

An
Coimisiún
Pleanála

Inspector's Report

PL-500739-DF-26

Development

Four aviation-related cargo handling units with ancillary office space and a wastewater treatment system (WWTS). An EIAR is submitted with the application.

Location

Huntstown, Swords, Co. Dublin

Planning Authority

Fingal County Council (FCC)

Planning Authority Reg. Ref.

FW25A/0480E

Applicant

D.A. Terminal 3 Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal of Permission

Appellant

D.A. Terminal 3 Limited

Observer

DAA

Date of Site Inspection

17th April 2026

Inspector

Anthony Kelly

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1.0 Site Location and Description

- 1.1. The subject site is located immediately adjacent to the boundary of Dublin Airport, and it is approximately 100 metres west of the airport's Control Tower. The site area forms a small part of a significant area of land which is outside the airport boundary but is located between the western sections of the north and south runways.
- 1.2. The site comprises two agricultural fields with normal field boundaries, on the western side of the R108 road, which separates the site and the airport. The northern field is relatively flat while the larger southern field has a significant increase in ground levels in a southwestern direction. On site inspection there was cattle in the field adjacent to the north of the northern field with open access between both and there was sheep in the southern field. There is a vacant/boarded up single storey house and outbuilding along the roadside that is excluded from the site and is outside the landowner's control. There are two existing agricultural entrances along the R108 south of the excluded site area and another two agricultural entrances north of the excluded site area. There is no development in close proximity to the north, west, or south of the subject site.
- 1.3. There are a number of vehicular access points to various sites on the opposite side of the R108 including accesses to outbuildings, a 'Goods Entrance', the control tower, and the fire station.
- 1.4. The site has an area of 10.7 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - Four aviation-related cargo handling units:
 - Unit 1 – 10,869.7sqm (including 940.9sqm office space),
 - Unit 2 – 9,151.3sqm (including 751.3sqm office space),
 - Unit 3 – 6,024.9sqm (including 497.7sqm office space),
 - Unit 4 – 8,577.7sqm (including 751.3sqm office space),

plus ancillary ESB substations, security huts, and pumphouses. The warehouses are 12 metres high and the office areas are 3.3 metres high.

- 390 car parking spaces, 230 bicycle spaces, 77 truck spaces, and five van spaces,
- Landscaping and boundary treatments including a 2 metres high wire fence,
- New site entrance,
- Wastewater treatment plant (WWTP) and infiltration area for 250 population equivalent (PE), and,
- Site development, engineering, and ancillary works such as bin stores, lighting, signage, photovoltaic (PV) panels, and sustainable drainage systems (SUDS).

2.2. A new vehicular access is proposed towards the northern end of the road frontage. Unit 1 is in the northern area, Units 2 and 3 are centrally on site, and Unit 4 is in the southern area. There is one access road serving all four units and their respective curtilages. The footprints of the units are in very close proximity to the site boundaries. Green space on site is limited and is primarily used for SuDS features.

2.3. Notwithstanding the application description as an aviation-related cargo handling facility and the multiple references throughout the application documentation relating to airside access and concept/masterplans¹ I would clarify for the Commission that this application is being made by a private company for speculative purposes². The proposed development is not being made by or on behalf of Dublin Airport or the DAA and it is unrelated to airport-specific operations. The proposed development is designed to operate 24 hours a day, 7 days a week, 364 days per year³.

2.4. Letters of consent to make the application were provided from the directors of the two different landowning companies⁴. The construction period is expected to last approximately 18 months (Table 2 of the AA Screening Report).

¹ 'The overall site, under the ownership of D.A Terminal 3 Ltd, encompasses over 50 hectares, and these lands fall within a wider concept plan area of 106 ha.. The concept plans for the wider area, while non-statutory and indicative, have been developed in consultation with the landowners included within the plan study area' (page 7 of the Planning Statement). It was not prepared by FCC or other statutory body. This masterplan is set out in Figure 3 of Appendix 1 to the EIAR.

² 'The warehouse/logistics buildings are speculative, with no confirmed tenants, so exact as set out conditions are unknown' (page 277 of the EIAR).

³ Subsection 4.5.5 (Operating Hours) of the EIAR.

⁴ The two directors of the applicant company are the same two directors of the two companies who own the land subject of the application.

- 2.5. Proposed water supply is from the public mains. Wastewater is to discharge to a proposed on-site WWTS. Surface water is to discharge to an existing ditch along the northern boundary after on-site SuDS treatment.
- 2.6. The Environmental Impact Assessment (EIA) Portal ID number is 2025211.
- 2.7. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:
- An Environmental Impact Assessment Report (EIAR) comprising a Non-Tech Summary, an Environmental Impact Assessment Report (EIAR), Appendix 1, and Appendix 2, all dated November 2025,
 - Planning Statement dated November 2025,
 - Architectural Design Statement (undated),
 - Screening for Appropriate Assessment Report (AA Screening Report) dated October 2025,
 - Engineering Assessment Report (EAR) dated November 2025,
 - Construction and Environmental Management Plan (CEMP) dated November 2025
 - Traffic and Transport Assessment (TTA) dated November 2025, and,
 - Site Characterisation Report (SCR) dated 20th October 2025.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council (FCC) refused permission on 9th January 2026 for the following five reasons.
1. The subject site is zoned 'DA' Dublin Airport under the Fingal Development Plan 2023-2029, where the objective seeks to 'ensure the efficient and effective operation and development of the Airport in accordance with an approved Local Area Plan'. Having reviewed the submitted planning application and all supporting documentation the Planning Authority is of the opinion that the proposal does not

relate to Air Transport Infrastructure – Cargo Handling or airport related logistics and is therefore not permitted under this land zoning use and would contravene materially the development objective in the Fingal Development Plan for the zoning of land as ‘DA’ Dublin Airport and as such would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located proximate to lands west of runway 16/34 indicated in the Dublin Airport Local Area Plan as a potential location for a third terminal (T3). The Planning Authority is not satisfied, on the basis of the information submitted that the proposed development would not prejudice the orderly operation and continued growth of the Airport including the provision of a third terminal and the provision of a western access route to Dublin Airport from the N2 corridor. The proposal is considered to be piecemeal and developer led and fails to present a comprehensive and cohesive approach in ensuring sustainable growth at the Airport is safeguarded. The proposed development is contrary to DA01, DA02 of the Fingal Development Plan 2023-2029 and EI03, TP03 & EA05 of the Dublin Airport Local Area Plan and would therefore, be premature and contrary to the proper planning and sustainable development of the area.
3. Having reviewed the submitted Appropriate Assessment Screening Report together with the details of the proposed development and all associated documentation, the planning authority has concluded that the applicant has not demonstrated that the project, either individually or in combination with another plan or project, will not have a significant effect on any European sites. The information submitted is incomplete and insufficient to enable the planning authority to undertake its screening for appropriate assessment.

Advice Note

In terms of screening for EIA, the applicant has not provided the information listed in Schedule 7A of these Regulations which is to be provided to the competent authority by the developer. This information is required to allow the competent authority make an EIA Screening Determination taking account of the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.

4. It is considered that the proposed development by reason of its design will be dominating in the landscape and fails to reflect the importance of arrival at an international gateway. In this regard it is considered that the proposed development contravenes Objective DS01 of the Dublin Airport Local Area Plan (as extended).
5. The proposed development is considered premature due to the absence of Uisce Éireann infrastructure in the proximity of the site. It is considered that the proposed private wastewater treatment system is neither applicable, appropriate, nor adequate with regards to the scale of the proposed development and would be contrary to Objective DMSO196 of the Fingal Development Plan 2023-2029.

3.2. Planning Authority Report

- 3.2.1. One Planning Report was prepared by FCC. It included a policy context, a summary of both internal reports and those from prescribed bodies, a summary of pre-planning consultation, and a planning assessment. Some of the headings in the assessment can be summarised as follows:
- 3.2.2. Principle of Development – The planning authority is not satisfied that the proposal meets the requirements of the zoning objective as it is a logistics hub which is separate from airport operations and is not linked to the existing airside operations. While the application references potential for future airside connectivity, no such connectivity is currently proposed. The proposed development would contravene the zoning objective.
- 3.2.3. Integration with Existing and Future Airport Operations – No demonstration of need or operational overview of existing and proposed facilities has been submitted as required under the LAP⁵ for applications to expand cargo facilities. The site is proximate to land identified as a potential location for a third terminal. The planning authority is not satisfied that the proposed development would not prejudice the LAP objective that all development proposals shall not prejudice the orderly operation and continued growth of the airport.
- 3.2.4. Transport Considerations – The site is relatively remote and is not immediately accessible to the national road network. Objective EA05 of the LAP provides for a

⁵ The Dublin Airport Local Area Plan (2020)

western access route from the N2. The application fails to adequately address this objective and would be considered premature pending development of a western access. The concerns of the Transportation Planning Section report are outlined and the recommendation for a refusal of permission is agreed with.

- 3.2.5. Water Services – The planning authority concurs with the recommendation for refusal in the Water Services report.
- 3.2.6. Prescribed Bodies Considerations – The provisions of the reports from the prescribed bodies are referenced. Notwithstanding the refusal reasons recommended, the issues raised in the observations other than from the DAA could be addressed by condition or through further information.
- 3.2.7. AA is set out in section 10 of the FCC Planning Report. 16 European sites were identified as relevant in the applicant's AA Screening Report. In relation to water quality there is a discrepancy in the application as to which surface water network drainage ditches hydrologically connect to⁶. In addition, the in-combination assessment is incomplete. The information is insufficient to enable AA screening to be undertaken by the planning authority.
- 3.2.8. EIA is set out in section 11 of the FCC Planning Report. The proposed development does not equal or exceed a threshold for which an EIAR is a mandatory document. The EIAR states a subthreshold EIAR was required given the scale of infrastructure/urban development possible on the wider landbank. The Planning Report considers that development within the wider landbank is not strictly relevant. An EIA screening determination must be made. The required information under schedule 7A has not been provided and therefore the EIA screening process is incomplete. In accordance with case law the competent authority cannot conclude that there is a risk of significant environmental effects on the ground that the informant provided by the developer is incomplete. Though an EIAR has been submitted, EU Directive 2014/52/EU states that the screening procedure should ensure that EIA is only required for projects likely to have a significant effect on the environment. Notwithstanding, the EIAR submitted is assessed and commentary is provided. A

⁶ The EIAR states drainage ditches flow to the Santry River, the CEMP states hydrological connectivity to the Mayne River, and the AA Screening Report state the ditches do not have a wider hydrological connection.

number of issues relating to, for example, a lack of detail, a lack of more thorough information, a lack of specificity, inconsistencies and inaccuracies, reference to irrelevant documentation, and an absence of a basis to support certain statements, are identified. The EIAR is considered to be basic, inadequate, and often incomplete.

Other Technical Reports

- 3.2.9. **Transportation Planning Section** – Commentary is provided. This is very much a car dependant development. Sightlines have not been appropriately provided. A slight excess of car parking spaces is proposed. There is no objection to the proposed bicycle parking, motorcycle parking, or the layout. The Traffic and Transport Assessment (TTA) should be further developed. The application does not address many of the LAP objectives, the site would be remote from public transport provision, and the proposed development represents a piecemeal approach to development at the airport. A refusal is recommended. Should further information be sought, required additional information is set out.
- 3.2.10. **Architects Department** – Concern is expressed in relation to the arrangement of the proposed development on site which is primarily focused on maximising the developable area, the prominence of the roofs in the landscape and on aerial approach to the airport which should reflect the importance of arrival at an international gateway, the proposed design, the landscape and visual impact assessment (LVIA), and detail of the PV panels.
- 3.2.11. **Heritage Officer** – Chapter 14 of the EIAR makes no reference to a geophysical survey undertaken adjacent to the site under F23A/0781 which identified several subsurface enclosures. The site is in an area generally rich in archaeology and given the incomplete nature of the assessment submitted and the proximity of subsurface archaeological sites, an Archaeological Impact Assessment will be required. Further information should be requested.
- 3.2.12. **Parks and Green Infrastructure Division** – No objection in principle with conditions to be applied should permission be granted.
- 3.2.13. **Water Services** – No objection in relation to flood risk or surface water drainage. A refusal is recommended in relation to foul drainage. The EPA⁷ Code of Practice for

⁷ Environmental Protection Agency

Domestic Wastewater Treatment Systems (PE≤10) is not applicable, appropriate, or adequate, the pollution risk is unjustifiable, and the applicant should engage with Uisce Éireann to achieve a connection to the public network.

3.2.14. **Environment Section (Waste Enforcement & Regulation)** – Prior to the commencement of development, a Construction and Demolition Resource Waste Management Plan shall be prepared. A revised Operational Waste Management Plan (OWMP) should be sought through additional information.

3.2.15. **Public Lighting Section** – Outstanding items of information can be dealt with by condition if the application is granted.

3.2.16. **Air & Noise Unit** – A noise management plan should be requested as further information.

3.3. **Prescribed Bodies**

3.3.1. **Aircraft Noise Competent Authority (ANCA)** – The ANCA is not of the opinion that the proposed development contains a proposal requiring the assessment for the need for a noise-related action or that a new operating restriction may be required.

3.3.2. **DAA** – The issues raised are largely covered by the observation as summarised in subsection 6.3.

3.3.3. **Irish Aviation Authority (IAA)** – The applicant should be directed to engage with DAA and AirNav Ireland. Both glint and glare and wildlife hazard assessments should be conducted in relation to the PV panels and risk of bird strike. Further studies relating to other aviation safety matters may be required by the aerodrome operator.

3.3.4. **Department of Housing, Local Government and Heritage (DHLGH) (Archaeology)** – Chapter 14 of the EIAR has been examined. A condition relating to pre-development archaeological geophysical survey and testing should be included in any grant of permission.

3.3.5. **Health and Safety Authority (HSA)** – The Authority does not advise against the granting of permission in the context of Major Accident Hazards.

3.3.6. **Transport Infrastructure Ireland (TII)** – The proposed development shall be undertaken in accordance with the recommendations of the submitted TTA and Road

Safety Audit. The Council should have regard to the provisions of Chapter 3 of the 'Spatial Planning and National Roads Guidelines'.

- 3.3.7. **Inland Fisheries Ireland (IFI)** – The proposed development will potentially interact with several river systems. Commentary is provided including in relation to excavated material, dewatering of groundwater, the WWTP, and appointment of an ecological clerk of works.

3.4. **Third Party Observations**

- 3.4.1. None received.

4.0 **Planning History**

- 4.1. There has been no relatively recent relevant planning application on site or on other land in the landowners' control.
- 4.2. There is a significant planning history in relation to Dublin Airport. This does not generally specifically affect the subject planning application. However, the following is of note:
- 4.3. P.A. Reg. Ref. F23A/0781 – This substantial 15-year planning application provides for, among many other issues, an increase in the capacity of the airport to 40 million passengers per annum, significant works to various aprons and terminals, an underpass beneath a runway, drainage, increased car parking facilities, and road junction improvements. Of particular interest as regards the application subject of this appeal is the provision of a new apron (Apron 7) adjacent to the north west and west of the appeal site which includes: the demolition of six houses, aircraft taxiway access, 23 remote aircraft stands, and severing the R108 and turning it into a cul-de-sac. No decision has been made to date. A decision on this planning application is not subject to the same timelines associated with a conventional planning application, as the ANCA, in its role as the regulator of aircraft noise, formed the opinion that the application requires an assessment of the need for a noise related action.
- 4.4. P.A. Reg. Ref. F25A/1210E – In February 2026, FCC sought further information on a planning application from DAA. It is a ten-year permission for a cargo relocation project on a 15.11 hectares site. It includes:

- Relocation of four existing occupiers (from the South Apron) to four replacement facilities (Plot A) including a postal storage and sorting building on behalf of An Post, a border inspection post, a Revenue office building, a mortuary, and shared parking.
- Three serviced sites for future bellyhold cargo buildings.
- DAA screening and logistics facility.
- Airside access bridge spanning the R132 providing a fully bonded access between the proposed facilities and the South Apron.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

- 5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development.

5.2. A National Aviation Policy for Ireland (2015)

- 5.2.1. This was published by the Department of Transport, Tourism and Sport. Its principal goals are to:
- enhance Ireland's connectivity by ensuring safe, secure and competitive access responsive to the needs of business, tourism and consumers,
 - foster the growth of aviation enterprise in Ireland to support job creation and position Ireland as a recognised global leader in aviation, and,
 - maximise the contribution of the aviation sector to Ireland's economic growth and development.

5.3. EPA Wastewater Treatment Manual Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999)

- 5.3.1. The purpose of the Manual is to provide guidance in the selection, operation, and maintenance for WWTSS for population equivalents of between 10 and 500.

5.4. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

- 5.4.1. The RSES provides for the development of nine counties / twelve local authority areas, including FCC. It is a strategic plan which identifies regional assets, opportunities, and pressures, and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region. Dublin Airport is the focus of Regional Policy Objectives 8.17-8.20.

5.5. Fingal Development Plan (FDP) 2023-2029 (as varied)

Zoning

- 5.5.1. The site is in an area zoned 'DA – Dublin Airport' which has a zoning objective 'Ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan'. The site and general area are subject of a LAP. The 'Vision' is to 'Facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport). All development within the Airport area should be of a high standard reflecting the status of an international airport and its role as a gateway to the country and region. Minor extensions or alterations to existing properties located within the Airport area which are not essential to the operational efficiency and amenity of the Airport may be permitted, where it can be demonstrated that these works will not result in material intensification of land use. Air Transport Infrastructure includes: aircraft areas, air traffic control/tower, ancillary health, safety and security uses, aprons, cargo handling, maintenance hangers, meteorology, retail – airside/duty free, runways, taxiways, terminals and piers'.

- 5.5.2. Use classes that are permitted in principle in this zoning objective include ‘cargo yards’, ‘logistics’, and ‘warehousing’. Air-transport related logistics and warehousing only are permitted in principle.
- 5.5.3. The northern and southern parts of the site are within the Outer Public Safety Zone while the central area of the site is not. The Inner and Outer Public Safety Zones provides guidance on the potential use and scale of development that may be considered appropriate within these zones.
- 5.5.4. The site is within Airport Noise Zone B. Table 8.1 states the objective of this noise zone is ‘To ... ensure noise insulation is incorporated within the development ... A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. Appropriate well designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines ...’⁸

Dublin Airport

- 5.5.5. Dublin Airport is specifically addressed in Chapter 8 (Dublin Airport).

