (permanent wayleave and temporary working areas).

Confirm levels / locations of proposed services in the vicinity of the proposed GDD corridor and highlight any potential interactions between proposed infrastructures and projects.

#### 4.4. Third Party Observations

4.4.1. The planning authority received 3 no. observations. Issues raised reflect third-party appeal grounds. They can be summarised from the Planning Officer's Report as:

- Application makes no reference to PFAS contamination notwithstanding the removal of large quantities of material; thus, the screening assessment is deficient.
- Material being removed has not formed part of the application or environmental assessment, and the application should not proceed until such is carried out.
- No information regarding the impact of PFAS on ground and surface waters and the mitigation measures required in respect of same and on soil contamination.
- Highlights the cumulative effect of current and proposed projects for environmental impact and the mitigation of same.
- Suggests there is project splitting; stating that the application should be rejected pending EIA of all works at Dublin Airport.
- States that there is a precedent set by PA ref. F19/0149 (remediation of c. 22,000cu.m of illegally deposited mixed waste materials); noting that PFAS materials are a serious health concerns and requiring screening out of EIA and AA.
- Suggests that the applicant is knowingly carrying out unauthorised development.
- Impact on traffic around the R108 and R132 due to the level of construction traffic required for the quantum of soil removal; concerns regarding traffic monitoring.

- Review requested in relation to the calculation of de-icing pollution.
- Highlights deficiencies in the documents, including environmental assessments.
- States that the application should be invalidated, suggesting procedural issues as well as issues regarding the electronic format of the EIAR and NIS.
- Suggests that the proposal crosses two local authority boundaries and should be lodged as a SID application.
- AA on a number of hydrologically connected Natura sites was not carried out.
- Suggests that some prescribed bodies were excluded and raises a query in relation to the requirement of an IPPC and dual assessment and consultation with the EPA.
- The proposal does not indicate how waterbodies will achieve good WFD status.
- Alternative to storage and removal for treatment should be part of EIA i.e., treatment and disposal on site.
- Ringsend WwTP is not compliance and currently overloaded.
- GDD WwTP and pipeline cannot be relied on in the absence of permission.

4.4.2. A further 6 no. observations were received at FI stage. The issues are similar to the initial concerns and can be summarised from the Planning Officer's Report as follows:

- PFAS contamination within the Airport Campus has been known since the North Runway excavations in 2017; lack of assessment and mitigation of same.
- FI does not alleviate concerns regarding potential groundwater contamination.
- Applicant is ignoring the PFAS/PFOS contamination; NIS is deficient; the application should be refused for lack of assessment of same on Natura sites.
- Cumulative assessment of impacts including Apron 5H development is required.
- Impact of the Metrolink tunnel of PFAS and groundwater should be considered.
- Suggests that the levels of PFOS and PFOA are 880- and 40-times the US EPA guideline levels.
- Submits that soil permeability tests must be carried out in situ i.e., not a lab test.
- No reassurance provided that contaminants will leach out into groundwaters.

- No consideration of water tanks leaks accelerating contaminants to groundwater.
- Borehole groundwater monitors required around the airport until PFAS removed.
- Full site investigation required as opposed to dealing with contamination as found.
- Concerns regarding further flooding at Forrest Little Golf Club.

4.4.3. The Planning Officer's Report notes all issues were considered in the assessment.

## 5.0 Planning History

5.1. The following DAA proposals overlap the appeal site:

### *Infrastructure Application*

5.1.1. PA ref. F23A/0781 – live application for certain project elements, including the ADP. 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. The submission period closed (Jan. 2025). It refers to the ADP as an advance project i.e., a proposal that supports the existing 32mmpa, and it is included in the Infrastructure Application for future proofing. No decision noted at time of writing.

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

5.2. 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. The wider airport has an extensive planning history. The following are also noted:

### *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 32mppa 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).

### *Apron 5H*

- 5.3.4. PA ref. F20A/0550 – permission granted by the planning authority in December 2021 to extend the Apron 5H to facilitate 12 no. aircraft stands etc. Condition 2 requires compliance with the mitigation measures contained in both the EIAR and NIS. Condition 3 requires the appointment of a project ecologist etc. with experience in aquatic protection to oversee the mitigation measures contained in the NIS including

biological monitoring of the Kealy, Wad, Forrest Little and Cuckoo streams during and post construction. Condition 11 (contributions) was removed under ABP-312476-22.

#### *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.

#### *North Apron*

- 5.3.6. PA ref. F23A/0132 – permission granted by the planning authority in December 2023 for an extension to the existing North Apron etc. The application was accompanied by a Natura Impact Statement (NIS) but screened out by the planning authority having regard to the *Eco Advocacy CLG v An Bord Pleanála* (C-721/21) judgement. A leave to appeal application was refused by the Board (ABP-318841-24) in February 2024.

#### *Remote South Staff Car Park*

- 5.3.7. PA ref. F24A/0253E – permission granted on appeal in April 2026 (ABP-320748-24) for a surface car park. The application was accompanied by an EIAR and NIS.

- 5.4. Other relevant history:

#### *BusConnects*

- 5.4.1. ABP-317121-23 – approval issued in June 2024 for the Swords to City Centre Core Bus Corridor (CBC) which will serve Dublin Airport and includes the CPO of land.

#### *Greater Dublin Drainage (GDD) Project*

- 5.4.2. ABP-312131-21 – permission granted in July 2025 for a new WwTP, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility etc. This was a remitted case following the quashing of the previous decision, ABP-301908-18.

#### *Metrolink*

- 5.4.3. 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.

#### *Belcamp, Clonshaugh, Dublin 17*

- 5.4.4. PA ref. F19A/0149 – permission granted by the planning authority in July 2019 for remediation by excavation and removal of c. 22,000cu.m of mixed waste material etc.

## 6.0 Policy Context

### 6.1. Local Planning Policy

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

- 6.1.1. The current Development Plan, as varied, came into effect in April 2023. The planning authority decision of 21<sup>st</sup> August 2024 was made under the provisions of this Plan.
- 6.1.2. The appeal site is zoned ‘Dublin Airport’ (DA) with a zoning objective ‘*to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan*’. Air Transport Infrastructure etc. is ‘permitted in principle’.
- 6.1.3. Chapter 8 of the Development Plan relate specifically to Dublin Airport. Policy DAP1 notes the role of the Dublin Airport Local Area Plan (LAP) in supporting Dublin Airport as a key national economic asset. Objectives DAO1 and DAO2 reinforce the role of the LAP in terms of safeguarding the airport and its current and future requirements.
- 6.1.4. In terms of airport operations, the site skirts the Inner and Outer Public Safety Zones and is located within Noise Zone A. I also note that a specific ‘road proposal’ objective traverses the southeast corner of the site and the *Metrolink* route bisects the site.
- 6.1.5. Relevant airport policies and objectives are summarised as follows:
- 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.
- DAP7            Seeks to ensure that all development within the LAP lands complies with the objectives of the LAP, or any subsequent plan or extension of same. These include surface water quality and groundwater objectives etc.
- 6.1.6. Section 9.5.2 of the Fingal Development Plan relates to Green Infrastructure and Planning. Section 9.6.9 relates to the Protection of Trees and Hedgerows. Section 9.6.14 relates to Landscape Character Assessment (the appeal site is in the ‘Low Lying Character Type’). Chapter 14 relates to Development Management Standards.
- 6.1.7. Other relevant airport policies and objectives are summarised as follows:
- GINHO23       Seeks to support and implement various Council strategies including A *Tree Strategy for Fingal* and *An Open Space Strategy for Fingal* etc.

- GINHP22 Seeks to provide for appropriate protection of trees and hedgerows in light of their natural heritage, biodiversity and climate action value etc.
- DMSO138 Seeks to ensure all infrastructure proposals include measures to protect and enhance biodiversity leading to an overall net biodiversity gain.
- DMSO140 Seeks to protect landscape features, including hedgerows and wetlands, which are of biodiversity or amenity value and/or contribute to landscape character and ensure provision is made for their protection etc.
- DMSO143 Requires all new developments to incorporate habitat facilities for wildlife species as appropriate including Swifts, Swallow, Starling, Bats etc.
- DMSO157 Seeks to protect, develop and enhance terrestrial urban ecological corridors along existing linear features such as hedgerows where possible. SuDS features can be incorporated within these corridors etc.

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

6.1.8. 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.

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

- 9.2 – Flood Risk Management
- 9.3 – Sustainable Urban Drainage
- 9.4 – Foul Drainage & Water Supply
- 9.5 – Surface Water Quality
- 9.6 – Groundwater

6.1.10. Relevant objectives are summarised as follows:

- FRM02 Seeks to protect existing flood risk management infrastructure and safeguard planned future infrastructure.
- SW01 Requires all applications for development at Dublin Airport to demonstrate compliance with the LAP Strategic Flood Risk Assessment (SFRA) and Surface Water Management Plan (SWMP).
- SW02 Seeks to introduce SuDS to new greenfield and brownfield development sites by adoption of the SuDS management train approach.

- SW04            Seeks to recharge the ground and reduce storm volumes by the use of suitable SuDS measures.
  
- SW07            Seeks to establish riparian corridors free from new development along all significant watercourses and streams. Ensure a riparian buffer strip either side of all watercourses within the LAP lands.
  
- SW08            Seeks to develop a robust surface water management system in compliance with the recommendations of the LAP SFRA and SWMP, to meet future needs and providing resilience to climate change etc.
  
- IW02            Seeks to work in conjunction with Irish Water for the provision, extension and upgrading of wastewater collection and treatment systems necessary to facilitate the sustainable development of the airport etc.
  
- SWQ01          Requires applications for development to demonstrate compliance with the WFD. Where appropriate, planning conditions will require the developer to take actions in order to improve the status of waterbodies.
  
- WQ01            Strives to achieve ‘good status’ in all waterbodies in compliance with the WFD, the River Basin Management Plan for Ireland 2018-2021 etc.

## 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.

## 6.3. National Planning Policy and Guidelines

### ***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.
- 6.3.4. 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.

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

- 6.3.5. The Development Management Guidelines (DEHLG, 2007) are intended to promote best practice at every stage of the development management process. Chapter 7 of the Guidelines sets out the basic criteria or tests with which a planning condition ought to conform with. These include whether the condition is necessary; relevant to planning; relevant to the development to be permitted; enforceable; and precise.
- 6.3.6. Section 7.11 of the Guidelines cautions against attaching conditions that require land to be ceded to the local authority, adding that conditions of this sort are not lawful. They do, however, state that elements of “planning gain” not strictly required as part of the development, but of benefit to the public may be accepted as part of the permitted development, e.g., the transfer of specified land or buildings for public use.

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

- 6.3.7. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DEHLG, November 2009)<sup>6</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 most types of development would be considered inappropriate in Flood Zone A. Development in this zone should be

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<sup>6</sup> These guidelines were amended/clarified under Circular PL 2/2014.

avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. Only water-compatible development, such as docks and marinas, dockside activities that require a waterside location, amenity open space, outdoor sports etc., would be considered appropriate.

#### 6.4. Other National Plans, Policy and Guidance

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

- 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. 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. Similarly, CAP25 notes that aviation emissions are outside the scope of targets but acknowledges the role of SAFs<sup>7</sup> in decarbonising the sector in the short-medium term.

##### ***National Aviation Policy***

- 6.4.4. 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.

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<sup>7</sup> Sustainable Aviation Fuels.

### ***Water Action Plan 2024***

- 6.4.5. The Water Action Plan 2024 *A River Basin Management Plan for Ireland* (DHLGH, 2024). This 3<sup>rd</sup> Cycle plan sets out how Ireland will manage its water resources and catchments up to 2027 in order to comply with the EU's Water Framework Directive.

### ***Traffic and Transport Assessment Guidelines (PE-PDV-02045)***

- 6.4.6. This TII technical guidance (May 2014) relates to traffic and transport assessments (TTA). Section 2.1 considers the thresholds at which the production of a TTA in relation to planning applications is recommended. Table 2.1 details the relevant thresholds, including where traffic to/from the development exceeds 10% of the traffic flow on the adjoining road or 5% where congestion exists or the location is sensitive; residential development in excess of 200 dwellings. Table 2.3 sets out sub-threshold TTA criteria.

## **6.5. Natural Heritage Designations**

- 6.5.1. Nearest proposed Natural Heritage Areas (pNHAs):

- Santry Demesne pNHA (000178) – 1.3km south
- Feltrim Hill pNHA (001208) – 2.2km east, northeast
- Sluice River Marsh pNHA (001763) – 4.5km south

- 6.5.2. Relevant Special Area of Conservation (SAC) designations:

- Malahide Estuary SAC (000205) – 4.6km north, northeast
- Baldoyle Bay SAC (000199) – 5.2km east
- North Dublin Bay SAC (000206) – 6km southeast
- Rogerstown Estuary SAC (000208) – 8.2km north, northeast
- South Dublin Bay SAC (000210) – 8.7km south, southeast
- Howth Head SAC (000202) – 9.6km east, southeast
- Rockabill to Dalkey Island SAC (003000) – 9.8km east
- Ireland's Eye SAC (002193) – 10.1km east
- Lambay Island SAC (000204) – 14.3km northeast

### 6.5.3. Relevant Special Protection Area (SPA) designations:

- Malahide Estuary SPA (004025) – 4.6km north, northeast
- Baldoyle Bay SPA (004016) – 5.2km east
- South Dublin Bay and River Tolka SPA (004024) – 5.9km south, southeast
- North Bull Island SPA (004006) – 6km southeast
- North-West Irish Sea SPA (004236) – 6.9km east
- Rogerstown Estuary SPA (004015) – 8.7km north, northeast
- Ireland's Eye SPA (004117) – 9.8km east
- Howth Head Coast SPA (004113) – 11.5km east, southeast
- Lambay Island SPA (004069) – 14.3km northeast

## 7.0 The Appeal

### 7.1. First Party Grounds

7.1.1. A first party appeal has been lodged by the applicant, DAA. As noted, it is made against planning condition nos. 3, 14, 23 and 25 pursuant to Section 139 of the Act.

7.1.2. In relation to Condition 3, the grounds of appeal can be summarised as follows:

- Requests Condition 3 (phasing) be removed.
- States that the engineering report justifies the proposed phasing.
- Notes that all components are interrelated e.g. if the clear water segregation and source control decision points were prioritised over the CPCF, as suggested by the planning authority, risk of contamination would only be partly addressed.
- Similarly, baseline flows in the Cuckoo Stream would be improved at the expense of generating segregated contaminated runoff for which there would be insufficient capacity to detain until the CPCF is constructed.
- Notes that diversion of the upstream measures would reduce the volume of runoff entering the tank however it will not address capacity limitations with the existing 11,000cu.m pollution control tank operating beyond its capabilities.

- Proposed phasing ensures that overflow risk is addressed as a priority.
- States that construction of clean and contaminated pipelines throughout the airfield in any approach other than downstream to upstream would introduce flood risk to the airfield with increased flows overwhelming attenuation and pipe capacity.
- Construction of all decision point / pipeline routes on the airfield at the same time would be extremely challenging from an airfield logistics and risk management basis i.e., a key basis of the phasing is also to minimise airport activity disruption.

7.1.3. In relation to Condition 14, the grounds of appeal can be summarised as follows:

- Requests Condition 14 (ceding of land) be amended / revised from:

*“... On the 10<sup>th</sup> anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats shall be transferred to public ownership. In default of agreement the matter(s) shall be referred to An Bord Pleanála for determination.”*

To:

*“... On the 10<sup>th</sup> anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats may be transferred to public ownership.”*

- Refers to Section 3.16 of OPR Practice Note PN03 (Planning Conditions) and Section 7.11 of the Development Management Guidelines which caution against imposing planning conditions that require the ceding of land.
- States that condition is unclear and will have unintended consequences with particular uncertainties arising in relation to the definition of public ownership in the context of DAA (semi-state body), cross-Council implications, and timelines etc.
- States that the revised wording will prompt discussion between DAA and the relevant local authority so neither party are held to an unachievable situation.

7.1.4. In relation to Condition 23, the grounds of appeal can be summarised as follows:

- Requests Condition 23 (hours of construction) be amended to permit 24-hour construction to facilitate safe and efficient construction in line with best practice.

- States that the condition unnecessarily restricts certain construction activities for which working outside of hours will be necessary due to technical factors.
- Notes that trenchless construction for certain sections of pipeline is required to reduce potential impact on airport operations and to reduce potential health and safety hazards and such works are required on a continuous 24/7 basis.
- Similarly, trenchless construction includes certain activities that cannot be conducted during airport operational hours due to height restrictions.
- Likewise, concrete pours are required to be continuous operations to avoid the risk of cold-joints forming and for pours within the height restricted areas of the airfield will need to be carried out at non-operational hours to avoid aviation safety risk.
- Refers to Section 7 and Section 13.5 of the preliminary CEMP in this regard.
- No indication that the hours have been restricted for a particular reason.

7.1.5. In relation to Condition 25, the grounds of appeal can be summarised as follows:

- Requests Condition 25 (PFAS) be amended / revised from:

*“... Any soil excavated during site preparation or construction phases contaminated with PFAS should be disposed of at an authorised facility and not reused on site. The disposal of PFAS contaminated materials should be agreed in writing by Fingal County Council prior to removal off site.”*

To:

*“... Any soil excavated during site preparation or construction phases contaminated with PFAS should be disposed of at an authorised facility and not reused on site unless otherwise managed in accordance with relevant legislation. The disposal of PFAS contaminated materials should be agreed in writing by Fingal County Council prior to removal off site.”*

- Notes that Section 11.6.1.1 of the EIAR states that site investigation and laboratory analysis will be carried out to determine potential contamination of ground that will be excavated during the construction phase, including testing for PFAS.
- States that DAA is committed to the best practice management of PFAS, including adherence to EPA guidance on the management of contaminated land but notes this is an evolving area and future regulatory processes may differ to Condition 25.

## 7.2. Third Party Grounds

7.2.1. As noted, separate third-party appeals have been lodged by SMTW Environmental DAC and Wild Ireland Defence CLG (WID), the latter joined by Sabrina Joyce-Kemper.

7.2.2. The appeal by SMTW Environmental DAC refers to their previous submissions to the planning authority during the course of the application and their assessment of same, in addition to the FI response. The main grounds can be summarised as follows:

- FI response did not answer serious concerns of neighbouring communities regarding the potential contamination of groundwater resulting from migration from airport lands into the waters used by local communities and farm activities.
- EIAR did not assess the extent of contamination in groundwater or soils and thus failed to show what measures are being taken to protect human and environment.
- Suggests that mitigation measures should not be considered when quantifying the 'Significance' of a proposed development.
- FI response does not provide any detail on the treatment and/or disposal of contaminated soil and a structured site investigation of the entirety of the lands is required to fully indicate the nature, extent and concentration of PFAS pollution.
- States that the application fails to screen for in-combination pollution events and is deficient in that regard, and thus ongoing pollution events are being overlooked.
- Submits that the comments from the Council's environment (water) section in respect of projected BOD levels are not acceptable unless the projected levels are clearly set out and proven by continuous monitoring to the local authority.
- States that there is no mention of PFAS in the updated AA Screening Report or NIS and submits that PFAS has not been screened out for the purposes of AA.
- Mitigation in Table 13 of the revised NIS with respect to PFAS is wholly inadequate.
- Concluding that the proposal will not have a significant adverse impact on any European site cannot be justified in respect of PFAS contamination at the airport.
- Raises concerns regarding the failure to publish all of the FI response on the Council's planning portal, including Appendix 9.

- States that the proposal fails to consider the impact of the ‘Infrastructure Application’ (PA ref. F23A/0781) and the intensification of use thereby proposed along with additional aircraft movements and de-icing etc. thus is project-splitting.
- States that the works areas must be firstly evaluated for contamination, including PFAS, and only then can an environmental assessment be fully made, adding that off-site disposal of contaminated material should be a condition of planning.
- States that the removal and disposal of soil will not solve the remaining groundwater contamination and it must be addressed now by the applicant and disagrees that the topic of PFAS contamination is outside the remit of planning.
- Submits that the testing and disposal of soils needs to be screened as it directly relates to the application, adding that remedial works cannot be separated from the proposal and public access to such is enshrined under the Aarhus Convention.
- Suggests that the current pollution in the Cuckoo Stream has been brushed aside, adding that no screening of the re-routing of the stream has been performed and thus it is impossible to determine no significant impacts on a European site.
- States that the public cannot be guaranteed that Conditions 24 and 25 of the planning authority decision will protect the environment or public health, adding that they should be varied to ensure all proposals from the RWMP be agreed prior to commencement and monitored / certified by an environmental specialist.

7.2.3. The appeal by WID similarly refers to their previous submissions during the course of the application in addition to a submission in respect of the ‘Infrastructure Application’ (PA ref. F23A/0781). The main grounds can be summarised as follows:

*Historical and Current PFAS Contamination*

- Concerned with the grant of permission when the full extent of PFAS contamination in soils, surface and groundwaters, and receiving waterbodies is not known, thus it is impossible to identify mitigation measures that can prevent significant impacts.
- States that the application fails to address whether the proposal can identify and remove contaminants such as PFAS before discharging to waterbodies, noting PFAS persist in the environment and impact biological processes and ecosystems.

- Notes that the dangers of PFAS have become more prevalent in recent years, including in the USA, and refers to a Harvard Law article in this regard.
- Highlights the dangers of PFAS on biological processes, including toxicity (issues and cells) giving rise to immune suppression and cancer risks, adding that reports have indicated nearby food producers' groundwater is potentially contaminated.
- Also highlights the potential for bioaccumulation in species and their prey.
- States that PFAS is highly mobile and can spread over large distances once it enters surface waters, adding that this can harm aquatic species and their ecosystems, and eventually human populations that consume contaminated fish.
- Notes that contaminated groundwater poses a long-term health risk to humans as PFAS are resistant to conventional water treatment, adding that humans are mainly exposed through contaminated drinking water and eating affected aquatic species.
- States that mitigating PFAS requires advanced remediation techniques and stricter regulatory controls, none of which have been identified or put forward as part of the application or by the planning authority's decision.

*Habitats and Birds Directive, EIA Directive and WFD*

- Refers to their submission in respect of the 'Infrastructure Application' (PA ref. F23A/0781), adding that it needs to be cumulatively assessed in the AA and EIA.
- Request that the Commission have regard to the unauthorised development and intensification issues the 'Infrastructure Application' in conjunction with ABP-314485-22 (amendment to North Runway usage) will have on the current proposal.
- Requests that a full examination of the PFAS risk, alternatives and mitigation measures be carried out before consent is granted as required by the Habitats Directive and WFD, adding that this will require full identification of contaminated soils and groundwater and removal techniques to prevent discharge to sewers etc.
- States that Ringsend WwTP does not have the resources to remove such effluent and thus discharge from Ringsend must be assessed before consent is issued.
- Contests the comments made in the Planner's Report in respect of commercial constraints referred to by the applicant in light of the Habitats and Environmental Liability Directives, adding that AA and EIA are a requirement for this reason.

- States that the applicant and the local authority cannot sidestep their responsibilities in relation to historical contamination of lands that both bodies have been aware of for some time but failed to act upon.
- Requests that the Commission carry out AA, EIA and WFD assessment by requesting all required information needed to assess contamination and prepare robust mitigation measures and such information should be further consulted upon.

### 7.3. Planning Authority Response

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

- Notes the concerns around PFAS contamination and is aware of the potential for PFAS but states that the proposed works are intended to address the ongoing pollution from de-icing activities, as outlined in the Planning Officer's Report.
- Considers it unnecessary to make the implementation of the proposal contingent on addressing PFAS contamination, adding that there are measures to deal with the monitoring of contaminated soil through mitigation, which is acceptable.
- Considers that the identification and treatment of contaminated soils would be appropriately addressed as part of a construction and demolition RWMP, adding that the attached conditions should remain as detailed in the Planner's Report.
- Requests that the decision be upheld and permission granted for the proposal.
- Indicates that provision should be made for contributions in accordance with the Development Contribution Scheme in addition to bonds if the decision is upheld.

### 7.4. Further Responses

7.4.1. The first party responded as follows to the WID / Joyce-Kemper appeal submission:

- States that the appellant has not identified specific appeal grounds and instead generally outlines the well-documented issues in relation to PFAS contamination.

*In response to extent of PFAS*

- Notes the mitigation measure contained in Table 13 of the NIS to manage any risk and considers this an appropriate method of managing PFAS during construction.

- Refers to the Dublin Airport *2021-2023 Environmental Monitoring Report*<sup>8</sup>, stating that it provides an in-depth review of PFAS at the airport, adding that the site has not been identified as an area of high concentration.

#### *In relation to the removal of PFAS*

- States that the proposal will not increase the mobilisation of PFAS as the removal of PFAS containing soils (and waters) during construction will reduce the amount that can mobilise into the system, adding that they are committed to best practice.
- States that the proposal will improve the protection of the Cuckoo Stream by increasing flows to the stream and diverting polluted water in line with legislation.

#### *In respect of food production sites*

- States that the proposal does not relate to the catchments to the north of the airport and does not interact with food production sites in this area.

#### *In relation to aquatic species and groundwater leaching*

- Notes the WFD assessment conclusions and states that the mitigation measures will manage any PFAS contamination encountered, adding that the applicant has demonstrated its active investigation and management of PFAS on site to date.

#### *In respect of increased passengers / flights*

- Submits that the application does not propose the intensification of passengers or flights as clearly detailed in the application documents.

#### *Conclusion*

- ADP is integral to address water quality objectives and designed to contribute to improving the ecological condition of the receiving waters.
- ADP targets have been set out in the Dublin Airport Drainage Management Plan (DMaP) which has since been included in the 3<sup>rd</sup> Cycle River Basin Management Plan which accepts its important role in the management of the Mayne catchment.
- Proposal accords with all relevant legislation including Habitats Directive and WFD.

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<sup>8</sup> Fehily Timoney. (April, 2024). *Dublin Airport : 2021 - 2023 Environmental Monitoring Report*. DAA. Retrieved January 30, 2026, from <https://www.dublinairport.com/docs/default-source/sustainability-reports/2021-2023-Environmental-Monitoring-Report.pdf>

- PFAS can be managed by Conditions 24 and 25 and in accordance with best practice in the absence of regulation in Ireland.

7.4.2. The first party responded as follows to the SMTW Environmental appeal submission:

- States that the appellant has not identified specific appeal grounds and instead generally outlines the well-documented issues in relation to PFAS contamination.

*In response to planning conditions*

- Refers to the Fehily Timoney report as noted above in addition to the mitigation measures set out in Table 13 of the NIS and Conditions 24 and 25 regarding the submission that there should be a full site investigation prior to construction.
- In respect of concerns over BOD, refers to Condition 9 of the Council's decision in relation to surface water monitoring and reporting, stating that this aligns with DMaP commitments to form a technical working group with key stakeholders.
- Notes that the inclusion of a public forum in respect of such a condition does not meet the tests of a planning condition, referring to advice in the OPR's PN03.

*In respect of food production sites*

- States that the proposal does not relate to the catchments to the north of the airport and does not interact with food production sites in this area.

*Regarding the contention that permission should be refused until PFAS is addressed*

- ADP can be appropriately managed through mitigation measures and standard conditions, adding that the proposal will not compromise the achievement of good status in the Cuckoo Stream and indeed improve its protection.

*In respect of increased passengers / flights and project splitting*

- Proposal does not include intensification of passengers or flights, adding that the EIAR cumulatively assessed all relevant projects including the Infrastructure Application relating to increase passenger numbers thus no project splitting occurs.

7.4.3. SMTW Environmental responded as follows to the first party appeal:

- Urges the Commission to reject the applicant's request to amend Condition 23 in respect of construction hours, and maintain the hours as stated in the interests of amenity and to minimise the impacts of construction and construction traffic.

- Raises concerns regarding any variation of Condition 25, adding that the consequences of such could enable the applicant to reuse contaminated waste instead of taking the necessary remedial actions for off-site treatment / disposal.
- Refers to and includes extracts of a consultant's memo in respect of the reuse of crushed concrete from the Apron 5H works area at Dublin Airport, highlighting the recommendation to reuse the material despite observed PFAS leaching.
- Provides comments in respect of the Council's environment (water) section report on PFAS and particularly in relation to the issues raised by third parties and contends that that advice fails to adequately address PFAS contamination.
- Refers to material provided at the *Metrolink* oral hearing, adding that there are clear information gaps, and highlighting a lack of cumulative/in combination assessment.

### *Conclusion*

- This proposal can lead to serious pollution of the Cuckoo Stream which is hydrologically linked to the SACs and SPAs along the Dublin coastline and it can also impact on human health from the contamination of wells and land.
- Not acceptable to address the issue by a CEMP and Waste Management Plan.
- Suggests that the North Runway is an unauthorised development given the PFAS issue and requests that the Commission make ruling on this issue.
- States that the impacts of PFAS have not been screened for this development and urges the Commission to refuse permission until such time as the PFAS contamination issue is fully understood and addressed through EIA and AA.

## **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). In relation to the EIA and AA, it is the updated EIAR and NIS that are assessed below.
- 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 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 course of the application.