Objectives

- 5.5.6. A number of objectives are cited in the reasons for refusal, planning authority Planning Report, and from internal sections and prescribed bodies. These include:
- Objective DAO1 (Safeguarding Dublin Airport) – Facilitate the operation and future development of Dublin Airport, in line with Government policy and the *Dublin Airport Local Area Plan 2020*, or any subsequent LAP or extension of same, recognising its role in the provision of air transport, both passenger and freight.
 - Objective DAO2 (Safeguarding the Current and Future Requirements of Dublin Airport) – Safeguard the current and future operational, safety, technical and developmental requirements of Dublin Airport and provide for its ongoing development in accordance with the *Dublin Airport Local Area Plan 2020*, or any subsequent LAP or extension of same, having regard to both the environmental

⁸ The objective also refers to noise sensitive development which I do not consider the proposed development to be.

impact on local communities and the economic impact on businesses within the area.

- Objective DAO18 (Safety) – Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.
- Objective DMSO196 (Public Foul Sewerage Network Connections) – Ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable).

5.5.7. Other relevant FDP 2023-2029 policies, objectives, or commentary are referenced where appropriate in this Inspector's Report (IR).

5.6. Dublin Airport Local Area Plan (LAP) 2020 (as extended)

- 5.6.1. In March 2025 FCC approved the extension of the life of the LAP for a further period of five years.
- 5.6.2. The subject site is effectively located on the footprint of one of three potential locations for a third terminal as identified in the 2018 'Review of Future Capacity Needs at Ireland's State Airports' carried out on behalf of the Department of Transport, Tourism and Sport. Figure 7.1 of the LAP illustrates this.
- 5.6.3. The public notices refer to the proposed development as aviation-related cargo handling units. Subsection 7.2.6 (Air Cargo) of the LAP states 'the LAP recognises the important supporting role of cargo facilities at Dublin Airport and promotes the maintenance and continued growth of such facilities. The provision of improved apron facilities serving cargo operations could allow for the relocation of existing cargo operations from the eastern campus. This would facilitate maximising the ability of this campus to accommodate expanded passenger capacity and services. Applications to expand cargo facilities shall be accompanied by a demonstration of need, along with an operational overview of existing and proposed facilities, site specific flood risk assessment and transport assessment'.

5.6.4. As with the FDP 2023-2029 a number of policies and objectives are cited in the reasons for refusal, planning authority Planning Report, and from internal sections and prescribed bodies. These include:

- Objective EI03 – All development proposals shall not prejudice the orderly operation and continued growth of the Airport including provision of a third terminal in the future.
- Objective TP03 – Support the detailed review of the three identified locations for a third terminal at Dublin Airport as set out in the Department of Transport, Tourism and Sport (DTTAS), 'Review of Future Capacity Needs at Ireland's State Airports', (August 2018) during the lifetime of this LAP with a view to identifying the most appropriate location.
- Objective DS01 – Ensure that all development at Dublin Airport will be of high quality design and finishes to reflect Dublin Airport's status as an international gateway airport.
- Objective EA01 – Maintain and protect accessibility to Dublin Airport as a priority and provide for alternative access points to the road network in line with the recommendations of the South Fingal Transport Study.
- Objective EA05 – Provide for a Western Access route to Dublin Airport from the N2 corridor, with consideration being given to the future capacity requirements and development layout of Dublin Airport.
- Objective EA08 – Ensure proposals for road network improvements in the vicinity of Dublin Airport have regard to the effective operation of the M50 at key junctions such as the Airport Roundabout, M1 Airport Interchange, M50 Ballymun Interchange and the M1/M50 Interchange.

5.6.5. Other relevant LAP policies, objectives, or commentary are referenced where appropriate in this IR.

5.7. Natural Heritage Designations

5.7.1. The nearest area of natural heritage designation is Santry Demesne proposed natural heritage area (pNHA) approximately 2.3km to the south of the site. The closest

European sites are Malahide Estuary special area of conservation (SAC) and Malahide Estuary special protection area (SPA), both approximately 5.5km to the northeast. All distances are in a direct line.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party grounds of appeal⁹ is divided into two sections: (i) a response to the internal and prescribed bodies reports and (ii) a response to the reasons for refusal. The main points raised can be summarised as follows:

Response to Reports

- 6.1.2. The applicant considers it appropriate to address the relatively minor further information requests that were advised in the reports received. If considered necessary, the applicant is willing to submit further information.
- 6.1.3. *Air & Noise Section* – A noise management plan can be addressed by way of a compliance condition. As per the EIAR, mitigation may be required at noise sensitive location (NSL) 2¹⁰.
- 6.1.4. *Environment Section* – The recommended OWMP revisions are very minor and there is ample space to comfortably accommodate any necessary amendments. It can be addressed by compliance.
- 6.1.5. *Heritage Officer* – A comprehensive appraisal was carried out as Chapter 14 of the EIAR. It is most appropriate to require an Archaeological Assessment by condition.
- 6.1.6. *DAA / IAA* – The observations relate to a number of different issues.
- Outer Public Safety Zone Assessment – The site location partially within the Outer Public Safety Zone was fully addressed in Chapter 15 of the EIAR. An average

⁹ The document being summarised is the 'First Party Appeal' dated February 2026. Additional accompanying documentation has also been submitted with the grounds of appeal and is referenced in more detail where required in this IR but is not summarised in this subsection.

¹⁰ The area under the applicant's ownership on the opposite side of the R108 to the south east.

employment density of 17.38 per half-hectare is expected, comfortably within the 110 persons per half-hectare number in the 2005 ERM Report¹¹.

- Wildlife Hazard Risk Assessment – DAA ultimately advised that this can be provided by compliance.
- Glint and Glare Assessment – No solar panels are proposed and the applicant is willing to accept a condition to de-exempt solar panels.
- Aeronautical Safety Assessment and Instrument Flight Procedure Assessment – The applicant is satisfied the proposed development will not interfere with relevant safety systems. The omission of these did not form part of the reasons for refusal. They could not be prepared within the appeal timeframe. They can be provided by way of compliance or through further information.

Response to Reasons for Refusal

6.1.7. The response to the reasons for refusal are summarised as follows.

First reason for refusal (zoning and airport-related use)

- Logistics and warehousing are use classes permitted in principle under the zoning objective. Logistics use must be air-transport related. The Plan definition of air transport infrastructure includes cargo handling.
- The Chief Executive's Order¹² asserts the proposed development does not constitute air transport infrastructure or airport related logistics and is therefore not permissible. The sole purpose of the facility is to handle cargo and freight and is by definition airport-related infrastructure.
- 'The applicant is in discussions with operators currently sending freight to and from Dublin Airport. The applicant is happy to accept a condition that provides occupation user to be.' [sic].
- 'The proposed development is an aviation-related purpose-designed air-cargo handling facility' functionally and operationally linked to the airport. It is in

¹¹ Environmental Resources Management Ireland Ltd was commissioned by relevant government departments to investigate Public Safety Zones at Cork, Dublin, and Shannon airports.

¹² Referred to elsewhere in this IR as the FCC/planning authority Planning Report.

immediate proximity to the airfield, it is intended to facilitate future airside integration, it will integrate with airport cargo flows and reduce haulage distances.

- That an operator would acquire premium DA zoned land for non-aviation logistics use is commercially implausible.
- An 'Independent Aviation Planning and Infrastructure Assessment' (IAPIA) prepared by the Director General of the Airport Regions Council accompanies the grounds of appeal. It considers that the proposed development is fully consistent with the zoning objective, that the location between parallel runways is optimally suited to air-related cargo activity, that airside access is not essential for the permissibility of cargo handling units, and that the site is future-proofed for potential airside integration. There is no evidential basis for the reason for refusal.

Second reason for refusal (national and local policy contravention)

- That the proposed development may prejudice the future development of the airport is fundamentally flawed, overly restrictive, and unsupported by national and local policy. There is no adopted or fixed location for a third terminal. The IAPIA demonstrates the site is not suitable for a terminal development for operational, safety and layout reasons and therefore can be considered for ancillary airport operations such as cargo handling. The refusal effectively sterilises these lands based on hypothetical future scenarios conflicting with objectives DAO1 and DAO2 of the FDP 2023-2029 and TP03 of the LAP 2020.
- The reason effectively excludes landside cargo handling from DA lands, a restriction which does not appear in policy and which would undermine the airport's freight function.
- The National Aviation Policy (2015) provides clear support for the development of air-cargo infrastructure associated with Dublin Airport. It explicitly promotes the expansion of air cargo capacity 'and the development of landside freight infrastructure through the partnership between airports and private operators'. The reason for refusal is inconsistent with national policy, established aviation logistics practice, and contravenes government policy.
- The subject site does not encroach onto or restrain the preferred location for a third terminal or a western access route from the M2. The phased development of cargo

facilities within the airport's core operational area reflects international best practice. It is a logical first phase of development. The IAPIA does not support the first or second reasons for refusal.

Third reason for refusal (appropriate assessment screening report (AASR) and environmental impact assessment report (EIAR))

- The reason does not identify a substantive deficiency or absence of information in the AA Screening Report. It conflates AA requirements with EIA screening provisions which is a significant error on the part of the planning authority. Schedule 7A relates to EIA screening and is not determinative of AA sufficiency.
- Even if AA Stage 2 was required this does not have implications for EIA because they are regulated by separate legislative provisions. There is no ecological or AA basis on which to refuse.
- An EIAR was voluntarily submitted as a precautionary approach. Where an EIAR has been submitted the requirement for a separate EIA screening determination under Schedule 7A does not arise. The EIAR is a complete and legally robust environmental assessment document. Any alleged deficiencies must be material and incapable of resolution by further information or condition. The decision to refuse does not make clear why seeking further information was not considered appropriate. The concerns raised largely relate to matters of clarity, interpretation, or additional detail, rather than substantive environmental effects.
- A chapter-by-chapter EIAR response has been provided.¹³

Fourth reason for refusal (landscape and visual impact)

- This reason is not supported by the findings of the LVIA or the established character of the receiving environment. The landscape is of low visual sensitivity. The proposal consolidates aviation-related uses. While the development will be visible, it will not be visually dominating against the scale and character of the existing environment.

¹³ Rather than summarising the relevant pages of the First Party Appeal document (pages 19-40) I refer to its provisions, where relevant, in the EIA Section (Section 8).

- Aerial views do not constitute recognised visual receptors. The airport already exerts a dominant visual presence and the environs are populated by large scale warehousing and cargo facilities.
- No concerns were raised by FCC's Architectural Design Team in relation to the quality of the proposed architectural treatment. This absence of adverse commentary is a material consideration.
- Without prejudice, the applicant is willing to provide additional aerial photomontages.

Fifth reason for refusal (Uisce Éireann infrastructure)

- An interim WWTP to cater for the phase 1 cargo handling development has been designed in accordance with the latest EPA guidelines and following established principles for the treatment of wastewater removed from the Uisce Éireann network.

Additional documentation accompanying the grounds of appeal

6.1.8. In addition to the 'First Party Appeal' document, other accompanying documentation is:

- 'Independent Aviation Planning and Infrastructure Assessment' (IAPIA) (undated),
- 'Ecology & AA Technical Clarification Note – ABP Appeal Support' dated January 2026,
- 'Report on Transport and Engineering' dated February 2026, and,
- a note dated 4th February 2026 relating to the report of the planning authority's Water Services Department.

6.2. Planning Authority Response

6.2.1. FCC submitted a response to the grounds of appeal which includes the following matters that the planning authority considers to be of most importance for the Commission in reaching a determination (subheadings as per the response):

Zoning and airport related use

- Other than proximity to the airfield the proposed units appear as isolated logistics units with no assignment from cargo operators at the airport. The proposal would not comply with the use class as the units are independent of Dublin Airport operations and do not fall under 'cargo handling'. The EIAR states the units are speculative with no confirmed tenants confirming the proposed development to be an independent logistics hub.
- The DAA's submission to FCC explicitly stated they are not in support of the proposed development. Therefore the claim that the function is for Dublin Airport is incorrect. There is no proposed connection between landside and airside access and no future plans for this to be agreed.

Pre-planning meeting

- At two pre-planning meetings it was stated that an application would need to clearly demonstrate that the proposed units fall under the definition of dedicated cargo handling units, and this has not been demonstrated. The planning application documentation fails to acknowledge the second pre-planning meeting and the issues raised.

Policy

- The applicant's statement that the sole purpose of the facility is to handle freight destined for or arriving from the airport is insufficiently evidenced. The proposal is piecemeal and premature. While the location for air cargo related uses would be suitable in principle, the necessary detail has not been provided for it to be considered 'air related' and not independent warehousing/logistics units. Concerns relate to intended use and not the site suitability.

6.3. Observations

- 6.3.1. An observation on the grounds of appeal was received from DAA and is summarised as follows under the subheadings used in the observation.

Principle of development

- There are clear concerns that the proposed development does not provide air transport related infrastructure. The units present as standard warehouses that do not have the specific characteristics of air cargo handling warehouses and there is an absence of connection to or integration with the airport. It conflicts with the DA zoning objective.
- The FCC Planning Report confirms the DAA view that the proposed development is for independent cargo handling units in proximity to the airport.
- There is no evidence of a bonded road for moving goods airside, HGV parking, or a Revenue and Border Inspection Post.
- Reference in the grounds of appeal of an intention that the development is to be functionally and operationally linked to the airport in time, is, in the absence of timelines, detail, or necessary consents, premature and cannot be relied upon.

DAA right of way

- The site is subject of a right of way benefitting DAA and proposed unit 4 is in direct conflict with this¹⁴.

Integration with and specialist requirements of Dublin Airport

- The suitability of the site for cargo units remains uncertain as significant challenges exist in achieving efficient access to the road network.
- There is a requirement to evaluate the proposal in the context of long-term objectives. Applicant claims that the development supports and facilitates growth objectives is not adequately demonstrated.
- There are a number of unresolved issues e.g. airside access, type of cargo operation, customs and border control, and specialist cargo.

Safe airport operations / navigation of aircraft

- The proposed development is immediately proximate to critical airport infrastructure. An Instrument Flight Procedures Assessment and an Aeronautical

¹⁴ The wayleave is not illustrated in the observation or in the original submission to FCC. However, a wayleave is visible in the area referenced under Folio DN161330F as viewed on the government's publicly available landdirect.ie website on 6th July 2026. I am unaware of the nature of the wayleave.

Assessment should be undertaken. Notwithstanding the applicant's statement that the absence of these was not included in the reasons for refusal, they are of utmost importance. Applicant statements that they are satisfied that there will be no interference is not sufficient. DAA / AirNav Ireland must be directly engaged.

Glint and glare assessment

- Should permission be granted a condition should be included to the effect that no solar panels are installed on site without a prior grant of permission.

Traffic and parking

- Detailed technical assessment is required to ensure LAP objectives EA01 and EA08 are met.
- The revised TIA¹⁵ excludes results from junction 10 (R135 and Kilshane Cross) which is concerning given vehicular and HGV activity and it should be included.
- There is no reasoned basis for generating additional traffic in this area for a development that is not directly linked to aviation.

Outer public safety zone (OPSZ) assessment

- As the ERM density has been calculated by the applicant based on the overall site area rather than the density within any single half-hectare, the density is not in compliance with the ERM guidelines. The proposed development would not comprise an exception to permitted development within the OPSZ.

Wildlife hazard and bird strike

- Given the proximity to the runway system the proposed development must incorporate a drainage system that complies with DAA's SuDS policy, a landscaping strategy in line with IAA guidance, and a wildlife hazard risk assessment to be approved by airport stakeholders. The proposed drainage system has the potential to act as a bird attractant and is not suitable.

¹⁵ No revised TIA has been submitted with the grounds of appeal. The observer is referring to the Report on Transport and Engineering.

Lighting design requirements

- Should permission be granted a condition should be included that all lighting avoids undue effects for aircraft and is agreed with DAA and AirNav Ireland.

Summary

- Concerns remain, most notably the principle of development, the potential to impact safe airport operations, and the wayleave conflict. In the absence of an Aeronautical Safety Assessment, an Instrument Flight Procedures Assessment, and a Wildlife Hazard Risk Assessment the proposed development could present a significant aeronautical hazard and should be refused.

6.3.2. The grounds of appeal were forwarded by the Commission to both The Heritage Council and An Taisce for observation as it was considered that the proposed development may have an effect on North Bull Island SPA. No observation was received.¹⁶

7.0 Planning Assessment

In terms of assessing the planning application there are four separate elements: a planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and the water framework directive (WFD). This planning assessment section should be read in conjunction with these other sections.

Having examined the application details and all other documentation on file, including the grounds of appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out within the EIA, AA, and WFD are as follows:

- The Planning Authority's First Reason for Refusal (Zoning and Principle of Development)
- The Planning Authority's Second Reason for Refusal (Premature Development)

¹⁶ I am unclear as to why North Bull Island SPA was specifically cited in the correspondence given the presence of other European sites closer to the subject site.

- The Planning Authority's Third Reason for Refusal (Appropriate Assessment (AA) Screening)
- The Planning Authority's Fourth Reason for Refusal (Landscape Impact)
- The Planning Authority's Fifth Reason for Refusal (Wastewater Treatment System (WWTS))
- DAA Observation

7.1. The Planning Authority's First Reason for Refusal (Zoning and Principle of Development)

7.1.1. The planning authority's first reason for refusal is as follows.

'The subject site is zoned 'DA' Dublin Airport under the Fingal Development Plan 2023-2029, where the objective seeks to 'ensure the efficient and effective operation and development of the Airport in accordance with an approved Local Area Plan'. Having reviewed the submitted planning application and all supporting documentation the Planning Authority is of the opinion that the proposal does not relate to Air Transport Infrastructure – Cargo Handling or airport related logistics and is therefore not permitted under this land zoning use and would contravene materially the development objective in the Fingal Development Plan for the zoning of land as 'DA' Dublin Airport and as such would be contrary to the proper planning and sustainable development of the area'.

Background to the Planning Authority Decision

Planning application

7.1.2. The planning application was received by FCC on 7th November 2025 for the development as described in paragraph 2.1. The supporting Planning Statement states the proposed development would directly support national policy to enhance air connectivity and trade competitiveness (page 3). It is a landside development i.e. there is no airside access, though 'the site is in immediate proximity to the runway system and apron space required for freighter operations, enabling seamless airside integration in later phases' (page 10). A concept/masterplan has been prepared by

relevant landowners for a western airport campus of approximately 106 hectares¹⁷, providing an indicative layout for the wider area, ‘to demonstrate that that the first phases of development are compatible with the long-term vision for the lands, including the development of a third terminal, extensions to the existing and proposed aprons and taxiways ...’ (EIAR page 4). Page 5 of the EIAR considers that there is ‘currently a deficit in cargo handling and aviation related logistics’. The proposed development is described in detail in Chapter 4 (Project Description) of the EIAR. Section 4.3 sets out the rationale for the proposed development. It states:

- ‘The proposed development forms part of a strategic infrastructural initiative to expand air freight and logistics capacity within Ireland, positioning Dublin Airport as a key international logistics hub in line with national and regional transport strategies’.
- ‘By decentralising cargo handling operations away from the congested Eastern Campus, the development will improve operational resilience and capacity for both freight and passenger services’.
- ‘The proposal aligns with the Dublin Airport Local Area Plan (LAP) 2020–2026 (extended to 2030), which identifies the Western Campus as a suitable long-term expansion area for logistics and cargo functions and recognises the need for a Western Access Route. The LAP specifically supports the relocation of air cargo operations to facilitate the continued development of terminal capacity in the Eastern Campus’.
- ‘The location reduces potential conflicts with passenger traffic, enhances logistics efficiency, and supports the integration of multimodal transport infrastructure, safeguarding capacity for future aviation growth’.