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

- Land Use and Development Principle
- Phasing (Condition 3)
- Biodiversity Net Gain (Condition 14)
- Hours of Construction (Condition 23)
- PFAS / RWMP (Condition 25)

### 9.2. Land Use and Development Principle

9.2.1. A general overview of the proposed development is outlined in section 3.2 above. In simple terms it seeks to upgrade the existing airfield drainage system at Dublin Airport.

9.2.2. Whilst the appeal site has a stated area of 194 hectares, it is important to note that the works planning corridor, the envelope within which permanent works will be sited, is a significantly smaller linear buffer along the existing and proposed drainage system.

9.2.3. According to the EIAR, the purpose of the ADP is to:

- *Provide a net improvement in the degree of protection afforded to the receiving waters by the surface water management system, in accordance with the planning and environmental requirements of the relevant EU Directives, national and local plans and legislation, as well as DAA's Sustainability Strategy;*
- *Optimise the performance of the surface water management system at Dublin Airport for improved efficiency, greater operational flexibility, and resilience to a broad range of weather events; and*

- *Increase the hydraulic capacity of the surface water network and alleviate historic capacity and flooding issues.*

9.2.4. The EIAR states that the ADP has been developed in consultation with the targets set out in the Dublin Airport Drainage Management Plan (DMaP) which in turn shall contribute to the programme of measures for Areas of Action for the Santry / Mayne waterbodies in the 3<sup>rd</sup> Cycle River Basin Management Plan for the period 2022-27.

9.2.5. The EIAR notes the ADP will contribute to achieving the following DMaP objectives:

- *Increase clean flows to the Cuckoo Stream;*
- *Contribute to improvement of the ecological condition of the Cuckoo Stream downstream of all pollution control facilities;*
- *Minimise the occurrence of contamination overflow events;*
- *Monitor the impact of overflow events; and*
- *Improve system response to emergency events (e.g., fuel spillage or a leakage of de-icing chemical storage tanks).*

9.2.6. There is clear policy support for the proposed development at a local level, particularly in terms of surface water quality and management, as detailed in section 6.1.10 above.

9.2.7. Moreover, the appeal site, including the landside areas outside the airfield are zoned 'DA – Dublin Airport' where Air Transport Infrastructure etc. is 'permitted in principle'. This includes aircraft areas, runways, taxiways, utility installations, ancillary uses etc.

9.2.8. Appendix 7 of the Development Plan defines 'utility installations' as including a facility designed to provide a public utility service such as water disposal and/or treatment.

9.2.9. The initial Planning Officer's Report considered the proposal 'generally consistent' with relevant national, regional and local policy with outstanding design issues and consistency with the Development Plan and LAP addressed under further information.

9.2.10. The subsequent Planning Officer's Report specifically notes the objective of the proposal is not to increase the risk to the environment at any point temporarily or otherwise and thus accepts all project components are interrelated. It does, however, recommend a condition to allow changes to be made to the phasing of the project to address pollution in the shorter term. This is discussed further in section 9.3 below.

- 9.2.11. The subsequent report also suggests that the applicants have declined to avail of the opportunity to prioritise remediation of the consequences of past and ongoing actions and inactions for reasons of a commercial nature. It is stated, however, that this is outside the scope of application. This issue also forms the crux of the third-party appellant's case, in that their chief concern relates to existing PFAS contamination.
- 9.2.12. This is a linear project however, with fixed starting points and end point. In my opinion, the relevant areas in respect of possible contamination are those underlying the works corridor, and particularly where open-cut excavations are proposed. The issue of PFAS is therefore more appropriately dealt with in sections 10 and 11 below. I do not, however, consider it reasonable to delay the benefits of the proposal until such time as the applicant seeks to remediate any/all contaminated material within the airport.
- 9.2.13. Moreover, the Development Management Guidelines state that the planning system is intended to be used for genuine planning purposes and not for any extraneous purpose. They go on to state that it is inappropriate to deal with matters which are the subject of other controls. This includes those contained within the Local Government (Water Pollution) Act 1977, as amended. Notwithstanding the source of the water to be treated, I do not agree that the applicant should be penalised for past activity which they fully accept as an issue and are addressing through environmental monitoring<sup>9</sup>.
- 9.2.14. Indeed, the applicant's response to the third-party appeals refers to specifically ongoing environmental monitoring, stating that it provides an in-depth review of PFAS at the airport, adding that the site was not identified as an area of high concentration.

*Conclusion on Land Use and Development Principle*

- 9.2.15. On balance, I am fully persuaded that the proposed development has been designed to improve the surface water quality flowing through the southern campus and thus protect receiving waters in line with national, regional and local policy and guidance.
- 9.2.16. I am therefore of the preliminary view that the decision of the planning authority should be upheld subject to a review of the first- and third-party grounds of appeal in this case.

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<sup>9</sup> Fehily Timoney. (September, 2025). *Dublin Airport : 2024 Environmental Monitoring Report*. DAA. Retrieved January 30, 2026, from [https://www.dublinairport.com/docs/default-source/sustainability-reports/2024-environmental-monitoring-report.pdf?sfvrsn=2917f709\\_2](https://www.dublinairport.com/docs/default-source/sustainability-reports/2024-environmental-monitoring-report.pdf?sfvrsn=2917f709_2)

9.2.17. Ultimately, the planning authority appeal submission came to the same conclusion, stating that it is unnecessary to make the implementation of the proposal contingent on addressing PFAS contamination, adding that there are measures to deal with the monitoring of contaminated soil through mitigation, which they considered acceptable.

### 9.3. Phasing (Condition 3)

9.3.1. Condition 3 of the planning authority decision to grant states:

*“A phasing scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. The proposed development shall be carried out, in accordance with the phasing scheme. A revised phasing may be agreed to prioritise delivery of elements of the project necessary to address impacts of pollution on the Cuckoo stream in the shorter term.*

**Reason:** *To ensure the timely provision of services and prioritisation of remediating the ongoing pollution event.”*

9.3.2. The applicant submits that the engineering report justifies the phasing of the ADP and in this regard, notes that all components are interrelated e.g., if the clear water segregation and source control DPs were prioritised over the CPCF, risk of contamination would only be partly addressed. Similarly, baseline flows in the Cuckoo Stream would be improved at the expense of generating segregated contaminated runoff for which there would be insufficient capacity to detain until the CPCF is constructed; thus, the phasing ensures that overflow risk is addressed as a priority.

9.3.3. The applicant also states that construction of clean and contaminated pipelines throughout the airfield in any approach other than downstream to upstream would introduce flood risk to the airfield with increased flows overwhelming attenuation and pipe capacity. Additionally, the construction of all DPs / pipeline routes on the airfield at the same time would be extremely challenging from an airfield logistics and risk management basis i.e., the minimisation of disruption to airport activity is a key factor.

9.3.4. The planning authority response has not specifically addressed any of the conditions appealed by the applicant and instead refers generally to the Planning Officer's Report. In this regard, the genesis of the phasing can be found in the Council's FI request which considered that the provision of flows from the upper airfield catchment to the lower airfield catchment would result in a reduction in the overcharging of the

existing pollution control systems and thus address a primary aspect in remediation of the ongoing pollution. They sought justification for the proposed phasing on that basis.

- 9.3.5. Their subsequent consideration of the applicant's FI response suggests that the applicant declined to take the opportunity to reconsider the approach to remediating ongoing pollution and in this regard, the Planning Officer's Report states a 'condition should be attached to allow for changes to be made to the phasing towards addressing the pollution in the shorter term if necessitated by other statutory provisions arising'. It is unclear what is meant by "if necessitated by other statutory provisions arising" and there is no reference to any such provisions in the condition, e.g., S.I. 272 of 2009<sup>10</sup>.
- 9.3.6. I have reviewed all documents submitted with the planning application, including the EIAR and NIS, where the risk of overflow from the CPCF is highlighted as a potential concern and subject to designed-in mitigation measures. It is in this context that I find the phasing approach to be scientifically grounded and engineeringly sequential and thus fully agree that the phasing ensures that overflow risk is addressed as a priority. Whilst I understand the ecological merit of the Council's wish to address source point issues first, it is the engineering equivalent of putting the cart before the horse.

#### *Conclusion on Condition 3*

- 9.3.7. On balance, I recommend that the applicant's appeal grounds are upheld and the revised phasing condition be removed entirely in the event of a grant of permission.

#### **9.4. Biodiversity Net Gain (Condition 14)**

- 9.4.1. Condition 14 of the planning authority decision to grant states:

*"Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of a suitably qualified individual with a proven track record to oversee the preparation of a net gain biodiversity action plan related to the Airfield Drainage project. The agreed individual shall be appointed by the developer to oversee the preparation, sign off and submission to the Planning Authority for written agreement, a net Biodiversity Gain Plan for the provision and management of on site and/or offsite habitats. The plan shall set out a multiannual programme including ambitious annual targets and indicators to achieve a net gain in*

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<sup>10</sup> European Communities Environmental Objectives (Surface Water) Regulations 2009.

*biodiversity for each identified habitat and species, (specific areas for Willow Warbler and Goldcrest are to be planted on the eastern portion of the site in the vicinity of the Cuckoo Stream) impacted as a result of the subject development within 5 years of commencement of the Airfield drainage project. The plan shall include tree planting, creation/rehabilitation wetland habitat including instream, riparian and floodplain, grassland habitat. A project net biodiversity gain update report containing monitoring of progress, surveys of each habitat shall be submitted to the planning Authority on each anniversary of agreeing the plan. On the 10<sup>th</sup> anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats shall be transferred to public ownership. In default of agreement the matter(s) shall be referred to An Bord Pleanála for determination.*

**Reason:** *In the interest of Biodiversity as per EU 2030 Biodiversity Strategy, IUCN Policy on Biodiversity Offsets (2016), Objectives DMSO138, DMSO138 [sic.], DMSO140, DMSO143, DMSO157, GINHO23 and Policy GINHP22 of the Fingal Development Plan 2023-2029.”*

- 9.4.2. The rationale for Condition 14 can be found in objective DMSO138 of the Development Plan and whilst it is not explicitly stated in the Planning Officer’s Reports, it would appear to be reasonably applied in light of the stated objectives i.e., ensure all infrastructure proposals include measures to protect and enhance biodiversity leading to an overall net biodiversity gain. It is only an aspect of the condition that is being appealed however; that in relation to the transfer of ownership of the off-site habitats.
- 9.4.3. The applicant highlights the implications regarding the reference to “public ownership” having regard to their position as a semi-state body. They also highlight the guidance set out in Section 7.11 of the Development Management Guidelines, as noted above.
- 9.4.4. As noted, the planning authority response has not specifically addressed any of the conditions appealed by the applicant and in the absence of any specified public benefit or “planning gain” to be achieved through the transfer of off-site habitats to public ownership, I consider that this aspect of the condition should be removed in its entirety.
- 9.4.5. Whilst I acknowledge the amendment proposed by the applicant, by replacing the word “shall” to “may”, I do not consider that wording would meet the relevant tests of a planning condition. Moreover, this does not address the absence of a stated public use notwithstanding part of the red line boundary adjoining a number of playing fields.

In this regard, lands that would be transferred under this condition are zoned 'Dublin Airport' and it is uncertain whether a public use would accord with the zoning objective.

#### *Conclusion on Condition 14*

- 9.4.6. On balance, I recommend that the applicant's appeal grounds are partly upheld and the ceding of land be removed from the condition in the event of a grant of permission.

### 9.5. **Hours of Construction (Condition 23)**

- 9.5.1. Condition 23 of the planning authority decision to grant states:

*“The following requirements shall be complied with in full: a) The hours of construction shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00a.m. to 2.00p.m. on Saturdays. b) No construction activities shall take place on site on Sundays or Bank 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 the interests of amenity.”*

- 9.5.2. The applicant submits that there is no indication that the hours of construction have been restricted for a particular reason and request that the condition be amended to permit 24-hour construction to facilitate efficient construction in line with best practice. In this regard, they state that the condition would unnecessarily restrict certain construction activities for which working outside of hours is necessary due to technical factors, including continuous trenchless works, but also due to operational restrictions.

- 9.5.3. In this regard, I note that Section 12.7.1 of the EIAR states that night works are most likely to occur at critical operational areas such as at runways and aprons, consequently they are likely to be undertaken at locations further within the site boundary and at a distance to noise sensitive receptors to the west of the airport. Similarly, night works may be required in 'Eastlands' along the CPCF boundary extent.

- 9.5.4. Whilst there is flexibility built into the condition to allow for deviation from the times specified, it is only to be considered in “exceptional circumstances” and I do not believe this accounts for the specific nature of the project primarily within an operational airfield. I also consider that “in the interests of amenity” is not particularly sufficient to explain why the condition was imposed i.e., it is unclear whether this relates to

residential or visual amenity. On this basis and having regard to the EIA (section 10), I consider Condition 23 should be removed as the main residential amenity impacts resulting from the construction phase (dust, noise and vibration etc.) can be addressed through the CEMP and thus negate the need for any construction hours conditions.

*Conclusion on Condition 23*

9.5.5. On balance, I recommend that the applicant's appeal grounds are partly upheld and a restrictive construction hours condition be removed should permission be granted.

**9.6. PFAS / RWMP (Condition 25)**

9.6.1. Condition 25 of the planning authority decision to grant states:

*“The Resource and Waste Management Plan shall include a detailed assessment of all potential ground contamination or contaminated soils linked with PFAS as part of the assessment prior to any works taking place with appropriate measures put in place to deal with any contaminated waste materials generated during site works. Any soil excavated during site preparation or construction phases contaminated with PFAS should be disposed of at an authorised facility and not reused on site. The disposal of PFAS contaminated materials should be agreed in writing by Fingal County Council prior to removal off site.*

**Reason:** *In the interest of protecting the environment and in the interest of public health.”*

9.6.2. Similar to Condition 14, the applicant has requested an amendment to Condition 25 as opposed to a removal. They submit that the amendment is required to reflect future regulatory processes, noting that EPA guidance on contaminated land is evolving. They are therefore seeking to add the following to the penultimate sentence:

*“...unless otherwise managed in accordance with relevant legislation.”*

9.6.3. In this regard it is important to note that the Groundwater Directive (2006/118/EC) did not include parameter limits for PFAS and thus there are currently no established limits for PFAS in groundwater within the State. The recast Drinking Water Directive (EU 2020/2184) does, however, include limits for PFAS. This Directive was transposed into Irish law through the European Union (Drinking Water) Regulations 2023 and

requires mandatory PFAS monitoring by drinking water suppliers from January 2026. This can be taken as one specific example where PFAS-related legislation is evolving.

- 9.6.4. Whilst there is no legal requirement to monitor soil / concrete that is *in situ* for PFAS, excavated soil / concrete must be tested for those parameters specified in the EU Council Decision 2003/33/EC, referred to as Waste Acceptance Criteria (WAC), before being transferred to an authorised facility. The applicant notes that if contaminated soil is encountered, it will be removed and treated / disposed of in accordance with the Waste Management Act 1996, as amended, the Waste Management (Collection Permit) Regulations 2007, as amended, and the Waste Management (Facility Permit and Registration) Regulations 2007, as amended. It is in this context that the applicant considers that the regulatory process could evolve, taking account of best practice and emerging knowledge and experience in remediation technologies to determine the most appropriate environmental solution for the management of contaminated soils.
- 9.6.5. On the other hand, one of the appellants suggests that any variation to the condition could enable the applicant to reuse contaminated material instead of taking the necessary remedial actions for off-site treatment / disposal. Whilst this may be true, the applicant confirmed it will be “managed in accordance with relevant legislation”.

#### *Conclusion on Condition 25*

- 9.6.6. I consider there is scope to amend Condition 25, as requested. Whilst I note the concerns of the appellant and in particular their reference to previous recommendations over the reuse of crushed concrete as part of the Apron 5H works, the applicant will be bound by the relevant legislative framework in place at that time. I thus conclude the amendment would add a further layer of legislative protection.
- 9.6.7. On balance, I recommend that the applicant’s appeal grounds are upheld and the condition be amended as requested in the event of a grant of planning permission.

## **10.0 Environmental Impact Assessment**

### **10.1. Statutory Provision**

- 10.1.1. Schedule 5, Part 2, Class 10(b)(iv) of the Planning Regulations requires EIA for infrastructure projects where the area exceeds 10ha in the case of urban development.

It is on this basis that the applicant has submitted the EIAR prepared by Nicholas O'Dwyer (October 2023) and this was subsequently updated under FI in 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. They primarily relate to the potential for PFAS to exist in the underlying soils, groundwater and surface water. For completeness therefore, the main EIA issues are:

- Surface and Groundwater Quality
- Contamination of Soils
- Cumulative Impacts

10.3.2. The interaction these have with human health and biodiversity was also raised.

**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 4 of the EIAR including details on the five interrelated project elements as summarised in section 3.2 above i.e., the nature / purpose, design capacity, and layout of each, where relevant. Chapter 4 also notes that arrangements for construction and environmental management are set out in the accompanying 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 may involve some demolition works, including the removal of existing surfaces within the airport but no buildings require demolition. Resource waste is generally addressed in Chapter 13 and refers to the CEMP submitted with the application and a site-specific RWMP by way of construction phase mitigation.
A description of the likely significant effects on the environment of the proposed development (including the	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 effects addressed specifically in

<p>additional information referred to under article 94(b).</p>	<p>Chapter 18 of the EIAR. I also note that Chapter 7 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 'Infrastructure Application', as referenced in section 5.1 above, and considers significant cumulative effects unlikely, I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.</p>
<p>A description of the features, if any, of the proposed development and the 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>The EIAR includes designed-in mitigation measures and other measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 19 of the EIAR (Summary of Mitigation Measures), the relevant topic sections and the 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 alternative design solutions and alternative layouts. Alternative design solutions include alternative design / operational philosophies and design considerations to suit potential construction methodologies. Alternative layouts include alternative pipeline corridor routes and infrastructure locations. In assessing alternatives, the EIAR states that technical, operational and environmental constraints were considered and a comparison of the potential environmental effects carried out. Given the linear and highly technical nature of this project, the applicant has clearly demonstrated that all reasonable alternatives relevant to the proposal have been studied, including the 'do nothing' option which was discounted as it poses an ongoing risk to receiving waters as well as flood risk.</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, where relevant, 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 (bats and aquatic).</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 accidents and/or disasters which are relevant to it.</p>	<p>This issue is dealt with in Chapter 6 of the EIAR. Specific risks have been identified in relation to the project’s vulnerability to major accidents and/or disasters. These include contaminated overflow causing pollution of the receiving waters and airfield flooding causing an impact to airport operations.</p>
<p>Article 94 (c) A summary of the information in non-technical language.</p>	<p>This information has been submitted as a separate standalone document (‘Non-Technical Summary’). This was updated under FI (June 2024). I have read the updated document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</p>
<p>Article 94 (d) Sources used for the description and the assessments used in the report.</p>	<p>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. 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, and reliance on the CSO 2016 Census data.</p>
<p>Article 94 (e) A list of the experts who contributed to the preparation of the report.</p>	<p>A list of the various experts who contributed to the report are set out in Table 1.1 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.</p>

### *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 third-party appeal submissions reflect the general thrust of the previous observations.

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 2.3 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 appellant 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 updated EIAR is adequate subject to conditions requiring the recognition and representation of biodiversity and cultural heritage (i.e., historic townland boundaries) in the proposed landscape and naturalisation plan.

10.4.5. 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 included in the Council's decision to grant planning permission (see section 4.2).

#### *General Comment*

10.4.6. The EIAR refers to the EPA's EIAR Guidelines (2022) and states that effects that are described as Imperceptible, Not Significant and Slight, are considered to be not significant whereas those defined as Moderate, Significant, Very Significant or Profound, are significant effects. In some instances, the EIAR describes the significance of effect using more than one definition and this is noted where relevant e.g., construction phase effects on flora are described as 'slight' and 'not significant'.

## 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 appellants generally relates to public and environmental health concerns arising from contaminated soils, groundwater and surface waters due to PFAS pollution within the airport. They also submit that the extent of PFAS pollution is not known and highlight particular issues in relation to bioaccumulation in wildlife and the dangers of PFAS on biological processes giving rise to human health risks.

10.6.2. The applicant submits that an in-depth review of PFAS was carried out at the airport by Fehily Timoney (April 2024) and the appeal site has not been identified as an area

of high concentration. They also submit that the ADP will not increase the mobilisation of PFAS as the removal of soils (and waters) will reduce the amount that can mobilise, adding that the appeal site does not interact with food producing catchments areas.

10.6.3. None of the prescribed bodies have raised concerns, nor has the planning authority.

10.6.4. The first party appeal in respect of Condition 24 (hours of construction) and Condition 25 (PFAS / RWMP) have been addressed above, in addition to Condition 3 (phasing).

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

10.6.5. Population and human health is addressed in Chapter 8 of the EIAR. It considers the potential direct and indirect effects (both positive and negative) of the proposed development on human beings living, working, and visiting in the vicinity of the site.

10.6.6. 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.

10.6.7. Chapter 8 is supported by:

- Figures 8.1 to 8.3.

10.6.8. The assessment methodology included a desk-based study to gather information regarding population, age structure, economic activity and employment in the study area. The preliminary 2022 Census results did not contain the required level of information and therefore the 2016 Census was used to characterise the baseline.

### ***Baseline***

10.6.9. In terms of population, the EIAR notes a 3.89% increase in population in Swords from the 2016 Census and highlights its designation in the Core Strategy which projects a population of 60,265 by 2029. The nearby settlement of St. Margaret's is also noted.

10.6.10. In relation to employment, the EIAR notes that Dublin Airport handled 86% of the country's total passenger traffic in 2016 and the airport supports 17,100 full-time equivalent (FTE) jobs resulting in over €1.5 billion in gross value added from this employment. The total employment support by airport activities (with indirect and induced multiplier) is estimated to be 45,600 jobs or FTE, earning some €1.7 billion.

10.6.11. As noted, the land use of the study area comprises airport infrastructure and related transportation land uses including car parking. These lie mainly to the east of the

study area. Other land uses include grasslands mainly to the west and south of the study area. Four noise sensitive locations are presented and assessed in Chapter 12.

10.6.12. Regarding human health, the EIAR notes that the vast majority (89%) of people in Fingal reported that their health was good and very good in the 2016 CSO census.

*Potential Effects*

10.6.13. Potential effects are summarised in Table PHH1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>No change in environmental effects but likely that a development of similar nature would be progressed to achieve sustainable growth of the airport.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Noise: Impacts to all noise sensitive locations were not significant-slight, and at night-time, when some works such as tunnelling are proposed, the impacts at noise sensitive locations (NSL 1, NSL 2 and NSL 3) will be slight-moderate, and at NSL4 the impacts would be moderate to significant.</li> <li>Vibration: Where the closest NSL is greater than 100m from the works, no vibrations will be perceptible from the works due to the distance between the works and the receptors. The vibration impact will therefore be neutral, imperceptible and short-term.</li> <li>Air quality: Low risk of dust related human health effects in the absence of mitigation notwithstanding a large dust emission magnitude (450,000cu.m). Predicted change in construction traffic not sufficient to cause more than a neutral impact and thus a not significant, neutral, and short-term effect on air quality.</li> <li>Traffic: Additional traffic movements to/from the site from construction personnel, plant, dumper trucks, deliveries etc. and the frequency of vehicles will vary throughout the construction phase.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>None identified. Proposal is not expected to produce noise or vibration perceptible at any receptor as plant will either be located underground or silent in operation with no addition traffic expected and no emissions to atmosphere as pipelines will be buried underground.</li> <li>Potential for maintenance vehicles to result in particulate matter emissions but not predicted to be significant given the infrequent nature of such activities / low number of vehicles involved.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Other projects would likely be constructed over a phased basis as detailed in Chapter 7 and Chapter 18 of the EIAR.</li> </ul>

**Table PHH1: Summary of Potential Effects**

*Construction Mitigation*

10.6.14. Measures to address health and safety considerations are addressed in the CEMP and will be included in the final contractor’s CEMP in accordance with best practice.

10.6.15. In addition to the measures outlined in Chapter 12 of the EIAR in respect of noise impacts, consideration will be given to scheduling activities in a manner that reflects the location of the site and the nature of neighbouring properties with each potentially

noisy event / activity considered on its merits. The EIAR states that contractor will be able to conduct certain works at hours which reflect periods when neighbouring properties have lower sensitivities to noise. No vibration mitigation measure proposed.

- 10.6.16. Good site and construction management, and dust suppression through watering down roads and tracks are the main air quality measures. Potential effects are stated as temporary, direct, negative and imperceptible, posing no nuisance to receptors.

#### *Operational Mitigation*

- 10.6.17. The EIAR states no mitigation measures are required during the operational phase.

#### *Residual Impacts*

- 10.6.18. The residual impacts from noise at night-time are reduced to not significant-slight at NSL 3, and not significant-moderate at NSL 4 following the mitigation measures.
- 10.6.19. Residual impacts from dust emissions and other air pollutants are not envisaged to pose any harm or nuisance to nearby receptors or human health with mitigation.
- 10.6.20. Residual impacts on the local road network (section of R108, R132 and L2015) are adverse, moderate and short-term following the mitigation measures in the CTMP.

#### *Monitoring*

- 10.6.21. Ongoing monitoring (ISO 1996:2017 and BS5228) and audit, and communication with nearby noise sensitive properties will be carried out during the construction phase.
- 10.6.22. No operational monitoring required as no potential significant impacts were identified.

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

- 10.6.23. I have examined, analysed and evaluated Chapter 8 of the EIAR, all of the associated documentation and submissions on file in respect of population and human health.
- 10.6.24. Having regard to the relatively short construction period as outlined in Chapter 4 of the EIAR, and the limited geographic extent of the works areas, I am satisfied that direct and indirect significant effects on population and human health are unlikely to arise. Thus, I agree that the proposal will, at most, result in a not significant-moderate residual impact at the nearest NLS at night-time with no significant impacts overall.
- 10.6.25. I am also broadly satisfied that the cumulative effects have been adequately considered. In this regard, there is adequate information in Tables 18.4 and 18.5 in

relation to the 'Airfield Underpass', 'Apron 5H' and 'Metrolink' respectively, with the results of the key studies regarding those projects incorporated into the updated EIAR.

- 10.6.26. In similar regard, I broadly accept the rationale for excluding the 'Infrastructure Application' in such an assessment as detailed in Section 7.5.1 of the EIAR. The Commission should note, however, that whilst the subject proposal was lodged with the planning authority in October 2023, and in advance of the 'Infrastructure Application' (Dec. 2023), the FI response in June 2024, including the updated EIAR, could have presented the known information beyond the preliminary scoping exercise (Table 7.2). This data was clearly then available, albeit itself subject to a FI request at that time, thus offering a degree of explanation as to why Chapter 7 wasn't updated.
- 10.6.27. That said, the updated EIAR notes that the phasing of the 'Infrastructure Application' is likely to occur over a 10 to 15-year construction programme offering opportunities to manage the timing of potential impacts to limit their cumulative effects. Section 18.5.2 of the EIAR follows a similar approach to the 'scoped in' projects for cumulative impact assessment and axiomatically states that if there is no overlap between the construction phases of the projects then there is no potential for cumulative effects. This is an entirely plausible approach but the opposite is therefore also equally true.
- 10.6.28. Should construction, and particularly site clearance / soil stripping, overlap with other projects, including the 'Infrastructure Application', there is potential for cumulative effects derived from dust, noise and construction-related traffic. In this regard, significant impacts on population and health are possible over the short-term and thus understated in the EIAR. This can, however, be suitably addressed by conditions.

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

- 10.6.29. 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 water quality / receiving waters. 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.
- 10.6.30. I recommend CEMP and CTMP conditions in the event of a grant of permission.

## 10.7. Biodiversity

### *Issues Raised*

- 10.7.1. As noted, the appellant's concerns relate to public and environmental health issues arising from contaminated soils etc. and this extends to protected European sites.
- 10.7.2. In their submission, the applicant refutes the contention that there are any deficiencies in the EIAR or NIS in terms PFAS contamination, adding that the proposal accords with the Habitats Directive, and specifically refers to Table 13 of the updated NIS.
- 10.7.3. The Council's parks section had no objection to the proposal subject to condition.
- 10.7.4. The first party appeal in respect of Condition 14 (BNG) has been addressed above.

### *Examination, Analysis and Evaluation*

- 10.7.5. Biodiversity is addressed in Chapter 9 of the EIAR. It assesses the biodiversity value of the proposed project area and the potential impacts of the project on the ecology of the surrounding area and within the potential zone of influence (ZOI). In this regard, I note that a significant portion of the proposed development site is built land within the airport environment and consists of maintained roads, aprons, runways, taxiways, buildings and managed grassland. Outside of the airport environment the habitat primarily consists of long grassland and thus possibly suitable for mammals and birds.
- 10.7.6. Chapter 9 is supported by:
- Tables 9.1 to 9.6,
  - Figures 9.1 to 9.19,
  - Appendix 9.1 (Breeding & Winter Birds),
  - Appendix 9.2 (Aquatic walkover survey report), and
  - Appendix 9.3 (Bats).
- 10.7.7. The updated Natura Impact Statement (NIS) is addressed separately in section 11.
- 10.7.8. 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).

- 10.7.9. Assessment methodology includes desktop study and fields surveys. The field surveys are outlined in Table 9.1 of the EIAR and include habitat and flora, breeding bird, aquatic, wintering bird, bat, mammal, invasive species in addition to a tree / hedgerow assessment carried out in April 2024 following the FI request. The EIAR states that all surveys were carried out in the appropriate seasons as per CIEEM guidance and this is elaborated upon in the subsequent sections. I have no concerns in this regard.
- 10.7.10. No significant difficulties were encountered, however, the EIAR notes that the airside portion of the proposed site includes active runways and aprons and is actively managed to deter biodiversity. I note that this area was not covered by the wintering or breeding bird assessments and the management of biodiversity within the airport is covered under the applicant's Wildlife and Habitat Management Plan (WHMP) and in accordance with the EU's Aviation Safety Agency Wildlife Hazard Management Guide.

*Baseline*

- 10.7.11. The proposed works are to upgrade the existing surface water network that leads to the Cuckoo Stream / Mayne River. This will include instream works in the Cuckoo Stream. There is also potential for increased flow rates to the existing foul water network through the diversion of contaminated surface water and this would discharge to Ringsend WwTP. Thus, the potential ZOI extends beyond the site with the potential for impacts to nearby sensitive receptors and designated sites further downstream. No works are proposed in other catchments, however, and there will be no discharges to either the Barberstown Stream or Santry River as a result of the proposed project.
- 10.7.12. The proposed development does not lie within any European site, with no hydrological or ecological connectivity to any such site other than Baldoyle Bay SAC and Baldoyle Bay SPA<sup>11</sup>. In this regard, the EIAR identifies a direct hydrological pathway via the Cuckoo Stream which, as noted above, traverses the appeal site. In addition, the EIAR notes that contaminated flows within the surface water network will be pumped to the public foul sewer which in turn discharges to Ringsend WwTP for treatment. Foul (during construction and operation) will be treated within this public network and thus there is an indirect pathway to designated sites in Dublin Bay following treatment.

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<sup>11</sup> Baldoyle Bay is also identified a proposed Natural Heritage Area (pNHA) and Ramsar site.

### Habitat Baseline Data

10.7.13. Notes that the purposes of the WMHP is to assess the wildlife strike risk and implement appropriate control measures to mitigate the risks such as bird scaring and implementing a long grass policy. Thus, many species are deterred from the airfield.

### Biodiversity Baseline Data

10.7.14. Regularly observed birds within Dublin Airport boundary include Buzzard, Curlew, Woodpigeon, in addition to an increasing population of Mountain Hare. The EIAR notes that implementation of the long grass policy deters Brent Geese, with historic mapping showing that the policy has been successful at keeping the grasslands free of most of the potentially hazardous flocking species such as Gulls, Lapwing and Starlings. Other recorded species include Rabbit, Fox, Hedgehog and Common Frog.

10.7.15. The EIAR also utilises 2016 bat survey data carried out during ongoing monitoring of the Northern Runway project where a moderate level of bat activity was recorded in comparison to previous surveys in 2005 and 2010, with Pipistrelles most frequent.

10.7.16. Flora of conservation importance within 5km of the airport includes Cornflower and Smooth Brome. The EIAR also notes the grass mix used at Dublin Airport is 75% Tall Fescue and 25% Italian Ryegrass and this is maintained between 150-200mm high.

### Site Survey

10.7.17. Section 9.4.4 details the predominant habitats within the ADP as per Fossitt<sup>12</sup>.

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

- Buildings and Artificial Surfaces (BL3)
- Improved Agricultural Grassland (GA1)
- Scrub (WS1)
- Wet Grassland (GS4)
- Hedgerow (WL1)
- Depositing / Lowland Rivers (FW2)

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<sup>12</sup> Fossitt, J.A., 2000. *A Guide to Habitats in Ireland*. The Heritage Council.

- 10.7.19. I note that a significant portion of the appeal site is built land (BL3) consisting of roads, aprons, runways, taxiways and buildings. As noted, the airfield grassland (GA1) is kept at a long sward to reduce biodiversity and limit the potential for ground nesting birds, however it is more diverse outside the airport but no species of conservation importance were noted in this amenity area. A small area of scrub (WS1) was also noted airside, immediately bordering the Cuckoo Stream but the majority of this habitat was noted east of the R132 where it is unmanaged, including a linear strip north of the Cuckoo Stream. An area of wet grassland (GS4) is located on the opposite side of the Cuckoo Stream in the 'Eastlands' area where biodiversity is poor with rush and juvenile willow to the centre. The EIAR notes that this area appeared to be wetter during winter months, however, was dry underfoot during my inspections in May 2026.
- 10.7.20. The EIAR notes that the majority of hedgerows (WL1) are located in the 'Eastlands' with only a short section located proximate to the Cuckoo Stream in the airfield. The EIAR states that some are double hedgerows with a drainage ditch leading to the Cuckoo Stream, adding that evidence of fox and rabbit activity was noted within the hedgerows. No resting or breeding places of mammals of conservation importance were noted; however, frog breeding is expected given the presence of standing water.
- 10.7.21. I note that an aquatic survey of the Cuckoo Stream (outside the airfield) was carried out. It notes that the aquatic flora in the stream was very reduced and it estimates that the overall percentage of ground cover occupied by submerged macrophytes was less than 1%. Within the airfield, the EIAR states that there was a paucity of instream biodiversity and the gravels within the stream were covered by a bacterial mat, the intensity of which reduced further downstream. No instream biodiversity was noted.
- 10.7.22. Thus, the main habitats are a series of agricultural / wet grassland surrounded by hedgerows. The EIAR considers the drainage ditches and hedgerows as the most important habitats because of their linear nature providing biodiversity corridors and bat foraging routes. No habitats of conservation significance were noted at the site.

#### Plant Species

- 10.7.23. No rare or threatened plant species of conservation value were noted within the appeal site during the field surveys or on review of NBDC and NPWS datasets. An area of Japanese knotweed, an invasive species, was noted in a hedgerow west of the airfield.

### Bats

10.7.24. I note that the bats survey included emergence surveys from trees and hedgerows. Foraging activity of Soprano pipistrelle, Common pipistrelle and Leisler's bat were noted. No trees of moderate or high bat roosting potential were noted within the site.

### Terrestrial Mammals

10.7.25. Whilst badgers have been noted within the 10km grid square by NPWS and in adjacent lands to the south, no badgers or badger activity was noted on the appeal site; nor was any otter activity or holts, or evidence of deer noted. No hedgehogs were seen during the site visits but the EIAR states that they may be present on site, noting that they have previously been recorded by NPWS in the 10km grid square. Irish hare were noted on grassland within the airfield and evidence of rabbit and fox were also recorded using camera traps. No protected mammals were noted east of the R132.

### Amphibians / Reptiles

10.7.26. Whilst the common frog was not observed, frogspawn was noted beside the drainage ditch. The EIAR notes that these are features that could be important to frogs including the grassland and drainage ditches. Common lizard and newt were not recorded.

### Birds

10.7.27. The EIAR states 32 no. bird species were recorded at Dublin Airport over three breeding bird surveys in May and June 2022, with 11 no. of these species proven to be breeding on site. Of these, the Willow Warbler and Goldcrest are Amber-listed.

10.7.28. Data available from the wintering bird assessment shows a similar profile of passerines to those recorded in the 2022 breeding bird survey, with noted exceptions being Redwing and Fieldfare (foraging on site in small numbers). Of the non-passerine wintering species that are of conservation concern, Snipe are foraging in small numbers (single figures), being attracted to the wet areas in 'Eastlands'. Woodcock was recorded once (single bird) and other species recorded were Oystercatcher and Curlew (one visit) in the playing fields. No other species recorded and this generally reflects my observations during my site inspections in May 2026.

10.7.29. The EIAR notes that 42 no. species were recorded at Dublin Airport over the course of the winter bird survey period 2022-2023. Of these, Snipe, Oystercatcher and Redwing (each recorded in small numbers) are Red-listed, and Gull sp. Amber-listed.

10.7.30. The EIAR states that the survey results suggest that the site is not a significant ex-situ foraging or roosting site for species of qualifying interest from the nearby SPAs.

*Potential Effects*

10.7.31. 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>Not assessed by no change in environmental effects anticipated with ongoing water quality issues persisting to the detriment of biodiversity.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Designated sites: Potential for silt and surface water drainage contaminated with pollutants associated with construction activity to enter the Cuckoo Stream and significantly affect downstream designated sites. Effects are stated slight / International (scale) / adverse / not significant / short-term. Mitigation is required to limit the potential negative effects.</li> <li>Mammals (excl. bats): Loss of habitat and habitat fragmentation may affect some mammalian species during construction. Effects are stated as slight / site (scale) / reversible / adverse / not significant / short-term / likely. Mitigation is required in the form of pre-construction mammal inspections.</li> <li>Flora: Site clearance will include the removal of c. 1km of hedgerow (worst case) in the 'Eastlands'. Effects are stated as slight / site (scale) / reversible / adverse / not significant / short-term / likely. Mitigation is required to offset the hedgerow loss and control / remove invasive species.</li> <li>Bats: Several areas of hedgerow will be lost which may result in a minor temporary loss of foraging areas. Effects are stated as slight / site (scale) / adverse / not significant / short-term / likely. Mitigation in the form of the control of light spill is required to avoid bat disturbance.</li> <li>Aquatic: Potential for contaminated runoff and pollution to enter the watercourse during construction, with potential for downstream effects on aquatic biodiversity from silt, dust and petrochemicals. Whilst aquatic biodiversity within the site is poor, a gradual, visual improvement in water quality and stream bed over the length of the watercourse within the appeal site was noted. Effects are stated as moderate / local (scale) / adverse / reversible / short-term / likely / significant. Mitigation in the form of silt and dust controls, and control of contaminated surface water is required.</li> <li>Birds: Potential disturbance of nesting birds with the site removal of habitats of Amber-listed Willow Warbler and Goldcrest. Felling of trees during the nesting season could potentially lead to the loss of nesting birds and works could potentially lead to the loss of habitat for Snipe and Woodcock. Effects are stated as slight / local (scale) / reversible / adverse / not significant / short-term / likely. Mitigation is required to control light spill and ensure woody vegetation is removed outside of nesting season. Compensatory habitat for Willow Warbler and Goldcrest will be planted.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Designated sites: Direct hydrological pathway to downstream designated sites in Baldoyle Bay in addition to an indirect pathway to those in Dublin Bay via the foul sewer and Ringsend WwTP. Potential for contaminated surface water (pollutants, dust and silt) to enter the surface water networks and the Cuckoo Stream. In addition, levels of de-icer, below the trigger level of pollution control will remain in the watercourse, however it is anticipated the levels of de-icer would reduce while the water volume in the Cuckoo Stream would be more consistent with less flow disruption during de-icing.</li> </ul>

	<p>Effects are stated as slight / International (scale) / adverse / not significant / long-term / likely. Mitigation is required i.e., monitoring infrastructure.</p> <ul style="list-style-type: none"> <li>• Mammals (excl. bats): No protected terrestrial mammals noted. Effects stated as neutral / site (scale) / not significant / long-term / likely. No mitigation identified.</li> <li>• Flora: No protected flora noted. Effects stated as neutral / site (scale) / not significant / long-term / likely. No mitigation identified.</li> <li>• Bats: Local environment changed in the short-term through vegetation removal but no potential bat roosts identified with foraging expected to continue. Effects stated as slight / negative / site (scale) / long-term / likely. Design mitigation to ensure foraging is maintained.</li> <li>• Aquatic: Potential for downstream impacts on aquatic biodiversity including aquatic invertebrates, from contaminated runoff, silt and pollutants in addition to the overflow from the main tank which has potential to discharge de-icer to the Cuckoo Stream. Effects stated as slight / local / reversible / adverse / not significant / long-term / likely. Mitigation is required to protect downstream aquatic biodiversity with monitoring of COD and nutrients, reporting and recording of overflows in place.</li> <li>• Birds: Reduction of wet grassland habitat in the 'Eastlands' may result in loss of foraging for larger species but this would help reduce the potential risk to aviation due to the presence of such species in this area beneath the flight path (runway 10/28). Effects stated as slight / site (scale) / not significant / long-term. No mitigation proposed for larger species due to the potent for collision risk with incoming aircraft.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• No significant cumulative effects were identified with the scoped projects in Chapter 18.</li> <li>• Notes that positive effects would be seen in water quality downstream of the proposed project during operation.</li> </ul>

**Table B1: Summary of Potential Effects**

*Construction Phase Mitigation*

10.7.32. The construction mitigation measures can be summarised as follows:

- Appointment of a project ecologist prior to works commencing / consult in relation to all on-site drainage during works.
- Prior approval of all site clearance works methodologies by project ecologist, including non-removal of woody vegetation in bird nesting season.
- Staging of project to reduce risks of on-site drainage to the Cuckoo Stream and subject to approval of project ecologist.
- Protection of local drainage connections, gullies and watercourses from dust, silt and surface water throughout the works.
- All on-site drainage network connections will be blanked off and sealed at the first phase of works to prevent runoff or pollutants entering the surface water network.

- No entry of solids or pollutants to the drainage network during the works through the protection of watercourses and drains from works.
- Site Manager responsible for the pollution prevention programme and confirm that at least daily checks are carried out to ensure compliance, with records maintained.
- Spill containment equipment shall be available for use in the event of an emergency, replenished if used and shall be checked on a scheduled basis.
- Silt fencing will be in place in the vicinity of the Cuckoo Stream and other areas deemed appropriate and as directed by the project ecologist.
- Instream works to be carried out in consultation with *Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters* (IFI, 2016).
- Measures to allow mammals to exit from excavations to be discussed with the project ecologist and will include sloped sides and ramps where relevant.
- Landscaping elements include planting areas for hedgerow loss and specific planted areas for Willow Warbler and Goldcrest in the vicinity of the Cuckoo Stream at 'Eastlands' in consultation with the project ecologist and landscape architect.
- Project ecologist will work with the arborist to limit hedgerow loss during site works.
- Project ecologist will oversee management / treatment or removal of Japanese knotweed in line with best practice with pre-works inspection and mapping prior to commencement and Invasive Species Management Plan developed.
- No works within 7 metres of any Japanese knotweed without ecologist approval.

10.7.33. The EIAR also acknowledges the possibility that soils within the airport that require excavation have been contaminated by airport-related activities and mitigation measures will be required in relation to soils and soil movements. I note the following:

- Watching brief will be put in place in consultation with the project ecologist.
- Contamination testing will be carried out by a registered facility if the site is within 30 metres of a drain or watercourse or if soil is to be removed off site.
- Remedial action will be taken in line with legislative guidelines and removed to a registered facility if the soil contains contaminants above compliance levels.

### *Operational Phase Mitigation*

10.7.34. The operational mitigation measures can be summarised as follows:

- Refers to measures outlined in Chapter 10 of the EIAR, as summarised below, to protect surface waters from pollution.
- Post-construction landscape inspection to be carried out by the project ecologist to ensure that all commitments are and mitigation measures have been carried out.
- Lighting during operation will be controlled with bat sensitive lighting in place.
- Post-construction inspection of monitoring infrastructure and procedures to be carried out by the project ecologist.

### *Construction Phase Monitoring*

10.7.35. The construction monitoring measures can be summarised as follows:

- Appointment of a project ecologist to oversee construction works.
- Empowerment of project ecologist to stop works as necessary to avoid potential significant negative effects.

### *Operational Phase Monitoring*

10.7.36. The operational monitoring measures can be summarised as follows:

- Monitoring of discharges from the drainage network for COD and nutrient loading.
- Monitoring and recording of all overflow discharges will include real-time volumes, alarms, and COD concentration, with overflow records kept for inspection.
- Informing the local authority and IFI of any overflows from CPCF within 12 hours.

### *Residual Impacts*

10.7.37. The EIAR states that it is likely that there will be no significant residual ecological effect arising from the works nor is it likely that designated conservation site will be significantly affected. It states that no significant environmental effects are likely with stated likely effects being slight, site (scale), adverse, not significant, and short-term.

10.7.38. Similarly, the EIAR states that it is likely that there will be no significant residual ecological impact from operation of the proposal nor will designated conservation site

be significantly affected. It states that no significant environmental effects are likely with stated likely effects being slight, site (scale), positive, not significant, long-term.

10.7.39. Usefully, Table 9.6 provides a summary of the effects of the proposal in the absence of mitigation, the mitigation proposed and the residual effects following mitigation.

10.7.40. The EIAR summarises residual effects during construction as slight, with short-term impacts resulting in a temporary slight adverse significance. During operation, the long-term impact is considered to be neutral to slight positive and not significant.

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

10.7.41. I have examined, analysed and evaluated Chapter 9 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.

### ***General Comments***

10.7.42. In the absence of mitigation measures, I agree with the findings of the EIAR that the overall development is likely to have direct negative effects on existing habitats, flora and fauna within the appeal site. I anticipate that there would be direct negative effects on the aquatic biodiversity of the Cuckoo Stream during instream works and works in proximity to the watercourse could lead to pollutants associated with construction entering the watercourse. Additionally, there would be direct negative effects on habitats through the removal of grassland and hedgerow, albeit species of low biodiversity importance, and having visited the site, I accept this is of low magnitude.

10.7.43. As noted, the EIAR acknowledges the possibility that soils to be excavated within the airport may have been contaminated by airport-related activities. This forms the crux of the appellant's case, with specific concerns relating to the mobilisation of PFAS in ground and surface waters, and thus impacting on biodiversity, including European sites. I do agree, however, that once constructed, the site would represent a stable ecological environment, where the water quality and hydrodynamics of the Cuckoo Stream will be improved. Thus, conditions for instream biodiversity will also improve.

### ***Designated Sites***

10.7.44. Having regard to the distance from the appeal site to the nearest European sites and given specific measures in place in relation to airfield management under the WHMP, I am fully satisfied that no direct significant effects will arise during the construction

phase. I do, however, consider that direct effects could arise in respect of Baldoyle Bay SAC and SPA, which are hydrologically connected to the appeal site, via the Cuckoo Stream which outfalls to the Mayne River off Balgriffin Road some 4.2km east of the proposed CPCF at 'Eastlands'. The Mayne River in turn discharges to Baldoyle Bay which is also a designated pNHA as well as a Ramsar site. Uncontrolled release of polluting material from the instream works or other works areas connected to the Cuckoo Stream, including via the surface water network could negatively impact on the water quality on which QI's and SCI's depend. However, with mitigation, including that in relation to contaminated soils, I agree that significant effects are most unlikely.

- 10.7.45. As noted by the appellants, there is also an indirect hydrological link to the European sites within Dublin Bay via surface water which is diverted to the foul sewer and processed through Ringsend WwTP. Any impacts would be restricted to the operational phase and given that contaminated flows would be treated along the foul sewer network, I agree with the EIAR that no significant effects downstream are likely.

*Mammals (excl. bats)*

- 10.7.46. Given the enclosed nature of the majority of the appeal site within the airfield, surrounded by security fencing, and the nature of the proposal, 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. Whilst loss of habitat and habitat fragmentation may affect some species during construction, particularly in the 'Eastlands' area, and again the effects here are understated in respect of hedgerow loss, I agree with the EIAR that the residual impact is below the threshold of significant, with pre-works inspections as a key mitigation in this regard.

*Flora*

- 10.7.47. As noted, the majority of the appeal site consists of managed airfield grassland (GA1) and built land (BL3), including roads, aprons, runways and taxiways, with a more diverse range of species in the 'Eastlands', albeit with no protected species recorded.
- 10.7.48. Whilst I note that the EIAR describes the effects as adverse, and 'slight' and 'not significant' during construction, and I agree these are somewhat understated, as noted in the initial Planning Officer's Report, I do agree the residual effect does not reach the threshold of 'significant' with the mitigation proposed, irrespective of the worst-case loss of hedgerow. In this regard, I am fully satisfied that the enhancement measures

proposed in the applicant's FI response, in addition to conditions similar to those set out in the decision to grant in relation to tree and hedgerow retention, reinstatement and replacement, and bio-security measures will offset any direct significant effects.

- 10.7.49. Moreover, the appeal site is zoned and was therefore subject to the SEA process, a key aspect of which has countenanced the development of the historic fields and boundaries in 'Eastlands'. The Commission may wish to consider the retention of all hedgerows within this part of the appeal site; this could be achieved through more sensitive construction methods (e.g., HDD as proposed under the R132) as suggested in the submitted arborist report at FI stage. I do not, however, consider it necessary having reviewed the tree removal and protection drawings which clearly illustrate the limited impact of the proposal. In this regard, it should be noted, and I place particular weight on the fact that, the Council's parks section had no objection subject to conditions, none of which sought gave effect to Condition 10(ii) of the decision to grant.
- 10.7.50. It should also be noted that the proposal would have a limited impact on historic townland boundaries with the vast majority of the 'Eastlands' located in Toberbunny Td. and only a minor portion of hedgerow (H28) in the context of the site, c. 150m, at its interface with Stockhole Td. in the vicinity of the proposed CPCF to be removed.

#### *Bats*

- 10.7.51. The bat report included in Appendix 9.3 of the EIAR states that no confirmed bat roosts will be lost and no trees of roosting potential were noted on the appeal site. Whilst it does, however, acknowledge the displacement of bats from foraging during construction, it does not anticipate that this will have any significant effect on local populations based on the small number of common species found using the site.
- 10.7.52. Whilst I note that the bat report references 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 lighting condition in addition to a pre-commencement bat survey in relation to any potential new roosts.
- 10.7.53. Subject to the above, and in addition to the enhancement measures, I am satisfied that the residual effects of the proposal fall below the threshold of likely significant.

### *Aquatic*

- 10.7.54. The deterioration in water quality is the primary vector for direct and indirect significant effects to arise in relation to aquatic ecology. Whilst the instream works, will require the impoundment and over-pumping (flume) of the watercourse to facilitate dry working areas in accordance with IFI guidance on the protection of fisheries, I do not consider significant residual effects are likely. Whilst I note that the EIAR describes the effects as adverse, and 'moderate' and 'significant' during construction, and I fully agree, with the mitigation measures proposed, including good surface water management, I consider that direct and indirect significant effects are highly unlikely.
- 10.7.55. Moreover, the aquatic report included in Appendix 9.2 of the EIAR notes that the biodiversity of macrophyte species, aquatic invertebrates and fishes was very low and indicative of a system that is adversely impacted by some external agent(s). It suggests that the biodiversity value would improve if the levels of de-icer reduce, and in this regard, I note that the proposal is modelled to improve water quality and the hydrodynamics of the Cuckoo Stream and thus improve conditions to support instream biodiversity. Thus, the stated residual operational effects of 'neutral-slight positive' appear to me to be again understated. In this regard, Table 3.4 of the EPA guidelines on EIAR's defines a 'neutral effect' as having no effect and a 'positive effect' as a change which improves the quality of the environment. It appears to me that the proposal represents the latter, and whilst the significance of effect may not reach the threshold of significant, it is likely to be greater than a 'neutral-slight positive' effect.
- 10.7.56. Indeed, I note that the FI response accepts that there is an underestimation of the positive impact of the proposal in respect of the simulated flow modelling carried out. This is discussed further in section 10.8 below in relation to hydrology (surface water).

### *Birds*

- 10.7.57. 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 Cuckoo Stream 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.

10.7.58. In this regard, I am fully satisfied that the potential impacts on birds were sufficiently considered in the EIAR. In that context it is worth reiterating that the airfield is subject to a WHMP to actively deter birds, and the 'Eastlands' is beneath the flight path of the South Runway and as such is a highly disturbed environment. Thus, I agree that the residual effect airside would be neutral and whilst I accept that the loss of foraging habitat is adverse in the short-term, its level of impact is no greater than moderate and residually slight in the 'Eastlands' and therefore below the threshold of significant.

10.7.59. Moreover, the loss of wet grassland in the vicinity of the CPCF would help reduce the potential risk to aviation due to the presence of some larger bird species beneath the flight path. The EIAR notes that the removal of this habitat will reduce the potential for species to utilise this area thus reducing the level of control required in the 'Eastlands'.

#### *Cumulative*

10.7.60. Having regard to the above, and subject to the implementation of the mitigation measures, I do not consider that any cumulative impacts are likely to arise. Moreover, I agree with the EIAR regarding the positive effects in water quality during operation.

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

10.7.61. 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.

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

10.7.63. 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 instream works.

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

10.8.1. This section of the EIA relates to chapters 10 (Hydrology), 11 (Land, Soils, Geology & Hydrogeology), 12 (Noise & Vibration), and 15 (Air Quality and Climate) of the EIAR.

## **Land, Soils, Geology and Hydrogeology**

### ***Issues Raised***

- 10.8.2. As noted, the appellant's concerns relate to public and environmental health issues arising from contaminated soils and are therefore of direct relevance to this topic.
- 10.8.3. The applicant, as noted, refers to the review of PFAS carried out at the airport (Fehily Timoney, April 2024) and states that the appeal site has not been identified as an area of high concentration, adding that the proposal will not increase the mobilisation of PFAS as the removal of soils (and waters) will reduce the amount that can mobilise.
- 10.8.4. None of the prescribed bodies have raised concerns, nor has the planning authority.
- 10.8.5. The first party appeal in respect of Condition 25 (PFAS / RWMP) is addressed above.

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

- 10.8.6. Chapter 11 of the EIAR assesses the impact of the proposal on the land, soils, geological and hydrogeological environment during construction and operation.
- 10.8.7. It is supported by:
- Table 11.1 to 11.10,
  - Figures 11.1 to 11.17,
  - Appendix 11.1 (Historical Site Investigation Borehole Logs), and
  - Appendix 11.2 (Historical Soil Quality Results).
- 10.8.8. I note that an updated WFD Assessment (CBEC, April 2024) was submitted under FI and this is considered further below in conjunction with EIAR Chapter 10 (Hydrology).
- 10.8.9. The EIAR methodology includes a desktop-study of historical site investigations at the airport, including trial pits (TP's) and boreholes (BH's) together with laboratory testing results, in addition to a review of publicly available mapping, e.g. GSI / Teagasc.
- 10.8.10. 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 Institute of Geologists of Ireland (IGI) and EPA guidance with rating criteria in accordance with TII guidance. I consider that the assessment is sufficiently detailed in this regard.

### *Baseline*

- 10.8.11. The EIAR notes that the appeal site lies within the Liffey and Dublin Bay catchment and Mayne WFD sub-catchment with a small section falling within the Broadmeadow sub-catchment. Having regard to Figure 11.1, I note the latter relates to part of the existing construction compound land parcel located in the townland of Pickardstown.
- 10.8.12. According to the EIAR, the ADP study catchment is located within the upstream extents of three river catchments: the Santry River, the Mayne River and the Sluice River. All watercourses in the catchment follow gradient in an easterly direction.
- 10.8.13. The EIAR notes that the first phases of the airport were constructed at Collinstown in the period 1900-1924 as per the OSI 6-inch maps with current LUZ also illustrated.
- 10.8.14. Figure 11.7 illustrates the historical ground investigation locations within the ADP site since 2008. The EIAR summarises the extent of investigation and I note varying depth of TP's and BH's, including laboratory testing at two areas within the ADP boundary.

### Geology

- 10.8.15. Figures 11.8, 11.9 and 11.10 illustrate the underlying soils, subsoils and bedrock geology, respectively. Evidently the majority of the appeal site consists of made ground associated with airport activities, i.e., aprons and runways etc. I also note that my site observations, and data held by Teagasc and GSI, was verified by ground investigation in respect of the ground conditions at 'Eastlands', i.e., a mix of poor and well drained mineral soil derived from till. The results from TP08, TP11 and T12 are relevant in this regard. They include sandy clays in the topsoil with mottling in subsoils.
- 10.8.16. GSI / Teagasc mapping indicates that the underlying subsoil is till derived from limestone which are usually associated with low permeability clays. This is confirmed by the historic site investigations which notes that the subsoil profile of cohesive deposits (glacial till, sandy gravelly clay). The EIAR summarises them as follows:
- West Apron Area: cohesive deposits (clay) encountered up to 3mBGL. Whilst no bedrock was encountered, the EIAR notes the presence of bedrock outcrops here.
  - Airside Section: cohesive deposits encountered below the concrete composed of sandy gravelly clay to depths between 17.3mBGL and 28.7mBGL (bedrock).

- Fuel Farm and Hydrant Project Area: cohesive deposits of sandy gravelly clay encountered between 11.2mBGL and 22.9mBGL where bedrock was met.
- South Apron area: cohesive deposits of sandy gravelly clay encountered between 5.2mBGL and 10.2mBGL where bedrock was met.
- Area between R132 and M1 ('Eastlands'): congestive deposits of sandy gravelly clay up to 17mBGL with no bedrock encountered.

10.8.17. The EIAR notes that GSI records show that the bedrock geology of the site and surrounding area is dominated by rocks from the Carboniferous Age with superficial deposits underlain by limestones and mudstones of the Tober Collen Formation, the Lucan Formation and the Malahide Formation. Historical BH logs describe the bedrock as 'medium strong / grained limestone interbedded with laminated mudstone' and the EIAR states that these are consistent with the Tober Colleen Formation.