DAA observation

- 7.1.3. The DAA operates and manages Dublin Airport. It is a prescribed authority under the Planning & Development Regulations, 2001 (as amended). It submitted an observation on the planning application submitted to FCC. Among other issues the observation stated:

¹⁷ As per Footnote 1.

- 'Airport cargo operations, by their nature require direct access to the airside, unless a dedicated cargo transfer facility is available onsite'.
- 'We suggest that the 'DA zoning' does not support development of non-aviation related infrastructure ... Reference to future plans to integrate the development at a later phase, in the absence of timelines, details or necessary consents, are intangible and cannot be relied upon. The public notices do not reflect this point or the nature of the current proposals ...'
- '(O)ur review of the submitted information indicates the proposal is for a landside facility benefiting from airport proximity only'.

FCC planning report and decision

7.1.4. Relevant commentary contained within the Planning Report included:

- 'The planning authority is not satisfied that the proposal meets the requirements of the zoning objective and vision which is to *Facilitate air transport infrastructure and airport related activity/uses only*. The proposal represents a logistics hub which is separate from operations at Dublin Airport and is not linked to the existing airside operations' (italics not added; page 12).
- 'The applicant has failed to submit any supporting evidence of consultations with daa or existing cargo operators. To the contrary, the application is supported by documents and evidence which suggests that the proposed development is an independent logistics hub' (page 12).
- While the supporting Architectural Design Statement refers to "potential for future airside connectivity, increasing its long-term value for airport cargo and freight activity", no such connectivity is provided for within the current proposal' (page 12).
- Statements in the application Characterisation Report, Architectural Design Statement, and EIAR 'provide further confirmation to the planning authority that the proposed development relates to an independent logistics hub and not specifically aviation-related cargo handling units' (page 13).
- 'The applicant has stated that the proposed development complies with the 'DA' zoning objective, however no supporting evidence or documentation has been submitted to substantiate this assertion. The proposed development appears as

isolated logistics units with no demonstrable link proximate to the airfield and with no justification from cargo operators at Dublin Airport' (pages 13 and 14).

- In the 'Conclusion', the report states 'the planning application has failed to demonstrate compliance with the 'DA' zoning objective. The proposal is premature pending assignment of aviation related cargo handling occupiers for the units or in order to be in compliance with airport related uses. The application is insufficiently detailed. The works seeking permission would materially contravene the 'DA' zoning objective as well as Section 7.2.6 of the Dublin Airport Local Area Plan 2020¹⁸. The planning officer considers the proposed development as not acceptable in principle nor in line with Section 8.5¹⁹ of the Fingal Development Plan 2023-2029' (page 31).

Grounds of Appeal

- 7.1.5. The applicant's grounds of appeal, the DAA observation, and the FCC response to the grounds of appeal are summarised in Section 6 of this IR.

Zoning

- 7.1.6. Paragraphs 5.5.1 and 5.5.2 of this IR show that the site is zoned 'DA' with a zoning objective 'Ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan'. The vision of the zoning objective is, among other things, to 'Facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport)', and the use classes permitted in principle include cargo yards, logistics, and warehousing, with the latter two having to be air-transport related.
- 7.1.7. The proposed development, as per the public notices, is 'aviation-related cargo handling units'. Therefore, at first glance, the proposed development would appear to be consistent with the zoning provisions of the Plan. However, the planning authority does not consider this to be the case.

Assessment

- 7.1.8. The first reason for refusal relates to the FDP 2023-2029 and Dublin Airport LAP 2020 and whether the proposed development would or would not comply with air transport

¹⁸ 'Air Cargo'.

¹⁹ 'Policies and Objectives'.

infrastructure and airport related activity/uses i.e. those uses that need to be located at or near the airport.

- 7.1.9. The grounds of appeal considers that the proposed development is ‘by definition, airport-related infrastructure’. It refers to the accompanying IAPIA. This states that the proposed development, whether airside or landside, is in an ideal location for air-related cargo handling and states ‘The Planning Authority are unjustified in facilitating or supporting the vetoing of airport related cargo handling because the DAA wish to maintain a monopoly at the airport ...’ (page 7). FCC, in its response to the appeal, states that it is still not satisfied that it meets the requirements of the zoning objective. The proposed development ‘appear independent of Dublin airport operations and do not fall under aviation ‘Cargo handling’’. FCC considers the proposed development to comprise an independent logistics hub and that there is insufficient evidence that its ‘sole purpose’ is to handle freight into or out of the airport. The IAPIA considers that the Commission could include a compliance condition to a grant of permission requiring submission of details of the intended user. The DAA observation on the grounds of appeal retains its concern that the proposed development does not provide air-transport related infrastructure and ‘do not appear to address the specific physical requirements and characteristics of air-cargo handling warehouses’ and ‘the absence of connection to, or integration with, the existing airport ...’ DAA agrees with the FCC position that ‘the proposal is not for aviation-related cargo but rather independent cargo handling units in proximity to the airport’.
- 7.1.10. The conclusion of the FCC Planning Report cites sections of the LAP 2020 and FDP 2023-2029. These are:

- Subsection 7.2.6 (Air Cargo) of the LAP – ‘(T)he LAP recognises the important supporting role of cargo facilities at Dublin Airport and promotes the maintenance and continued growth of such facilities. The provision of improved apron facilities serving cargo operations could allow for the relocation of existing cargo operations from the eastern campus. This would facilitate maximising the ability of this campus to accommodate expanded passenger capacity and services. Applications to expand cargo facilities shall be accompanied by a demonstration of need, along with an operational overview of existing and proposed facilities ...’

Objective CG02 is included in this subsection. It states 'Facilitate the relocation and expansion of new cargo facilities and potential consolidation of air cargo operations ...'

- Section 8.5 (Policies and Objectives) of the FDP – Among other things it states that the LAP provides the principal development management tool for the airport area. 'All future development proposals at the Airport must comply with the LAP'. Required key infrastructure includes 'Support existing ... cargo facilities and relocation where appropriate'.

7.1.11. Having regard to the documentation submitted in relation to this planning application I consider that the reason for refusal is consistent with the planning framework as set out by the FDP 2023-2029 and the LAP 2020. My reasons are as follows:

- I concur with the position of the planning authority and DAA that, in effect, the proposed development comprises an independent speculative cargo handling facility. Its purpose, in my opinion, is not in line with the vision of the zoning objective which is to facilitate 'air transport infrastructure and airport related activity/uses only'.
- The zoning objective for the site requires the efficient and effective operation and development of the airport. The proposed development is for a landside operation only i.e. there is no airside access proposed. As a result, the vehicular driving distance from the subject site to the existing cargo area at the airport would be in excess of 8km. This, in my opinion, could not be considered as efficient operation. By contrast, the planning application currently under consideration by FCC under F25A/1210E provides for direct airside access from the subject site to the South Apron via a bonded access.
- The site location, in immediate proximity to the curtilage of Dublin Airport (including its proximity to proposed Apron 7) and in the absence of direct airside access, gives a misleading impression of its current suitability for cargo handling. A grant of permission for future airside access is not guaranteed.
- The planning application lacks the support of FCC and DAA. While the DAA does not have a veto on any planning application, in my view, given the nature and

location of this planning application, its position as the operator of the airport is a material consideration in the assessment of the planning application.

- Section 1.2 of the EIAR makes a number of references to ‘immediate and urgent cargo handling needs’ because of the proposed demolition of same by DAA. However, planning application F25A/1210E has been submitted to FCC since the submission of the EIAR²⁰.
- The fact that certain use classes may be identified as permitted in principle does not automatically result in a grant of permission.
- The various statements in the application documentation as cited in the FCC Planning Report (as per the fourth bullet point of paragraph 7.1.4).

7.1.12. Having regard to the foregoing, in my opinion the proposed development would not be consistent with the zoning objective for the site and its associated vision. It is not specifically associated with or necessary for the operation and development of the airport. Insofar as it relates to this specific planning application, I do not consider that it would be in accordance with the proper planning and sustainable development of the area for the reasons outlined in the foregoing bullet points. I consider the planning authority’s reason for refusal to be warranted.

7.1.13. Notwithstanding, I do not concur with the planning authority’s wording that the proposed development would materially contravene the zoning objective of the FDP 2023-2029. While it would contravene the zoning objective in my opinion, I do not consider that it would satisfy the threshold for a material contravention. Cargo yards, logistics, and warehousing are uses permitted in principle on this zoning. The issue relates to the interpretation of what is air-transport related in this context. In my opinion the application does not meet this because of the absence of airside integration, the isolated and speculative nature of the proposed units, the vehicular distances required to access the cargo area of the airport, and the absence of support from the airport operator. Therefore, in my view, it would not comply with the zoning objective which requires efficient and effective operation and development of the airport. However, I

²⁰ The IAPIA states that the application site makes ‘infinitely more sense, based on their location to be developed as airside cargo handling, as opposed to requiring expensive bridge access and the use of an already over subscribed road network’ (page 7). However, this planning application subject of appeal is not for airside access, and it would require substantial vehicular journey lengths along the same road (R132) as opposed to the proposed DAA development which would provide bonded airside access.

do not consider that this would result in a material contravention of the FDP 2023-2029.

Conclusion

- 7.1.14. The proposed development would not be in accordance with the zoning objective and the planning authority's first reason for refusal is reasonable.

7.2. The Planning Authority's Second Reason for Refusal (Premature Development)

- 7.2.1. The planning authority's second reason for refusal is as follows.

'The proposed development is located proximate to lands west of runway 16/34 indicated in the Dublin Airport Local Area Plan as a potential location for a third terminal (T3). The Planning Authority is not satisfied, on the basis of the information submitted that the proposed development would not prejudice the orderly operation and continued growth of the Airport including the provision of a third terminal and the provision of a western access route to Dublin Airport from the N2 corridor. The proposal is considered to be piecemeal and developer led and fails to present a comprehensive and cohesive approach in ensuring sustainable growth at the Airport is safeguarded. The proposed development is contrary to DA01, DA02 of the Fingal Development Plan 2023-2029 and EI03, TP03 & EA05 of the Dublin Airport Local Area Plan and would therefore, be premature and contrary to the proper planning and sustainable development of the area'.

Background to the Planning Authority Decision

Planning application

- 7.2.2. The supporting Planning Statement states that the concept plan (as referenced in Footnote 1) 'demonstrates how the subject site, the applicant's landholding and the immediate environs could be developed to provide for a third terminal ... (page 3). Section 1.2 (Strategic Vision Overall Landholding) of the EIAR states that the concept plan is 'intended to demonstrate that that the [sic] first phases of development are compatible with the long-term vision for the lands, including the development of a third terminal ...' It also notes 'The plans for the overall lands are a longer-term project, and it would not be appropriate to develop these further at this point, pending further engagement with key stakeholders'. Page 11 of the EIAR states that the application is

aligned with the proposal for a western access route. Page 44 notes that a third terminal is facilitated within the overall concept plan and it is acknowledged that the western access road would be developed, though it is not required to serve the subject application site. The applicant is satisfied that 'the subject development is not premature, and that indicative proposals for the overall lands demonstrate the suitability of the subject site to accommodate this development, and that it does not prejudice the overall development of these lands and delivery of Terminal 3' (page 46). It is also stated on page 46 that 'the optimal location for the Strategic Western Access Road is not compromised by this development'.

DAA observation

7.2.3. The DAA submitted an observation on the planning application received by FCC. Among other issues the observation stated:

- There is 'a need to evaluate the nature of the proposal within the broader context of the national airport's strategic long-term development objectives'.
- '(I)t is unclear from the application how the applicant proposes to access the runway, aprons, airside roads and wider airfield infrastructure at Dublin Airport'.
- 'We have highlighted several concerns with the proposed development as submitted, including ... issues with the principle of development as a logistics hub located centrally within the runway system at Dublin Airport'.

FCC planning report and decision

7.2.4. Relevant commentary contained within the Planning Report includes:

- Section 7.2.6 of the LAP 2020 requires applications to expand cargo facilities to be accompanied by a demonstration of need along with an operational overview of existing and proposed facilities. No such report has been submitted (page 14).
- The third paragraph on page 14 is very similar in content to the second reason for refusal.
- The application fails to adequately address objective EAO5 of the LAP 2020, relating to provision of a western access route, which 'needs to be taken into consideration in the development of these lands. At present, the proposal would

be considered premature pending development of a western access to Dublin Airport' (pages 15 and 16).

- Page 17 contains an excerpt from the Transportation Planning Report; 'The proposed development presents a piecemeal approach to development at the Airport, and does not present a comprehensive and cohesive approach in ensuring sustainable growth at the Airport is safeguarded'.

Grounds of Appeal

- 7.2.5. The grounds of appeal consider that the position adopted by the planning authority is fundamentally flawed, overly restrictive, and unsupported by policy. There is no fixed location for a third terminal and the decision effectively sterilises these lands based on hypothetical future scenarios and effectively excludes landside cargo handling from DA zoned land. The supporting IAPIA considers that the 'most suitable and operationally sensible' location for a third terminal is in the location shown in the applicant's concept plan/masterplan and its hypothetical location on the subject site 'would entail significant airport management problems'.

Assessment

- 7.2.6. Having regard to the documentation submitted in relation to this planning application I consider that the planning authority's reason for refusal is appropriate. My reasons are as follows:
- Section 4.1 of the LAP 2020 states that the Plan presents a strategy 'for the continued growth of Dublin Airport in line with relevant aviation, planning and environmental policy within the context of a sustainable growth framework'. Subsection 7.2.1 notes that the DTTAS Review identified the need for a third terminal and 'it is considered necessary to explore an appropriate location for T3 in the immediate term, in view of the long lead in times for such projects'. A substantial area of the subject site is located on the indicative footprint of one of the three options identified in the Review, as per Figure 7.1 of the LAP 2020.
 - Further commentary in subsection 7.2.1 states '*these* potential options should be examined through further studies to determine the optimal location for T3 by the relevant strategic stakeholders' (italics added). Therefore, a third terminal is an option at the subject site location.

- The concept/masterplan is referred to throughout the planning application (illustrated in Figure 3 of Appendix 1 to the EIAR). The application, including the IAPIA, considers that a third terminal should be located further west of the subject site. This concept/masterplan has no statutory basis and was prepared by landowners in the 'DA' zoned land area outside the current curtilage of Dublin Airport. In the absence of a masterplan being fully developed by all relevant stakeholders e.g. Department of Transport, DAA, FCC, and relevant landowners, any concept/masterplan is only of academic interest in my view. The basis of a planning recommendation and decision, in particular on a matter such as this, should be based on, for examples, LAPs and departmental documentation, rather than on concept plans prepared by landowners.
- The IAPIA outlines reasons why the subject site area would not be suitable for a third terminal. It may be the case that the further studies referred to in the LAP conclude that this would not be the optimum location for a third terminal. However, that is a matter for the relevant strategic stakeholders, which I assume would include the landowners. To grant this application would, in my opinion, effectively remove this option from further consideration which would be contrary to the provisions of the LAP which states that this site should be examined as a terminal location through further studies.
- I am unaware of the current status, if any, of further studies in relation to a third terminal. However, the appropriate positioning of a third terminal is critical at a national level and granting this application would in my view be premature pending a decision on if and where a third terminal should be located.
- Page 14 of the First Party Appeal document notes that 'There is currently no adopted or fixed location for a third terminal' at the airport and the three potential DTTAS locations are not embedded in statutory policy. It is correct to say that there is no adopted or fixed location for terminal three and is why, in my opinion, one of the three potential locations identified in a departmental review should not be compromised by the proposed development. These locations are identified in the LAP and the Plan states that '*these* potential options should be examined through further studies ...' (italics added). Their inclusion in such a manner in the LAP

indicates that the three locations are likely to be seriously considered, as per Objective TP03 of the LAP 2020.

- The provision of a private speculative development at this undeveloped central location within the DA zoned land, without the support of a government department, FCC, or DAA, would be prejudicial to the orderly development of land or expansion of the airport.
- The second reason for refusal cites five objectives in the FDP 2023-2029 and LAP 2020. The objectives are all set out in Section 5 (Policy Context) of this IR. I consider that the inclusion of each objective, except EA05, is reasonable.
 - DAO1 (Safeguarding Dublin Airport) – I consider the proposed development would have an adverse impact on the future development of the airport and would not be in line with the LAP 2020.
 - DAO2 (Safeguarding the Current and Future Requirements of Dublin Airport) – As per DAO1. In addition, I have addressed operational, safety, and technical requirements in Section 7.6.
 - EIO3 – Given that the subject site is on the potential footprint of a possible third terminal as per subsection 7.2.1 of the LAP, the proposed development would prejudice the orderly operation and continued growth of the airport, including provision of a future third terminal.
 - TP03 – To grant the proposed development would run contrary to supporting the detailed review of the three identified locations in the DTTAS Review.
 - EA05 – The western access route is indicatively illustrated on Figure 8.1 of the LAP and Sheet 17 of the FDP 2023-2029. Subsection 8.2.3 of the LAP 2020 states that this route would ‘cater for significant forecast passenger levels and offer contingency planning for the use of the key M50/M1 transport infrastructure ... In the context of future parking expansion at Dublin Airport, the Western Access would provide access to the car parks only, with the final leg of the trip, i.e. from the car parks to the terminal building, being completed by shuttle bus ...’ It is much less likely that the proposed development would interfere with a western access route than it clearly does with a potential third terminal. Although the proposed development may affect ancillary proposed car parks or bus

transfer routes associated with the western access route, given the route as outlined and notwithstanding the absence of feasibility design assessments or potential road lines, I consider that, on balance, the inclusion of this objective is not warranted in the reason for refusal.

- The proposed development is not based on any statutory document, but rather on a concept/masterplan which has had no input or approval that I am aware of from any statutory body such as the Department of Transport, FCC, or DAA. It is a developer-led proposal which would adversely affect the orderly growth and expansion of the airport. It may be that in future this particular location is suitable and appropriate for cargo handling facilities, but that should be clearly identified in a LAP or masterplan approved or adopted by the planning authority after appropriate consultation by relevant stakeholders. As this is currently not the case, I consider the proposed development would be premature pending this, would comprise piecemeal and ad-hoc development, and may preclude a more appropriate future land use or layout.