#### Hydrogeology

10.8.18. Figures 11.11, 11.12, 11.13 and 11.14 illustrate the underlying aquifer, underlying vulnerability, groundwater body and potable water supplies (wells) respectively. Referencing GSI data, the EIAR states that the appeal site overlies Poor (PI – bedrock which is generally unproductive except for local zones) and Locally Important (LI – bedrock which is moderately productive only in local zones) aquifers. GSI data also currently classifies the aquifer vulnerability in the region as 'Low' and 'Moderate' which, according to the EIAR, denotes >5m thickness of low permeability clay and this was confirmed by site investigations which generally encountered bedrock at >10mBGL.

10.8.19. In terms of groundwater, the EIAR notes that the Dublin Airport Drainage Management Plan (DMaP) is proposed within a programme of Areas for Action for the Santry/Mayne waterbodies in the 3<sup>rd</sup> Cycle River Basin Management Plan. It also notes that both the Dublin and Swords GWBs is 'Good' and their risk score is qualified by the WFD as 'under review' for Dublin and 'not at risk' for Swords based on chemical composition.

10.8.20. In relation to groundwater wells, the EIAR notes that the general area in the vicinity of the ADP is serviced by public water supply mains and thus no borehole density is anticipated. Nonetheless, Figure 11.14 shows two boreholes close the R132, one associated with a spring beside the Cuckoo Stream and identified on historic mapping

and another associated with an industrial drilled well in 1991 with a good yield class. The anticipated groundwater flow is in an easterly direction in line with the topography.

- 10.8.21. Regarding soil quality, laboratory testing in respect of the South Apron Extension included five samples and the DAA Surveys included four samples within the ADP boundary. The EIAR notes that the samples were analysed in terms of waste classification i.e., for those parameters specified in the EU Council Decision 2003/33/EC, referred to as Waste Acceptance Criteria (WAC). All samples were classified as 'inert' as their results were below the 'inert waste landfill' WAC criteria.
- 10.8.22. The EIAR also notes the ADP is outside the zone of contribution for the nearest groundwater source protection area (Dunboyne Public Water Supply) and some 2.3km and 4.9km from the nearest quarry sites at Feltrim and Hunterstown, respectively. The risk of geohazards such as landslides is stated as negligible given the generally flat / level topography and there is very low risk of seismic activity to the proposed site.
- 10.8.23. In relation to a potential hydrogeological connection between the ADP and the European sites in Baldoyle Bay, the EIAR considers the hydraulic connection to be negligible given the overburden thickness, low permeability, nature of the till and a lack of fracture connectivity within the limestone. It states that this will minimise the rate of off-site migration for any indirect discharges to ground at the site and as such there is no potential for a change in the groundwater body status or significant source-pathway linkage through the Dublin / Swords WFD groundwater bodies to any European site.

#### Conceptual Site Model (CSM)

- 10.8.24. Figures 11.16 and 11.17 present the CSM as geological cross sections of the ADP site. I note that the CSM was developed to identify any S-P-R linkages relating to the site and the proposal on baseline information detailed above. I note the following:
- Site slopes east – regional groundwater expected to flow in this direction.
  - Bedrock is associated with limestones and mudstones.
  - Bedrock is the main aquifer – classified as PI and LI.
  - ADP overlies Dublin GWB and Swords GWB i.e., 'poorly productive bedrock'.
  - Dublin / Swords GWBs have 'good' status and 'review' / 'not at risk' respectively.
  - S-P-R to the aquifer and European sites in Baldoyle Bay considered negligible.

- No evidence of contamination during historical site investigation works.

*Potential Effects*

10.8.25. Potential effects, as identified in the EIAR, are summarised in Table LSGH1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>• Current surface water management plan and ancillary infrastructure remain in place – neutral effect on the hydrogeological environment and regional aquifers in relation to the current situation.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Excavation and Infilling: Some 190,000cu.m to be excavated for the CPCF and a combined volume of 98,000cu.m to be excavated for the WA-AT and WA-PT of which 36,000cu.m sent off-site with remainder used for backfilling. Estimated that 306,000cu.m of excavated materials would be exported with potential negative impact on humans (onsite and offsite), water and soil environments if material is not correctly managed or handled. The max. volume of excavated material to be stockpiled is estimated as c/ 49,000cu.m. Potential impacts as a result of changes to the soil and geological profile (due to excavation and infilling) is stated as negative / moderate / short-term.</li> <li>• Accidental Spills and Leaks: Potential for water (surface water run-off and/or groundwater) to become contaminated with pollutants associated with construction activity. Potential impacts could arise from accidental spillage of fuels, oils, paints, etc., which could impact groundwater if allowed to infiltrate to the subsoil environment. Concreting operations near surface water drainage points could lead to discharges to water. Potential impacts as a result of potential groundwater contamination (due to accidental spills and leaks) is stated as negative / moderate / short-term.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Some 5,031cu.m of new hardstand will have a minor effect on local recharge to ground (c. 0.0006% of the Dublin GWB) and the impact on the overall hydrological regime will be insignificant. Potential impacts as a result of a reduction in groundwater recharge and changes to the hydrogeological regime are stated as neutral / imperceptible / long-term.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• No cumulative impacts are expected in combination <i>Metrolink</i> or the Airfield Underpass due to the construction and operational phases of these projects.</li> <li>• Future developments will have to incorporate measures to protect soil and water quality during construction and manage groundwater discharges during operation in compliance with S.I. 9 of 2010 (European Communities Environmental Objectives (Groundwater) Regulations 2010), as amended, and thus cumulative impacts are considered neutral / imperceptible; and short-term during construction and long-term during operation.</li> </ul>

**Table LSGH1: Summary of Potential Effects**

*Construction Phase Mitigation / Monitoring*

10.8.26. Mitigation measures include:

- CEMP containing best practice measures and protocols to be implemented during construction to avoid / minimise impacts, including in relation to surface water and emergency response procedures.
- The control of soil during excavation, including:

- Silt reduction measures e.g., silt fencing, settlement measures (silt traps, 20m buffer zones between machinery and watercourses, offsite refuelling), and hydrocarbon separators.
- Localised pumping of surface water runoff from excavations during and after heavy rainfall events.
- Careful management of temporary stored soils e.g., tightly compacted and graded stockpiles stored away from drains, minimisation of material movement and backfill excavations quickly to prevent water ingress.
- Correct classification and segregation of excavated material being removed off site to ensure that potentially contaminated materials are identified and handled appropriately i.e., in accordance with the RWMP (Appendix 13.1).
- Soil sampling and laboratory analysis to be carried out in order to identify any potential contamination during excavation works with contaminated soil to be removed and disposed of at a licenced facility.
- Consideration afforded to weather conditions when planning activities.
- Monitoring effectiveness of pollution control measures i.e., dewatering of excavations using settlement tanks or infiltration systems will be monitored at least twice daily with dewatering stopped if any silt is evident in discharge.
- Fuel and chemical handling measures, including:
  - Storage of all oils, solvents and paints in temporary bunded areas.
  - Oil and fuel storage tanks to be located in designated areas and bunded to a volume of 110% of the capacity of the largest tank / container (plus 30mm allowance for rainwater ingress).
  - Drainage from bunded area(s) to be diverted for safe collection / disposal.
  - Refuelling of construction vehicles and the addition of hydraulic oils / lubricants to take place in a designated area (or, where possible, off the site) which will be away from water gullies or drains.
  - Fuel to be transported in a mobile double-skinned tank in the event that refuelling is required out the designated area.

- Spill kits and hydrocarbon absorbent packs to be stored in designated area and all personnel to be trained in the use of such equipment.
- Compliance with guidelines such CIRIA 532 *Control of Water Pollution from Construction Site, Guidance for Consultants and Contractors*.
- Delivery of all ready-mixed concrete to site (by truck).
- Completion of a risk assessment for wet concreting prior to works which will include measures to prevent discharge of alkaline wastewaters or contaminated stormwater to underlying subsoil.
- Wash down / washout of concrete transporting vehicles at appropriate offsite facility.
- Storage of drummed fuel or other chemical containers in a dedicated internally bunded chemical storage cabinet and labelled with appropriate remedial actions in the case of a spill.
- Soil removal and compaction measures, including:
  - Temporary storage of away from surface water drains.
  - Minimisation of material movement to reduce degradation of soil structure and dust generation.
  - Excavated material to be assessed for signs of contamination such as staining or strong odours and soil samples analysed for the presence of contaminants to ensure that historical pollution has not occurred.
  - Contaminated soil will be segregated and appropriately disposed of.

10.8.27. I also note that construction phase monitoring will include the following:

- Regular inspection of surface water run-off and sediments controls, e.g., silt traps.
- Soil sampling to confirm disposal options for excavated soils in order to avoid contaminated runoff.
- Regular inspection of construction / mitigation measures, e.g., concrete pouring, refuelling etc.

*Operational Phase Mitigation / Monitoring*

10.8.28. No operational phase mitigation required.

10.8.29. Monitoring measures relates to the maintenance of the SuDS, including interceptors.

*Residual Impacts*

10.8.30. With mitigation, the EIAR states that proposal will have no significant impact on the soil, geological or hydrogeological environment either qualitatively or quantitatively.

10.8.31. Thus, the residual impacts on the soil and geological profile (due to excavation and infilling) and on potential groundwater contamination (due to accidental spills and leaks) is stated as neutral, not significant and short-term for the construction phase.

10.8.32. Potential residual impacts during the operational phase on groundwater recharge rates and the hydrogeological regime are stated as neutral, imperceptible and long-term.

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

10.8.33. As noted, the root of the appellants concerns relates to legacy issues in respect of airport activities, and the contamination of soils and groundwater with PFAS in particular. It is suggested that the excavation of soils to facilitate the ADP could result in contaminated groundwater migrating into waters used by local communities and farming activities. Without knowing the full extent of PFAS in soils, surface and groundwaters, receiving waterbodies, it is stated that mitigation cannot be identified.

10.8.34. Regarding the extent of PFAS within the airport, the applicant states that the appeal site has not been identified as an area of high concentration, referencing recent environmental monitoring at the airport (Fehily Timoney, April 2024). It is also stated that the proposal will reduce the amount of PFAS that can mobilise into the system and they reaffirm commitments to the active investigation and management of PFAS.

10.8.35. As noted above, the applicant is not shying away from the historical PFAS contamination at the airport, nor should they, it is a global issue of the gravest concern as powerfully detailed by the appellants. The issue was, however, only confirmed at the airport following site investigations carried out in 2016/17 where PFAS compounds were found in the soil at a former firefighting training site (now part of the North Runway). This resulted in consultants being appointed in 2021 to address the issue.

10.8.36. I have reviewed the environmental monitoring report by the appointed consultants for 2021-2023 (Fehily Timoney, April 2024) and I also note that it was since updated with the monitoring results from 2024 (Fehily Timoney, September 2025). The latter report compares the 2024 results with those obtained between 2021 and 2023 in order to

examine the trends in PFAS concentrations in surface and groundwater over that period of time. It indicates that PFAS detections in groundwater were generally below the general acceptance criteria (GAC) with the highest detected concentrations in localised areas. It also notes that PFAS is stable or decreasing in groundwater in 15 of the 27 monitoring wells while increasing in the remaining locations. However, the results for groundwater must be considered in the context of the monitoring locations (north of the campus) i.e., near where the use of PFAS containing products is known<sup>13</sup>.

- 10.8.37. In this regard, the 2024 report must be treated with a degree of caution but it does confirm that the mobilisation of PFAS is localised given the low permeability overburden and poorly productive bedrock. Thus, the initial 2021-2023 report remains relevant and provides greater context. It specifically notes that the boreholes for the Airfield Underpass (BH104 to BH109) had no detectable levels of PFAS nor had the boreholes or trial pits associated with the North Apron South Apron Hub (NASAH).
- 10.8.38. This information corroborates that outlined in the EIAR in respect of soil quality where nine samples within the ADP boundary were analysed in terms of waste classification. All samples were below the 'inert waste landfill' WAC criteria i.e., classified as 'inert'.
- 10.8.39. There is nothing otherwise in the EIAR or the referenced documentation to suggest that the underlying soils and groundwater within the proposed works corridor are contaminated with PFAS and I consider the CSM, as outlined above, relevant in this regard, i.e., no evidence of contamination during historical site investigation works.
- 10.8.40. The CSM also notes that the regional groundwater flow is expected in an easterly direction and thus unlikely to affect food production or agricultural produce on lands to the north of the airport campus. Moreover, the underlying soil structure and bedrock would suggest that wider mobilisation of PFAS in the soils and groundwater beyond a localised setting is highly unlikely. This is supported by the lack of bedrock fault lines within the site other than at 'Eastlands' where PFAS would not be expected. Whilst the excavations here, and at the West Apron, could require de-watering depending on the established water table level, no significant groundwater impacts are anticipated.
- 10.8.41. Whilst I note the concerns raised in respect of possible PFAS contamination, I am satisfied that the precautionary mitigation and monitoring regime proposed, including

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<sup>13</sup> Former Fire Station within North Apron; East Area of North Apron; North Runway / Former Firefighting Training Ground; and Castlemoate House (historic unregulated waste disposal site).

the classification and segregation of excavated material and testing of de-watered areas (see below), is robust. In the absence of any scientific evidence to reject the assessment in respect of land, soils, geology and hydrogeology, 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 the Airfield Underpass (ABP-316138-23), where groundwater samples were analysed for PFAS and all returned below detection levels.

- 10.8.42. On this basis, I agree with the EIAR that the potential impacts are limited to the soil and geological profile (due to excavation and infilling) and on potential groundwater contamination (due to accidental spills and leaks) during the construction phase and on groundwater recharge rates and the hydrogeological regime during the operational phase. With the proposed mitigation, I do not consider there will be any likely direct or indirect effects that will reach the threshold of significant, nor do I consider there to be any significant cumulative effects in conjunction with other projects, including but not limited to the 'Infrastructure Application', the Airfield Underpass and *Metrolink*.

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

- 10.8.43. I have considered all of the written submissions made in relation to land, soil and hydrogeology, and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts 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.
- 10.8.44. 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.
- 10.8.45. As detailed in section 9.6, I also recommend that Condition 25 of the decision to grant, in respect of PFAS / RWMP, should be attached as amended in the manner sought.

### **Hydrology**

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

- 10.8.46. As noted, the appellant's concerns relate to public and environmental health issues arising from contaminated surface water and are therefore of relevance to this topic.
- 10.8.47. The applicant, as noted, refers to the review of PFAS carried out at the airport (Fehily Timoney, April 2024) and states that the proposal will improve the protection of the

Cuckoo Stream by increasing flows and diverting polluted water. In this regard, it is stated that the ADP is integral to the ecological condition of the receiving waters.

10.8.48. None of the prescribed bodies have raised concerns, nor has the planning authority.

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

10.8.49. Hydrology is addressed in Chapter 10 of the EIAR. It assesses the impact of the ADP on the hydrological environment during the construction phase and operational phase.

10.8.50. Chapter 10 is supported by:

- Tables 10.1 to 10.11, and
- Figures 10.1 to 10.10.

10.8.51. As noted, the application documents include:

- Drainage Overview Document (N. O'Dwyer, October 2023)
- Flood Risk Assessment (N. O'Dwyer, October 2023)
- Updated WFD Assessment (CBEC, April 2024).

10.8.52. The EIAR methodology includes a desktop-study of historical site investigations at the airport, in addition to a review of publicly available mapping held by the EPA.

10.8.53. 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, TII guidance. I consider that the assessment and supporting documents are sufficiently detailed in this regard.

### ***Baseline***

10.8.54. Section 10.4 of the EIAR sets out the receiving environment in terms of hydrology, the existing surface water drainage, surface water quality, flood risk assessment, foul water drainage, areas of conservation, and rates important hydrological features.

### **Hydrology / Existing Surface Water Drainage**

10.8.55. As noted above, the appeal site lies within the Liffey and Dublin Bay catchment and Mayne WFD sub-catchment with a small section falling within the Broadmeadow sub-catchment. It is stated that the ADP study catchment is located within the upstream extents of four river catchments: the Santry River, the Mayne River, the Ward River and the Sluice River. I note that this is a slight departure from information contained

in Section 11.4.1 of the EIAR where only three of the river catchments are referenced, however the ADP is mainly located with the upper Cuckoo Stream local sub-catchment, the largest sub-catchment at the airport, including large parts of the airfield.

10.8.56. As noted, the Cuckoo Stream flows in an easterly direction towards the confluence with the River Mayne which ultimately discharges to Baldoyle Estuary. This feature is culverted at the R132 and further east at the Airport M1 Motorway before flowing as mainly an open channel to the confluence with the River Mayne off Balgriffin Road.

10.8.57. As per Figure 10.4 of the EIAR, the existing surface water system in the upper Cuckoo sub-catchment at the airport consists of the following components:

- Surface water collection network;
  - Interception of greenfield inflows and conveyance by upstream network pipelines;
  - Local collection pipelines serving roofed and paved areas in the airfield;
  - Airfield Trunk Culvert (ATC) – the main surface water pipeline in the airfield;
- Flow monitoring point on the Cuckoo Supply Channel, including Total Organic Carbon (TOC) analysers, to monitor whether surface water runoff is clean or contaminated;
- Flow diversion structure (FDS) and pollution control tank (PCT) for capture of contaminated runoff, with a pumped discharge to the public foul sewer;
- Local surface water attenuation systems; and
- Regional surface water attenuation systems.

10.8.58. As noted, the ATC is the main surface water pipeline serving the airport and it commences to the east of the R108 and traverses the campus in a south-easterly direction towards the Cuckoo Supply Channel, an open-channel drainage system, adjacent to the South Apron. The supply channel runs in an easterly direction and conveys culverted flows across the R132 before continuing to the Cuckoo Stream. It then flows across the 'Eastlands' before discharging flows to a culvert under the M1.

10.8.59. The EIAR states that the ATC and contributing surface water drainage network do not currently provide sufficient hydraulic capacity to cater for the design flows which are required for new surface water pipelines i.e., 1-in-100 year plus 30% uplift for climate

change. It also notes that flow diversion structure on the supply channel diverts clean runoff (runoff with a COD / BOD below the diversion concentration trigger rate) from the ATC to the Cuckoo Stream and contaminated flows to the pollution control tank.

- 10.8.60. In terms of potentially contaminated runoff, the EIAR notes that all aircraft and pavement de-icer applied in upper Cuckoo catchment is mobilised during rainfall events and conveyed to the ATC. Whilst the compounds used are not included in the list of priority hazardous substances in the European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended, the EIAR notes that when mixed with surface runoff they can lead to elevated COD / BOD concentrations, and this can potentially adversely affect the water quality of the receiving waters. It also notes that greenfield inflows intercepted by the existing system are being unnecessarily contaminated during through mixing that occurs in the ATC and thus the proposal seeks to reduce the volume of contaminated water needing treatment.
- 10.8.61. As noted, the ancillary infrastructure required to operate the existing surface water system includes an FDS, control facilities and surface water attenuation systems. Runoff that exceeds the diversion concentration limit are diverted by the FDS to a 11,000cu.m PCT and is then discharged to the North Fringe Sewer via pumped outlet and I also note that the largest of the attenuation systems in the upper Cuckoo catchment is the 20,500cu.m regional tank with 18 local tanks providing c. 17,600cu.m.
- 10.8.62. The EIAR notes that there are additional attenuation facilities, local and regional, within the other stream / river catchments that serve the overall airport campus. In this regard I note that the planning authority's FI request, albeit in respect of AA Screening, sought clarification on the likelihood of discharges to streams outside the Cuckoo catchment. The applicant, however, confirmed that the works are being carried out exclusively in the Cuckoo catchment and there is no hydrological connectivity to other catchments.

#### Surface Water Quality

- 10.8.63. In terms of surface water quality, the EIAR notes that the WFD river waterbody status for the Mayne River (including Cuckoo Stream) 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 Mayne River for biological and chemical quality at Hole-in-the-Wall Bridge Road (station code: RS09M030500), c. 4-5km downstream, and a 'poor' Q-value status (Q3 / moderately polluted) was last recorded

in 2022, although this is noted as a slight improvement from 2019 monitoring (Q2-3). The Commission should note that the WFD river waterbody status for the Mayne River for the 2019-2024 monitoring period remains 'poor' as per the latest EPA data<sup>14</sup>.

- 10.8.64. I note that the WFD Assessment concludes that provided the system is managed as required, the overall effect of the ADP can be considered beneficial from a WFD perspective because it will increase the flows of water in the Cuckoo Stream especially during droughts and thus have a beneficial effect on the receiving surface waterbody status (chemically, ecologically and in terms of quantity), and the hydrological environment in general. Likewise, the operating COD trigger limit will ensure that water entering the Cuckoo Stream does not exceed levels that equate to the BOD level "not below a classification of moderate status, and arguably improving status".
- 10.8.65. In addition to EPA monitoring, the EIAR includes a summary of DAA surface water monitoring data from 2020 to September 2022. In relation to the upper Cuckoo sub-catchment, I note that in terms of biological water quality, results from ecological monitoring indicate that the current pollution status for the Cuckoo Stream during 2022 is Q2 i.e., seriously polluted. However, no environmental quality standard (EQS) exceedances were detected in the Cuckoo Stream and whilst upstream agricultural inflows characterised by high nitrogen (N) and phosphorous (P) peak in spring/summer, BOD, Ammonia N and Ortho P are generally lowest as flows leave DAA lands, with the inference being that water quality is affected by other sources.

#### Flood Risk Assessment

- 10.8.66. According to the EIAR, the clean water allowable discharge will not exceed the peak discharge rate of 7.73cu.m/s which is stated to accord with LAP objective FRM02 (see section 6.1 above). The EIAR also notes that the majority of the proposed ADP infrastructure will be located below existing ground levels and will thus not impact on existing flow paths. It does, however, acknowledge the location of the proposed CPCF in Flood Zone A but considers it meets the Justification Test as detailed in the accompanying Flood Risk Assessment (FRA), i.e., deemed essential infrastructure.
- 10.8.67. I note that the access chambers to the CPCF will be appropriately sealed against flood water ingress and the EIAR states that the above ground control building and electrical

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<sup>14</sup> Environmental Protection Agency. *Maps Application (Water)*. [Online] Available at <https://gis.epa.ie/EPAMaps/Water> [accessed 5<sup>th</sup> March 2026]

substation are located outside Flood Zone A and protected by a flood containment bund, with finished floor levels (FFLs) will be above the Drainage Masterplan Project (DMP) modelled flood levels in any event. Infrastructure in the South Apron associated with the network re-configuration are outside Flood Zone A and essential to the ADP.

10.8.68. Significantly, the ADP proposes to address pluvial flooding in the West Apron through upgraded surface water collection pipework and additional local attenuation storage and following the implementation of these measures the above ground control kiosk for various decision points (DP1, DP4 and DP5A) will not be susceptible to flooding.

10.8.69. Based on TII criteria, the EIAR rates the hydrological features in the study area as being of 'High Importance' due to the presence the flood plain in the 'Eastlands' area. The EIAR states that this floodplain protects more than 50 properties downstream.

Foul Water Drainage

10.8.70. The EIAR notes that discharges to the public foul sewer are managed in accordance with the conditions of the existing Section 16 Trade Effluent Discharge Licence (TEDL) which is regulated by Uisce Éireann. It is stated that whilst this will continue, it is anticipated that the volume of water discharged to the sewer will be considerably less.

Areas of Conservation

10.8.71. As noted, the ADP does not overlap with any European sites but there is a hydrological pathway to Baldoyle Bay SAC and SPA via the Cuckoo Stream and Mayne River.

*Potential Effects*

10.8.72. Potential effects, as identified in the EIAR, are summarised in Table H1 below. Due to the inter-relationship between surface water (hydrology) and soils, geology and hydrogeology, the EIAR notes that the effects below are applicable to both topics.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>• Current surface water management plan and ancillary infrastructure remain in place with higher volumes of contaminated albeit more diluted runoff requiring treatment and thus improvement opportunities forgone.</li> <li>• Temporal evolution of the baseline involves climate change and its effects on the quantity / quality of surface water and this could potentially affect the surrounding projected flooding.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Increased Sediment Loading: Runoff containing large amounts of silt can cause damage to surface water systems and receiving watercourses. Silt water can arise from de-watering excavations, exposed ground, stockpiles and access roads. There is also potential for an increase in runoff (rate and volume) due to the compaction of soils which will reduce the infiltration</li> </ul>

	<p>capacity and this could also increase sediment loading on watercourses. The potential effects are stated as negative / moderate / short-term.</p> <ul style="list-style-type: none"> <li>Accidental Spills and Leaks: Potential for water (surface and/or groundwater) to become contaminated. Contaminated water can pose a significant short-term risk to groundwater if contaminated water is allowed to percolate to the aquifer / receiving groundwater bodies (as noted in Table LSGH1). Risk of accidental pollution incidences from suspended solids (muddy water with increased turbidity) arising from excavation and ground disturbance; cement / concrete (increased turbidity and pH) arising from construction materials; hydrocarbons (ecotoxic) from accidental spillages from plant or onsite storage; and wastewater (nutrient and microbial rich) arising accidental discharge from onsite toilets and washrooms. Machinery activities may result in contamination of runoff / surface water. Potential effects could arise from accidental spillages (fuels, oils, paints etc.) and from concreting operations near surface water drainage points. The potential effects are stated as negative / moderate / short-term.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Hydraulic conveyance through the airfield will be improved and thus reduce the level of flooding within the operational areas of the airport and the predicted flooding of the R108 through the introduction of additional hydraulic capacity and attenuation volume. Modelling predicts that the ADP would reduce the mass load of COD lost to the stream by, on average, 90% (notwithstanding a simulated increase in flight movements, 25%). Greenfield inflows will remain available (unmix in the ATC) and this will increase the likelihood of ecological flows being maintained in the receiving waterbody and thus reduce the risk of contaminated flows entering the Cuckoo Stream. The rate of contaminated flow discharge is limited by TEDL. Potential effects associated with caustic soda management (from the dosing system at the CPCF) and possible spills are addressed by system design measures according to the EIAR. Approx. 5,031sq.m of new hardstand will a minor effect on local recharge to ground (Table LSGH1).</li> <li>The potential effects on surface water flows and quality are stated as positive / significant / long-term. The potential effects on the overall hydrological regime are stated as neutral / imperceptible / long-term.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>No cumulative impacts are anticipated in combination the North Runway, <i>Metrolink</i> or other planned developments due to the general lack of hydrological interaction with these projects but the proposed alteration to the North Runway and Apron 5H infrastructure is considered further below.</li> <li>Future developments will have to incorporate SuDS measures to protect water quality during construction and manage surface water drainage during operation in compliance with S.I. 272 of 2009 (European Communities Environmental Objectives (Surface Water) Regulations 2009), as amended, and thus cumulative impacts are considered neutral / imperceptible; and short-term during construction and long-term during operation.</li> </ul>

**Table H1: Summary of Potential Effects**

*Construction Phase Mitigation and Monitoring*

10.8.73. Mitigation measures include:

- CEMP containing best practice measures and protocols to be implemented during construction to avoid / minimise impacts, including in relation to surface water.
- Surface water runoff and control of sediments, including:

- Exposed soil surfaces to be stable (to minimise erosion) and located within the main excavation site to limit the potential for offsite effects.
- Pre-treatment and silt reduction measures e.g., silt fencing, settlement measures (silt traps, 20m buffer zones between machinery and watercourses, offsite refuelling), and hydrocarbon separators.
- Localised pumping of surface water runoff from excavations during and after heavy rainfall events.
- Careful management of temporary stored soils e.g., tightly compacted and graded stockpiles stored away from drains, minimisation of material movement and backfill excavations quickly to prevent water ingress.
- Consideration afforded to weather conditions when planning activities.
- Pollution Control Plan, Emergency Response Plans and Method Statement to be agreed with IFI and have regard to relevant pollution prevention guidance and otherwise comply with EPA, IFI and OPW requirements.
- Direct disposal to the watercourse of arisings from instream excavations and from dewatering activities shall not be permitted as these could impact on water quality and increased flood risk; any discharge to be agreed.
- Monitoring effectiveness of pollution control measures i.e., dewatering of excavations using settlement tanks or infiltration systems will be monitored at least twice daily with dewatering stopped if any silt is evident in discharge.
- Works in the Cuckoo Stream to be conducted during low flow conditions.
- Instream works to take place during March to September only / as per IFI.
- Fuel and chemical handling measures, including:
  - Storage of all oils, solvents and paints in temporary bunded areas.
  - Oil and fuel storage tanks to be located in designated areas and bunded to a volume of 110% of the capacity of the largest tank / container (plus 30mm allowance for rainwater ingress).
  - Drainage from bunded area(s) to be diverted for safe collection / disposal.

- Refuelling of construction vehicles and the addition of hydraulic oils / lubricants to take place in a designated area (or, where possible, off the site) which will be away from water gullies or drains.
- Fuel to be transported in a mobile double-skinned tank in the event that refuelling is required out the designated area.
- Spill kits and hydrocarbon absorbent packs to be stored in designated area and all personnel to be trained in the use of such equipment.
- Compliance with guidelines such CIRIA 532 *Control of Water Pollution from Construction Site, Guidance for Consultants and Contractors*.
- Delivery of all ready-mixed concrete to site (by truck).
- Completion of a risk assessment for wet concreting prior to works which will include measures to prevent discharge of alkaline wastewaters or contaminated stormwater to underlying subsoil.
- Wash down / washout of concrete transporting vehicles at appropriate offsite facility.
- Storage of drummed fuel or other chemical containers in a dedicated internally banded chemical storage cabinet and labelled with appropriate remedial actions in the case of a spill.
- Soil removal and compaction measures, including:
  - Temporary storage of away from surface water drains.
  - Minimisation of material movement to reduce degradation of soil structure and dust generation.
  - Excavated material to be assessed for signs of contamination such as staining or strong odours and soil samples analysed for the presence of contaminants to ensure that historical pollution has not occurred.
  - Contaminated soil will be segregated and appropriately disposed of.

10.8.74. I also note that monitoring will take place prior to, and during construction.

### Pre-Construction

- Pre-construction water quality monitoring will be undertaken once a week for a 1-month period, prior to the commencement of works with samples taken for total suspended solids (TSS), turbidity, pH, temperature, dissolved oxygen (DO) and hydrocarbons up and downstream of the working areas / crossing points.

### During Construction

- Contractor to monitor the levels of TSS, turbidity, pH, temperature, DO and hydrocarbons at the same pre-construction locations weekly for the following:
  - Site clearance works, earthworks movements and stockpiling;
  - Excavations; and
  - Construction works with and adjacent to watercourses.

### *Operational Phase Mitigation and Monitoring*

10.8.75. In relation to CPCF overflow risk / emergency response, the following are noted:

- Mitigation / Design Measures to Limit Overflow Events:
  - Segregation of clean flows from potentially contaminated flows is proposed and will improve network resilience.
  - Providing additional pollution control storage capacity reduces the likelihood of overflows occurring.
  - Compartmentalised storage tanks so that first flush of most heavily contaminated water would be captured in a compartment and potentially limit highly contaminated watercourse discharges during overflow events.
  - Increasing the flow path through each compartment can minimise the concentration of the spill volume.
  - Airfield-wide SCADA system allows pump rates to be increased / decreased at the CPCF in order to maximise the storage availability / system resilience.
  - Pumping from local pollution control tanks to the CPCF could be turned off if the CPCF is full and the local tanks have spare capacity.
  - Decision Points (DPs) – system response configurations have been developed as required to address potential weather condition combinations.

- Overflow Event (emergency situation / surcharge in network):
  - Step 1: network / pipeline storage volume utilised to postpone / avoid event.
  - Step 2: Overflow 1 at CPCF to allow contaminated flows to Cuckoo Stream.
  - Step 3: Overflow 2 to Cuckoo Stream bypassing CPCF.
  - Step 4: Overflow 3 to Cuckoo Supply Channel in flood conditions.

10.8.76. The EIAR states that there is sufficient flexibility to take the above steps in a different sequence, e.g., where the COD concentration of flows in the network / pipeline is lower than the flows in the CPCF, implementation of Step 3 before Step 2 would enable the release of a lower-concentration flow to the Cuckoo Stream on scientific information.

10.8.77. Monitoring measures relate to the implementation of a surface water monitoring plan (SWMP) with a risk-based approach in identifying surface water monitoring locations, frequency and type of sampling necessary / required; with routine and event-based sampling proposed including grab and composite sampling, and water quality probes.

#### *Residual Impacts*

10.8.78. The EIAR states that the effects as a result of potential surface water contamination (due to excavation and infilling or accidental spills and leaks) are neutral, imperceptible and short-term following the implementation of the construction mitigation measures.

10.8.79. During the operational phase, and subject to the mitigation measures described above, the EIAR states that the effects from altering surface water flows and on water quality conditions in the Cuckoo Stream will be positive, significant and long-term, with changes to the hydrological regime described as neutral, imperceptible and long-term.

#### Water Framework Directive Status

10.8.80. As a result, the EIAR states that there will be no predicted degradation of the current receiving waterbody status (chemically, ecologically and quantifiably) or any impacts on its potential to meet the requirements and / or objectives in the relevant RBMP. As such, the project will not cause a deterioration in surface water quality or compromise the ability of any surface or groundwater to meet the objectives of the Water Framework Directive in the RBMP or Airport LAP. Moreover, the EIAR states that the proposal is likely to improve the surface water status, will conserve capacity at Ringsend WwTP (by reducing the discharge volume) and will not affect groundwater.

10.8.81. Therefore, it is not likely that there will be any significant discharges of pollutants of priority or other polluting substances to surface water, thus the chemical status of the surface water is not likely to deteriorate as a result of the development of the project.

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

10.8.82. As noted, the appellants primary concerns relate to contamination of soils and groundwater due to the historical use of firefighting foam containing PFAS at the airport, and the leaching of this forever chemical into the surface water bodies. They also raise concerns regarding the local authority's comments in respect of BOD and suggest that the current pollution in the Cuckoo Stream has been brushed aside.

10.8.83. In relation to the concerns raised regarding groundwater leaching, the applicant notes the WFD assessment conclusions and states that mitigation can manage any contamination encountered. They also state that the ADP targets, as set out in the DMaP, align with the 3<sup>rd</sup> Cycle RBMP, adding that the proposal is integral to water quality objectives and designed to improve the ecological condition of the receiving waters. Specifically in relation to BOD, the applicant refers to Condition 9 of the decision to grant. It requires the submission of a surface water monitoring and annual reporting programme to the planning authority for their written agreement prior to the commencement of works and requires various reporting aspects to be addressed, including the provision of sampling locations accessible to the local authority, downstream of the diversion facility and downstream of the CPCF overflow outlet.

### ***Water Quality***

10.8.84. I note that the Council requested certain aspects of the proposal to be addressed at FI stage in respect of water quality. These included the methodology used to determine the COD-BOD relationship, the expected range of BOD concentration from de-icing runoff, the modelling carried out in relation to de-icer quantities and information on the intermittent nature of BOD concentrations in the Cuckoo Stream.

10.8.85. Whilst the subsequent senior engineer's report (7<sup>th</sup> August 2024) does state that the COD:BOD ratio used in the analysis remains unclear, it acknowledges the significant reduction in loading to the river nonetheless and recommends approval on this basis. I note that this forms part of Condition 9 with accessible sampling points to be provided. That report notes that permission does not prejudice the implementation of the Water Pollution Act and the requirement of additional measures to meet WFD objectives.

- 10.8.86. As noted, the further information response also included an updated WFD Assessment (CBEC, April 2024). It addresses a number of issues raised in relation to the procedural aspects of the assessment and the current status of the subject waterbody, as well as providing a rationale for not providing open channels (to the west of the airfield) and siting the CPCF on a functioning flood plain, and an expanded conclusion.
- 10.8.87. The basis of the Council's concerns at FI stage was evidently from the potential risk to water quality during an overflow event. In this respect, the BOD concentrations in de-icing runoff are relevant, albeit difficult to fully predict as it depends on the volume of de-icer applied, the volume of runoff generated in proceeding time period, and the intensity of rainfall over a given time period. It is equally important to note that the concentrations do not equate to resultant instream concentrations; they are merely the concentrations generated by each catchment area prior to management by the proposed infrastructure. It is therefore critically important to note that the model simulates de-icer not impacting runoff 75% of the time across thirty de-icing seasons.
- 10.8.88. The applicant's FI response also notes that whilst a general ratio of 3.81:1 has been established for converting COD to BOD in de-icer impacted runoff, it states that such a ratio will overpredict BOD at times when no de-icer chemicals are present (i.e., when COD is attributable to largely inert COD, corresponding to BOD concentrations are typically below the limit of detection). The FI response explains that under such conditions, as simulated to be the case in 75% of the modelled timeseries, as noted above, long term monitoring of greenfield flows and summertime flows from the airfield indicates that COD:BOD ratio of such non-de-icer impacted runoff is in excess of 10:1.
- 10.8.89. The Commission's scientist has reviewed the relevant documentation and issued an opinion (Appendix 2) to address the outstanding concerns alluded to in the Council's senior engineer's report. In this regard, I am satisfied the modelled ratio is appropriate for the nature of discharge and projected BOD loading will be significantly reduced.
- 10.8.90. Moreover, Section 10.7.2 of the EIAR notes that the CPCF capacity was determined by the volume required to ensure sufficient storage to meet the requirements of 95% of de-icing seasons (i.e., the 95%ile of seasonal max. storage volume requirements simulated). Thus, the potential for a spill of contaminated flows to the Cuckoo Stream would be limited to an extreme event or combination of events and only simulated in less than two of thirty de-icing seasons (years). With the operational mitigation

measures proposed, including the airfield-wide SCADA system and built-in design measures (i.e., compartmentalisation), I agree that residual impacts are not adverse.

- 10.8.91. It is also important to note that the modelled de-icer quantities were run for 30 years and give a reduction in de-icer loading to the stream of over 90% except for 2 years when the storage in the tank is exceeded where the reduction drops to closer to 70%.
- 10.8.92. On this basis, and having regard to the conclusions set out in the applicant's updated WFD report, which state that the operating COD trigger limit will ensure that water entering the Cuckoo Stream will not exceed levels that equate to the BOD level on a worst case basis being "not below a classification of moderate status, and arguably improving status", I am satisfied that no significant adverse effects arise in this case.

#### *WFD Assessment*

- 10.8.93. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern / South-Eastern River Basin Management Plan 2022–2027.
- 10.8.94. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include the Mayne River, currently classified as 'poor' under the River Basin Management Plan and the Dublin and Swords groundwater bodies, both classified as 'good'. Groundwater vulnerability for these is classified as 'under review' and 'not at risk' respectively.
- 10.8.95. The updated WFD report notes that there is significant risk currently of high COD/BOD occurring in receiving waters from de-icer entering the Cuckoo Stream from the airfield in winter. While an existing pollution control system is in place, when the existing diversion system is triggered, water is diverted to the foul sewer, causing a complete loss of water flow in the Cuckoo Stream. As the maintenance of environmental flows are necessary for the maintenance of healthy river ecology and function; including its ability to assimilate diffuse and point source pressures, the report states that the diversion of flows during contamination incidents has resulted in a hydrological regime that is not consistent with the achievement of the environmental objectives of the WFD.
- 10.8.96. As noted above in terms of water quality, the ADP is designed to ensure that it will not cause deterioration of the current WFD status of the Cuckoo Stream / River Mayne,

rather it will reduce the amount of flow diverted when water becomes contaminated and ensure all inflows upstream of the airfield will continue downstream unimpeded.

10.8.97. Having regard to the nature and scale of the proposal, which is designed to improve surface water quality, the opinion of the Commission's scientist, and the mitigation measures incorporated into that design, it is concluded that the proposed ADP will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.8.98. Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a CEMP. The proposal is thus considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

#### *Flood Risk*

10.8.99. As noted, flood risk was raised at FI stage and the applicant was invited to demonstrate compliance with the flood plain maintenance as well as justifying the non-provision of open channels for water clean flows, albeit in the context of the WFD objectives.

10.8.100. In relation to open channels, I accept that airfield safety would limit their design to narrow, steep sided drainage ditches with high velocity and of limited ecological value. In this regard, I note that the applicant refers to Appendix 6 (Strategic Flood Risk Assessment and Surface Water Management Plan) of the Dublin Airport LAP which states that new open water will significantly increase the attractiveness (of the airport) to birds by adding nesting habitat and with this additional habitat will come an increase in birds and thus unnecessary increase in (strike) risk. Thus, Appendix 6 of the Airport LAP recommends a continued policy of avoidance of any new ponds / wetlands etc.

10.8.101. More specifically, I note that the CPCF is located in Flood Zone A where planning guidelines indicate that development in such areas should be avoided and/or only considered in exceptional circumstances, such as in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied; only water-compatible development would be considered appropriate.

- 10.8.102. The proposal is not just water compatible; it is explicitly designed to convey water whilst ensuring sufficient capacity (81,700cu.m) to meet the requirements of 95% of de-icing seasons. I also note that the clean water discharge rate would not exceed 7.73cu.m/s which is in keeping with Appendix 6 and objective FRM02 of the LAP.
- 10.8.103. The submitted Flood Risk Assessment (N. O'Dwyer, October 2023) includes a Justification Test with regard to the CPCF and concludes that the below ground storage tanks and ancillary buildings are deemed to satisfy the Flood Risk Guidelines. I specifically note that flood plain will largely be retained given the subterranean nature of the tanks and its integrity as a flood protection measure for the Cuckoo Stream will be largely unaffected when considered in concert with the flood containment bund.
- 10.8.104. 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.

*Cumulative*

- 10.8.105. As noted in section 3.2.8, the proposed development has been designed in a manner that allows for an adjustment to be made to the operation of the North Runway surface water network. The ADP will allow flows from Zones 2A and 2B (to the northwest) to discharge to either the re-purposed N-S sewer or the existing Pier 1 sewer and conversely enable flows from the North Runway and North Apron PCFs to be directed to either the re-purposed N-S sewer for discharge to the Cuckoo Stream, or to the Pier 1 sewer for discharge to the public sewer via the CPCF. The proposal thus integrates the North Runway and Apron 5H systems into the proposed airfield CD&R system.
- 10.8.106. It is stated that the proposed arrangement will provide the physical infrastructure necessary to enable flexibility in the management of clean water at the campus as required by the DMaP. The EIAR also notes that this project will not interfere with the estimated flood levels from the hydraulic modelling associated with the ongoing DMP and therefore no cumulative effects on flood risk are anticipated during operation.
- 10.8.107. I therefore agree with the EIAR that cumulative impacts can be considered as long-term, imperceptible and neutral during the operational phase and whilst specific concerns have been raised in relation to cumulative impacts with the 'Infrastructure Application' (i.e., uplift in passenger numbers and increased flight movement loading),

I note that simulated impact has been modelled to include a 40mppa scenario. Moreover, the 'Infrastructure Application' includes the ADP as one of eleven project elements and is referred therein as an 'advance project' i.e., supports the 32mppa cap.

### ***Conclusion on Hydrology***

10.8.108. 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.

10.8.109. I recommend water and wastewater conditions in the event of a grant in addition to a CEMP which incorporates ground / surface water contamination responses, and a surface water monitoring plan (SWMP) as per Condition 9 of the Council's decision.

10.8.110. Moreover, I consider that the proposed development will result in a significant direct improvement in the water quality of the Cuckoo Stream as evidenced in the submitted modelling i.e., 70-90% reduction in de-icer load reaching the surface waterbody.

### **Air Quality and Climate**

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

10.8.111. None of the parties have raised concerns in relation to this environmental topic.

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

10.8.112. The likely air quality and climate effects associated with the proposed development is addressed in Chapter 15 of the EIAR. It is supported by:

- Tables 15.1 to 15-15, and
- Figure 15-1.

10.8.113. 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, dust deposition and climate. Table 15.1 sets out the Ambient Air Quality Standards which include limit values for dust, 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.

10.8.114. In terms of construction phase traffic, the EIAR notes the use of TII's *Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes* (TII, 2011), which itself defers to UK DMRB guidance, but states that it does not meet any of the criteria set out therein and a detailed air quality assessment of construction emissions is not required as there is no potential for significant effects. In terms of the operational phase traffic, I noted that the EIAR again utilises the UK's DMRB scoping criteria and considers that a quantitative assessment of the effect of traffic emissions on ambient air quality is not necessary as there is no identified potential for significant effects on local air quality. Similarly, the EIAR states that none of the road links impacted by the proposal meet the scoping criteria in DMRB (LA 114 Climate) and therefore a detailed assessment has been scoped out as there is no potential for significant impacts to climate. I consider this approach to be reasonable.

#### *Baseline*

10.8.115. Section 15.4 of the EIAR sets out the receiving environment in terms of meteorological data, baseline air quality data, dust sensitivity and climate. 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 16µg/cu.m, the current background PM<sub>10</sub> concentration as 14µg/cu.m and the current PM<sub>2.5</sub> concentration is estimated as 11.2µg/cu.m. The EIAR states that on this basis the air quality in the area is generally 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.

10.8.116. In terms of the sensitivity of the receiving environment, the EIAR notes that there are 5 no. high sensitivity receptors and one medium sensitivity receptor within 350m of the proposed development boundary. 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 designated ecological receptors within 500m of the site and therefore potential significant effects are not anticipated from dust.

## Potential Effects

10.8.117. Potential effects, as identified in the EIAR, are summarised in Table AQC1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>Ambient air quality will remain as per the baseline provided there are no changes in air emissions in the wider area.</li> <li>In future there is the potential to cause increased climate vulnerability as adaptation has not taken place to account for future climate change and thus the absence of the ADP may result in increased floor risk / safety issues.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Air Quality: Dust emissions from demolition, earthworks, construction and track out is the primary source of potential effect and in the absence of mitigation, they are predicted to be short-term, adverse, and slight. There is also potential for traffic emissions to affect air quality in the short-term and thus effects are stated as not-significant, imperceptible, direct, neutral, and short-term.</li> <li>Climate: Construction vehicles, generators etc. may give rise to CO<sub>2</sub> and NO<sub>2</sub> emissions but this represents a small fraction of Ireland's total GHG emissions of 46.19MtCO<sub>2</sub>eq in 2021 and thus potential effects are considered to be imperceptible, direct, neutral, and temporary.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Air Quality and Climate: Potential for maintenance vehicles accessing the site to result in emissions of NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> and CO<sub>2</sub>. However, due to the infrequent nature of maintenance activities, effects are predicted to be imperceptible, direct, neutral, and long-term.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Air Quality: Potential for cumulative construction dust related effects on nearby sensitive receptors should construction coincide with any other development such as the Airfield Underpass or Apron 5H however significant cumulative effects are not predicted after mitigation.</li> <li>Climate: None anticipated / no further cumulative assessment required.</li> </ul>

**Table AQC1: Summary of Potential Effects**

### *Construction Phase Mitigation / Monitoring*

10.8.118. Air quality (dust control) measures include:

- CEMP containing best practice guidance and any subsequent planning conditions.
- Site management measures, including:
  - Siting of compounds, activities and storage piles having regard to the location of sensitive receptors and prevailing wind directions.
  - Response to weather conditions (wind and rain) by restricting on-site operations or implementing control measures before nuisance occurs.
  - Dust control measures to be monitored during working hours.
  - Contact details regarding air quality and dust issues to be displayed on site.

- Community engagement before works commence.
- Complaints register in connection dust nuisance / air quality concerns.
- Review of dust minimisation measures at regular intervals etc.
- Site roads / haulage route measures, including:
  - Speed restriction of 20kph on unpaved site roads.
  - Access gate to be located at least 10m from sensitive receptors.
  - Bowers / suitable watering equipment available during dry periods with watering conducted during sustained dry periods.
  - Hard surface roads to be swept to removed mud and aggregate materials.
- Land clearing / earth moving measures, including:
  - Watering to be conducted during dry and windy periods.
  - Significant dust generating events postponed until after high winds (gales).
- Storage pile measures, including:
  - Overburden protected from exposure to wind / stored in sheltered areas.
  - Regular water to ensure moisture content increases stability.
  - Hoarding around site boundaries to reduce visual effect / containment.
- Site traffic on public road measures, including:
  - Use of tarpaulin covers on vehicles delivering / collecting materials.
  - Use of wheel wash at site exits for all trucks leaving in addition to daily inspections (minimum) of all public roads outside the site for cleanliness.

10.8.119. Key features with respect to dust control alongside those outlined in CEMP:

- Specification of a site policy on dust / site management responsibilities etc.
- Documented system for managing site practices with regards dust control.
- Development of a means by which dust minimisation plan can be monitored.
- Specification of effective measures to deal with any complaints.

10.8.120. Climate (embodied carbon) measures include:

- Works programme with sufficient time to determine reuse / recycling opportunities.
- Appointment of suitably competent contractor who will undertake waste audits.
- Reuse of materials within the new build areas where possible.
- Ensure compliance with local and regional climate action plans.
- Prevention of site / deliver vehicles left idling.
- Ensure all plant / machinery is well maintained and inspected regularly.
- Minimising waste of materials due to poor scheduling / over-ordering.
- Sourcing materials locally where possible to reduce CO<sub>2</sub> transport emissions.

10.8.121. Monitoring of dust deposition along site boundaries to nearby sensitive receptors is recommended to ensure mitigation measures are working using the TA-Luft standard.

*Operational Phase Mitigation / Monitoring*

10.8.122. There is no mitigation measures proposed during the operational phase as effects on air quality are considered imperceptible and effects on climate are not significant. Construction mitigation will be utilised during maintenance in the operational phase.

10.8.123. There is no monitoring recommended in respect of air quality given the predicted effects but further climate adaptation should be put in place in the long term, if required.

*Residual Impacts*

10.8.124. In terms of the construction phase, the residual effect of fugitive emissions of dust and particulate matter from the site will be temporary, direct, adverse and imperceptible, posing no nuisance at nearby receptors. The residual effect on climate change and transboundary pollution is deemed to be minor, adverse, temporary and not significant, based on the scale and temporary nature of the works and the intermittent use of equipment. The residual effect of construction will be temporary, direct, adverse, and imperceptible with respect to human health, subject to mitigation measures proposed.

10.8.125. Regarding the operational phase, the EIAR predicts the residual effects to be neutral, long-term and imperceptible as the pipeline will be buried underground once constructed and there will be minimal emissions related to maintenance vehicles.

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

- 10.8.126. 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.
- 10.8.127. Given the location of the site on zoned airport lands 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 climate effects are not significant.
- 10.8.128. 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.
- 10.8.129. Therefore, having regard to the linear 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 and climate are unlikely.

### ***Conclusion on Air Quality and Climate***

- 10.8.130. I have considered all of the written submissions made in relation to air quality and climate and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on air quality and climate can be avoided, managed and/or mitigated by measures that form part of the 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.
- 10.8.131. 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.

### **Noise and Vibration**

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

- 10.8.132. None of the parties have raised concerns in relation to this environmental topic.

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

- 10.8.133. Noise and vibration is addressed in Chapter 12 of the EIAR. It is supported by:
- Tables 12.1 to 12-19,
  - Figures 12.1 to 12-9, and

- Appendix 12.1 (Sound Level Meter Calibration Certificates).

- 10.8.134. 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.
- 10.8.135. 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.
- 10.8.136. 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 12.1 sets out the permissible noise levels at dwellings during construction based on Part 1 of BS 5228<sup>15</sup>. Table 12.2 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.
- 10.8.137. 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 12.3 sets out the classification of changes in noise level on human perception in this regard.
- 10.8.138. In relation to construction vibration, the EIAR outlines criteria for building responses and human comfort. Section 12.3.2 details the recommended construction vibration thresholds as per BS 7385<sup>16</sup> and Part 2 of BS 5228. It also sets out guidance on effects of human response to peak particle velocity (PPV) magnitudes based on Part 2 of BS 5228 including that related to utilities and underground services (30mm/s).
- 10.8.139. Regarding operational plant noise, Section 12.3.3 sets out the methods for rating and assessing the impact of sound from an industrial and/or commercial development to a residential receptor as per BS 4142<sup>17</sup>. However, I note that operational noise impacts

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<sup>15</sup> Code of Practice for Noise and Vibration Control on Construction and Open Sites (BS 5228:2009+A1:2014).

<sup>16</sup> Measurement of Vibration in Buildings – Guide to Damage from Ground Borne Vibration (BS 7385-2:1993).

<sup>17</sup> Method for Rating and Assessing Industrial and Commercial Sound (BS 4142:2014+A1:2019).

have been scoped out and this is entirely reasonable given the given that all operational plant is either subterranean or does not produce any noise emissions.

### *Baseline*

- 10.8.140. 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>18</sup>. An overview of the survey locations is illustrated in Figure 12.1 of the EIAR and the 5 no. attended locations (NML1 to NML5) are detailed in Figures 12.6 and 12.7. I note that NML2 was not accessible during the evening and night periods and a proxy location, NML2', was identified for those measurements.
- 10.8.141. The attended noise measurements were carried out during the day of 23<sup>rd</sup> November 2022 and during the night of 28<sup>th</sup> November 2022 and it is stated that the weather did not negatively impacts results which are summarised in Tables 12.4-12.8 of the EIAR.
- 10.8.142. At NML1, noise levels ranged from 43 to 60 dB LAeq,15min and 35 to 52 dB LA90,15min with distant road traffic, overhead aircraft movement, bird song and rustling vegetation are amongst the noise character. At NML2, noise levels ranged from 62 to 69 dB LAeq,15min and 41 to 55 dB LA90,15min with a similar noise character to NML1 with the addition of aircraft taxi movements. At NML3, noise levels ranged from 53 to 64 dB LAeq,15min and 39 to 54 dB LA90,15min with the noise character comprising distant road traffic, overhead aircraft movement and occasional local road traffic. At NML4, levels ranged from 74 to 76 dB LAeq,15min and 51 to 55 dB LA90,15min and constant local road traffic, aircraft movement (overhead and taxi) amongst the noise character. At NML5, levels ranged from 74 to 75 dB LAeq,15min and 57 to 65 dB LA90,15min with the same character to NML4.
- 10.8.143. This reflects my site observations, and I am fully satisfied with the timing of surveys.

### *Potential Effects*

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

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<sup>18</sup> NSL1 (residential properties west of the airport, c. 600m from works); NSL2 (primarily residential properties on western airport boundary, c. 100m from works); NSL3 (residential properties on Old Airport Road, c. 500m from works); and NSL4 (one residential property and industrial/commercial properties south of Old Airport Road Swords Road, c. 150m from works).

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: The EIAR notes that limited demolition works may be required to remove existing surfaces within the airport, albeit c. 600m from the nearest receptors where it is predicted a noise level of 51dB will be experienced, thus resulting in a not significant impact during the day / evening and slight impact at night. During construction the predicted noise effects on NSL1 to NSL4 are not significant to slight during the day / evening and slight to moderate at night for NSL1 to NSL3, with moderate to significant effects predicted for NSL4. All impacts are negative, direct and temporary.</li> <li>Vibration: Potential for vibration to be generated during intermittent breaking activity at ground level however the likely level of vibration is expected to be significantly below the vibration criteria for building or utilities damage. It is also expected that vibration emissions will be below the defined criteria of 30mm/s PPV for utilities and underground services. Given the nearest NSL is &gt;100m from the works, no vibrations will be perceptible from the works and the impact will be not significant, imperceptible and short term.</li> <li>Traffic: The EIAR predicts that all assessed routes bar one will experience a change in noise level of less than 1 dB which it considers imperceptible. Properties at the junction of the Old Airport Road and the R108 will experience a change in noise level of 0.5 dB and 1.3 dB when considered cumulatively with the Airfield Underpass construction traffic but this will result in a not significant impact and overall, the construction traffic impact can be considered negative, short-term and not significant.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Noise and vibration: Not expected to produce noise or vibration perceptible to any receptor as plant will either be located underground or will be silent in operation and no additional traffic is expected as a result of the proposal. Thus, effects are described as neutral, imperceptible and long term.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>Notes that the Airfield Underpass will utilise some of the same routes for construction traffic and refers to the cumulative assessment noted above i.e., negative, short-term and not significant.</li> <li>Other projects are not expected / predicted to produce traffic levels that would create a cumulative impact during this project.</li> </ul>

**Table NV1: Summary of Potential Effects**

*Construction Phase Mitigation / Monitoring*

10.8.145. Noise measures include:

- Communication with neighbours, including:
  - Proactive engagement with the occupants of neighbouring properties and notify them of any works forecast to generate appreciable noise levels.
  - Advance notification of all planned works at night including duration etc.
  - Appointment of a designated noise liaison to log and follow-up issues.
- Noise monitoring, including:
  - Ongoing noise monitoring programme.

- Number and location of noise monitoring terminals to be agreed.
- Spot check noise measurements on a monthly basis.
- Monthly noise monitoring report to be prepared by contractor.
- Noise control audits conducted at regular intervals to ensure:
  - Hours of operation being correctly observed.
  - Opportunities for noise control “at source”.
  - Optimum siting of plant items.
  - Plant items being stopped when not in use.
  - Correct use of proprietary noise control measures.
  - Materials handling.
  - Correct use of screening / opportunities for additional screening.
- Hours of work, including:
  - Scheduling activities in a manner that reflects the location of the site and the nature of neighbouring properties, particularly for night-time works.
  - Scheduled potentially noisy event/activity according to its noise level, proximity to sensitive locations and possible options for noise control.
  - Flexibility to conduct certain works at hours which reflect periods when the neighbouring properties have lower sensitivities to noise.
  - Schedule noisiest works during the less sensitive daytime hours.
- Selection of quiet plant, including:
  - Careful consideration over noise emissions from plant items.
  - Compressors and generators to be supplied with acoustic enclosures.
  - Select least noisy item wherever possible.
  - Identify whether noisy plant can be replaced with quieter alternative.
- Control of noise sources, including:
  - Control of noise “at source” i.e., modification to improve sound reduction.
  - Enclosure of noise sources where practicable i.e., pumps and generators.

- Adopt the concept of Best Available Techniques (BAT) which requires a degree of balance between the attainment of benefits and likely costs.
- Follow BS 5228 guidance in respect of use and siting of equipment.
- Use of acoustic exhausts for mobile plant i.e., dump trucks, excavators etc.
- Switch off mobile plant when not in use / no idling.
- Use of muffler for percussive tools i.e., concrete breakers, rock drills etc.
- Erect screens / demountable enclosures on noise sensitive boundaries.
- Ensure materials are not dropped from excessive heights / chutes lined.
- Use of acoustic lagging for compressors, generators, pumps etc.
- Regular maintenance of all plant.
- Avoidance of metal on metal or rock on metal during night works.
- Use of white noise reverse alarms, particularly at evening and night-time.
- Screening, including:
  - Use of screens along eastern boundaries where night works may occur.
  - Use of 2.4m site hoarding or demountable screens where works are fluid.