7.2.7. Having regard to the foregoing, in my opinion the removal of 10.7 hectares of DA zoned land in this central location would have a significant adverse impact on the orderly development and future expansion of the airport and the appropriate consideration of a suitable location for a third terminal. The proposed development is to facilitate a landside logistics facility and there is no compelling reason why this requires this particular location. The provision of a third terminal and the orderly development and future expansion of the airport are matters of significant importance at a regional, if not national, level, and I consider that any development that would jeopardise this should be avoided. I consider that the planning authority's reason for refusal is warranted, apart from reference to the proposed western access route.

Conclusion

7.2.8. The proposed development would prejudice the orderly development and continued growth of the airport and the planning authority's second reason for refusal is reasonable.

7.3. The Planning Authority's Third Reason for Refusal (Appropriate Assessment (AA) Screening)

7.3.1. The planning authority's third reason for refusal is as follows.

'Having reviewed the submitted Appropriate Assessment Screening Report together with the details of the proposed development and all associated documentation, the planning authority has concluded that the applicant has not demonstrated that the project, either individually or in combination with another plan or project, will not have a significant effect on any European sites. The information submitted is incomplete and insufficient to enable the planning authority to undertake its screening for appropriate assessment.

Advice Note

In terms of screening for EIA, the applicant has not provided the information listed in Schedule 7A of these Regulations which is to be provided to the competent authority by the developer. This information is required to allow the competent authority make an EIA Screening Determination taking account of the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended'.

7.3.2. I consider that the reason for refusal can be addressed under two separate subheadings.

AA Screening

7.3.3. I have carried out AA screening in appendix 1 to this IR, as per section 9 (Appropriate Assessment (AA) Screening). Given the contradictory and inconsistent information submitted with the planning application and the grounds of appeal in relation to hydrological connectivity, I conclude that it is not possible to exclude the possibility that the proposed development, either alone or in-combination with other plans or projects, would result in significant effects on a European site from impact on water quality. Therefore, I consider that this reason for refusal remains applicable.

EIA Screening

7.3.4. It is not clear from the planning authority's decision whether the 'Advice Note' forms part of the reason for refusal, whether it is effectively an additional reason for refusal, or whether it is a poorly located 'Advice Note' which would have been more appropriately located at the end of the list of reasons for refusal. Notwithstanding, I

have addressed this issue in the EIA (paragraph 8.1.3). I consider that the submission of the EIAR addresses any issue that arises relating to EIA screening and this 'Advice Note' is not warranted.

7.4. The Planning Authority's Fourth Reason for Refusal (Landscape Impact)

7.4.1. The planning authority's fourth reason for refusal is as follows.

'It is considered that the proposed development by reason of its design will be dominating in the landscape and fails to reflect the importance of arrival at an international gateway. In this regard it is considered that the proposed development contravenes Objective DS01 of the Dublin Airport Local Area Plan (as extended)'.

7.4.2. The planning application included standard elevation and contiguous drawings, a supporting Architectural Design Statement (ADS), a Landscape Rationale, and Appendix 2 (Verified Photomontages) (LVIA) of the EIAR.

7.4.3. A report was prepared by the planning authority's Architect's Department. Among other comments it stated that the arrangement of the substantial masses on site are of significant concern, the massive roofs will be dominating in the landscape and will be prominent from aerial views, the design should reflect the importance of arrival at an international gateway, though the glazed office facades could be better articulated they form a welcome break to the massing, and expresses the view that the LVIA could have been improved. This report was addressed on page 18 of the planning authority's Planning Report where it concurred with the Architect's Department comments and considered that it would contravene objective DSO1 of the Dublin Airport LAP²¹.

7.4.4. The reason is addressed in Section 3.4 of the applicant's First Party Response. It states that the reason is not supported by the LVIA or the established character of the receiving environment and it is in a low sensitivity environment. It considers that it would consolidate aviation-related uses within a core airport area. Page 41 states that 'no concerns were raised by Fingal County Council's Architectural Design Team in relation to the quality of the proposed architectural treatment, including building form, façade articulation, material palette or overall design response'. However, I note that

²¹ Objective DS01 is 'Ensure that all development at Dublin Airport will be of high quality design and finishes to reflect Dublin Airport's status as an international gateway airport'.

the Architects Department report, some of which is briefly summarised in the previous paragraph, clearly expresses some concern in relation to design quality, massing, and proposed materials.

- 7.4.5. Having regard to the reason for refusal, I note initially that objective DS01 refers to 'all development at Dublin Airport'. Although in very close proximity, technically the subject site is adjacent to the airport, and is in private ownership, as opposed to being 'at' Dublin Airport. Therefore, I do not consider that this objective is relevant.
- 7.4.6. The reason also refers to the design and dominance of the proposed development in the landscape. I acknowledge that the proposed development is large in scale. The largest unit (Unit 1) is 10,869.7sqm, all units are 12 metres in height, the elevation designs are quite monotonous, and the building footprints are very close to site boundaries.
- 7.4.7. The proposed development is for cargo handling units, as per the public notices. Provision is made for landscaping and SuDS on site which would introduce some green space. Ultimately, however, the development is a warehousing-type development in proximity to the airport. In my view it would not be an incongruous development having regard to the existing airport terminals, hardstanding runways and aprons, cargo terminals, business/industrial/logistics parks, and surface car parks typical of this and most airports of this size. This is the type of development that is often characteristic of development in the vicinity of an airport of this scale.
- 7.4.8. The site is currently a greenfield site with agricultural fields further to the west. However, and notwithstanding the first and second FCC reasons for refusal, it can reasonably be expected that this and adjacent sites would likely be developed at some point given, for example, the location of proposed Apron 7 adjacent to the west and north west under consideration under F23A/0781 and a potential location of proposed Terminal 3 partly on the subject site. The site is in very close proximity to the Air Traffic Control Tower and fire station and other development associated with the airport on the opposite side of the R108 and I consider that the proposed development would likely be read in the context of these facilities.
- 7.4.9. Having regard to the foregoing I consider that in this reason for refusal the planning authority have placed an excessively high expectation on the nature and design of the proposed development. The proposed development is reasonably typical, in my view,

of how a development of this type would appear and it is located in close proximity to airport facilities. I do not consider that the planning authority's fourth reason for refusal is warranted.

7.5. The Planning Authority's Fifth Reason for Refusal (Wastewater Treatment System (WWTS))

7.5.1. The planning authority's fifth reason for refusal is as follows.

'The proposed development is considered premature due to the absence of Uisce Éireann infrastructure in the proximity of the site. It is considered that the proposed private wastewater treatment system is neither applicable, appropriate, nor adequate with regards to the scale of the proposed development and would be contrary to Objective DMSO196 of the Fingal Development Plan 2023-2029'.

7.5.2. The application includes a 'wastewater treatment plant and infiltration area for 250 PE'. The application includes a Site Characterisation Report (SCR), which concluded the site was suitable for development, and various drawings and layout plans. No layout plan shows the extent of the treatment system and polishing filter area in the context of the overall site layout.

7.5.3. The planning authority's Water Services Department recommended a refusal of permission in relation to the proposed WWTS. It noted that the applicant used the EPA Code of Practice for Domestic Wastewater Treatment Systems (PE≤10)(2021) which was 'neither applicable, appropriate, nor adequate with regards to assessing the technical merits of the proposal' and that there was a 'large and unjustifiable' pollution risk given the scale of the proposed development and the development potential of the zoned lands. The planning authority's Planning Report concurred with the recommendation. Objective DMSO196, as cited in the reason, is set out in paragraph 5.5.6.

7.5.4. A 'Response to Planning Refusal comment' dated 4th February 2026, addressing the Water Services Department report, was submitted with the grounds of appeal. This can be summarised as follows:

- The proposed WWTS is described. It states that a wastewater treatment loading sheet is attached which dissects the provided data more thoroughly (no such sheet was submitted).
- 'Both the design and the Site Characterisation are carried out in relation to EPA Code of Practice for domestic dwellings 2021 and also Wastewater Treatment Manuals Treatment systems for small communities, business, leisure centres and Hotels' [sic]. The Water Services Department statement in relation to the EPA Code of Practice for Domestic Wastewater Treatment Systems is strongly contested.
- A section 4 discharge licence would be applied for²². This cannot be applied for prior to planning approval.
- The assertion that the pollution risk is large and unjustifiable is challenged. The drainage/percolation area is suitable and presents a very low pollution risk.
- Even if the proposed WWTP is considered temporary it can be considered for upgrade to suitable forward feed pump chamber in future.

7.5.5. In addition to this, subsection 4.2 of the Report on Transport and Engineering submitted with the grounds of appeal states the medium term proposal is that 'as part of the larger development including the terminal, offices, hotel and N2 link road' the WWTP is replaced with a pumping station and wastewater is pumped to the Uisce Éireann network. Three potential locations are identified on Figure 9 of the Report. The current proposal is considered the most appropriate solution for this phase.

7.5.6. This IR is accompanied by a Technical Note prepared by one of the Commission's Environmental Scientists, which I have considered in my assessment. The Environmental Scientist was requested to assess whether the proposed WWTS was sized appropriately and whether it would be acceptable at this location. The Technical Note received is set out in full in Appendix 2 to this IR.

7.5.7. The Technical Note states that the relevant documentation submitted with the application was reviewed and other publicly available sources of information were also

²² Discharge licences are issued under Section 4 of the Local Government (Water Pollution) Act 1977, as amended in 1990, in respect of the discharge of trade effluent to surface water or groundwater. Licences set conditions so the discharge is treated and controlled in a manner that protects the receiving environment.

consulted. Based on the loading rates set out in the 1999 EPA Manual, the proposed 250PE loading is excessive for the reported number of users and the rationale for this capacity had not been adequately explained. A notable issue is the fact that the proposed polishing filter is located in an area of both high and extreme groundwater vulnerability, and not just in an area of high vulnerability as set out in the SCR. The description of the trial hole was not considered to be accurate as the 'gravels and cobble' below 0.4 metres, as per the SCR, appear to be fractured bedrock. The combination of the groundwater vulnerability and trial hole description means that the Environmental Scientist is not satisfied that the site suitably has been adequately assessed. In addition, the Technical Note references the EPA document 'Guidance on the Authorisation of Discharges to Groundwater' (2011), which provides guidance on technical assessments to satisfy the requirements of the European Communities Environmental Objectives (Groundwater) Regulations, 2010. Three tiers of assessment are identified, the subject development being in the second tier. A second-tier assessment would involve, for example, demonstration of sufficient infiltration capacity and adequate attenuation potential, as well as groundwater characterisation involving the drilling and testing of boreholes. The conclusion is that the level of assessment applied to the proposed discharge to groundwater is not consistent with that of a Tier 2 assessment. Further, concern is also expressed that an adequate depth of subsoil exists below the invert level of the proposed gravel distribution layer. The Technical Note concludes that the Commission cannot be satisfied that significant impacts on groundwater quality would not arise. A refusal is recommended with a suggested reason attached.

- 7.5.8. Having regard to the foregoing, and in particular the commentary and conclusion of the Technical Note, I am satisfied that it has not been appropriately demonstrated within the application and appeal documentation that the proposed WWTS is acceptable at this location. I recommend a refusal reason as set out in the Technical Note.

7.6. DAA Observation

- 7.6.1. The two DAA observations, on both the original planning application and the grounds of appeal, are similar in content. In my opinion there are two significant issues that

arise from the observations, other than those addressed elsewhere in this Planning Assessment section. These are safe airport operations and the wayleave.

Safe Airport Operations

- 7.6.2. Under this subheading I refer specifically to the submission received on foot of the grounds of appeal dated 4th March 2026. Safe airport operations refer to the Wildlife Hazard Risk Assessment, Aeronautical Safety Assessment, and Instrument Flight Procedure Assessment.
- 7.6.3. I refer to the Wildlife Hazard Risk Assessment in paragraphs 8.7.12 and 8.7.13 of this IR, which relates to the Biodiversity chapter of the EIAR. I conclude that a Wildlife Hazard Risk Assessment should be provided prior to a decision being made given that any alterations required to satisfy aeronautical safety may involve significant alterations to the proposed SuDS system as well as other unforeseen impacts which could materially alter the proposed development from that submitted and, as such, cannot be addressed or required by condition should the Commission be of a mind to grant permission.
- 7.6.4. Subsection (iv) of the observation notes the proximity of the site to ‘critical airport infrastructure’ and considers that an Aeronautical Safety Assessment and Instrument Flight Procedure Assessment ‘should be undertaken to ensure that matters relating to line of site [sic], flight procedures, surface movement radar systems, wind shear and turbulence, and obstacle limitation surfaces are adequately engaged with and addressed’.
- 7.6.5. The grounds of appeal (page 9 of the First Party Appeal document) note that this issue did not form part of any of the reasons for refusal and ‘Having consulted with aviation experts, we are satisfied that the proposed development will not interfere with radar, communications or flight safety systems’. The submission of these by way of a compliance condition or through further information is suggested.
- 7.6.6. The DAA observation considers these two assessments to be ‘of utmost importance’ and, while noting the reference to the applicant’s consultation with aviation experts, ‘this is not sufficient’. In its summary, DAA states that these assessments ‘are required to address airport operational safeguarding concerns before any grant of permission’ and without these ‘the proposed development could present a significant aeronautical hazard and should be refused’.

7.6.7. Having regard to the foregoing, I consider it reasonable that these assessments should have been submitted with the planning application or the grounds of appeal (notwithstanding page 9 of the First Party Appeal document which states that these documents could not be prepared within the appeal submission timeframe). I do not consider further information on this issue should be sought given the other substantive recommended reasons for refusal. It is quite possible that the proposed development would not have a significant impact on the matters of concern. However, in the absence of confirmation of same, I consider it appropriate to take a precautionary approach and include this as a recommended reason for refusal. Objective DAO2, as per paragraph 5.5.6 would be relevant to this issue, in my opinion.

Wayleave

7.6.8. The DAA, in both its initial submission to FCC and in its observation to the Commission on the grounds of appeal, has referred to the absence, from the applicant's location map and layout plans, of a right of way / wayleave benefitting DAA on which proposed Unit 4 is located.

7.6.9. The planning authority did not address this issue in its Planning Report (despite referencing it in pages 10 and 19) or its response to the grounds of appeal. The applicant has also not referenced the issue in the grounds of appeal.

7.6.10. DAA has referenced Folio DN161330F. From a review of this folio on the government's publicly available landdirect.ie website there is a wayleave/right of way in the far southeast corner of the site over which it appears proposed Unit 4 is to be located. I have no other information available to me in relation to this wayleave. Given the substantive reasons for refusal set out above I do not propose to include this as a reason for refusal. However, it should be addressed and taken into consideration by any future applicant as it could potentially have an impact on the layout of the site.

8.0 Environmental Impact Assessment (EIA)

This section sets out the EIA of the proposed project and it should be read in conjunction with the Planning Assessment, AA Screening, and WFD sections. The proposed development provides for the construction of four aviation-related cargo

units, a WWTS with a PE of 250, and associated site works on a 10.7 hectares greenfield site adjacent to the west of Dublin Airport.

8.1. Statutory Provisions

- 8.1.1. Subsection 2.2 (Screening) of the EIAR states that the proposed development would 'potentially' fall within the following classes of development: Schedule 5 Part 2 Class 10 (Infrastructure projects) (a) (Industrial estate development projects, where the area would exceed 15 hectares) or (b) (iv) (Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use). The EIAR considers the proposed development could be classed as an industrial park or an urban development on a 10.7 hectares site located in a potentially built-up area. It considers that there is ambiguity in how best to categorise the proposed development and its location. The applicant has assumed the proposed development is below an applicable threshold i.e. 15 hectares for an industrial estate or 20 hectares for urban development. However, the applicant considers an EIAR to be required given the scale of infrastructure/urban development possible on the larger landbank of which the subject site forms part, and a subthreshold EIAR would be required to support the proposed development, to demonstrate that no significant impact arises and to avoid any potential project splitting issues.
- 8.1.2. I am satisfied that the proposed development can be classified as development for the purposes of the Planning & Development Act, 2000 (as amended), having regard to (b) (iv) i.e. urban development which would involve an area greater than 10 hectares in the case of other parts of a built-up area, given the site area of 10.7 hectares and its location immediately adjacent to Dublin Airport and its associated facilities.
- 8.1.3. Notwithstanding the foregoing, I draw the Commission's attention to article 102 of the Planning & Development Regulations, 2001 (as amended), which states 'Where a planning application for sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act'. Therefore, as an EIAR has been submitted it must be dealt with as if it was required.

8.2. EIA Structure

8.2.1. This section of the report comprises the EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended), and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). Section 171A of the Planning & Development Act, 2000 (as amended) 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 planning authority or the Board, the reasoned conclusions of the planning authority or the Board and the integration of the reasoned conclusion into the decision on the proposed development, and,

(b) includes an examination, analysis, and evaluation, by the planning authority or the Board, that identifies, describes, and assesses the direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

8.2.2. Article 94 of the Planning & Development Regulations, 2001 (as amended), and associated Schedule 6 set out requirements on the contents of an EIAR.

8.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). 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 proposed development to risks of major accidents and/or disasters.

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

8.2.5. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects within my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 8.16.

8.2.6. I note that decommissioning is not referenced within the EIAR. Given the permanent nature of the proposed development, as per Section 4.11 of the document²³, I consider this to be acceptable.

8.3. Issues Raised in Respect of EIA

8.3.1. No submissions have been received from third parties, and no significant environmental concerns have been raised in the submissions from prescribed bodies. Issues raised in internal planning authority departmental reports are addressed in the assessment below where relevant or have already been addressed in Section 7.

8.3.2. I note the 'Advice Note' contained within the third planning authority reason for refusal relating to EIA screening. As per paragraph 8.1.3, the submission of an EIAR, whether necessary or not, overrides a requirement for EIA screening.

8.3.3. I also note that, notwithstanding the aforementioned 'Advice Note' and the omissions, inconsistencies, and deficiencies cited in Section 11 (Environmental Impact Assessment Report) of the FCC Planning Report, the reasons for refusal do not include a reason relating to the content or quality of the EIAR itself.

8.3.4. As referenced in paragraph 8.3.1, Section 11 of the FCC Planning Report outlined a number of issues identified during its examination of the EIAR. In addition, in carrying

²³ 'The project is intended as permanent infrastructure but will comply with all relevant legislation if decommissioning is required in the future'.

out my EIA, I noted a number of additional issues with the document, and these are all set out and addressed under the relevant ‘Analysis, Evaluation and Assessment: Direct and Indirect Effects’ subheading of the respective sections below. Though there are a significant number of them, many of these are relatively minor issues. However, there are environmental factors, specifically water, where I do not agree with the provisions of the EIAR, having regard to an inconsistency of information in the overall application and the grounds of appeal and the content of the Technical Note prepared by one of the Commission’s environmental scientists. Although the EIAR contains a number of areas that could be improved or more detail included, on balance, in my view the EIAR is not so deficient or lacking in information or detail that the attachment of a refusal reason on this basis is warranted. I am satisfied that it contains sufficient information to enable a robust reasoned conclusion to be reached in relation to the proposed development.

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

- 8.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning & Development Regulations, 2001 (as amended)

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 section 94(b).
A description of the proposed development is set out in Chapter 4 (Project Description) of the EIAR, and in particular in sections 4.2, 4.4, and 4.7 which describe the site location, the layout strategy, built form and massing, unit descriptions, and infrastructure and utilities. The proposal does not involve demolition works. I am satisfied that the development description provided is adequate.

A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR, except an assessment of cumulative effects for Chapters 12 (Material Assets) and 14 (Archaeological, Architectural and Cultural Heritage). Notwithstanding, I am satisfied that the assessment of significant effects is adequate and sufficiently robust to enable a decision on the project.

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 section 94(b).

Mitigation is addressed in each of the EIAR technical chapters, and other documentation such as a CEMP has been submitted. Though I am satisfied that proposed mitigation measures comprise standard good practices and measures that are largely capable of offsetting significant adverse effects (except discharges to groundwater from the WWTS), should permission be granted I recommend inclusion of compliance conditions relating to submission for planning authority approval of documentation containing site-specific measures e.g. CEMP, Construction Traffic Management Plan, and Mobility Management Plan.

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 section 94(b).

Chapter 3 (Alternatives) of the EIAR provides an overview of the alternatives considered.

It is stated that the proposed use is permitted in principle under the zoning and is compatible with airport activities. Land outside the applicant's landbank was not considered and it would not be deliverable. A 'do-nothing' scenario would not be in accordance with proper planning and sustainable development. The design was

influenced by Dublin Airport and planning applications e.g. the proposed adjacent Apron 7, and therefore there are limited appropriate alternatives. Other considerations include obstacle limitation surfaces, air traffic management, and possible airside access. A planning application was lodged (subsequently invalidated) in an area to the southwest but issues arising are likely to take some time to resolve and involve third parties. Functional requirements and site constraints apply in relation to the design. Two larger buildings were originally envisaged rather than the four subsequently applied for. There is now a more legible hierarchy of buildings, open space, and movement routes. It is stated the proposed development provides much needed cargo handling facilities, has the potential to provide airside access, and does not prejudice the delivery of Terminal 3, the Western Access Road, and the expansion of the airport.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the development as proposed, and potential impacts on the environment have been taken into account.

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)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline/receiving environment is addressed in each technical chapter within the EIAR. The likely evolution of the environment in the absence of the proposed development is described only in some chapters i.e. Chapters 6-9 refer to a 'do nothing' scenario and this scenario is considered in the TTA (Chapter 13). The 'do-nothing' scenario is specifically referenced in Section 3.4 of the EIAR in the 'Alternatives' chapter, however it does not address the likely evolution in the absence of development. Given the absence of this scenario from a number of technical chapters I consider the EIAR to be deficient in this regard.

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.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, consultations, site visits etc. is set out in the individual chapters. Only four chapters identify whether any difficulties were encountered (Chapters 6, 10, 12, and 15). It was stated in Chapter 10 (Noise & Vibration) that 'As specific details for the speculative units are not yet available, the precise operational characteristics of the development are difficult to define' and 'detailed information on the construction programme and methodologies is not yet available, limiting the accuracy of construction impact predictions'. Notwithstanding, Section 1.9 in the 'Introduction' chapter states 'In general, there were no significant difficulties encountered in the production of this EIAR'.

I am generally satisfied that the forecasting methods are adequate in respect of likely effects, though, for example, the absence of estimated waste volumes during construction leaves a vacuum.

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.

This is addressed in Chapter 15 (Accident and Disaster Risk) of the EIAR and in Section 8.15 of this IR. I am satisfied that this issue has been adequately addressed.

Article 94 (c) A summary of the information in non-technical language.

A 'Non-Tech Summary' was submitted with the planning application. I am satisfied that this is relatively concise, suitably comprehensive, and would be easily understood by members of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various experts/consultants who contributed to the EIAR and their specialist input are set out in Table 1.2 (Specialist Topics). The expertise and qualifications of the chapter authors are also set out at the beginning of each technical chapter. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

- 8.4.2. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been received from statutory bodies and are considered in this report, in advance of decision making. I note in addition that the Commission invited comments from The Heritage Council and An Taisce in relation to a potential effect on North Bull Island SPA, but no submission was received on foot of this.
- 8.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

- 8.4.4. In my opinion, the EIAR is somewhat deficient in several areas. For example, some chapters do not consider 'do-nothing' scenarios, there are no cumulative assessments for Chapters 12 (Material Assets) or 14 (Architectural, Archaeological and Cultural Heritage), there are no wintering bird surveys, and no estimated waste volumes are provided in Chapter 12. In addition, the FCC Planning Report identifies a number of omissions, inconsistencies, and other matters, and I have also identified additional similar issues. These are set out under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' subheadings in the following sections.
- 8.4.5. Notwithstanding, given the volume of information submitted with the EIAR and the grounds of appeal, and the nature of the site location and proposed development, I do not consider that any of the deficiencies referenced in this section (Section 8) are such that, individually or collectively, would result in a determination that the EIAR was not

acceptable. I note that the EIAR was not referenced in any of the FCC reasons for refusal.

- 8.4.6. 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 article 94 of the Planning & Development Regulations, 2001 (as amended). Matters of detail are considered in my assessment of likely significant effects, below.

8.5. Assessment of Likely Significant Effects

- 8.5.1. The following subsections set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It 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 interactions of these effects.

8.6. Population and Human Health

Issues Raised

- 8.6.1. There were no issues raised by third parties in relation to population and human health. However, the planning authority's Planning Report identifies several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below. Noise impact is also assessed in this section.

Examination of the EIAR

Context

- 8.6.2. Chapters 5 (Population and Human Health) and 10 (Noise & Vibration) of the EIAR are the relevant chapters, as are other environmental factors relevant to population and human health which are addressed in their own subsections e.g. air and climate. A desktop study and site visit were carried out for chapter 5 and chapter 7 outlines a number of standards, guidance, and policies. The study area for population and human

health is the four electoral divisions within a 2km radius of the subject site. There are three brief appendices at the end of chapter 10.

Baseline

- 8.6.3. The baseline/receiving environment for chapter 5 is set out in section 5.3. There are a number of subheadings: population and demographics, employment and economic activity, travel and commuting, human health, social health, community infrastructure and social facilities.
- 8.6.4. The baseline/receiving environment for chapter 10 is set out in section 10.3. It is noted that the site is exposed to relatively high levels of aviation noise given its location and this is dependent on the operational characteristics of the runways. A baseline noise survey was conducted over three days in September 2025. Baseline noise is 'best characterised as comprising high levels of aviation traffic noise that is transient in nature, with an underlying low-to-moderate level of ambient noise arising from sources other than aviation traffic'. Vibration is significantly below the threshold for a low probability of adverse effect. It is noted that there are several development scenarios that could affect the future noise climate e.g. altered night-time operating restrictions, infrastructure under F23A/0781, and increased passenger numbers. There are no likely foreseeable baseline changes to vibration. Metrolink will have no noticeable impact.

Potential Effects

- 8.6.5. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.2. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable. Four noise sensitive receptors (NSLs) are identified in Figure 10.10, two of which are 'derelict unoccupied properties' (NSL 1 – the single storey house and outbuilding along the roadside that is excluded from the site and NSL 3 – a house approximately 120 metres north of the northern site boundary).

Table 9.2 – Environmental Effects on Population and Human Health (including noise and vibration)

Project phase	Potential effects
Do-nothing	No reference to this scenario in either chapter
Construction	During site excavation and foundation construction the noise effect on NSL 1 will be <i>temporary, negative and significant</i> . At NSL 2 (under the applicant's control to the southeast on the opposite side of the R108) it will be <i>temporary, negative and slight to moderate</i> . At NSLs 3 and 4 (a house on the opposite side of the R108 from NSL 3) it will be <i>temporary, negative and slight</i> .
Operation	Noise impact is expected to be <i>long term, negative, and moderate</i> at NSLs 1 and 2 and <i>long term, negative, and slight</i> at NSLs 3 and 4. Anticipated noise impact on the R108 from increased traffic is <i>long term, negative, and moderate</i> . The dominant source of noise in the area will remain aviation.
Cumulative	Subsection 5.8 describes what cumulative effects are but does not comment on them in the context of the proposed development. Cumulative effects are considered in chapter 10 to be <i>short term, negative and slight</i> during the construction phase. To NSLs during the operational phase, while there may be cumulative impacts, adjacent development to the west would be further removed.

Mitigation

- 8.6.6. No specific mitigation is set out in the Population and Human Health chapter, though mitigation is set out in other relevant chapters e.g. air quality and noise and vibration.
- 8.6.7. Mitigation measures relating to noise are set out in section 10.5. Construction phase measures relate to site vehicles in proximity to NSL 1 and working hours. Operational phase noise relates to HGV movements. It is also considered that mitigation may

include prohibiting the use of loading bays closest to NSL 2 at night. Appropriate sound reduction quality of building materials is also referenced in relation to inward noise.

Residual Effects

- 8.6.8. No negative residual impacts are anticipated on population and human health.
- 8.6.9. The residual impacts of construction phase noise are classified as temporary to short term, negative, and of slight significance. Residual vibration effects are not significant. The residual impacts of operational phase noise are long term, negative, and of slight significance. Vibration is expected to be negligible. There will be a moderate increase in traffic noise on the R108, though aviation noise will continue to dominate. In terms of inward noise, no adverse residual impact is anticipated.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.6.10. I have examined, analysed, and evaluated chapters 5 and 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health (including noise and vibration). I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified.
- 8.6.11. The planning authority's Planning Report set out several issues with these chapters of the EIAR i.e. the potential impact of inward noise, does not reference Public Safety Zones (PSZs), inadequate consideration on cumulative impacts (both chapters), and the assessment of noise and vibration is relatively high level and generic. I note the comments made in the Planning Report. The issues raised in the Report were addressed in the First Party Appeal document submitted as part of the grounds of appeal (pages 24-26 and 34-35), as follows, with my comments on same:
- Chapter 10 (Noise & Vibration) addresses inward noise and ensures acceptable acoustic conditions – Noted and considered to be acceptable.
 - Chapter 15 (Accident and Disaster Risk) references the OPSZ and the proposed development is compatible with this – I note the proposed land use (working premises) is consistent with table 6.1 of the ERM Report. The DAA observation on the grounds of appeal notes that the density of 17.38 persons per half-hectare is based on the overall area rather than the density within any single half-hectare.

Chapter 15 states that the number of employees will be 'actively managed' (page 433) to remain within the limit. The majority of the site area is outside of any PSZ. I do not know how many employees would be located within the PSZ. However, based on the proposed site layout, number of units proposed (four), number of anticipated employees (350), and the PSZ I consider that, even if the SPZ was breached it would not be likely to be significantly breached. Notwithstanding, further clarity on this matter would be beneficial.

- As regards cumulative impacts in chapter 5, the grounds of appeal states these were addressed in chapter 10 – Cumulative impacts in Chapter 10 only relate to noise and vibration.
- Cumulative noise and vibration impacts were identified in chapter 10 – I agree that the cumulative impact set out in chapter 10 in relation to noise and vibration is adequate.
- The assessment of noise and noise and vibration was explicitly site and project specific – I agree that the chapter is adequately site and project specific e.g. references to loading bays at night.

8.6.12. Further to the commentary provided in the FCC Planning Report I note that mitigation is suggested relating to night time prohibition of the use of loading bays that may affect NSL 2 only. However, subsection 10.4.5.1 of the EIAR states that NSL 1 may also be affected. Any mitigation should cover both NSLs. I also consider that there is an absence of robust general noise control mitigation measures proposed for the construction phase. However, I consider that these could be included in the CEMP or construction management plan should permission be granted.

8.6.13. Although significant noise impacts may arise during the construction phase to NSL 1 the EIAR considers that there would be no significant residual effects. I note that NSL 1 was, on inspection, vacant and unoccupied. I do not consider significant residual effects would occur and this is therefore excluded from the reasoned conclusion which only includes significant effects which remain after mitigation.

8.6.14. Notwithstanding, the proposed development is a standard commercial development on a greenfield site which would result in employment generating activities during both the construction and operational phases. The residential population in the near vicinity

is very limited, and I considered the selected NSLs are acceptable. I am satisfied that suitable mitigation measures have been proposed or can be appropriately conditioned sufficient to ensure that there would be no undue adverse impacts on population and human health, including noise and vibration. I am also satisfied that there would be no significant cumulative adverse impacts on this zoned site.

Conclusion: Direct, Indirect, and Cumulative Effects (Population and Human Health)

Having regard to my examination of environmental information in respect of population and human health (including noise and vibration), in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on population and human health.

8.7. Biodiversity

Issues Raised

- 8.7.1. There were no issues raised by third parties. However, the planning authority's Planning Report identifies several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below.

Examination of the EIAR

Context

- 8.7.2. Chapter 6 (Biodiversity) of the EIAR is the relevant chapter. A comprehensive desk study was carried out as well as field walkover surveys in March, June, September and October 2024 and September 2025, which I consider to be appropriate in terms of the timing of inspections. The chapter was compiled having regard to cited guidelines and other ecological documentation.

Baseline

- 8.7.3. The baseline/receiving environment is described in section 6.3. The subject site comprises improved agricultural grassland (the dominant habitat), hedgerows (predominant field boundaries), treeline (between the two fields comprising the site),

and a small area of buildings and artificial surfaces at the southern extent of the site. European sites and sites of national importance (pNHAs) in the area are identified. No rare or protected flora species, or invasive species, were identified. No invasive faunal species were encountered. Some mammal pathways were recorded and there was evidence of rabbit usage. No evidence of protected terrestrial mammals was recorded e.g. badger, hedgehog, otter, pine marten, or red squirrel, and there is limited suitable habitat on site for these. The Bat Habitat Suitability Index gives an overall score of 25.89 out of 100 for all bats with a minimum rating of 0 and a maximum rating of 42 for individual species. The site and area is of low overall value for bats. It offers limited commuting and foraging opportunities and is considered to be of negligible value for roosting bats. The absence of suitable aquatic breeding habitats and limited ecological connectivity indicates the site is unlikely to support amphibian populations. Common bird species were recorded on site. The site has potential to provide foraging and nesting opportunities.

- 8.7.4. As a result of the baseline, important ecological features (IEFs) were identified in Tables 6.14 and 6.15, together with a rationale for inclusion as an IEF. These are hedgerows, treelines, hedgehog, badger, birds, and bats.

Potential Effects

- 8.7.5. The potential significant impacts of the proposed development on the features identified as IEFs in the EIAR chapter are summarised in Table 9.3. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.3 – Environmental Effects on Biodiversity

Project phase	Potential effects
Do-nothing	It is likely that the current land use practices will continue
Construction	The effects on trees and hedgerows are <i>permanent, slight, and negative</i> as a result of habitat loss / alteration / disturbance. Impacts to hedgehog, badger, birds, and bats do not exceed <i>short term negative slight or not significant</i> .

	There is potential for <i>temporary to short term slight negative</i> effects on water quality.
Operation	<i>No significant</i> effects are expected on faunal species or to water quality.
Cumulative	No cumulative impacts are predicted.

Mitigation

- 8.7.6. Mitigation measures are set out in section 6.5. Construction phase measures reference the CEMP, appointment of both an ecological clerk of works and an environmental manager, temporary drainage, bunding, material storage, biosecurity, a waste management plan, and an excavation works management plan (excavations are ‘relatively minor and localised’), among other issues. Operational phase measures relate to the WWTS, waste management plan, and lighting to reduce any potential impact to bats.

Residual Effects

- 8.7.7. Construction phase residual effects on IEFs are negative but not significant. All operational stage residual effects are considered to be neutral.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.7.8. I have examined, analysed, and evaluated chapter 6 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant’s presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified.
- 8.7.9. This analysis, evaluation, and assessment addresses the biodiversity chapter of the EIAR. I specifically address AA in section 9 and appendix 1. In addition, issues relating to water quality and the WWTS are addressed in Sections 7.5 and 8.9.
- 8.7.10. The planning authority’s Planning Report (pages 26-27) set out several issues with this chapter of the EIAR i.e. absence of a habitat map and inconsistency in habitat descriptions, vagueness over the extent of tree and hedgerow removal, impact of cut and fill, justification for significances cited, references to the Dublin City Biodiversity

Action Plan, generic mitigation, and incomplete cumulative impact assessment. The issues raised in the Planning Report were addressed in both the First Party Appeal document (pages 27-29) and in the Ecology & AA Technical Clarification Note (section 4) submitted as part of the grounds of appeal, as follows, with my comments on same:

- There is approximately 1,751 metres of hedgerow on site of which approximately 508 metres is to be removed, a 71% retention rate. With retention and replacement planting (244 metres of new native hedgerow planting) the ecological significance evaluation remains unchanged. Drawings are submitted – Quantification and layout drawings are noted as is the absence of a change to the effect on the hedgerow IEF. Having regard to the provisions of subsection 9.6.9 (Protection of Trees and Hedgerows) of the FDP 2023-2029 I consider the proposed hedgerow removal to be acceptable given the zoned nature of the site and the extent of hedgerow retention proposed.
- The magnitude of habitat loss is low, with localised and permanent effects but these are not significant at the local or wider geographical scale – Noted and considered acceptable.
- The Dublin City and Fingal Biodiversity Action Plans are broadly aligned, this is a documentation issue rather than a substantive divergence in assessment criteria or ecological objectives, and the impact significance conclusions are not altered – Noted. Notwithstanding, the Dublin City Plan should not have been referenced in this chapter as the subject site is in Fingal.
- Construction phase mitigation measures typically comprise best practice and well-established controls and they are proportionate and standard – Noted. I consider them to be acceptable. I do not consider that there are particularly notable features on or adjacent to the site that would require site-specific mitigation.
- Residual impact conclusions are appropriate ‘and are defensible under CIEEM²⁴ guidance’ (subsection 4.4) – Noted and considered acceptable.