10.8.146. No vibration mitigation measures proposed however monitoring will be undertaken at identified sensitive buildings where works have the potential to exceed limit values.

10.8.147. Noise monitoring will be conducted in accordance with ISO 1996:2017 and BS 5228.

#### *Operational Phase Mitigation / Monitoring*

10.8.148. Section 12.8.3 of the EIAR indicates that no mitigation is required.

10.8.149. No monitoring as impacts due to noise and vibration are predicted to be not significant.

#### *Residual Impacts*

10.8.150. The residual construction noise effects on NSL1 to NSL4 are not significant during the day / evening and not significant to slight at night for NSL1 to NSL3, with not significant to moderate effects predicted for NSL4. I note, however, that the measure baseline noise levels are dominated by aircraft movement and thus exceed the predicted construction noise levels. Thus, the calculated construction noise levels and the duration of effects have been determined to be not significant overall, with mitigation.

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

- 10.8.151. 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.
- 10.8.152. Given the location of the site on zoned airport lands 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.
- 10.8.153. 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***

- 10.8.154. 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.
- 10.8.155. I note that a standard CEMP condition will include controls for noise and vibration.

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

- 10.8.156. 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.
- 10.8.157. Moreover, I consider that the positive impact on surface water quality is demonstrably significant i.e., the proposed surface water infrastructure upgrades, by their character, magnitude, duration and intensity, will improve a sensitive aspect of the environment.

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

10.9.1. This section of the EIA relates to chapters 13 (Material Assets – Waste Management), 14 (Material Assets – Traffic and Utilities), 16 (Archaeology and Cultural Heritage) and 17 (Landscape and Visual) 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 separately with utilities.

### **Material Assets (Waste Management)**

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

10.9.2. None of the parties have raised direct concerns in relation to this environmental topic, although the applicant has sought amendments to the Condition 25 as detailed above.

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

10.9.3. Material assets is addressed in Chapter 13 of the EIAR. It focuses on issues associated with waste management and the environment during the construction phase. As noted, traffic and utilities are addressed separately in EIAR Chapter 14.

10.9.4. Chapter 13 is supported by:

- Table 13.1,
- Figures 13.1 and 13.2, and
- Appendix 13.1 (Resource and Waste Management Plan).

10.9.5. The EIAR states that the assessment methodology relating to waste management assets has had regard to the relevant legislation and guidance including *Best Practice Guidelines on the Preparation of Waste Management Plans for C & D Projects* (EPA, 2021) and the findings of EIAR Chapter 11 in relation to the underlying site geology.

10.9.6. Whilst Section 13.4 of the EIAR states that there will be no demolition associated with the proposed development, the EIAR does state elsewhere (e.g., Section 12.7.1.3) that limited demolition works may be required to remove existing surface in the airport.

10.9.7. The key aspects of the proposal in relation to waste generation are:

- CPCF:

- excavation volume of c. 190,000cu.m<sup>19</sup>.
- c. 75% to be removed off site.
- Stockpile – max. volume of c. 47,000cu.m.
- WA-PT and WA-AT:
  - combined excavation volume of c. 98,000cu.m<sup>20</sup>.
  - c. 51,000cu.m to be removed off site.
  - 50% of WA-PT excavated material to be used as back fill.

10.9.8. I note that wastes will be removed and treated / disposed of in accordance with the Waste Management Act 1996, as amended, the Waste Management (Collection Permit) Regulations 2007, as amended, and the Waste Management (Facility Permit and Registration) Regulations 2007, as amended. Further, in order to establish the appropriate reuse, recovery or disposal route for the excavated material, it will first need to be classified as hazardous or non-hazardous as per the EPA guidance<sup>21</sup>.

#### *Baseline*

10.9.9. In terms of physical waste infrastructure, the EIAR notes that Fingal County Council no longer operates any municipal waste landfill in the area. It states, however, that there are a number of waste permitted and licensed facilities located in the region, in surrounding counties and the State for the management of waste from the construction industry as well as municipal sources. These include soil recovery facilities, inert C & D waste facilities. hazardous waste treatment facilities, municipal waste landfills, material recovery facilities, waste transfer stations and two waste-to-energy facilities.

10.9.10. The EIAR notes that such sites may not be available for use however, and selection of facilities would be subject to appropriate selection criteria of proximity, capacity etc.

#### *Potential Effects*

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

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<sup>19</sup> Stated as 220,000cu.m in the RWMP (Appendix 13.1)

<sup>20</sup> Stated as 116,000cu.m in the RWMP (Appendix 13.1) and elsewhere in the EIAR.

<sup>21</sup> Waste Classification - List of Waste & Determining if Waste is Hazardous or Non-Hazardous (EPA, 2019).

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>No excavation, construction or operational waste generated and thus a neutral effect on the environment in terms of waste.</li> <li>In the absence of the proposed development, it is likely that a similar project would be progressed and I note the ADP is included a specific project element in the 'Infrastructure Application'.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Project will generate a range of non-hazardous and hazardous waste materials during excavation and construction as well as typical municipal wastes generated by construction employees. If the latter is not managed correctly it will lead to potential litter, pollution and vermin issues with direct, short-term, significant, adverse effects on the environment.</li> <li>At present, there is sufficient capacity for the acceptance of C &amp; D waste arising at facilities in the region, however in the absence of mitigation, the effect on the local and regional environment is likely to be indirect, short-term, significant and adverse.</li> <li>Some 25% of material excavated for the CPCF will be used for backfilling, topsoiling and construction of temporary berm and permanent flood embankment. Between 48-56% (depending which excavation volume is used) of material removed for the WAPT-WAAT will be used for backfilling. In the absence of mitigation (i.e., correct classification and segregation of excavated material to ensure potentially contaminated materials are identified and correctly handled, disposed of etc.), the effect on the local and regional environment is likely to be direct, short-term, significant, adverse.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>No operational effects anticipated in respect of waste management.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>In a worst-case scenario, multiple developments could overlap in the construction phase including the Airfield Underpass which is in the vicinity of the site and has the potential for cumulative impacts on waste management. However, it is anticipated that there would be sufficient contractors available to handle waste generated from these sites simultaneously and other projects would be required to manage waste in compliance with waste legislation and policy. As such, cumulative effects will be indirect, short-term, imperceptible and neutral.</li> <li>No waste generated during the operational phase and thus no potential for cumulative impacts in respect of waste management.</li> </ul>

**Table MA1: Summary of Potential Effects**

*Construction Phase Mitigation / Monitoring*

10.9.12. The following waste management measures are noted:

- Implementation of a RWMP, taking account of any planning conditions etc.
- Correct classification and segregation of excavated material being removed off site to ensure potentially contaminated materials are identified and handled correctly.
- Remainder of excavated material to be used for backfilling, topsoiling, berms etc.
- Building materials chosen to 'design out waste'.
- Onsite segregation of waste materials per type i.e., concrete, metal, glass etc.

- Leftover materials (i.e., broken blocks, bricks etc.) to be reused where possible.
- All waste materials to be stored in skips or other suitable receptacles.
- Hazardous waste (i.e., chemicals, fuels, oils etc.) will be segregated / banded.
- Appointment of a resource manager to ensure effective waste management.
- All waste leaving site will be reused, recycled or recovered where possible.
- All waste leaving site will be transported by suitably permitted contractors and taken to suitably registered, permitted or licensed facilities.
- All waste leaving site will be recorded and copies of relevant documents retained.

10.9.13. Where measures / targets are not being met, the resource manager will identify the reasons and work to resolve issues. Recording of waste generation will enable better management and the data will be reviewed continuously through the project duration.

*Operational Phase Mitigation / Monitoring*

10.9.14. No mitigation or monitoring required as no operational waste will be generated.

*Residual Impacts*

10.9.15. Having regard to the mitigation measures proposed for waste management, the residual effects are stated as short-term, imperceptible, and neutral with no likelihood of significant effects on the environment arising from the proposal in respect of waste.

10.9.16. The EIAR states there will be no residual operational effects as no waste is generated.

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

10.9.17. As noted, the applicant has appealed a certain aspect of Condition 25 of the Council's decision to grant in respect of the RWMP as it relates to PFAS. Whilst the appellants suggest that any variation to the condition would enable the reuse of contaminated material onsite, this would only occur if the "relevant legislation" created that scenario.

10.9.18. Given the location of the appeal site on zoned airport lands bounded by similar uses and having specific regard to the generally subterranean, linear nature of the works in the context of larger build projects, I agree that residual impacts are not significant.

10.9.19. 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 (Waste Management)***

- 10.9.20. I have examined, analysed and evaluated Chapter 13 of the EIAR and all of the associated documentation in relation to waste management. I am satisfied that the potential for impacts on such 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 waste.
- 10.9.21. As detailed in section 9.6 above, I recommend that a RWMP condition incorporating any future legislative changes is attached in the event of a grant of permission.

### ***Material Assets (Traffic and Utilities)***

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

- 10.9.22. None of the parties have raised direct concerns in relation to this environmental topic.

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

- 10.9.23. Material assets is addressed in Chapter 14 of the EIAR. It focuses on built services and infrastructure not addressed elsewhere in the EIAR. As noted, waste management issues are addressed separately in EIAR Chapter 13. This chapter is supported by:
- Tables 14.1 to 14.4.

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

- 10.9.24. The associated built services and infrastructure can be summarised as follows.

##### Land use, property and access

- 10.9.25. The ADP requires 'airside' works generally within the airfield and 'landside' works beyond the restricted security area and to the east of the R132, west of the M1 motorway, north of Dardistown Cemetery and south of the ALSAA complex. This area is referred to in this report as 'Eastlands'. The site is in the applicant's ownership.

##### Power and electrical supply

- 10.9.26. Power will be supplied from the applicant's internal grid and carried out in accordance with the various service providers / authorities. Power for construction will be minor.

### Surface water infrastructure

- 10.9.27. The ADP proposes significant upgrades to the surface water management infrastructure at Dublin Airport to supplement the performance of the existing system.
- 10.9.28. A general overview of the proposal is set out in section 3.2 above and discussed throughout this report. The EIAR notes that the network enhancements are intended to intercept greenfield inflows at points upstream of the airport campus and convey them directly to the receiving waters, whilst also providing hydraulic upgrades to the existing network and robust protection through a new CD&R system and airfield-wide SCADA system, which will provide operational control for all drainage infrastructure.
- 10.9.29. The proposed CPCF in 'Eastlands' will provide additional storage volume for contaminated runoff and significantly increase the resilience of the pollution control system to withstand contamination events, and thus improve the ecological quality of the receiving waters in accordance with the Surface Water Regulations, as amended.
- 10.9.30. I note that the CPCF includes additional safeguarded storage capacity to serve future developments, up to an including the 40mppa horizon. This approach is designed to prioritise coordinated and sustainable development, increase the efficiency of construction and achieve an economy of scale by building larger tanks as one development rather than two separate construction phases. I also note that this approach will limit the disruption to airport infrastructure and is therefore reasonable.
- 10.9.31. I note that the CPCF pumping rates will be controlled by the airfield-wide SCADA system and thus include operational flexibility in order to optimise system operations.
- 10.9.32. As previously noted, a TEDL (ref. TE-10365-01) and connection agreement with Uisce Éireann is currently in place and the EIAR states that an extensive consultation process was undertaken with Uisce Éireann regarding the application for a revised TEDL and a new connection agreement to govern the proposed ADP development. I also note that revised discharge limits have been agreed and a COF<sup>22</sup> letter issued.

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<sup>22</sup> Confirmation of Feasibility – CDS23000386.

### Foul drainage infrastructure

10.9.33. Foul water will be collected from the welfare facilities by a licenced contractor during the construction phase. Discharges to the public sewer from the CPCF are noted above and I also note that a future connection to the GDD project has been designed.

### Water supply

10.9.34. Water will be required for the tunnelling of pipelines and a storage volume of c. 1,000cu.m is anticipated. This water will be recycled however, through an onsite separation system and reused throughout the process. Water will also be required for pipeline and tank testing and public mains supply will be considered following liaison with Uisce Éireann. An existing well supply in the West Compound is also noted.

10.9.35. In addition, water will be required for various other uses including the following:

- Wheel washing (c. 450cu.m daily – two compounds and three access gates),
- Welfare facilities (c. 6cu.m daily of potable water at peak construction),
- Canteen facilities (c. 15cu.m daily of potable water at peak construction),
- Dust suppression, and
- The CPCF.

10.9.36. Each construction compound will directly connect to the public water supply network.

### Telecommunications

10.9.37. Telecoms for the East and West Compounds will be connected to DAA sources.

### Traffic and transportation

10.9.38. Relevant public roads adjacent to and within the works area are noted as follows:

- R132 (Swords Road) – CPCF is located to the east and the contaminated pipeline will cross under this road via trenchless construction whilst the discharge pipeline from the CPCF will outfall to the NFS located on the R132 by open cut crossing.
- R108 (west of airport) – clean water pipeline CW-1 is in part along the R108.
- R108 (Naul Road) – no proposed works anticipated that would impact this road.
- L2015 (Old Airport Road) – no works anticipated that would impact this road.

10.9.39. The EIAR refers to Institute of Environmental Management and Assessment guidance (IEMA, 1993) in relation to the assessment of traffic and movement on pedestrian amenity and driver delay. It also refers to technical guidance PE-PDV-02045 (TII, May 2014) in relation to advisory thresholds for traffic and transport assessments (TTA's) and notes the absence of formal guidance in relation to traffic accidents and safety.

10.9.40. Table 14.2 of the EIAR sets out the local nodes (4-7, 11-12, and 14-15) assessed but I note that the need for a TTA has been scoped out i.e., max increase of 1.22%.

*Potential Effects*

10.9.41. Potential effects, as identified in the EIAR, are summarised in Table MA2 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>No impact anticipated but in the absence of the proposed development, it is likely that a similar project would be progressed and I note the ADP is included a specific project element in the 'Infrastructure Application'.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Land use, property and access: Potential for short-term nuisance such as dust and noise, as well as potential for pollution of groundwater or existing drainage ditches associated with excavations and construction works but subject to mitigation via a CEMP.</li> <li>Power and electrical supply: Power requirements will be relatively minor and thus the potential effect is described as direct, neutral, imperceptible, and short-term, as power will be provided by DAA's internal supply.</li> <li>Surface water infrastructure: Potential for increase in direct surface runoff volume due to compaction of soils (reduced infiltration capacity) and thus increased runoff with sediment which could impact local drainage and open watercourses. Potential for water (surface and/ground) to become contaminated with pollutants associated with construction posing a significant short-term risk to groundwater quality if allowed to percolate aquifer / receiving groundwater bodies. Risk of accidental pollution from suspended solids, cement/concrete, hydrocarbons, and wastewater. Machinery activities may result in surface water contamination from accidental spillages of fuels, oils etc. Overall potential effects associated with surface water runoff are stated as adverse, short-term, and moderate in the absence of mitigation.</li> <li>Foul drainage infrastructure: Potential effects are stated as direct, adverse, imperceptible, and short-term, noting the requirement to apply to Uisce Éireann for a discharge licence for any contaminated surface water which collects in excavations, if required, and comply with the conditions of such a licence to control quality and rate of flow.</li> <li>Water supply: As noted, water will be required for tunnelling, wheel washing, welfare / canteen facilities and dust suppression etc. Potential to connect to public mains (subject to Uisce Éireann agreement) and use existing well in West Compound which has previously been used for construction works. Demand is not expected to be significant enough to potentially impact on the existing supply network and thus potential effects on potable water will be direct, neutral, imperceptible and short-term.</li> </ul>

	<ul style="list-style-type: none"> <li>• Telecommunications: Location of existing services will be confirmed prior to commencement and thus potential effects are stated as direct, neutral, imperceptible and short-term as telecoms will be provided by DAA sources.</li> <li>• Traffic and transportation: Likely effects will be short-term and the number of staff on site will fluctuate over the course of the project although the general workforce is stated as c. 160; arriving/departing outside of peak hours. Construction traffic volume to/from the two works zones will peak during excavation and concrete pours for the CPCF and West Apron tanks. Peak one-way movement is 274 HGVs/day for excavation for the CPCF with an overall split 45% / 55% associated with the west / east work zones. Construction phase traffic will increase traffic through the assessed nodes, ranging from 0.7 to 1.22% during peaking construction (below TTA threshold). Thus, the effect on pedestrian amenity is described as adverse, significant and temporary; the effect on driver delay is described as adverse, significant and temporary-permanent; and the effects on accidents and traffic safety is described as adverse, significant and temporary.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Land use, property and access: Due to the zoning and setting of the proposal, the overall potential impact associated with land use and property is described as neutral, not significant and long term, and at a local scale.</li> <li>• Power and electrical supply: Maintenance of utilities infrastructure will be carried out using DAA's internal supply and thus no significant effects on services or utilities themselves are predicted to occur.</li> <li>• Surface water infrastructure: Impact on hydrological regime stated as insignificant given the minor effect on local recharge to ground, i.e., the proposal is designed to minimise new/redeveloped impermeable areas.</li> <li>• Foul drainage infrastructure: CPCF pumping station will pump flows from the CPCF to the NFS on an interim basis until a permanent connection (gravity and pumped) to the GDD is made i.e., the pumped discharge to the NFS will be the permanent solution of the GDD is not constructed. The potential effect on foul drainage is stated as direct, neutral, imperceptible, and long term.</li> <li>• Water supply: As noted, clean water pipelines will convey greenfield inflows and provide a source of clean water to receiving waters; potential effect on potable water is stated as direct, neutral, imperceptible, and long-term.</li> <li>• Telecommunications: Sufficient capacity assumed in the network and thus no potential effects associated with telecoms duration the operational phase.</li> <li>• Traffic and transportation: No traffic generation during the operational phase and thus no effect on the local road network.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• Traffic through the assessed nodes will increase by 8% (ranging from 0.39 to 7.93% during peak construction) should the Airfield Underpass progress at the same time as the APD. Whilst this is less than the 10% threshold for a TTA, the EIAR was unable to consider the cumulative impact of the <i>Metrolink</i> in terms of construction traffic. Nevertheless, it states that cumulatively impacts are not considered likely with mitigation in place should the construction phases overlap.</li> </ul>

**Table MA2: Summary of Potential Effects**

*Construction Phase Mitigation / Monitoring*

10.9.42. Ongoing consultation with service providers (i.e., Uisce Éireann, Bord Gáis, ESB Networks etc.) and other relevant providers will ensure a smooth works schedule.

10.9.43. Implementation of CEMP and/or update to include any relevant planning conditions including the site-specific surface water protection measures including silt control etc.

10.9.44. Implementation of Construction Traffic Management Plan (CTMP), including:

- Site access to be managed by security officers / access control (barriers etc.).
- Site fencing to be kept secure at all times / perimeter secured (2.4 to 3m fencing).
- Pre-screening of all construction traffic requiring airside access.
- All landside construction traffic to proceed through East Compound.
- Transport services will be provided from compound car park to work zones.
- Cars within compound car parks to be 'reverse parked' only.
- Temporary work zone parking for site vans and mobile workshop vans.
- Advance notice for delivery vehicles arriving to compounds; sequence / schedule.
- Delivery bookings require at least 48-hour advance notice.
- Delivery routes restricted to ensure strategic airport road are not compromised.
- Contractor responsible for temporary traffic management plans (TTMP).

10.9.45. Monitoring to be agreed with utility supplies; no additional monitoring required.

*Operational Phase Mitigation / Monitoring*

10.9.46. Expected that consultation with service providers (i.e., Uisce Éireann, Bord Gáis, ESB Networks etc.) will ensure that there will be no ongoing effects on material assets.

10.9.47. Given the upgrades proposed to the existing drainage infrastructure, the EIAR notes that a bespoke surface water monitoring plan has been developed for the ADP.

10.9.48. No traffic generated during the operational phase and thus no mitigation required.

10.9.49. Monitoring to be agreed with utility supplies; no additional monitoring required.

*Residual Impacts*

10.9.50. CEMP measures will ensure that there are no interruptions to service from existing telecoms, watermain, sewer or electrical gird, unless agreed in advance with the utility suppliers. The residual construction effects on utilities are thus stated as neutral,

imperceptible, short-term. CTMP measures will ensure that the residual effects on traffic and transport are negative, slight, and short-term during the construction phase.

10.9.51. No predicted residual operational effects on utilities, with the EIAR noting that power will be provided from DAA's internal supply. Thus, the overall residual operational effect on material assets is described as neutral, imperceptible and long-term.

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

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

10.9.53. I specifically note that the Council's roads section had no objection to the proposal subject to conditions including the agreement of final details in respect of the CTMP, construction details for crossing the R132 and minor issues in respect of the CPCF layout and access, in addition to detailed design co-ordination with *Metrolink* project.

10.9.54. Given the location of the site on zoned airport lands bounded by similar uses and having specific regard to the distance from sensitive residential and ecological receptors, I agree that the residual traffic and transport impacts are not significant.

10.9.55. Similar to my concerns regarding the effects on noise and air quality, should construction, including excavation, overlap with other permitted and proposed projects, there is the potential for adverse effects due to traffic. However, having regard to the proposed mitigation measures including the CTMP, and good construction practices, I am satisfied that significant effects due to traffic are unlikely.

### ***Conclusion on Material Assets (Traffic and Utilities)***

10.9.56. I have considered all of the submissions made in relation to traffic and utilities and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on such 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 utilities.

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

## **Cultural Heritage**

### ***Issues Raised***

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

***Examination, Analysis and Evaluation***

10.9.59. Cultural heritage is addressed in Chapter 16 of the EIAR. It assesses likely significant effects on receiving cultural, architectural, and archaeological heritage environments.

10.9.60. It is supported by:

- Tables 16.1 and 16.2,
- Figures 16.1 to 16.54,
- Appendix 16.1 (Summary of Relevant Legislation), and
- Appendix 16.2 (Methodology).

10.9.61. I have examined this chapter and the supporting documents. I note the extent of the study area as set out in Figure 16.1 of the EIAR (i.e., the appeal site boundary) and a radius of 500m from this boundary was included in the assessment of known sites.

10.9.62. The assessment methodology is based on a combination of desktop study, field walkover survey (December 2022) and geophysical survey (November 2019) in addition to a further survey of the 'Eastlands' area as part of the FI request (May 2024).

10.9.63. The methodology sets criteria to be used for rating the magnitude of impact on heritage assets (Table A4) as well as criteria for assessing the significance of effects (Table 5).

10.9.64. The EIAR states that no difficulties were encountered in preparing the chapter.

***Baseline***

10.9.65. The appeal site lies mainly within the operational airfield at Dublin Airport. The archaeological potential of this landscape is well established and most of it has previously been disturbed, the most recent of which, the North Runway area, revealed multiple archaeological sites. Given the linear nature of the proposal and its limited works corridor along existing drainage infrastructure there is evidently limited potential for unrecorded archaeology to be discovered. In the interests of brevity, only the baseline relevant to the 'Eastlands' area of the proposed ADP is summarised below.

10.9.66. In relation to the early medieval and medieval periods, the EIAR notes a Holy Well in Toberbunny Td. (RMP DU015-023), c. 195m northwest of the proposed works. It also notes that Toberbunny is the anglicised translation of 'tobar bainne' or 'well of milk'.

- 10.9.67. Regarding cartographic sources, the EIAR notes that in Toberbunny Td., the names 'Tubber Bunny Bridge' and 'Tubber Bunny' appear on Rocque's map of County Dublin, 1760, the latter of which possibly refers to a house with walled gardens to the rear. In Taylor's map of Dublin, 1816, 'Tubberabonny' is named but no well is indicated but it is depicted / recorded at 'Toberbunny' in the first edition six-inch OS map of 1843. In this regard, the EIAR notes that the well is located in the corner of a yard to the rear of two buildings, possibly outbuildings associated with the large house to the north, with the Cuckoo Stream immediately south. It further notes that the lane continued to the southeast, terminating at two small ponds, with Toberbunny Bridge marked at the road, where it crossed the Cuckoo Stream. No other features are noted in the site. By 1868 (revised edition of OS six-inch map), the EIAR notes that the large house and the two outbuildings had been demolished and the laneway extended eastwards and a small outbuilding constructed where it met the yard wall. Only one of the ponds remained in situ and the study area is largely unchanged in the OS 25-inch map (1909), although the EIAR notes that the well is indicated c. 20m further north than shown on the first edition six-inch map, the small building was replaced by a larger building and the remaining pond was filled in. The revised OS six-inch map of 1939 shows the well and adjacent building in situ whilst on the south side of the laneway, two new houses had been built, the larger of which is named Toberbunny Lodge.
- 10.9.68. In terms of archaeological investigations, I note that a geophysical survey was carried out in 2019 in Toberbunny Td. and along the southern site boundary in the 'Eastlands'. Table 16.2 of the EIAR illustrates the survey results and whilst none of the anomalies detected were interpreted as definitive archaeology, there were a number of possible archaeological sites / features, including possible ring ditches, trackway and pits. Other arcing or linear anomalies in the magnetometer and electromagnetic surveys could not be ruled out as archaeological but the geophysical survey report indicated that they could also be geological or agricultural in origin. As noted, a further geophysical survey was carried out across all greenfield land suitable for survey in the 'Eastlands' in May 2024. The only feature of potential interest identified in this recent survey is a linear, ditch-type feature, which has been interpreted as potentially modern. The FI response notes that none of the proposed infrastructure or associated works are located in the area containing this linear feature and thus it won't be impacted.

- 10.9.69. The EIAR notes that a field survey of the 'Eastlands' area was carried out in December 2022 and whilst the Cuckoo Stream still flows along the course shown on historic OS mapping, it is crossed by several modern concrete bridges with dense vegetation along its banks. This reflects my observations of the watercourse during inspection, wherein I also noted that the stream channel is narrow and the watercourse shallow.
- 10.9.70. As noted previously, the field boundaries throughout 'Eastlands' are dominated by mature / overgrown hedgerow and deep ditches, many of which are water-filled. The area of the holy well (DU015-023) is also overgrown and its exact location could not be determined in the EIAR nor was detectable during my site inspection however the remains of the adjacent building, first depicted in 1909 OS 25-inch mapping was observed. Toberbunny Lodge, which first appears in the revised six-inch map of 1939, appears to have been recently demolished but I found the field survey and FI robust.
- 10.9.71. Noting that the Cuckoo Stream flows partly through the appeal site, the EIAR sets out an interesting assessment of waterways, stating that riverine environments are considered to have an inherent archaeological potential, as they have also attracted human activity. In this regard, the EIAR notes that Toberbunny Bridge, which is marked on historic mapping, is now a modern culvert under the R132, albeit outside the appeal site boundary. Modern culverts were also observed at crossing points both inside and outside the site boundary according to the EIAR, with partial remains of an earlier bridge footing, first depicted in 1909 OS 25-inch mapping, visible in the shallow stream just inside the appeal site boundary, but no works take place at this location. Similarly, no works are proposed in the vicinity of the noted location of the holy well.
- 10.9.72. In relation to designated sites, the EIAR notes that there are no national monuments in the vicinity of the proposed development with only six recorded archaeological sites within c. 500m of the proposed works including the holy well (DU015-023). The EIAR notes it is described in the RMP as *'an unenclosed pool close to Cuckoo Stream, behind Toberbunny Lodge, east of Dublin Airport. It has been incorporated into a golf course. It is said to have been a station well in former times. No longer venerated'*. I also note the proximity of the appeal site to the Boot Inn along the R108, a now derelict public house, and location of recorded monument (DU014-090), described as an inn, however there are no protected structures or NIAH sites within the appeal site boundaries nor are there any Architectural Conservations Areas within the study area.

## Potential Effects

10.9.73. 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>No adverse effects to any, as of yet, undiscovered subsurface archaeological deposits, features or finds, nor to any features of architectural heritage, cultural heritage or historic interest.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>No designated sites (RMP, SMR, RPS, NIAH) will be affected by the proposal and no works proposed in the vicinity of the holy well (DU015-023).</li> <li>Most of the lands within the appeal site have been previously disturbed and developed and the archaeological potential of this landscape is well established. There is potential, however for additional features to be identified within the appeal site boundary in 'Eastlands' with a direct negative, high magnitude effect thereon should they be of archaeological in nature, albeit with unknown sensitivity.</li> <li>Potential to disturb archaeological features during the excavation of the emergency overflow pipeline to the Cuckoo Stream at the eastern end of the CPCF Trunk Pipeline in 'Eastlands' (c. 425m from the holy well). However, given the localised nature of the works, the potential is determined as slight and the magnitude of effect is considered as low, with sensitivity unknown. Similarly, no archaeological deposits with the stream bed would be affected through scouring given the noted changes to the hydrological regime.</li> </ul>
Operation	<ul style="list-style-type: none"> <li>None identified as it is anticipated that any potential effect would be encountered at site preparation stage and thus resolved prior to operation.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>None identified.</li> </ul>

**Table CH1: Summary of Potential Effects**

### *Construction Phase Mitigation / Monitoring*

10.9.74. 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 states that archaeological monitoring of the proposed works will take place at the Cuckoo Stream in the 'Eastlands' area, to identify whether any archaeological features or deposits are present. I also note that geophysical survey will be undertaken as a within the 'Eastlands' area, where not already undertaken, well in advance of construction and this will seek to identify any other archaeological sites or features that may be present subsurface. Finally, further archaeological investigation will include archaeological testing of the potential archaeological sites / features already identified in Toberbunny and Pickardstown Tds., and any additional features identified by geophysical survey. Any confirmed archaeological features will be resolved through one or more of the following, in consultation with the National Monuments Service (NMS) (DHLGH):

- Preservation by record (archaeological excavation);
- Preservation in situ;
- Preservation by design; and
- Archaeological monitoring.