²⁴ Chartered Institute of Ecology and Environmental Management

- Landscape measures provide a net structural ecological gain – This issue is referenced in paragraphs 8.7.12-13 and in the second bullet point of paragraph 8.13.12 in the Landscape section.
- In terms of cumulative effects, DAA projects are routinely screened for AA and EIA – The response focusses on AA which is not the issue raised in the FCC Planning Report. I do not consider that this issue has been adequately addressed in the grounds of appeal. Notwithstanding, given the zoned nature of the site, the adjoining airport land use, and the nature of the subject site I do not consider that the cumulative biodiversity impact is a significant issue.
- I note that the grounds of appeal do not address the cut and fill issue.

8.7.11. Further to the commentary provided in the FCC Planning Report I note other omissions and inaccuracies within chapter 6. In particular, no bird survey or wintering bird surveys have been carried out despite the proximity to multiple SPAs in the vicinity and there are inaccuracies in relation to the method of surface water and wastewater disposal (page 169 states ‘During the operational phase of the development, surface run-off from roads, carparks and other paved areas will discharge to the public stormwater network, and wastewater will discharge to the public foul sewer system’). Surface water is to a field drain after SuDS and a WWTS is proposed. Construction phase mitigation refers to a battery energy storage system and grid and underground grid connection.

8.7.12. A significant issue arises on site in relation to the interrelated issues of landscaping and SuDS. The DAA observations received by both FCC and the Commission on appeal reference this. The observation received by the Commission states ‘In its current form, the drainage proposals have potential to act as a bird attractant and are not suitable for an airport location. If permitted, the drainage scheme would pose a threat to aircraft safety by way of bird hazard’. The grounds of appeal (page 8 of the First Party Appeal document) consider that a Wildlife Hazard Risk Assessment can be provided by way of compliance. DAA considers that such an assessment, among others, must be provided prior to a grant of permission and without these assessments ‘the proposed development could present a significant aeronautical hazard and should be refused’.

8.7.13. I agree that a Wildlife Hazard Risk Assessment should be provided prior to a decision being made given the proximity to the airport. I do not consider a compliance condition

is appropriate in the circumstances, particularly where the alterations required to satisfy aeronautical safety may involve significant alterations to the proposed SuDS as well as other unforeseen impacts which could materially alter the proposed development from that submitted. Though the Commission could seek further information on this issue I consider the proposed development to be fundamentally not acceptable for other substantive reasons. This and the previous paragraph should be read in conjunction with subsection 7.6 (DAA Observation).

8.7.14. Notwithstanding the foregoing, the proposed development is a standard commercial development on a greenfield site. I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse impacts on biodiversity in general, given the relatively non-sensitive nature of the site location. Notwithstanding, related AA and water quality issues are addressed elsewhere in this IR. I am also satisfied that there would be no significant cumulative adverse impacts on general biodiversity on this zoned site.

Conclusion: Direct, Indirect, and Cumulative Effects (Biodiversity)

8.7.15. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on biodiversity.

8.8. Land and Soil Issues Raised

8.8.1. There were no issues raised by third parties. However, the planning authority's Planning Report identifies several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below.

Examination of the EIAR

Context

8.8.2. Chapter 7 (Land, Soils and Geology) of the EIAR is the relevant chapter. A desk study was carried out and a site walkover survey was carried out in April 2025. The assessment was compiled having regard to cited guidelines.

Baseline

- 8.8.3. The baseline/receiving environment is described in section 7.4. EPA soil maps indicate poorly drained mineral soil. Subsoil is till derived chiefly from limestone. The bedrock is calcareous shale, limestone conglomerate from the Tober Colleen Formation. The aquifer around the proposed site is classed as a local aquifer which is moderately productive only in local zones. Aquifer vulnerability is classified as 'high'.

Potential Effects

- 8.8.4. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.4. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.4 – Environmental Effects on Land and Soil

Project phase	Potential effects
Do-nothing	The land will remain agricultural fields
Construction	<i>No significant effects</i> are predicted in relation to excavation and infilling and accidental spills and leaks. In terms of loss of agricultural land, the site is zoned for development.
Operation	There is only limited potential for impact
Cumulative	None predicted

Mitigation

- 8.8.5. Mitigation measures are set out in section 7.6 under subheadings of control of soil excavation, fuel and chemical handling, and control of water during construction. Various daily and weekly checks will be carried out. These are all construction phase measures. No operation phase measures are set out.

Residual Effects

- 8.8.6. Residual effects will be permanent, imperceptible, and neutral.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.8.7. I have examined, analysed, and evaluated chapter 7 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land and soil. I am satisfied that the applicant's presented baseline environment is adequate and that the key impacts in respect of likely effects on land and soil, as a consequence of the proposed development, have been identified.
- 8.8.8. The planning authority's Planning Report set out several issues with this chapter of the EIAR i.e. non-provision of referenced data, an inaccurate description of the site surroundings, an incorrect screenshot relating to aquifer vulnerability, and it was considered that the assessment of predicted impacts was overly generic with a lack of site-specific detail. I agree with the issues identified in the Planning Report. The issues raised in the Planning Report were addressed in the First Party Appeal document submitted as part of the grounds of appeal (pages 29-30), as follows, with my comments on same:
- The referred to sources of information were inadvertently omitted and were to be attached in the appendices – Notwithstanding, it was also not submitted with the grounds of appeal.
 - The site description is a typo retained from a previous version of the report – Noted.
 - The aquifer vulnerability is correct in the written paragraph, and the pin was not updated from a previously planned site location – Noted.
 - Although the section of the FCC Planning Report stating that the assessment of predicted impacts was overly generic is reproduced in the grounds of appeal there is no further commentary or detail provided.
- 8.8.9. In addition to the commentary provided in the FCC Planning Report I note other inaccuracies and discrepancies within Chapter 7 e.g. subsection 7.5.2 states 'the groundwater vulnerability is 'Low' whereas subsection 7.5.3 states 'Groundwater vulnerability at the site is currently classified as extreme, high, and moderate in the south, central portion, and north of the site respectively'²⁵, the predicted impact

²⁵ Contrary to this description, the site primarily has a high vulnerability with smaller areas of moderate vulnerability in the west and southeastern areas and an area of extreme vulnerability in the far northeast corner of the site.

subsection (section 7.5) references mitigation measures (CEMP, pumping of ground and surface water, monitoring of water quality during construction, and use of SuDS during operation) which should not be in the predicted impacts section, and subsections 7.8.1 and 7.8.2 relating to residual impacts are identical i.e. the operational phase subsection (7.8.2) specifically refers to the construction phase.

8.8.10. Therefore, the chapter contains a number of inaccuracies and discrepancies throughout and the planning authority's concerns in relation to the overly generic assessment of the predicted impacts²⁶ have not been addressed. This EIAR chapter is, in my opinion, having regard to the foregoing, not of a particularly high standard.

8.8.11. Notwithstanding, the proposed development is a standard commercial development on a greenfield site. I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse impacts on land and soil. I am also satisfied that there would be no significant cumulative adverse impacts on this zoned site.

Conclusion: Direct, Indirect, and Cumulative Effects (Land and Soil)

8.8.12. Having regard to my examination of environmental information in respect of land and soil, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on land and soil.

8.9. Water

Issues Raised

8.9.1. There were no particular concerns raised by third parties in relation to water. The IFI submission included relatively general comments in relation to surface water connectivity, appropriate site housekeeping, and the WWTP. The FCC Water Services Department had no objection to the flood risk aspect and no objection subject to conditions in terms of surface water drainage. However, it recommended a refusal in relation to foul drainage, which comprised the planning authority's fifth reason for

²⁶ '(A) lack of site specific detail, including no reference to depths of cut or fill of rock and / or soils (in excess of 2m in places) or impact of same, storage, management or use of quantities of such material, or the impact / effect of the extent of loss of greenfield / soil sealing, etc' (page 28).

refusal, and the planning authority's Planning Report also identified several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below.

Examination of the EIAR

Context

- 8.9.2. Chapter 8 (Hydrology and Hydrogeology) of the EIAR is the relevant chapter. It assesses and evaluates the potential development impacts on the hydrological aspects of the site and surrounding area. The assessment was compiled having regard to cited guidelines and best practice. A desk study was carried out together with a site walkover survey on 15th May 2025.

Baseline

- 8.9.3. The baseline/receiving environment is described in section 8.2. The site is underlain by a locally important bedrock aquifer which is moderately productive only in local zones. Groundwater vulnerability is classed as high throughout the site. The closest surface water feature is the Cuckoo Stream approximately 1.3km to the southeast, which is a tributary of the Mayne. However, it is stated drainage ditches in the area flow into the Santry River to the south. Water Framework Directive (WFD) classifications for both the Mayne and Santry Rivers are 'poor', and both are 'at risk'.

Potential Effects

- 8.9.4. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.5. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.5 – Environmental Effects on Water

Project phase	Potential effects
Do-nothing	Long-term, imperceptible and neutral effect on the hydrological environment

Construction	<i>Short term, not significant and temporary</i> impacts from polluted surface water runoff and uncontrolled discharge to groundwater
Operation	<i>Long term, imperceptible and neutral</i> impacts from foul discharge.
Cumulative	<i>Long term, imperceptible and neutral</i>

Mitigation

- 8.9.6. Mitigation measures are set out in section 8.5. General construction phase measures are set out e.g. bunding, wheel wash, and spill kits. Operational phase mitigation includes an environmental management plan and maintenance of both the surface water and foul drainage systems.

Residual Effects

- 8.9.7. Residual effects will be long term, imperceptible, and neutral.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.9.8. I have examined, analysed, and evaluated chapter 8 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of water.
- 8.9.9. The planning authority's Planning Report set out several issues with this chapter of the EIAR i.e. the possibility that a portion of the site extends into an area of extreme aquifer vulnerability, contradictions in relation to hydrological connectivity (as referenced in section 7.3 (Planning Authority's Third Reason for Refusal (AA Screening))), commentary in relation to groundwater, reference to previous site investigations/reports, and no consideration to impact on perched groundwater which had been cited in chapter 7. The issues raised in the FCC Planning Report were addressed in the First Party Appeal document submitted as part of the grounds of appeal (pages 31-34), as follows, with my comments on same:
- A small portion of the site is within an area of extreme vulnerability – Noted.
 - Conflicting statements result from previous consideration of a number of different sites. Reference in the CEMP to the Cuckoo and Mayne is correct. 'The drainage ditches were dry on the days of the site inspection and tests for the Ground Characterisation, but they are to be treated as a viable hydrological connection as

in periods of heavy rain they can provide a hydrological link'. Figure 2 shows hydrological connections – See following paragraph.

- Previous site investigations related to 150 metres south of the site which are relevant to understanding of the greater area – Noted.
- The consequences of perched groundwater would have a potential impact on land and soil but there would be minimal impact on hydrology or hydrogeology – Noted.

8.9.10. The applicant's response to the grounds of appeal has not clarified issues in relation to hydrological connectivity, rather it has further confused matters. The First Party Appeal document states that the drainage ditches on site were dry on inspections 'but they are to be treated as a viable hydrological connection as in periods of heavy rain they can provide a hydrological link' between the site and the Cuckoo, a tributary of the Mayne, which flows into Baldoyle Bay (an SAC and SPA). A hydrological link is provided in Figure 2. However, this link shows a connection from ditches along the northern boundary of the field adjacent to the north of the subject site, not along the northern boundary of the subject site. Notwithstanding this additional issue, the statement that there is a hydrological link is a contradiction of the statements in section 5 of the Ecology & AA Technical Clarification Note accompanying the grounds of appeal:

- 'There is no direct hydrological connection from the site to any Natura 2000 site'.
- 'No mapped surface watercourses, drains or channels provide continuity of flow between the site and the Santry Stream or any other downstream waterbody, and no discharge point from the site to these watercourses has been identified ...'
- 'The Mayne and Cuckoo Stream drain north-east towards Baldoyle Bay. The absence of a direct or indirect connection between the site and these watercourses indicates that no functional Source-Pathway-Receptor link exists between the project and any European site'.

8.9.11. Having regard to the foregoing, the grounds of appeal contain contradictory information in relation to a possible hydrological pathway.

8.9.12. Further to this significant issue, and in addition to the commentary provided in the FCC Planning Report, I note other inaccuracies and discrepancies within Chapter 8 e.g. subsection 8.1.4 references the Flood Risk Assessment and Management Plan for the

Meath County Development Plan 2021-2027 which is a document unrelated to development in Fingal, the predicted impact subsection (section 8.4) references mitigation measures (best available techniques, oil separator, and petrol interceptor) which should not be in the predicted impacts section, and the final paragraph in section 8.7 does not reflect either the existing site or the proposed development²⁷.

Water Framework Directive (WFD)

- 8.9.13. As outlined previously in Section 7.5 (The Planning Authority's Fifth Reason for Refusal (Wastewater Treatment System (WWTS))), this IR is accompanied by a Technical Note prepared by one of the Commission's Environmental Scientists, which I have considered in my assessment. The Environmental Scientist was requested to assess the potential for impacts on waterbodies. The Technical Note received is set out in full in Appendix 2 to this IR. Section 3.3 of the Technical Note addresses the WFD.
- 8.9.14. The Note states that the level of engagement with the issue of WFD compliance in Chapter 8 is not sufficient. I agree with this. The WFD is referenced sporadically in Chapter 8 (and Chapter 6 (Biodiversity)) but only in the context of general legislation and the baseline environment as opposed to an examination of the impact of the proposed development on the status of waterbodies²⁸. This absence of engagement is of concern given that the First Party Appeal document states that there is a hydrological link to the Cuckoo and that the fifth FCC reason for refusal relates to the proposed WWTS.
- 8.9.15. The Technical Note notes that the discussion of impacts of the proposed WWTS in the context of hydrogeology/groundwater is limited to subsection 8.4.4 (Foul Water) of the EIAR. The subsection effectively states that, because the WWTS has been appropriately designed, there would be an imperceptible impact from foul water discharge. However, as set out elsewhere in the Technical Note, it is not considered that the proposed WWTS has been adequately designed taking into consideration the site characteristics. These concerns have been set out in Section 7.5 of this IR.

²⁷ 'The site is entirely covered in impermeable hardstanding and there are no groundwater discharges from the site other than the wastewater treatment system. Hence it is considered that the site cannot contribute to any cumulative impacts to the aquifer in terms of quality that may be occurring from other facilities of a similar nature'.

²⁸ Subsection 2.3.3.3 (The Water Framework Directive (2000/60/EC)) of the EIAR states that Chapter 8 'considers aspects which fall under this Directive, as appropriate'.

Therefore, the predicted impact set out in subsection 8.4.4 is not considered to be accurate.

- 8.9.16. Subsection 3.3 of the Technical Note concludes 'The applicant has failed to adequately address the potential impacts of the development on the local and regional hydrology and hydrogeology and therefore has not carried out an appropriate WFD Impact Assessment. The Commission therefore cannot rule out the potential for significant impact on waters from the proposed development'. Further, in the conclusion to the Note, given the absence of an adequate assessment of the potential impact of the proposed volume of discharge to groundwaters, 'the Commission cannot be satisfied that significant impact on groundwater quality would not arise from this development'.
- 8.9.17. I consider that the Technical Note is comprehensive and robust and I accept its conclusions. There has been no examination of the WFD impact of the cited hydrological link to the Cuckoo and it is not accepted that there will be no impact on groundwater given the concerns outlined in the Technical Note. A recommended reason for refusal was included in the Technical Note. I consider it applies to both the planning authority's fifth reason for refusal relating to the proposed WWTS, and to the WFD issue. I do not consider any appropriate mitigation measures can be applied to this development to address the deficiencies identified.

Conclusion: Direct, Indirect, and Cumulative Effects (Water)

- 8.9.18. Having regard to my examination of environmental information in respect of water, in particular the EIAR provided by the applicant, the submissions and observations received, the Technical Note prepared by the Commission's environmental scientist, and my site inspection, I consider that the main significant direct and indirect effect on water is:
- Significant, negative, long-term effects on the water environment cannot be ruled out given the concerns identified related to Chapter 8 (Hydrology and Hydrogeology) of the EIAR in terms of the lack of clarity in relation to the hydrological link to the Cuckoo Stream and the impact of the proposed wastewater treatment system.

8.10. Air and Climate

Issues Raised

- 8.10.1. There were no issues raised by third parties. However, the planning authority's Planning Report identifies several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below.

Examination of the EIAR

Context

- 8.10.2. Chapter 9 (Air Quality and Climate) of the EIAR is the relevant chapter. It was prepared in accordance with cited guidance. The relevant legislative and policy environment is outlined.

Baseline

- 8.10.3. The baseline/receiving environment is described in section 9.3. The site is located in the EPA's air quality zone A (Dublin Conurbation) with the most representative monitoring station being at Dublin Airport. The 2023 annual mean value concentrations for sulphur dioxide, PM₁₀²⁹, nitrogen dioxide, carbon monoxide, and benzene in zone A were below ambient air quality limit values. The climate baseline is briefly set out including rainfall and wind.

Potential Effects

- 8.10.4. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.6. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.6 – Environmental Effects on Air and Climate

Project phase	Potential effects
Do-nothing	No change from the current situation as regards air and climate

²⁹ Particulate matter (PM) 10 microns or less in diameter.

Construction	Overall, the predicted impact is expected to be <i>temporary, negative, and slight</i>
Operation	The predicted impact due to traffic and the predicted impact on climate are both <i>permanent, negative, and slight</i> . The expected impact on human health is <i>long term, imperceptible, and negative</i> .
Cumulative	Impacts to air quality are predicted to be <i>long term, negative, and imperceptible</i>

Mitigation

- 8.10.6. Limited mitigation measures are referenced in subsection 9.6 e.g. reduce unnecessary traffic emissions by reducing speeds on site and stopping idling vehicles.

Residual Effects

- 8.10.7. Construction phase residual effects will be temporary, negative, and slight. Operational phase residual impacts will be long term, negative, and imperceptible.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.10.8. I have examined, analysed, and evaluated chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air quality and climate. I am satisfied that the applicant's presented baseline environment is adequate and that the key impacts in respect of likely effects on air quality and climate, as a consequence of the proposed development, have generally been identified.
- 8.10.9. The planning authority's Planning Report set out several issues with this chapter of the EIAR i.e. air quality (assessments are high level and summary in nature, no air dispersion modelling has been provided, no assessment of cumulative impacts) and climate (no appropriate climate impact assessment, legislation, policy, guidance, and methodology is cursory, it lacks a climate change risk assessment, a cumulative assessment of same, and a lifecycle greenhouse gas assessment). The issues raised in the FCC Planning Report were addressed in the First Party Appeal document submitted as part of the grounds of appeal (page 34).
- 8.10.10. In response to the FCC Planning Report, the First Party Appeal document states, in full, 'The air and climate assessment carried out for the EIAR was high level due to the

nature of the development. The assessment of the operational phase of the development contained little detail on the air quality issues as the function of the site contains no processes which can impact on climate or air. No Air Dispersion modelling was carried out as the site functions as a warehouse and logistics complex for Dublin Airport and is used as storage which means there are no aviation-related air emissions’.