*Operational Phase Mitigation / Monitoring*

10.9.75. No effect anticipated and thus no measures required for the operational phase.

*Residual Impacts*

10.9.76. The EIAR states that no significant residual effects are predicted to occur in relation to cultural heritage with the implementation of the construction mitigation measures.

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

10.9.77. I note that NMS were consulted during the course of the application and had no objection subject to an archaeological mitigation condition to ensure implementation of the measures set out in the EIAR, including geophysical survey, archaeological testing and archaeological monitoring at the specified locations, in addition to preservation in situ or by record (excavation) where features are shown to be present.

10.9.78. Whilst I note the Council's FI comments in relation to features previously found during the 2019 geophysical survey, and specifically their request for further examination / test excavations, I note that none of the proposed infrastructure and thus no associated works will be undertaken in this area along the southern site boundary. In this regard, the applicant proposes an exclusion zone extending 10m from the identified features, within which no ground disturbance can occur and this is adequate.

10.9.79. I also note that concerns in relation to the historical townland boundary were resolved and I am satisfied that only a minor portion is to be removed, as noted in section 10.7.

10.9.80. Moreover, the applicant's FI response proposes archaeological testing as a condition in the area of the proposed CPCF that was unsuitable for additional survey as well along the CPCF pipeline to the west in order to test the veracity of the survey results.

10.9.81. Given the additional geophysical survey at FI stage, which I must commend as a conservative approach in the methodology having regard to the linear nature of the works corridor and desktop data available in respect of same, I agree that residual impacts are not significant. The proposal will not directly or indirectly impact on cultural

heritage assets to a significant extent, subject to archaeological excavation and preservation in respect of undiscovered subsurface remains. In this regard, I recommend that such a condition be attached in the event of a grant of permission.

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

- 10.9.82. 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.
- 10.9.83. I recommend attaching the planning condition as set out in the NMS response.

### **Landscape**

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

- 10.9.84. None of the parties have raised direct concerns in relation to this environmental topic, and previous Council concerns in relation to a historical Stockhole townland boundary were resolved subject to conditions in respect of the proposal landscaping scheme.

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

- 10.9.85. Landscape and visual impact issues are addressed in Chapter 17 of the EIAR.
- 10.9.86. Chapter 17 is supported by:
- Tables 17.1 to 17.4,
  - Figures 17.1 and 17.2,
  - Appendix 17.1 (Methodology), and
  - Appendix 17.2 (Photopanel).
- 10.9.87. The assessment methodology includes a landscape and visual appraisal (LVA) (as opposed to a LVIA<sup>23</sup>) in order to inform mitigation and design as likely significant effects would be limited to the construction phase of the proposal and occur in a limited

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<sup>23</sup> Landscape and Visual Impact Assessment.

geographical area that is not sensitive to such development. Given the linear and generally subterranean nature of the proposal, I consider this approach acceptable.

- 10.9.88. I note that the focus of the LVA, similar to the EIAR's assessment of cultural heritage impacts, is on the land to the east of the R132 as the impacts to the west of the R132, within the airfield, will be mainly during the construction stage and therefore of short duration and temporary. I also consider this to be reasonable and I note that a site visit was undertaken of the proposed study area in order to inform the assessment.
- 10.9.89. As such, the EIAR states that any potential landscape and visual effects in areas outside of the application site are likely to be small or negligible and thus the appraisal considers potential effects of the proposed development on site fabric and character of the area in which it is located along with those people who work at and visit the airport, those who commute past the site and visitors to the Dardistown Cemetery.
- 10.9.90. The methodology takes account of the recommendations contained in the *Guidelines for Landscape and Visual Impact Assessment* (3<sup>rd</sup> ed., LI / IEMA, 2013) in addition to the relevant local planning policy set out in the Fingal Development Plan 2023-2029.
- 10.9.91. In terms of site fabric, the EIAR notes that the 'Eastlands' area comprises of a series of fields (playing fields and pasture) enclosed by sequential hedgerows running in both north-south and east-west directions and forming a grid-like pattern across the site.
- 10.9.92. Regarding landscape character, the EIAR notes that the site 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 EIAR states that the proposed development would be positioned between mature hedgerows, with above ground impacts mostly limited to the construction phase with the exception of a substation, pump station, kiosk and access road at the CPCF within the study area. Thus, given the low-level nature of the structures within a site with generally strong boundaries, the proposal is not considered to influence the surrounding landscape.
- 10.9.93. In relation to the visual environment, the EIAR states that site is well contained on all sides by existing vegetation, with intermittent views into the site from the south (from within the cemetery) in winter after leaf fall. There would also be intermittent views through the palisade fence along the airport parking access on the eastern boundary. However, visibility to the site is well screened with dense mature hedge, buildings etc.

10.9.94. According to the EIAR, therefore, the main group of visual receptors that may be affected by the ADP are those who work at, and visitors to Dublin Airport, including those using airport parking adjacent to the site. Other visual receptors who may experience effects include visitors to Dardistown Cemetery and road user on the R132.

*Potential Effects*

10.9.95. Potential effects, as identified in the EIAR, are summarised in Table LV1 below.

Project Phase	Potential Effects
Do Nothing	<ul style="list-style-type: none"> <li>Not assessed in the EIAR but in the absence of the proposal a neutral impact anticipated, i.e., no change to landscape or visual amenities.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>Site Fabric: Works corridor is c. 60m wide and construction will involve the removal of trees and hedgerow between the R132 and CPCF. Whilst the scale of works would be large, they would be of localised extent and short duration. The magnitude of change during the works would therefore be moderate and the significance of direct effects on the landscape of the site would be moderate/minor (not significant) and adverse in nature.</li> <li>Landscape Character: The predominantly impermeable nature of the site boundaries (in 'Eastlands') will largely contain effects on landscape character with some minor effects experienced from areas along the site boundary. The removal of internal field boundaries will open internal areas and thus the most noticeable will occur during the construction phase where landcover within the site will be altered / removed in the works corridor. The scale of effect is considered medium of localised extent and short-term in duration. Temporary construction effects would thus result in a slight magnitude of change and direct effects on the landscape character type would be minor (not significant) and adverse in nature.</li> <li>Visual (workers and visitors): Proposal would result in the removal of c. 120m of screening vegetation and fencing along the eastern boundary, opening views into the site from the road. There would be a c. 200-300m stretch along the airport parking access road where the CPCF substation and monitoring station would be visible. The proposal would introduce new components with the most notable effects on airport workers and visitors during the groundworks and construction. There would be a large-scale change over a limited area which would be of short-term duration. Temporary construction effects would result in a moderate magnitude of change and moderate/minor (not significant) overall adverse effect.</li> <li>Visual (road users along R132): The proposal would involve the removal of boundary fencing and trees within the works corridor, opening up clear visibility down the CPCF pipeline route from the west for a c. 70m stretch. Most notable effects would be experienced during construction where activities would be visible at close range and there would a medium-scale change over an intermediate extent of the site. This would be of moderate magnitude over a short period of time during construction. Temporary construction effects would be of moderate/minor (not significant) overall effects and adverse in nature.</li> <li>Visual (visitors to Dardistown Cemetery): The proposal would result in the removal of c. 100-200m of mature hedges from the cemetery boundary and construction activity would be visible mainly from the internal boundary path. The proposal would be seen in filtered views in the medium distance and would be partially visible during construction. There would be a small-scale</li> </ul>

	change over a limited extent of the visible area, which would be slight in magnitude over a short period of time. Temporary construction effects would be of minor (not significant) overall effect and adverse in nature.
Completion / Operation	<ul style="list-style-type: none"> <li>• Site Fabric: Sustained effects beyond the construction phase will be lessened as the grassland is regenerated and removed hedges and trees in the works corridor are replaced. On completion the scale of change would be medium over a localised extent and a medium to long-term duration. The magnitude of change would be slight and the significance of direct effects on the landscape of the site would be minor (not significant) and adverse.</li> <li>• Landscape Character: On completion the scale of change would be small over a localised extent and a medium to long-term duration. The magnitude of change on completion would be slight and the significance of direct effects on the landscape would be minor (not significant) and adverse.</li> <li>• Visual (workers and visitors): On completion the scale of change would be medium over a limited extent and a medium to long term duration. The magnitude of change on completion would be slight and the significance of effects would be minor (not significant) and adverse in nature.</li> <li>• Visual (road users along R132): On completion the scale of change would be medium over an intermediate extent and a medium to long term duration. The magnitude of change on completion would be moderate and the significance of effects would be moderate/minor (not significant), adverse.</li> <li>• Visual (visitors to Dardistown Cemetery): On completion the scale of change would be small/negligible over limited extent and a medium to long-term duration. The magnitude of change on completion would be slight/negligible and the significance of effects would be minor (not significant) and adverse.</li> </ul>
Cumulative	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>

**Table LV1: Summary of Potential Effects**

*Mitigation*

10.9.96. The EIAR states that mitigation planting will be introduced to areas of the site that have been disturbed during the construction period. This will involve the following:

- The replacement of any removed hedgerow field boundaries and trees beyond the pipeline wayleave and the replacement of any hedges and trees that may be damaged during construction.
- The Introduction of new tree/woodland planting along the southern edge of the works corridor to restore any vegetation lost during construction and to retain the character of views from the cemetery where practicable.
- Planting in the eastern part of the works corridor to compensate for removal of hedgerow and trees along the side of the Dublin Airport parking access road.
- The reseeded of grasses to areas disturbed by construction activity.

### *Residual Impacts*

10.9.97. Once the landscape proposals matured (long term), residual effects are stated as:

#### Site Fabric

10.9.98. The significance of direct effects would be minor (not significant), however the nature of effects would be neutral, as the landscape would be in keeping with its character.

#### Landscape Character

10.9.99. The scale of change would be perceived as negligible over a localised extent and permanent operational effects would result in a negligible magnitude of change. Direct effects on land landscape character would be thus negligible (not significant), neutral.

#### Visual (workers and visitors)

10.9.100. The scale of change would be perceived as small/ negligible over a limited extent and permanent operational effects would result in a negligible magnitude of change. Permanent visual effects would therefore be negligible (not significant) and neutral.

#### Visual (road users along R132)

10.9.101. Scale of change would reduce to small. Permanent operational effects thus resulting in a moderate/slight magnitude of change, minor (not significant), neutral effect overall.

#### Visual (visitors to Dardistown Cemetery)

10.9.102. Scale of change would reduce to negligible. Permanent operational effects thus result in a negligible magnitude of change; overall negligible (not significant), neutral effect.

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

10.9.103. I have examined, analysed and evaluated Chapter 17 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 relevant receptors as summarised in Table LV1 above.

10.9.104. Whilst I note that the EIAR indicates that a permanent change will occur across the site as an area inside the works corridor is kept clear of trees and shrubs along the CPCF pipeline route (i.e., there will be no replacement trees leaving a long, open grassland strip across the centre of the site), this is contrary to the replacement

planting plan submitted under FI. It clearly illustrates the field boundaries that are to be removed to facilitate the CPCF pipeline works being replaced at locations A to F.

10.9.105. Irrespective, I agree that the residual effects will not reach a threshold of significant.

### ***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 proposed landscaping scheme under FI.

10.9.107. Indeed, given the linear, subterranean nature of the proposal, I would suggest that any landscape and visual impacts could have been scoped out entirely from the EIAR.

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

10.9.108. 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 18 of the EIAR. Generally, the interactions identified in Table 18.3 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. Section 18.4 describes the interactions in greater detail, noting that the interaction between traffic and other aspects such as population and human health and

biodiversity are expected to be greatest during the construction stage, as are interactions between hydrology and land, soils, geology and hydrogeology and traffic where significant volumes of excavated material is proposed to be removed from site.

10.10.3. In this regard, the EIAR states that the mitigation measures specified and identified in the CEMP and CTMP will ensure effects (from the interactions) are not significant.

10.10.4. Similarly, Section 18.4 of the EIAR notes the significant positive effects on surface water flows and water quality conditions in the Cuckoo Stream and the potential improvements to the water environment provide the opportunity for improvements to the aquatic dependent ecology of the Cuckoo Stream including further downstream (Mayne River). Whilst I do not consider that such interaction reaches the threshold of (positive) significant, as I have stated above, it is an important interaction, nonetheless.

10.10.5. 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 particularly note that modelling for the water quality / WFD assessments is derived from industry standard data, as confirmed by the Commission scientist.

## 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. Chapter 6 of the EIAR presents a risk assessment of major accidents and/or disasters relevant to the ADP, analysing the surface water management system to determine its resilience and operational flexibility. It is supported by:

- Tables 6.1 to 6.5.

10.11.3. I note that the methodology for risk identification, risk classification and risk evaluation is informed by and based on relevant guidance by the EU, DHLGH and the EPA.

### *Baseline*

10.11.4. The EIAR identifies natural disasters and offsite hazards as the main sources risk in the existing environment. Whilst it states that Ireland is less vulnerable to natural

disasters, it notes that there have been recent increases in in extreme weather events, including flash flooding. Along with extreme cold, and subsequent de-icing, these are the main natural sources. Hazards are also associated with aircraft movements and a fuel farm facility at Corballis Road South (within the airport), a lower tier Seveso site.

10.11.5. In terms of risk assessment, the EIAR identifies a range of scenarios that have the potential to lead to disaster or emergency. It notes that the potential disaster / worst-case scenarios that could occur as a result of disaster / emergency include:

- Contaminated overflow causing pollution to receiving waters; and
- Flooding of airfield, causing an impact to airport operations.

10.11.6. Table 6.4 of the EIAR sets out the initial risk assessment which considers the primary (designed-in) mitigation measures included in the ADP and resultant risk level. These are summarised in Table ADR1 below. I note the risk assessment concludes that:

- A robust suite of primary mitigation measures has been incorporated into the ADP design to reduce the risk level attached to each of the events assessed.
- The majority of worst-case scenario events were deemed to have a low resultant risk level do not require further mitigation at this stage. Nonetheless, these risks will be continuously monitored through all stages of the project.
- Events whose resultant risk level is moderate or greater require further mitigation. This Includes the following events:
  - Equipment failure.
  - Fuel / oil spillage or leakage.
  - Fire or explosion on-site.

*Potential Effects*

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

Project Phase	Potential Events / Effects
Do Nothing	<ul style="list-style-type: none"> <li>• Not assessed in the EIAR but in the absence of the proposal a neutral impact anticipated, i.e., no additional vulnerability to accidents etc.</li> </ul>
Construction/Operation and Decommissioning	<ul style="list-style-type: none"> <li>• Power outage: Potential contamination of receiving waters due to failure of pollution control infrastructure / flow control mechanisms (if outage coincides with contaminated runoff event). Flooding of airfield due to failure pumping equipment / flow control mechanisms (if outage coincides with extreme rainfall). Impact will be short-term with localised</li> </ul>

	<p>effects to land, biodiversity, ecosystem services, water resources and human health. Low risk with designed-in measures.</p> <ul style="list-style-type: none"> <li>• Equipment failure: As above in terms of contaminated runoff and airfield flooding. Typically, short-term but could be a moderate, medium-term impact to water quality, thus moderate risk with designed-in measures.</li> <li>• SCADA comms failure: As per 'power outage' in terms of contaminated runoff and airfield flooding. Any negative impact would be short-term. Low risk with designed-in measures.</li> <li>• Extreme rainfall event: Exceedance of network hydraulic capacity, resulting in flooding which impacts airport operations. If this occurs during a contamination event, thus could impact receiving waters. Impacts would be short-term and contaminants significantly diluted to the to the large flow rate. Low risk with designed-in mitigation, including significant upgrades to hydraulic capacity.</li> <li>• Extreme weather / de-icer related events: CPCF exceedance due to extreme weather etc. leading to contaminated overflow to the receiving waters. Typically, contamination events will be avoided, however a moderate impact could occur if the event persists for a medium duration. Low risk with designed-in measures.</li> <li>• Fuel/oil spillage or leakage: Fuel / oil spillages or leakages being conveyed to the surface water network and to the receiving waters, causing contamination. Residual contaminants anticipated to cause medium-term impact; thus, moderate risk with designed-in measures.</li> <li>• Blockage of a trunk pipelines: Blockage of a major drainage artery could result in flooding of the airfield. If the runoff is contaminated, this could lead to contamination of the surrounding environment. Low risk with designed-in measures.</li> <li>• Fire or explosion on site: Damage to surface water management system, potentially resulting in failure of pollution control infrastructure and consequent contamination of receiving waters. Potential serious impact to human health if operatives are impacted by fire and potential medium-term effects if the drainage system malfunctions as a result of fire, thus moderate risk with designed-in measures.</li> <li>• Incident at nearby Seveso site: Off-site incident which could include fire/explosion or leakage of fuel into surface water network. Potentially permanent and serve impact to human health but such an event would be an exceptionally rare occurrence and thus of low risk.</li> </ul>
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**Table ADR1: Summary of Potential Effects**

*Mitigation*

10.11.8. Table 6.5 of the EIAR presents the residual risk assessment for moderate risk events.

10.11.9. The mitigation measures for an equipment failure event can be summarised as:

- Provision of redundancy / back-up supplies of (long lead-in time) critical equipment to enable quicker replacement and reduce the likelihood /severity of consequence.
- Communication of design data and risk assessments to detailed design team to ensure all residual risks are comprehensively addressed by the design solution.

- A detailed Hazard and Operability (HAZOP) to be carried out at detailed design stage to evaluate the measures in place and address the potential for refinement to reduce the risk associated with this event to a “low” resultant risk level.
- Development of Emergency Response Protocol for this event. The emergency response planning requirements should include the following at a minimum:
  - Response hierarchy: a hierarchy of the roles and responsibilities of the relevant personnel under each category of emergency event.
  - Response assessment: the initial assessment of the emergency event and the required actions, which will be carried out once the alarm / alert raised.
  - Response procedures: the procedure for the implementation of emergency response actions, as determined by the initial response assessment.

10.11.10. The mitigation measures for a fuel / oil spillage or leakage event are summarised as:

- The installation of an underground fuel system<sup>24</sup> will reduce the risks around fuel handling and transport, reducing the likelihood of a spillage or leakage occurring.
- As above in respect of design team communication and HAZOP.
- Airport operational procedures for fuelling / de-fuelling and spillage responses to be updated for the upgraded ADP CD&R system.
- As above in respect of Emergency Response Protocol

10.11.11. The mitigation measures for a fire or explosion on-site event can be summarised as:

- Provision of fire alarms and fire extinguishers at control kiosks where operations personnel will be stationed.
- As above in respect of design team communication and HAZOP.
- As above in respect of Emergency Response Protocol.

#### *Residual Impacts*

10.11.12. The EIAR states that the primary (designed-in) mitigation measures in addition to the residual risk measures results in low risk levels throughout. It also states that the

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<sup>24</sup> Subject to a separate planning application.

likelihood of disaster / worst-case scenarios is likely to be lower under the proposed arrangement, due to upgrades, and severity of impact would therefore be reduced.

### ***Conclusion on Accident and Disaster Risks***

- 10.11.13. I agree with the EIAR that most of the identified and worst-case scenarios will have a low risk due to the designed-in mitigation measures, and whilst moderate risk has been identified in limited circumstances, these can be successfully mitigated to low residual risk overall through additional measures. In this regard, I note that the applicant will assess the overall risk and periodically review the emergency response protocols.
- 10.11.14. I have examined, analysed and evaluated Chapter 6 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 primarily with 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/natural disasters.

### **10.12. Reasoned Conclusion on Significant Effects**

- 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 developer, and the submission from the planning authority, prescribed bodies, appellants, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment with the implementation of the proposed mitigation measures are as follows:
- **Water:** The surface water infrastructure upgrades, by their character, magnitude, duration and intensity, will improve the surface water quality of receiving waters.
- 10.12.2. The EIAR has considered that other 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 an updated NIS which was prepared by Altemar (June 2024). It incorporates an appropriate assessment (AA) screening by the same authors (June 2024). The screening considers 18 no. European sites within the potential zone of influence (Zoi) of the proposal; 9 no. SACs and 9 no. SPAs.

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

- Malahide Estuary SAC (4.6km)
- Baldoyle Bay SAC (5.2km)
- North Dublin Bay SAC (6km)
- Rogerstown Estuary SAC (8.2km)
- South Dublin Bay SAC (8.7km)
- Howth Head SAC (9.6km)
- Rockabill to Dalkey Island SAC (9.8km)
- Ireland's Eye SAC (10.1km)
- Lambay Island SAC (14.3km)
- Malahide Estuary SPA (4.6km)
- Baldoyle Bay SPA (5.2km)
- South Dublin Bay and River Tolka SPA (5.9km)
- North Bull Island SPA (6km)
- North-West Irish Sea SPA (6.9km)
- Rogerstown Estuary SPA (8.7km)
- Ireland's Eye SPA (9.8km)
- Howth Head Coast SPA (11.5km)
- Lambay Island SPA (14.3km)

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 direct hydrological connectivity to Baldoyle Bay via the Cuckoo Stream / River Mayne, the screening report concluded that:

*“In the absence of mitigation measures or controls during the construction and operational phases there is potential for pollution to enter the Cuckoo Stream catchment causing likely significant effects on local biodiversity and would be likely to result in significant effects on European sites immediately downstream from the project.”*

*“Acting on a strictly precautionary basis, a Stage 2 AA is required in respect of the effects of the project on the Baldoyle Bay SAC and Baldoyle Bay SPA during construction and operation because it cannot be excluded on the basis of best objective scientific information following screening, that the project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Sites.”*

*“A Stage 2 AA is required for the proposed development in respect of Baldoyle Bay SAC and Baldoyle Bay SPA.”*

11.1.5. The subsequent NIS, incorporating the above conclusions, is based on the guidance, studies, surveys and monitoring referred to previously in this report, including the updated WFD Assessment (CBEC, April 2024), and site visits and subsequent reports in respect of habitat and flora, aquatic ecology, breeding and wintering birds, bats and other mammals. The updated NIS concludes that beyond all reasonable scientific doubt, that the construction and operation of the proposed development will not result in direct, indirect or in-combination effects that would adversely affect the integrity of Baldoyle Bay SAC or SPA in light of their conservation objects following mitigation.

## 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 3). For completeness, the 7 no. sites included in the screening exercise are as follows:

- Baldoyle Bay SAC (000199) – 5.5km east, southeast
- North Dublin Bay SAC (000206) – 6km southeast
- South Dublin Bay SAC (000210) – 8.9km south, southeast
- Baldoyle Bay SPA (004016) – 5.3km east
- South Dublin Bay and River Tolka SPA (004024) – 5.9km south, southeast
- North Bull Island SPA (004006) – 6.1km southeast
- North-West Irish Sea SPA (004236) – 6.8km east

11.2.2. As noted, the applicant's inclusion of an additional 11 no. European sites represents an extremely conservative approach. For example, Rogerstown Estuary SAC, at a stated distance of 8.2km, was included but it has no direct hydrological connection to the appeal site and would be some 12km upcoast from the confluence of the Baldoyle Estuary and the Irish Sea, nonetheless. A similar approach is adopted for Malahide Estuary SAC which is a stated 4.6km from the appeal site and some 7km upcoast from the Baldoyle Estuary. Given the level of settlement, dispersal and dilution within this marine environment, there is no conceivable S-P-R connectivity to these sites. 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; in this regard, I note that DAA operate a Wildlife and Habitat Management Plan which prevents flocks of birds, including SCI species, from forming near the South Runway and thus the appeal site. Moreover, no species on Annex I of the EU Birds Directive have been recorded around the appeal site – see section 10.7.

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 Baldoyle Bay SAC and Baldoyle Bay 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:

- Baldoyle Bay SAC (Site Code 000199)
- Baldoyle Bay SPA (Site Code 004016)

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 (Appendix 4) 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 Table 13 of the NIS and include measures in relation to surface water runoff and control of sediment; fuels and chemicals; soil removal (excavation and storage); watercourse protection; air and dust; and mitigation by design (regarding overflows), which are summarised in Table AA1 (Appendix 4).

#### *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 Baldoyle Bay SAC and Baldoyle Bay 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 Baldoyle Bay SAC and Baldoyle Bay 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 Water Action Plan 2024,
  - the National Aviation Policy which seeks to promote Dublin as a secondary hub airport (Action 4.3.1),
  - 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).
- Local planning policy, including the:
  - the location of the proposed development on zoned 'DA – Dublin Airport' lands under the provisions of the Fingal County Development Plan 2023-2029, as varied, which seeks 'to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan' (LAP), and the safeguard to ensure all development within LAP lands comply with the objectives of the LAP, including those in relation to surface water quality and groundwater protection (policy DAP7), and
  - the provisions of the Dublin Airport LAP 2020, as extended, which seeks to develop a robust surface water management system to meet future needs and provide resilience to climate change (objective SW08), protect existing flood risk management infrastructure and safeguard planning future infrastructure (objective FRM02), whilst striving to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive and River Basin Management Plan (objective WQ01).

- other relevant national policy and guidance documents,
- the planning history of Dublin Airport generally and recently permitted and proposed developments specifically, including, but not limited to *Metrolink*, the Greater Dublin Drainage (GDD) project, Apron 5H, the Airfield Underpass, and the 'Infrastructure Application' (PA ref. F23A/0781),
- the linear nature, scale and design of the proposed development, as set out in the planning application and the pattern of development in the vicinity including existing airport drainage infrastructure and the proximity to clean and contaminated outfall locations relevant to the efficient operation of the infrastructure proposed,
- 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 proposes significant upgrades to the existing airfield drainage system, it is considered that the proposed Airfield Drainage Project would optimise the performance of the surface water management system at Dublin Airport for improved efficiency, greater operational flexibility, and resilience to a broad range of weather events and thus provide infrastructural assistance in promoting Dublin Airport's status as a secondary hub, and indirectly improve international connectivity and competitiveness in line with local, regional and national policy. Subject to compliance with the conditions set out below, it is considered that the proposed development would not adversely impact on the environment or public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment – Stage 1:**

The Commission considered the documents submitted with the application, and all other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Baldoyle Bay SAC and Baldoyle Bay SPA are the European sites in respect of which the proposed development has the potential to

have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment – Stage 2:**

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 Baldoyle Bay SAC and Baldoyle Bay SPA, in view of the sites Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites Conservation Objectives using the best scientific knowledge in the field, in completing the assessment, the Commission considered, in particular, the following:

- (a) 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.
- (b) Conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
- (c) Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- (d) Assessment of in-combination effects with other plans and projects, including those specifically referred to by the appellants.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European sites, in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

The Commission considered the Environmental Impact Assessment Report (EIAR), supported by the documentation submitted by the applicant on population and human health, biodiversity, with particular attention to species and habitats protected under

the Habitats Directive and the Birds Directive, land, soil, water, air and climate, material assets, cultural heritage and the landscape, the interaction between the above factors, and the vulnerability of the proposal to risks of major accidents and/or disasters. The information provided is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects on the environment, taking into account current knowledge and methods of assessment.

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

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

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

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

**Reason:** To protect the environment.

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

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

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to 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 public health and environmental protection.

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

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

6. (a) The applicant is required to engage the services of a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures as specified in Section 16.6.1 of the Environmental Impact Assessment Report. The archaeological mitigation measures will include geophysical survey, archaeological testing and archaeological monitoring at the specified locations. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist should carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004) and, where appropriate, having consulted the geophysical survey results and the site drawings.

(c) Having completed the work, the archaeologist should submit a written report with appropriate imagery and illustrations to the planning authority and to the

National Monuments Service of the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

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

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

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

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

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

9. (a) A Surface Water Monitoring Plan (SWMP) shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The SWMP shall include but not be limited to an annual reporting programme and comprise agreement on the nature, frequency and locations of water quality sampling, including the provision of sampling locations accessible to the water authority downstream of the Flow Diversion Structure (FDS) and Central Pollution Control Facility (CPCF) overflow outfall. The sampling schedules shall be concentrated to de-icing seasons and the format of reporting and frequency of sampling/relationships to de-icing events shall be part of the agreed reporting.

(b) Prior to commencement, and annually thereafter, a report shall be published and submitted to the planning authority setting out details of total de-icer in storage volumes delivered to the airport in the preceding 12 months with a detailed record of (methods and volumes) of glycol recovered and reused.