8.10.11. The EIAR chapter is light on detail in relation to air quality. In addition to the planning authority’s comments, I note that there are no mitigation measures outlined relating to dust control during the construction phase, though there are relevant measures contained within subsection 4.4.4 (Dust and Dirt Control) of the CEMP. The applicant has not provided a robust response to the FCC comments in my view.

8.10.12. Notwithstanding, the proposed development is a standard commercial development on a zoned greenfield site. I am satisfied that suitable mitigation measures have been proposed in the CEMP sufficient to ensure that there would be no undue adverse impacts on air quality. While the proposed development would have an adverse impact on climate I consider, given the scale of the proposed development, that this would be negligible. I am also satisfied that there would be no significant cumulative adverse impacts on this zoned site.

Conclusion: Direct, Indirect, and Cumulative Effects (Air and Climate)

8.10.13. Having regard to my examination of environmental information in respect of air and climate, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on air and climate.

8.11. Material Assets

Issues Raised

8.11.1. This subsection addresses both Chapters 12 (Material Assets) and 13 (Traffic and Transport) of the submitted EIAR. There were no issues raised by third parties in relation to material assets. However, the planning authority’s Planning Report identifies several issues with these chapters of the EIAR. I address these under the ‘Analysis, Evaluation and Assessment Direct and Indirect Effects’ heading below.

Examination of the EIAR

Context

8.11.2. Chapters 12 (Material Assets) and 13 (Traffic and Transport) of the EIAR are the relevant chapters for this environmental factor. Chapter 12 states that electricity supply, gas infrastructure, information and communications technology (ICT), surface water drainage, potable water supply and demand, foul wastewater management, and solid waste management is assessed in the chapter. It is stated a comprehensive desk-based review was carried out with the methodology following cited industry standards and guidance. Chapter 13 references the preparation of a Traffic & Transport Assessment (TTA)³⁰. A desktop review and site visit was carried out and it is stated that the TTA complies with FDP 2023-2029 and TII requirements.

Baseline

8.11.3. The baseline/receiving environment for Chapter 12 is set out in section 12.4. There are a number of subheadings including power supply, gas supply (no infrastructure in the immediate vicinity and no connection is planned), ICT, water supply, surface water drainage, foul water management (no existing public foul sewer), and resource and waste management.

8.11.4. The baseline/receiving environment for Chapter 13 is set out in section 13.2. There are a number of subheadings including local road network, traffic conditions (a classified traffic survey was carried out at three junctions between Tuesday 25th and Monday 31st March 2025), site access, public transport facilities (bus services operate along the R122 to the west), and pedestrians and cyclists ('Walking is difficult in the area ... due to the current lack of footpaths on the R108, whilst cyclists are required to share the roadway with vehicles ...')

Potential Effects

8.11.5. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.7. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where

³⁰ Section 13.1 states 'A Traffic & Transport Assessment (TTA) was prepared by Waterman Moylan in July 2025', and it is briefly described. A TTA prepared by Waterman Moylan was separately submitted with the application, prepared by the author of Chapter 13 of the EIAR. However, it is dated November 2025.

concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.7 – Environmental Effects on Material Assets

Project phase	Potential effects
Do-nothing	Chapter 12 does not refer to this scenario. Chapter 13 takes it into consideration in the TTA.
Construction	There are no significant impacts identified in the Material Assets chapter. In the Traffic and Transport chapter the predicted traffic impact on the surrounding roads is cited as <i>short term moderate</i> .
Operation	There are no significant impacts identified in the Material Assets chapter. In the Traffic and Transport chapter the predicted traffic impact on the surrounding roads and junctions is likely to be <i>long term moderate</i> .
Cumulative	For traffic and transport no significant construction projects have been identified which could result in significant cumulative impact though ‘measures currently being considered by NTA, TII and Fingal County Council for the intensification of public transport services and cycle facilities in the surrounding area are likely to have a <i>cumulative long term significant impact</i> ’.

Mitigation

- 8.11.8. It is stated in subsection 12.5.1 that construction phase mitigation is largely described in Chapter 8 (Hydrology and Hydrogeology), with additional reference to the CEMP, Uisce Éireann Codes of Practice, and standard industry protocols. The operational phase mitigation in subsection 12.5.2 refers to mitigation in Chapter 8, the Codes of Practice, and an OWMP.
- 8.11.9. Traffic and Transport construction phase mitigation comprises a Construction Traffic Management Plan. The primary operational phase mitigation measure is the implementation of the Mobility Management & Workplace Travel Plan.

Residual Effects

- 8.11.10. Any residual impacts in relation to Chapter 12 are predicted to be neutral, imperceptible, and long-term.
- 8.11.11. No construction phase traffic and transport residual effects are likely to arise. There is likely a long-term moderate impact during operation.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.11.12. I have examined, analysed, and evaluated Chapters 12 and 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of material assets (including traffic and transport). I am satisfied that the applicant's presented baseline environment is adequate and that the key impacts in respect of likely effects on material assets, as a consequence of the proposed development have been identified.
- 8.11.13. The planning authority's Planning Report sets out several issues with these chapters of the EIAR i.e. the absence of quantification and assessment of waste and related impacts arising from the construction phase, no assessment of cumulative waste impacts, an overly limited study area for the TTA, and no cumulative impact assessment for Chapter 13. I note the comments made in the Planning Report. The issues raised in the report were addressed in the First Party Appeal document submitted as parts of the grounds of appeal (pages 37-38), as follows, with my comments on same:
- The likely waste streams are identified in the referenced subsection and it states excavated material will be reused on site where practicable. EPA guidelines do not mandate a standalone waste chapter. Waste is also addressed in the CEMP which addresses cumulative impacts. The alleged deficiency arises from a difference in presentation rather than a substantive omission – I do not consider this issue has been adequately addressed and information is provided is generic and not site-specific. There is no quantification of wastes arising from the construction stage e.g. no estimation of the quantity available for re-use on site or the anticipated volume of wastes requiring export from the site. I do not consider that the statement on page 356 that an 'estimate will be confirmed through the contractor's detailed cut-and-fill design prior to works commencing' is acceptable. A cumulative

assessment is entirely absent which is of note given the extent of construction activity proposed in the near vicinity.

- The TTA has been extended in scope from four to ten junctions – A Report on Transport and Engineering was submitted as part of the grounds of appeal and I consider its provisions to be acceptable. Only one additional junction (R108/L2015 as per figure 7 of the Report) would experience more than a 5% increase (15.4% AM peak and 13% PM peak).

8.11.14. Further to the commentary provided in the FCC Planning Report I note other inaccuracies, discrepancies, and possible typographical errors within Chapters 12 and 13 e.g. much of the material assets baseline (section 12.4) describes proposed works as opposed to just the baseline environment, it is stated on page 357 that the site is located ‘adjacent to or near other GE-zoned lands’ which is not correct as the closest GE zoned land is approximately 800 metres to the south, subsection 13.2.1 replicates the same sentence twice with different dates within each (October 2025 and July 2025), on page 375 it is stated that bus route 24 operates at 2 minute intervals, and on page 383 the Construction Traffic Management Plan is unnecessarily referenced twice in the same sentence.

8.11.15. I consider that the absence of estimated waste quantities is a deficiency in the EIAR and no cumulative assessment of waste has been provided. Notwithstanding, in terms of reaching a conclusion on this issue, I note that the proposed development is a standard commercial development on a greenfield site. I consider that these issues could be addressed by way of a compliance condition for agreement with the planning authority prior to the commencement of development should the Commission decide to grant permission. Given the nature of the road network and the nature and type of land uses in the vicinity I do not consider that an unduly adverse traffic or transport impact would result from the proposed development.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets)

8.11.16. Having regard to my examination of environmental information in respect of material assets (including traffic and transportation), in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on material assets.

8.12. Cultural Heritage

8.12.1. No issues have been raised by any party to the appeal in respect of cultural heritage³¹.

I have examined Chapter 14 (Archaeological, Architectural and Cultural Heritage) of the EIAR which deals with this topic. Notwithstanding the absence of archaeological investigation on site as part of the planning application, having regard to the zoning of the site, the absence of recorded cultural heritage features on site, the provisions of Chapter 14 which, as mitigation, recommends the carrying out of an archaeological impact assessment, and the provisions of the archaeological observation on file from the Department of Housing, Local Government and Heritage, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on cultural heritage as a result of the proposed development.

8.13. Landscape

Issues Raised

8.13.1. The planning authority's Planning Report identifies several issues with this chapter of the EIAR. I address these under the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' heading below. The planning authority's fourth reason for refusal relates to landscape impact. I have addressed this reason for refusal in Section 7.4.

Examination of the EIAR

Context

8.13.2. Chapter 11 (Landscape Visual Impact) is the relevant chapter for this environmental factor. It is effectively a landscape and visual impact assessment (LVIA) informed by a desktop study and a survey of the site and is in accordance with prescribed methodology. Appendix 2 to the EIAR comprises photomontages.

Baseline

8.13.3. The baseline/receiving environment is set out in section 11.4. 'Given the site's proximity to a working airport, its landscape sensitivity is assessed as low to medium,

³¹ Chapter 14 (Archaeological, Architectural and Cultural Heritage) of the EIAR is the only chapter of the EIAR that the planning authority Planning Report does not identify concerns or shortcomings.

with a high capacity to accommodate development of a similar industrial or aviation-related nature’.

Potential Effects

- 8.13.4. The potential significant impacts of the proposed development, as identified in the EIAR, are summarised in Table 9.8. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.8 – Environmental Effects on Landscape

Project phase	Potential effects
Do-nothing	The chapter does not refer to this scenario.
Construction	Predicted landscape and visual impacts under subheadings of visual intrusion, loss of vegetation, soil disturbance and erosion, noise and dust impacts, reduction in landscape character and quality, and potential impact on visual receptors are set out in subsection 11.6.1 but no significant impact is identified.
Operation	The proposed development will result in a permanent alteration of the existing rural and semi-industrial landscape character and will <i>significantly change</i> the visual and functional nature of the area.
Cumulative	During the construction phase, there will be <i>short to medium-term moderate negative</i> cumulative impacts associated with construction activities across multiple phases. For the operational phase the proposed development will result in a <i>long-term positive</i> cumulative impact.

Mitigation

- 8.13.9. Construction phase mitigation is set out in subsection 11.7.1. Implementation of the CEMP is the mitigation cited. Management in accordance with an ongoing Landscape Management Plan is the operational phase mitigation cited.

Residual Effects

8.13.10. The residual landscape and visual impacts during the construction phase are anticipated to be moderate and temporary. It is stated that for the operational phase the proposed landscape mitigation measures will reduce the overall residual impact to minor and acceptable levels.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

8.13.11. I have examined, analysed, and evaluated Chapter 11 and Appendix 2 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of landscape. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on landscape, as a consequence of the proposed development, have generally been identified.

8.13.12. The planning authority's Planning Report sets out several issues with this chapter of the EIAR i.e. the extent of tree and hedgerow removal is not defined, it is not clear how proposed level changes can be accommodated adjacent to the site boundary in terms of tree/hedgerow protection, generic comments in relation to tree/hedgerow loss and landscape proposals, and unsupported statements relating to biodiversity value and the moderately positive cumulative impact³². I note the comments made in the Planning Report. The issues raised in the report were addressed in the First Party Appeal document submitted as part of the grounds of appeal (pages 35-37), as follows, with my comments on same:

- The LVIA acknowledges necessary removal of vegetation to facilitate the proposed development. Drawings show the extent of hedgerow retention, removal, and replacement. 71% (1,243 metres) is retained – The response is noted.
- Approximately 340 new trees and additional hedgerow planting is proposed, exceeding existing baseline provision delivering a measurable enhancement in landscape structure and biodiversity over time – In relation to this I would note that the site is currently a greenfield agricultural site occupied by cattle and sheep.

³² Subsection 11.9.1 (Construction Phase) of the cumulative assessment states 'From a landscape and visual perspective, the cumulative impact of the proposed development alongside existing and planned airport-related developments is expected to be moderately positive in the long term'. I used 'long-term positive cumulative impact' in Table 9.8 because that is the phrase used in subsection 11.9.2 (Operational Phase) of the cumulative assessment.

Though additional vegetation is proposed it is to facilitate a substantial warehousing development with significant HGV traffic. I do not necessarily agree with the application position that an increase in the provision of vegetation automatically results in a measurable enhancement in landscape structure and biodiversity.

- The comments relating to level changes fail to recognise that earthworks and mounding are a deliberate and integral component of the landscape strategy. Level changes will be integrated – The response is noted.

8.13.13. Further to the commentary provided in the FCC Planning Report I note other inaccuracies, discrepancies, and possible typographical errors within Chapter 11 e.g. page 297 states the LVIA is to ‘accompany a submission on the subject lands for freight storage for a third terminal at Huntstown’ which is not the nature of this application, subject development enhancement measures and landscape design strategy should not be under the receiving environment subheading (11.4), and it is stated on page 317 that ‘The proposed development is located on greenfield lands that were formerly used for agricultural purposes but no longer fulfil that function’ which is inaccurate given that at the time of my site inspection the site was occupied by cattle and sheep.

8.13.14. I note that the latter part of Chapter 11 outlines the 18 receptor viewpoints used in the LVIA with commentary provided relating to impact significance and other matters. Visibility of the proposed development would generally be restricted to localised areas and would be relatively similar to land uses on the opposite side of the R108.

8.13.15. This chapter should be read in conjunction with ‘Planning Authority’s Fourth Reason for Refusal’ (Section 7.4) which relates to landscape impact. I consider that the proposed development would be acceptable in terms of landscape impact. Although a greenfield site and with extensive agricultural land to the west, the evolving nature of the area, such as the planning application for Apron 7 (F23A/0781) and the nature of the site zoning, indicates that landscape is not a particular concern at this location. Notwithstanding, it is the case that the proposed development would result in a significant change to the receiving environment should permission be granted and the development be acted upon. The chapter does not state whether this significant change in the landscape character would be positive or negative. I would consider it to be a neutral change. Notwithstanding the greenfield nature of the site and the extent

of agricultural land to the west, the context of the site, adjacent to the airport and proposed extensions to its curtilage (Apron 7), has to be taken into consideration. Therefore, I would consider it to be a significant neutral long-term/permanent effect.

Conclusion: Direct, Indirect, and Cumulative Effects (Landscape)

8.13.16. Having regard to my examination of environmental information in respect of landscape, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effect on landscape, after the application of mitigation measures, is:

- Significant, neutral, long-term/permanent effect to the landscape character of the area due to the replacement of agricultural fields with a substantial warehousing development, taking into consideration the site context adjacent to Dublin Airport and the proposed extension to the curtilage of the airport under P.A. Reg. Ref. F23A/0781.

8.14. Interactions Between the Foregoing

8.14.1. Chapter 9 (Air Quality and Climate) is the only environmental factor chapter which sets out interactions. However, Chapter 16 (Interactions & Cumulative Effects³³) outlines the interactions by way of a matrix table (Table 16.1) and summary tables (Tables 16.2 – 16.11).

8.14.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of any grant of permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

³³ Page 30 of the FCC Planning Report notes that, despite the name of the chapter, it does not include any consideration of cumulative effects. Page 40 of the First Party Appeal document states that cumulative effects are considered within each individual chapter.

8.15. Vulnerability to Risks of Major Accidents and/or Disasters

8.15.1. The EIAR contains a specific chapter in relation to this (Chapter 15 – Accident and Disaster Risk) and it is not addressed within any of the environmental factor chapters. Seveso sites, the OPSZ, and fire are among issues included in the assessment of the risk. Following mitigation set out in the chapters ‘no credible risk scenarios—whether from major accidents or natural hazards—have been identified that would result in significant residual environmental impacts. This conclusion applies both to the Proposed Development in isolation and in the context of potential cumulative effects with other nearby projects’. I am satisfied that there would be no undue risk from a major accident or disaster given the nature of the proposed development.

8.16. Reasoned Conclusion

8.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, the submissions from the planning authority and prescribed bodies in the course of the application, and the Technical Note prepared by the Commission’s Environmental Scientist it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

- Significant, negative, long-term effects on the water environment cannot be ruled out given the concerns identified related to Chapter 8 (Hydrology and Hydrogeology) of the EIAR in terms of the lack of clarity in relation to the hydrological link to the Cuckoo Stream and the impact of the proposed wastewater treatment system.
- Significant, neutral, long-term/permanent effect to the landscape character of the area due to the replacement of agricultural fields with a substantial warehousing development, taking into consideration the site context adjacent to Dublin Airport and the proposed extension to the curtilage of the airport under P.A. Reg. Ref. F23A/0781.

8.16.2. It is considered, therefore, that the proposed development may result in significant direct and indirect effects on hydrology and hydrogeology and that permission for the development should be refused.

9.0 Appropriate Assessment (AA) Screening

9.1. AA screening has been carried out in Appendix 1 to this report.

9.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude the possibility that the proposed development, either alone or in-combination with other plans or projects, would result in significant effects on a European site from impact on water quality.

9.3. This determination is based on:

- Contradictory information in the planning application and the grounds of appeal as to whether there is or is not a hydrological link between the subject site and a European site, and,
- Following from the previous bullet point, an inadequate in-combination assessment with other plans or projects.

10.0 Water Framework Directive (WFD)

10.1. The WFD has been addressed in Section 8.9 (Water) of the EIA section of this IR, paragraphs 8.9.13-8.9.17 refer. I have considered the Technical Note prepared by one of the Commission's Environmental Scientists in my assessment.

10.2. I consider that the Technical Note is comprehensive and robust and I accept its conclusions. There has been no examination of the WFD impact of the cited hydrological link to the Cuckoo Stream and it is not accepted that there will be no impact on groundwater given the concerns outlined in the Technical Note. A recommended reason for refusal was included in the Technical Note. I consider it applies to both the planning authority's fifth reason for refusal relating to the proposed

WWTS, and to the WFD issue. I do not consider any appropriate mitigation measures can be applied to this development to address the deficiencies identified.