**Reason:** In the interest of environmental protection and public health.

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

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

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

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

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

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

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

(b) The landscaping scheme submitted with the application, in addition to the replacement planting strategy shown on drawing number PP-01-RFI and the green infrastructure enhancement measures indicated on drawing number GI-01-PP, as submitted on the 13<sup>th</sup> day of June, 2024, shall be carried out within the first planting season following substantial completion of construction works, unless otherwise agreed in writing with the planning authority prior to

commencement of development. Engineering details in relation to the landscaped flood protection bund in 'Eastlands' shall be agreed in writing with the planning authority prior to commencement of development.

(c) Save for the works authorised by virtue of this permission, the applicant shall otherwise protect and retain the 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 (IFI) 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 visual amenity and biodiversity.

14. (a) Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority details of a suitably qualified individual to oversee the preparation of a Biodiversity Net Gain (BNG) Action Plan related to the Airfield Drainage Project.

(b) The agreed individual shall be appointed by the applicant to oversee the preparation and submission to the planning authority for written agreement, a BNG Action Plan for the provision and management of onsite and/or offsite habitats. The plan shall set out a multiannual programme including annual targets and indicators to achieve a net gain in biodiversity for each identified habitat and species, impacted as a result of the proposal within 5 years of commencement of development.

(c) The plan shall include tree planting, creation/rehabilitation wetland habitat including instream, riparian and floodplain, grassland habitat, with specific areas for Willow Warbler and Goldcrest in the vicinity of the Cuckoo Stream.

(d) A BNG update report containing progress monitoring and habitat surveys shall be submitted to the planning authority annually.

**Reason:** In the interest of biodiversity.

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

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

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

15<sup>th</sup> May 2026

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

Upgrades to existing drainage infrastructure and construction of additional drainage infrastructure to improve performance of the surface water management system at Dublin Airport and will consist of:

- (a) a contamination detection and response (CD&R) system comprising detection devices, network decision points (DPs), control kiosks, and ancillary infrastructure including local access roads, local drainage and communications and power ducts;
- (b) clean water supply pipelines consisting of large diameter trunk pipelines;
- (c) airfield contaminated pipelines consisting of large diameter trunk pipelines;
- (d) upgrades to the West Apron surface water collection network including reconfiguration of the existing network, construction of an underground attenuation tank, installation of a local CD&R system, network DPs and a control kiosks, construction of an underground pollution storage tank, a pumping station, and ancillary development including local ductwork, local access roads and local drainage;
- (e) upgrades to the existing surface water collection network in the vicinity of the South Apron including reconfiguration of the existing network, construction of network DPs, upgrade of the existing flow diversion structure (FDS) and reconfiguration of the existing Cuckoo supply channel;
- (f) a central pollution control facility (CPCF) consisting of underground pollution control storage tanks, a pumping station, a discharge pipeline to the Uisce Eireann network, mechanical and electrical equipment, a control building, an electrical substation, and ancillary development including a local access road, enhanced flood bund, local drainage and ducting;
- (g) a CPCF pipeline consisting of a large diameter trunk pipeline;
- (h) a central supervisory control and data acquisition (SCADA) system comprising kiosks and associated electrical power and signal connections;
- (i) repurposing of the central section of the existing Airfield Trunk Culvert (ATC) as a contaminated pipeline; and

- (j) ancillary and associated development including pipework, mechanical and electrical service connections and upgrades, temporary compounds and site works.

This planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.

## **Appendix 2 (Opinion of Commission Scientist)**

The following opinion has been issued by An Coimisiún Pleanála's Senior Environmental Scientist in relation to COD and BOD loading to the Cuckoo Stream:

*I have reviewed the documentation and in my opinion this development will afford a significant improvement on the existing infrastructure with particular regard to the protections afforded to the Cuckoo stream. The ratio proposed for COD to BOD of 3.81:1 used in the modelling is in line with any typical industrial effluent which the de-icer contaminated surface waters would constitute. The modelling has shown a significant reduction in the COD loading to the stream and post development. In line with this the associated BOD loading to the stream will also be significantly reduced.*

*In light of this I am of the opinion that the development as proposed can only aid in the achievement of our Water Framework Directive Objectives.*

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Emmet Smyth

Senior Environmental Scientist

Inspectorate

14<sup>th</sup> May 2026

### Appendix 3 (AA – Stage 1)

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Upgrades to the existing airfield drainage system at Dublin Airport.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>A 194ha site consisting of two separate lands parcels, landside and airside at Dublin Airport, and extending into the ‘Eastlands’ area to the east of the R132.</p> <p>Existing surface water drainage system at the Dublin Airport is summarised in section 10.8 of IR. It consists of a surface water collection network, including Airfield Trunk Culvert (ATC), flow monitoring on the Cuckoo Supply Channel including Total Organic Carbon (TOC) analysers, a flow diversion structure (FDS) for contaminated runoff (with pumped discharge to foul sewer) and uncontaminated water discharging to the Cuckoo Stream.</p> <p>The proposed ADP upgrades are described in section 3.2 of the IR. The purpose of the ADP is to improve the surface water quality of the receiving waters.</p> <p>Surface water vectors on the appeal site by virtue of the Cuckoo Stream which discharges to Baldoyle Estuary via the Mayne River, albeit c. 7km downstream (6.5km direct distance) from the existing FDS and c. 6.1km downstream (5.6km direct distance) from the proposed Central Pollution Control Facility (CPCF) overflow outfall point.</p> <p>Site clearance within the airfield will be limited to areas of managed grassland and whilst no demolition is proposed, this may include the removal of existing paving / hard surface (as noted in section 10.9 of the IR). Site clearance in the ‘Eastlands’ will include the removal of c. 1km of hedgerow (worst case) and existing flood plain grassland.</p> <p>Some 336,000cu.m of material to be excavated (according to RWMP) with c. 120,000cu.m to retained for backfilling and landscaping subject to chemical testing. Excess soil to be removed off-site.</p>

	<p>Groundworks – excavations generally open cut (save for HDD under the R132) and depths will vary but typically 1.5mBGL (to top of pipe) but significantly deeper for the tunnel shafts, the CPCF and the new tanks on the West Apron (e.g., c. 8-9mBGL). Some rock breaking may be required in areas with localised outcrops to the west.</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 and a CEMP accompanies the application.</p>
<b>Screening report</b>	Yes – AA Screening report (AASR) submitted with application and updated at FI stage (Altamar, June 2024).
<b>Natura Impact Statement</b>	Yes – Natura Impact Statement (NIS) submitted with application and updated at FI stage (Altamar, June 2024).
<b>Relevant submissions</b>	<p>Third party observations:</p> <p>Appellant’s concerns include public and environmental health issues arising from contaminated soils etc. and this extends to protected European sites.</p>
<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 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> <p>A memo has also been received from the Commission’s environment section in respect of the submitted surface water modelling projections as (see section 10.8 of IR).</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>
Baldoyle Bay SAC (000199)	Marine and coastal habitats  <a href="#">Conservation Objectives Link</a>  NPWS, 2012	c. 5.5km east, southeast of appeal site boundary (6km downstream of CPCF overflow outfall)	Direct hydrological connection via the Cuckoo Stream / Mayne River / Baldoyle Bay.	<b>Y</b>
North Dublin Bay SAC (000206)	Marine and coastal habitats  <a href="#">Conservation Objectives Link</a>  NPWS, 2013	c. 6.1km southeast of appeal site boundary	Indirect, tentative hydrological connection via diverted contaminated water to Ringsend WwTP.  No conceivable S-P-R via clean surface water.	<b>Y</b>
South Dublin Bay SAC (000210)	Marine and coastal habitats  <a href="#">Conservation Objectives Link</a>  NPWS, 2026	c. 8.9km southeast of appeal site boundary	As above, but the presence of the Great South Wall as far as Poolbeg Lighthouse forms an effective barrier against any potential effects on the integrity of this site.  No conceivable S-P-R via clean surface water.	<b>N</b>

Baldoyle Bay SPA (004016)	<p>Wintering water birds (6 x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2013</p>	c. 5.3km east of appeal site boundary (6.5km downstream of CPCF overflow outfall.	Direct hydrological connection via the Cuckoo Stream / Mayne River / Baldoyle Bay.	Y
South Dublin Bay and River Tolka SPA (004024)	<p>Wintering water birds (13 x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2015</p>	c. 5.9km southeast of appeal site boundary	<p>Indirect, tentative hydrological connection via diverted contaminated water to Ringsend WwTP.</p> <p>No conceivable S-P-R via clean surface water.</p>	Y
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. 6.1km southeast of appeal site boundary	<p>Indirect, tentative hydrological connection via diverted contaminated water to Ringsend WwTP.</p> <p>No conceivable S-P-R via clean surface water.</p>	Y
North-West Irish Sea SPA (004236)	<p>Wintering water birds / water birds (21 x species)</p> <p><a href="#">Conservation Objectives Link</a></p> <p>NPWS, 2023</p>	c. 6.8km east of appeal site boundary	Indirect hydrological connection via the Cuckoo Stream / Mayne River / Baldoyle Bay.	Y

<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

All Conservation Objective links are up to date at the time of writing and have been cross-referenced against the Statutory Instruments, where relevant.

Due to the specific nature of the proposal, which is to improve the surface water quality of the receiving waters, and having regard to the largely subterranean nature of the infrastructure, I consider that the proposal would not be expected to generate impacts that could affect anything but the immediate receiving waters, 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 and Habitat 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 thus 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 of the IR.

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>Baldoyle Bay SAC (000199)</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p>	<p>Direct:</p> <p>Potential for surface water to enter the Cuckoo Stream during construction. During operation the surface water will be connected to the Cuckoo Stream. The Cuckoo Stream feeds into the River Mayne which eventually discharges into Baldoyle Estuary with potential for pollutants to enter the River Mayne, which is directly linked to this SAC.</p>	<p>A deterioration in the water quality associated with an inadvertent release of sediment or spillages of hydrocarbons and/or other chemicals, including de-icer, during construction and operational phases has the potential damage to the habitats dependent on water quality, albeit 6km downstream of CPCF overflow outfall.</p> <p>Likewise, mobilisation of contaminants within the soils and groundwater during</p>

Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	Soils within the airport will require the excavation and there is a possibility that these soils have been contaminated by airport-related activities in the past.	construction has similar potential.  An impact of sufficient magnitude could undermine the sites conservation objectives.
	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>Impacts</b>	<b>Effects</b>
<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 (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>Contaminated flows from the surface water drainage network will be directed to the existing foul (NFS) sewer, which in turn it treated at Ringsend WwTP before discharging to Dublin Bay. I note that the loading to the WwTP does not represent an increase from pre-development levels and upgrades to the WwTP were completed in February 2026.</p>	<p>Current discharges to the public foul sewer are through a TEDL and the proposed connection from the CPCF will be similarly controlled. Moreover, I note that revised discharge limits have been agreed and a COF has been issued by Uisce Éireann (see sections 10.8 and 10.9 of IR).</p> <p>Thus, significant effects on the QI of this SAC are unlikely via this indirect, tenuous pathway and I am not convinced that contaminants from airport-related activities in the past are likely to enter the operational network as suggested by the appellants.</p>

vegetation (grey dunes) (priority) [2130]  Humid dune slacks [2190]  <i>Petalophyllum ralfsii</i> (Petalwort) [1395]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Baldoyle Bay SPA (004016)</b>  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Shelduck ( <i>Tadorna tadorna</i> ) [A048]  Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]  Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Curlew ( <i>Numenius arquata</i> ) [A160]  Wetland and Waterbirds [A999]	Direct:  Potential for surface water to enter the Cuckoo Stream during construction. During operation the surface water will be connected to the Cuckoo Stream. The Cuckoo Stream feeds into the River Mayne which eventually discharges into Baldoyle Estuary with potential for pollutants to enter the River Mayne, which is directly linked to this SAC.  Soils within the airport will require the excavation and there is a possibility that these soils have been contaminated by airport-related activities in the past.	A deterioration in the water quality associated with an inadvertent release of sediment or spillages of hydrocarbons and/or other chemicals, including de-icer, during construction and operational phases has the potential damage to the habitats dependent on water quality, albeit 6.5km downstream of CPCF overflow outfall.  Likewise, mobilisation of contaminants within the soils and groundwater during construction has similar potential.  An impact of sufficient magnitude could undermine the sites conservation objectives.
	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?	

	Impacts	Effects
<p><b>South Dublin Bay and River Tolka SPA (004024)</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>The appeal site is mainly within an active airport area with significant human activity, an aviation standard long grass policy and other standard aviation policies to discourage the possibility of bird strikes. The site is not a foraging or breeding area for the SCI species of the SPA.</p> <p>Contaminated flows from the surface water drainage network will be directed to the existing foul (NSF) sewer, which in turn it treated at Ringsend WwTP before discharging to Dublin Bay. I note that the loading to the WwTP does not represent an increase from pre-development levels and upgrades to the WwTP were completed in February 2026.</p>	<p>Current discharges to the public foul sewer are through a TEDL and the proposed connection from the CPCF will be similarly controlled. Moreover, I note that revised discharge limits have been agreed and a COF has been issued by Uisce Éireann (see sections 10.8 and 10.9 of IR).</p> <p>Thus, significant effects on the SCI of this SPA are unlikely via this indirect, tenuous pathway and I am not convinced that contaminants from airport-related activities in the past are likely to enter the operational network as suggested by the appellants.</p>

Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<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>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>Direct: none.</p> <p>Indirect:</p> <p>The appeal site is mainly within an active airport area with significant human activity, an aviation standard long grass policy and other standard aviation policies to discourage the possibility of bird strikes. The site is not a foraging or breeding area for the SCI species of the SPA.</p> <p>Contaminated flows from the surface water drainage network will be directed to the existing foul (NSF) sewer, which in turn it treated at Ringsend WwTP before discharging to Dublin Bay. I note that the loading to the WwTP does not represent an increase from pre-development levels and upgrades to the WwTP were completed in February 2026.</p>	<p>Current discharges to the public foul sewer are through a TEDL and the proposed connection from the CPCF will be similarly controlled. Moreover, I note that revised discharge limits have been agreed and a COF has been issued by Uisce Éireann (see sections 10.8 and 10.9 of IR).</p> <p>Thus, significant effects on the SCI of this SPA are unlikely via this indirect, tenuous pathway and I am not convinced that contaminants from airport-related activities in the past are likely to enter the operational network as suggested by the appellants.</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>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>North-West Irish Sea SPA (004236)</b></p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>The appeal site is mainly within an active airport area with significant human activity, an aviation standard long grass policy and other standard aviation policies to discourage the possibility of bird strikes. The site is not a foraging or breeding area for the SCI species of the SPA.</p> <p>There is also an indirect hydrological pathway to this</p>	<p>Resultant impacts on water quality would be localised to the immediate environment and thus no significant effects on the SCI of this SPA are likely via this indirect, tenuous pathway.</p>

<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Little Gull (<i>Hydrocoloeus minutus</i>) [A862]</p>	<p>SPA via the Cuckoo Stream, River Mayne and Baldoyle Estuary, however the distance between site and the SPA, any pollutants or silt produced in both construction and operational phases will settle out, be dispersed, or diluted within the tidal estuarine environment.</p>	
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Little Tern ( <i>Sternula albifrons</i> ) [A885]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

**Further Commentary / discussion (only where necessary)**

The applicant has submitted an AASR to assist with this process. In relation to Baldoyle Bay SAC and SPA, and “acting on a strictly precautionary basis”, it states that a Stage 2 AA is required in respect of the effects of the project during construction and operation as ‘it cannot be excluded on the basis of best objective scientific information that the project individually and/or in combination with other plans, will have a significant effect on the named European sites’. I note, however, that the AASR excludes any “in combination” effects and having regard to the information in Table 4 of the AASR, that is reasonable.

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

Based on the information provided in the AASR, 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 and operational controls, the proposed development has the potential to result in significant effects on Baldoyle Bay SAC and Baldoyle Bay SPA in view of those sites conservation objectives.

I broadly concur with the AASR that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own but also 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 and Habitat Management Plan in operation across the airport lands and particularly given the proximity of the South Runway.

**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 Baldoyle Bay SAC and Baldoyle Bay 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 4 (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 Airfield Drainage Project in view of the relevant conservation objectives of **Baldoyle Bay SAC and Baldoyle Bay 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:

- NIS (Altemar, June 2024)
- WFD Assessment (CBEC, April 2024)
- Flood Risk Assessment (N. O'Dwyer, October 2023)
- Engineering Design Report (N. O'Dwyer, October 2023)
- Drainage Overview Document (N. O'Dwyer, October 2023)

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 subject to conditions.

Park Section – no objection subject to conditions.

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

Public observations – relating to contaminated soil etc. and links to European sites.

**Table AA1 – Balydoyle Bay SAC (Site Code 000199)**

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

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

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant – summary)	Potential adverse effects	Mitigation measures (summary)
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>To maintain favourable conservation condition.</p> <p>Community distribution – conserve the following community types in a natural condition: Fine sand dominated by <i>Angulus tenuis</i> community complex; and Estuarine sandy mud with <i>Pygospio elegans</i> and <i>Tubificoides benedii</i> community complex.</p> <p>The supporting document (NPWS, 2012) notes:</p> <ul style="list-style-type: none"> <li>• Significant continuous or ongoing disturbance of communities should not exceed an approximate area of 15% etc.</li> <li>• Proposed activities or operations that cause significant disturbance to</li> </ul>	<p>Applies to all Conservation Objectives listed opposite:</p> <p><u>Construction Phase</u></p> <p>Water quality degradation and/or alteration of habitat (from release of concrete, silt and sediment during site works and release of construction-related compounds including hydrocarbons to surface waters, in addition to the mobilisation of historical contamination in the soils and groundwater) would undermine conservation objectives.</p> <p><u>Operational Phase</u></p> <p>Water quality degradation and/or alteration of habitat (from release of hydrocarbons and chemicals, including</p>	<p>Mitigation measures are detailed in Table 13 of the NIS and include:</p> <ul style="list-style-type: none"> <li>• a CEMP,</li> <li>• Surface water runoff and control of sediment measures,</li> <li>• Fuel and chemical handling measures,</li> <li>• Soil removal and compaction measures,</li> <li>• Watercourse protection measures,</li> <li>• Air and dust measures,</li> <li>• Operational phase measures including designed-in measures to avoid / minimise impact of overflow to the Cuckoo Stream.</li> </ul>

	<p>communities but may not necessarily represent a continuous or ongoing source of disturbance etc.</p>	<p>de-icer via the CPCF overflow, as well as dirt and debris, and general ADP equipment failure) would undermine conservation objectives.</p>	
<p>Salicornia and other annuals colonising mud and sand [1310]</p>	<p>To maintain the favourable conservation condition.</p> <p>Habitat distribution – no decline etc.</p> <p>Physical structure [sediment supply] – maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <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.</p> <p>Vegetation structure [negative indicator species- common cordgrass <i>Spartina anglica</i>] – no significant expansion of common cordgrass with an annual spread of less than 1%.</p>		

<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p>To maintain favourable conservation condition.</p> <p>Habitat distribution – no decline etc.</p> <p>Physical structure [sediment supply] – maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <p>As above regarding vegetation structure [zonation, height, cover].</p> <p>As above regarding vegetation structure [negative indicator species etc.].</p>		
<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	<p>To main favourable conservation condition.</p> <p>Habitat distribution – no decline etc.</p> <p>Physical structure [sediment supply] – maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <p>As above regarding vegetation structure [zonation, height, cover].</p> <p>As above regarding vegetation structure [negative indicator species etc.].</p>		

## **Assessment of issues that could give rise to adverse effects:**

### **Water quality degradation and/or alteration of habitat**

Water quality of the SAC insofar as it relates to the Mayne Estuary transitional waterbody 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 coastal however (Irish Sea Dublin), 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.

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 Baldoyle Bay via the Cuckoo Stream / Mayne 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 the appellants, are also possible. During the operational phase there is also the potential for surface water / storm water run-off from the airfield to be contaminated with hydrocarbons (e.g. from aircraft refuelling), residual glycol from aircraft / apron pavement de-icing or to a lesser degree to be contaminated with dirt and debris from hardstanding areas etc.

### **Mitigation measures and conditions**

The focus of mitigation measures proposed are to prevent ingress of pollutants and silt / contaminants into the receiving surface and ground waters and prevent mobilisation of existing contaminants. This is to be achieved via design, ecological supervision and the application of specific measures.

General and specific construction measures can be summarised as follows:

- Adherence to a CEMP as per best practice guidance in line with CIRIA C532 *Control of water pollution from construction sites. Guidance for consultants and contractors*, CIRIA C648 *Control of Pollution from Linear Construction Projects* and CIRIA C650 *Environmental Good Practice on Site* etc.
- Measures in relation to the control of surface water runoff and sediments, including:
  - Exposed soil surfaces to be stable (to minimise erosion) and located within the main excavation site to limit the potential for offsite effects.

- Pre-treatment and silt reduction measures e.g., silt fencing, settlement measures (silt traps, 20m buffer zones between machinery and watercourses, offsite refuelling), and hydrocarbon separators.
- Localised pumping of surface water runoff from excavations during and after heavy rainfall events.
- Careful management of temporary stored soils e.g., tightly compacted and graded stockpiles stored away from drains, minimisation of material movement and backfill excavations quickly to prevent water ingress.
- Consideration afforded to weather conditions when planning activities.
- Pollution Control Plan, Emergency Response Plans and Method Statement to be agreed with IFI and have regard to relevant pollution prevention guidance and otherwise comply with EPA, IFI and OPW requirements.
- Direct disposal to the watercourse of arisings from instream excavations and from dewatering activities shall not be permitted as these could impact on water quality and increased flood risk; any discharge to be agreed.
- Monitoring effectiveness of pollution control measures i.e., dewatering of excavations using settlement tanks or infiltration systems will be monitored at least twice daily with dewatering stopped if any silt is evident in discharge.
- Works in the Cuckoo Stream to be conducted during low flow conditions.
- Instream works to take place during March to September only / as per IFI.
- Fuel and chemical handling measures, including:
  - Storage of all oils, solvents and paints in temporary bunded areas.
  - Oil and fuel storage tanks to be located in designated areas and bunded to a volume of 110% of the capacity of the largest tank / container (plus 30mm allowance for rainwater ingress).
  - Drainage from bunded area(s) to be diverted for safe collection / disposal.
  - Refuelling of construction vehicles and the addition of hydraulic oils / lubricants to take place in a designated area (or, where possible, off the site) which will be away from water gullies or drains.

- Fuel to be transported in a mobile double-skinned tank in the event that refuelling is required out the designated area.
- Spill kits and hydrocarbon absorbent packs to be stored in designated area and all personnel to be trained in the use of such equipment.
- Compliance with guidelines such CIRIA 532 *Control of Water Pollution from Construction Site, Guidance for Consultants and Contractors*.
- Delivery of all ready-mixed concrete to site (by truck).
- Completion of a risk assessment for wet concreting prior to works which will include measures to prevent discharge of alkaline wastewaters or contaminated stormwater to underlying subsoil.
- Wash down / washout of concrete transporting vehicles at appropriate offsite facility.
- Storage of drummed fuel or other chemical containers in a dedicated internally banded chemical storage cabinet and labelled with appropriate remedial actions in the case of a spill.
- Soil removal and compaction measures, including:
  - Temporary storage of away from surface water drains.
  - Minimisation of material movement to reduce degradation of soil structure and dust generation.
  - Excavated material to be assessed for signs of contamination such as staining or strong odours ('watching brief' with project ecologist) and soil samples analysed for the presence of contaminants to ensure that historical pollution has not occurred.
  - Each excavation area inspected for contamination (soil removed off site for testing if within 30m of a drain or watercourse).
  - Contaminated soil (above the compliance levels) will be segregated and appropriately disposed of in line with legislative guidelines.
- Watercourse protection measures, including:
  - Appointment of a project ecologist to oversee enabling works / implementation of mitigation and until drainage connection is complete.
  - Staging of project to reduce risks to watercourses from contamination.

- Earthwork operations carried out such that surfaces, as they are being raised, shall be designed with adequate drainage, falls and profile to control run-off and prevent ponding and flow.
- Discharges to the watercourse must be discussed with ecologist, undergo de-silting and petrochemical interception and turbidity monitoring.
- Local watercourses protected from dust, silt and contaminated surface water throughout the works.
- Silt traps will be put in place in the vicinity of all runoff channels the stream to prevent sediment entering the watercourse / as per ecologist.
- Stockpiling of loose materials will be kept to a minimum of 20m from watercourses and drains.
- Stockpiles and runoff areas following clearance will have suitable barriers to prevent runoff of fines into the drainage system and watercourses.
- Stockpiles and runoff areas following clearance will have suitable barriers to prevent runoff of fines into the drainage system and watercourses.
- Planting in the vicinity of the stream crossings should be put in place as soon as possible to allow biodiversity corridors to establish.
- Maintenance of drainage structures (e.g., de-silting) must not result in the release of contaminated water to the surface water network.
- No entry of solids or concrete to the associated stream or drainage network during the connection of pipework.
- Air and dust measures, including:
  - Speed restriction of 20kph on unpaved site roads.
  - Access gate to be located at least 10m from sensitive receptors.
  - Bowers / suitable watering equipment available during dry periods with watering conducted during sustained dry periods.
  - Hard surface roads to be swept to removed mud and aggregate materials.
  - Watering to be conducted during dry and windy periods.
  - Significant dust generating events postponed until after high winds (gales).
  - Overburden protected from exposure to wind / stored in sheltered areas.

- Regular water to ensure moisture content increases stability.
- Hoarding around site boundaries to reduce visual effect / containment.
- Use of tarpaulin covers on vehicles delivering / collecting materials.
- Use of wheel wash at site exits for all trucks leaving in addition to daily inspections (minimum) of all public roads outside the site for cleanliness.
- Specification of a site policy on dust / site management responsibilities etc.
- Documented system for managing site practices with regards dust control.
- Development of a means by which dust minimisation plan can be monitored.
- Specification of effective measures to deal with any complaints.

Specific operational measures / monitoring can be summarised as follows:

- Designed-in measures to avoid the overflow of contaminated surface water to the Cuckoo Stream, including:
  - Segregate clean flows from potentially contaminated flows, by constructing network DPs at key network junctions; this will reduce the overall volume of contaminated runoff which needs to be managed, thereby improving the resilience of the system to potential contamination events.
  - System response configurations have been developed for network DPs, as required to protect receiving waters from potential contamination events; these have been developed on a scenario-based analysis of potential weather conditions and airport operational activities – see Drainage Operational Control Philosophy (N. O’Dwyer, October 2023), including descriptions of the conditions under which they are initiated and the triggers for each change of configuration.
  - The conservative design basis of the CPCF storage tank means that the CPCF storage tanks would not become full on 95% of the de-icing seasons simulated.
  - The overall airfield-wide SCADA system would include operational flexibility such that pump rates can be adjusted at the CPCF, as required to optimise the system's performance and the storage availability of the system for future events- see Drainage Operational Control Philosophy.

- The compartmentalised design of the CPCF is designed to prevent short circuiting of contaminated flows to the overflow pipeline .
- Measures to minimise the impact of an overflow where an exceedance of the CPCF tank capacity cannot be avoided:
  - Online storage volume can be used in the CPCF pipeline to delay / avoid the overflow event once the CPCF storage volume has been utilised.
  - Provision of a secondary overflow from the CPCF pipeline to reduce the concentration of overflows to the Cuckoo Stream i.e., TOC monitoring points in the CPCF pipeline and CPCF tank can be used to ensure runoff with the lowest contamination level is allowed to overflow.
- Ongoing real-time monitoring (currently in place) will be extended to include each of the DPs within the airfield drainage network, which will improve the resolution of data within the airfield and water quality in the Cuckoo catchment and monitoring of overflow will also be in place.

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 the construction measures are integrated, where possible, 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 (Table 3). 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 **Baldoyle 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 those 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 **Baldoyle 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 – Baldoyle Bay SPA (Site Code 004016)**

**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 (Branta bernicla hrota) [A046]	Applies to all QI's listed opposite:  To maintain the favourable conservation condition	Water quality degradation and/or alteration of habitat (as above).	Mitigation measures are detailed in Table 13 of the NIS and include: <ul style="list-style-type: none"><li>• a CEMP,</li><li>• Surface water runoff and control of sediment measures,</li><li>• Fuel and chemical handling measures,</li><li>• Soil removal and compaction measures,</li></ul>
Shelduck (Tadorna tadorna) [A048]	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.		
Ringed Plover (Charadrius hiaticula) [A137]			

Golden Plover (Pluvialis apricaria) [A140]			<ul style="list-style-type: none"> <li>• Air and dust measures, and</li> <li>• Operational phase measures including designed-in measures to avoid overflow of contaminated surface water to the Cuckoo Stream.</li> </ul>
Grey Plover (Pluvialis squatarola) [A141]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Curlew (Numenius Arquata) [A160]			
Wetland and Waterbirds [A999]			
<p><b>Assessment of issues that could give rise to adverse effects:</b></p> <p><b>Water quality degradation and/or alteration of habitat</b></p> <p>As above for SAC, albeit with the majority of the SPA within the Mayne Estuary transitional waterbody (as opposed to Irish Sea Dublin coastal waterbody as in the case of the 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 (Table 3). I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>			

### **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 **Baldoyle Bay SPA**. 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 those 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 **Baldoyle Bay 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 Baldoyle Bay SAC and Baldoyle Bay 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 Baldoyle Bay SAC and Baldoyle Bay 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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