11.0 Recommendation

11.1. I recommend that the planning application be refused for the following reasons and considerations.

12.0 Reasons and Considerations

In coming to its decision, the Commission has had regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework First Revision (2025),
- (c) the provisions of 'A National Aviation Policy for Ireland' (2015), published by the Department of Transport, Tourism and Sport,
- (d) the provisions of 'Wastewater Treatment Manual Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' (1999), published by the Environmental Protection Agency,
- (e) the provisions of the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031,
- (f) the provisions of the Fingal Development Plan 2023-2029 including the 'DA - Dublin Airport' zoning for the site,
- (g) the provisions of the Dublin Airport Local Area Plan 2020 (as extended),
- (h) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Screening for Appropriate Assessment Report, and the first party grounds of appeal,

- (i) the submissions and observations received on file including from the planning authority, and prescribed bodies,
- (j) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (k) the planning history in the vicinity of the site,
- (l) the Technical Note prepared by the Commission's Senior Environmental Scientist, and,
- (m) the report of the Senior Planning Inspector.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on land not served by a public foul sewer, the nature of the receiving environment which comprises a greenfield site in proximity to Dublin Airport, the distances to the nearest European sites, the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Screening for Appropriate Assessment Report, and the Inspector's report.

In completing the screening exercise, the Commission agreed with, and adopted, the report of the Inspector and considered that it is not possible to exclude the possibility that the proposed development, either alone or in-combination with other plans or projects, would result in significant effects on a European site from impact on water quality.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,

- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, and prescribed bodies, in the course of the application, and,
- (d) the Senior Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, generally adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on the Significant Effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- Significant, negative, long-term effects on the water environment cannot be ruled out given the concerns identified related to Chapter 8 (Hydrology and Hydrogeology) of the EIAR in terms of the lack of clarity in relation to the hydrological link to the Cuckoo Stream and the proposed wastewater treatment system.
- Significant, neutral, long-term/permanent effect to the landscape character of the area due to the replacement of agricultural fields with a substantial warehousing development, taking into consideration the site context adjacent to Dublin Airport and the proposed extension to the curtilage of the airport under P.A. Reg. Ref. F23A/0781.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, notwithstanding the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, the proposed development would be likely to have significant effects on the environment in respect of hydrology and hydrogeology, by itself and in combination with other plans and projects in the vicinity, and that such effects would be not be

acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

The Commission considered, having regard to the nature and location of the proposed development, unrelated to the ongoing operations at Dublin Airport, that the proposed development would not accord with the 'DA' Dublin Airport zoning objective as set out in the Fingal Development Plan 2023-2029, would prejudice the orderly development and continued growth of the airport, including provision of a third terminal, would fail to safeguard the operation and development of the airport, and may endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof. In addition, the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of any European site and would not give rise to a risk of deterioration in the chemical or quantitative status of ground waterbodies. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reasons for Refusal

1. The subject site is in an area zoned 'DA' Dublin Airport in the Fingal Development Plan 2023-2029. The zoning objective is to 'Ensure the efficient and effective operation and development of the Airport in accordance with an approved Local Area Plan'. The vision for the zoning objective states 'Facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport)'. Given the absence of airside integration, the isolated and speculative nature of the proposed units, and the vehicular distances required to access the cargo area of the airport, it is considered that the proposed development would not comply with this zoning objective or its related vision. The proposed development would therefore contravene the provisions of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

2. The subject site is partially located on the footprint of a possible location for a third terminal at Dublin Airport, as identified in the Department of Transport, Tourism and Sport 'Review of Future Capacity Needs at Ireland's State Airports' (August 2018), and incorporated into the Dublin Airport Local Area Plan 2020 (as extended). It is considered that the proposed development would prejudice the orderly development and continued growth of the airport, including provision of a third terminal, would comprise a piecemeal and ad hoc developer-led proposal, and would fail to safeguard the operation and development of the airport. The proposed development would contravene Objectives DAO1 and DAO2 of the Fingal Development Plan 2023-2029 and Objectives EI03 and TP03 of the Dublin Airport Local Area Plan 2020 (as extended) and would be contrary to the proper planning and sustainable development of the area.
3. On the basis of the contradictory information provided with the application and appeal in relation to hydrological connectivity between the subject site and European sites the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of any European site in view of the sites Conservation Objectives. In such circumstances the Commission is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).
4. Having regard to the nature, scale, and location of the proposed development, and in particular its location within the Swords Groundwater waterbody and the Dublin Groundwater waterbody, which are both designated as Good status water bodies under the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the chemical or quantitative status of said water bodies. The proposed development would be therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

5. In the absence of a Wildlife Hazard Risk Assessment, Aeronautical Safety Assessment, and Instrument Flight Procedure Assessment, the Commission is not satisfied that the proposed development would safeguard operational, safety, and technical requirements at Dublin Airport. Therefore, the proposed development would be contrary to Objective DAO2 of the Fingal Development Plan 2023-2029, may endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof, and would be contrary to the proper planning and development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

6th July 2026

Appendix 1 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA) Test for likely significant effects Case file – PL-500739-DF-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Four aviation-related cargo handling units with ancillary office space and a WWTS
Brief description of development site characteristics and potential impact mechanisms	The subject site comprises agricultural land (grazing for sheep and cattle) with an area of 10.7 hectares immediately west of Dublin Airport, separated by the R108. Site preparation work will require extensive groundworks. The application includes an EIAR, a CEMP, an Engineering Assessment Report (EAR), and a Site Characterisation Report. In terms of surface water, it is proposed to mimic the existing site drainage profile by draining to the northeast of the site, outfalling to the existing ditch at the northern boundary. Three internal catchments are proposed with individual attenuation and flow restriction (catchment area 1 is set based on the whole site area as flows from catchments 2 and 3 discharge into 1 before outfall to the ditch). SuDS incorporated on site include grass swales, permeable paving, tree-pits, and on-line detention basins. Site-specific soil infiltration tests confirm the subsoil is suitable for infiltration. Surface water flows above the allowable discharge rate will be attenuated in online vegetated detention basins with controlled release. There is no public wastewater system in the vicinity. An online WWTS is proposed. Wastewater from each unit will

	connect into a foul sewer and outfall into the WWTS in the northeast corner. The closest European sites are Malahide Estuary SAC and Malahide Estuary SPA, both approximately 5.5km to the northeast in a direct line.
Screening Report	A 'Screening for Appropriate Assessment Report' (AA Screening Report) dated October 2025 was submitted with the planning application.
Natura Impact Statement (NIS)	None submitted.
Relevant submissions	No reference was made to AA in any internal FCC report or report received from a prescribed body.
Additional information I consider it appropriate at this point to set out the background to the planning authority's third reason for refusal (AA screening) and summarise the relevant grounds of appeal. Subsection 4.6.1 (Water Quality) of the applicant's AA Screening Report stated that there is no potential for direct impact on water quality of European sites as there is no direct hydrological connection. The only water features on site are agricultural ditches with no hydrological connection to watercourses in the wider landscape, therefore there is no source-pathway-receptor to a European site. The applicant's report concluded that the proposed development would not have a significant effect on the 16 European sites considered and there was no requirement to proceed to Stage 2 AA. AA was not referenced in any internal planning authority section report or by any prescribed body (including DHLGH). AA screening was carried out in Section 10 of the FCC Planning Report and ambiguity and contradiction in relation to the surface water network was noted. The AA Screening Report stated 'there is no hydrological link between the proposed development site and the nearest water courses' (page 29), the CEMP states 'The proposed development is connected hydraulically to the Mayne River via the existing ditch network' seemingly via its tributary, the Cuckoo Stream (subsection 3.1), and the EIAR stated 'the drainage	

ditches in the vicinity of the area flow into the Santry River' (subsection 8.2.2). Section 10 also considered the in-combination assessment of the AA Screening Report to be generic and incomplete, including the omission of significant airport applications/permissions from the list of applications/permissions in the vicinity (Table 3 of the AA Screening Report).

I agree with the planning authority that the documentation submitted was contradictory and incomplete. It is not appropriate that surface water information in the AA Screening Report is contradicted by surface water information in other documents. There must be consistency across all information submitted as part of a planning application. Therefore, I have no concern, in principle, with the reason for refusal in that it had not been demonstrated to the satisfaction of the planning authority that the proposed development would not have a likely significant effect on a European site. Although further information could have been sought, FCC had separate fundamental issues with the proposed development.

The grounds of appeal include a First Party Appeal document and an Ecology & AA Technical Clarification Note (the Note). However, these documents provide further contradictory detail of whether there is or is not hydrological connection between the subject site and a European site. Page 33 of the First Party Appeal document, in relation to Chapter 8 (Hydrology and Hydrogeology) of the EIAR states 'The connection to the Mayne and Cuckoo stream are both correct as the Cuckoo Stream is a tributary of the Mayne River. The drainage ditches ... are to be treated as a viable hydrological connection as in periods of heavy rain they can provide a hydrological link'. In addition to this written commentary, Figure 2 illustrates a hydrological link to the Cuckoo Stream, although the link illustrated is along the northern boundary of the field adjacent to the north of the site and not along the northern boundary of the site subject of the application. However, Section 5 of the Note clearly states that hydrological pathways to European sites are not present.

Having regard to the foregoing, there remains on file contradictory information relating to whether there is or is not a hydrological link between the site and a European site.

The following Steps are followed taking into consideration this contradictory information.

Step 2: Identification of relevant European sites using the source-pathway-receptor model

Table 5 of the applicant's AA Screening Report identified 16 European sites within the potential zone of influence (Zol). Given proximity to the coast and the greenfield nature of the site I agree that the eight SPAs identified could be considered as being within the potential Zol because of the mobility of the relevant bird species. In relation to an SAC within the Zol, further to the documentation on file, the revised EIAR states that there is a link to the Cuckoo Stream/Mayne River. This discharges to Baldoyle Bay SAC.

European site (code)	Qualifying Interests (QI) / Special conservation interests (SCI)	Distance from proposed development (in a direct line)	Ecological connection	Consider further in screening? Y/N
Baldoyle Bay SAC (000199)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Approx. 8.2km to the east	Uncertain. AA Screening Report states that there is not while the revised EIAR states that there is, via the Cuckoo Stream / Mayne River.	Impact on water quality is a potential impact should a hydrological link exist. Given that one may exist, as per the First Party Appeal document, I do not consider the rationale for exclusion of this site, as per Table 8 of the AA Screening Report, can be relied upon. In my opinion the contradictory information on file in relation to a hydrological link does not enable the Commission to conclude that the proposed development would not

				be likely to have a significant impact on this SAC.
Malahide Estuary SPA (004025)	14 waterbirds plus wetlands	Approx. 5.5km to the northeast	No connections bar relative proximity	No. Although no site-specific bird surveys were undertaken for the proposed development the nature of the site (improved agricultural grassland) is not of any importance for breeding and only of limited value for foraging SCI SPA species (light-bellied Brent goose, oystercatcher, and golden plover). Given the extent of similar habitat in the area, in particular to the west and northwest, I do not consider the subject site to be of any importance for ex-situ SCI species. In addition, in my opinion the site location on the opposite side of the airport to the SPA and the proximity to the airport would ensure that no construction or operation

				phase noise would have any impact on the SPA.
South Dublin Bay and River Tolka Estuary SPA (004024)	13 waterbirds plus wetlands	Approx 7.8km to the southeast	No connections bar relative proximity	As above. Light-bellied Brent goose and oystercatcher are the SCI species which may occasionally forage on the subject site.
Baldoyle Bay SPA (004016)	Six waterbirds plus wetlands	Approx. 8.2km to the east	No connections bar relative proximity	As per Malahide Estuary SPA. Light-bellied Brent goose and golden plover are the SCI species which may occasionally forage on the subject site.
North Bull Island SPA (004006)	17 waterbirds plus wetlands	Approx. 8.9km to the southeast	No connections bar relative proximity	As per Malahide Estuary SPA. Light-bellied Brent goose, oystercatcher and golden plover are the SCI species which may occasionally forage on the subject site.
Rogerstown Estuary SPA (004015)	11 waterbirds plus wetlands	Approx. 9.4km to the northeast	No connections bar relative proximity	As per Malahide Estuary SPA. Greylag goose, light-bellied Brent goose, and oystercatcher are the SCI species which may occasionally forage on the subject site.
North-west Irish Sea	21 waterbirds	Approx. 9.4km to the east	No connections	As per Malahide Estuary SPA. No SCI species are

SPA (004236)			bar relative proximity	likely to forage at the subject site.
Ireland's Eye SPA (004117)	Five waterbirds	Approx 12.9km to the east	No connections bar relative proximity	As per Malahide Estuary SPA. None of the five SCI species are likely to forage at the subject site.
Howth Head SPA (004113)	Kittiwake [A188]	Approx. 14.6km to the southeast	No connections bar relative proximity	As per Malahide Estuary SPA. Kittiwake is not likely to forage or breed at the subject site.

Step 3: Describe the likely effects of the project (if any, alone or in combination) on European sites

Section 4.6 of the applicant's AA Screening Report assessed the potential impacts of the proposed development under subheadings of water quality, habitat loss and alteration, disturbance and/or displacement of species, and habitat or species fragmentation. The AA Screening Report concluded that these impacts are not likely to occur. Notwithstanding, having regard to the contradictory information in the First Party Appeal document relating to hydrological connectivity, I consider that it cannot be concluded at this stage that the proposed development would not be likely to have any significant impact on any European site.

Section 4.6 also referred to in-combination effects. Despite the omission of 'projects within daa lands immediately adjacent' (page 22) being specifically identified as an issue of concern in the FCC Planning Report, the Ecology & AA Technical Clarification Note makes very limited reference to this issue in subsection 5.4 of the Note and does not attempt to update the AA Screening Report. For example, F23A/0781, as referenced in paragraph 4.3 of this IR, is a live application which includes substantial proposed development works adjacent to the northwest of the site. Given that the First Party Appeal document states there is a hydrological link to an SAC from the site subject of this appeal it leads that this may also affect an adjacent site. Therefore, in my opinion, the application is deficient in terms of adequate assessment of in-combination effects.

Considering the hydrological link inconsistency and consequent absence of consideration of immediately adjacent development in terms of cumulative impact, I concur with the AA-related element of the third reason for refusal that the information submitted is inconsistent and insufficient to enable robust AA screening to be undertaken. This recommended refusal reason is based on the inconsistent detail submitted with the application.

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

From the documentation submitted with the planning application and the grounds of appeal it is not possible to exclude the possibility that the proposed development, either alone or in-combination with other plans or projects, would result in significant effects on a European site from impact on water quality.

Screening Determination

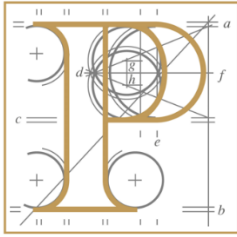
Finding of no likely significant effects

In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude the possibility that the proposed development, either alone or in-combination with other plans or projects, would result in significant effects on any European site from impact on water quality.

This determination is based on:

- Contradictory information in the planning application and the grounds of appeal as to whether there is or is not a hydrological link between the subject site and a European site, and,
- Following from the previous bullet point, an inadequate in-combination assessment with other plans or projects.

Appendix 2 – Technical Note from Environmental Scientist



An
Coimisiún
Pleanála

Technical Note

R500739_TN

Development	Four aviation-related cargo handling units with ancillary office space.
Location	Lands within the townland of Huntstown, Swords, Co. Dublin
Planning Authority	Fingal County Council
Applicant(s)	D.A. Terminal 3 Limited
Type of Application	Planning Appeal
Topics	Wastewater Treatment Proposal
Scientist	Finbarr Quigley
Inspector	Anthony Kelly

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Introduction

Appeal details

This is a First Party normal planning appeal to An Coimisiún Pleanála under the Planning and Development Act, 2000 (as amended). This appeal is against Fingal County Council's decisions to refuse permission for a proposed aviation-related development under ref. FW25A/0480E.

One of the reasons for refusal related to the proposed wastewater treatment option provided by the applicant. The Planning Authority stated that "*The proposed development is considered premature due to the absence of Uisce Éireann infrastructure in the proximity of the site. It is considered that the private wastewater treatment system is neither applicable, appropriate, nor adequate with regards to the scale of the proposed development and would be contrary to Objective DMS0196 of the Fingal Development Plan 2023-2029*".

Scope of Report

Regarding the appeal, the Inspector requested a Technical Note from the Environmental Scientist with the following considerations:

- Is the proposed WWTS sized appropriately?
- Is the proposed WWTS acceptable at this location?
- The potential for impacts on waterbodies.

In my capacity as Senior Environmental Scientist with over twenty years of professional experience, I have the relevant expertise to provide a professional opinion in relation to the items above.

This report to the Inspector and available to the Commission is a written record of my review and examination of the submitted information and will support the Inspectors report in relation to this application.

Site Location and Description of Proposed Development

The site location and proposed development is described in detail in the Inspectors report and not repeated here.

Documentation

I have read the documentation attached to this appeal and planning application relating to Hydrogeology and Wastewater including the relevant sections of the EIAR and appendices. I have also reviewed the relevant drawings, plans and particulars etc.

Other sources of information which were consulted in preparation of this report include:

- The Geological Survey Ireland online mapping tool [IE GSI Groundwater Data Ireland ITM Viewer](#)
- The WFD Application on the EPA's Environmental Data Exchange Network (EDEN)
- The EPA's *Guidance on the Authorisation of Discharges to Groundwater*, 2011
- Water quality data from www.catchments.ie

Assessment

Calculation of expected wastewater loadings

In section 1.0 of the site characterisation report, the applicant outlined the data used to generate a population equivalent (p.e.) value. This p.e. value was calculated using the following usage data for the proposed development:

- 150 staff/day with canteen facilities
- 200 staff/day without canteen facilities
- 50 visitors/day

Table 3 of the 1999 EPA Wastewater Treatment Manual *Treatment Systems for Small Communities, Business, Leisure Centres and Hotels* provides recommended wastewater loading rates from commercial premises. I used these loading rates to calculate a total loading rate for both hydraulic loading and organic loading of 102 p.e. and 150 p.e. respectively (see Table 3-1 below). These figures are based on a total hydraulic loading of 15.25m³/day and a total organic loading rate of 9kgBOD/day for the development.

The applicant reported a loading of 250 p.e. which is significantly higher than that calculated using the hydraulic and organic loading rates for the number of users proposed.

The rationale for this 250 p.e. has not been adequately explained in the application or appeal documentation.

Table 3-1 Estimated Hydraulic and Organic Loading rates based on the usage data provided by the applicant

Development Loading				
	Usage (l/p/day)	Total Flow (m ³ /day)	Usage (gBOD/p/day)	Total BOD (kg/day)
150 staff visitors with canteen facilities	60	9	30	4.5
200 staff without canteen facilities	30	6	20	4
50 visitors	5	0.25	10	0.5
Totals		15.25		9.0
Population Equivalent		15.25/0.15* = 102 p.e.		9.0/0.06** = 150 p.e.

*150L (0.15m³)/p/day standard hydraulic loading factor **60g (0.06kg)BOD/p/day standard organic loading factor

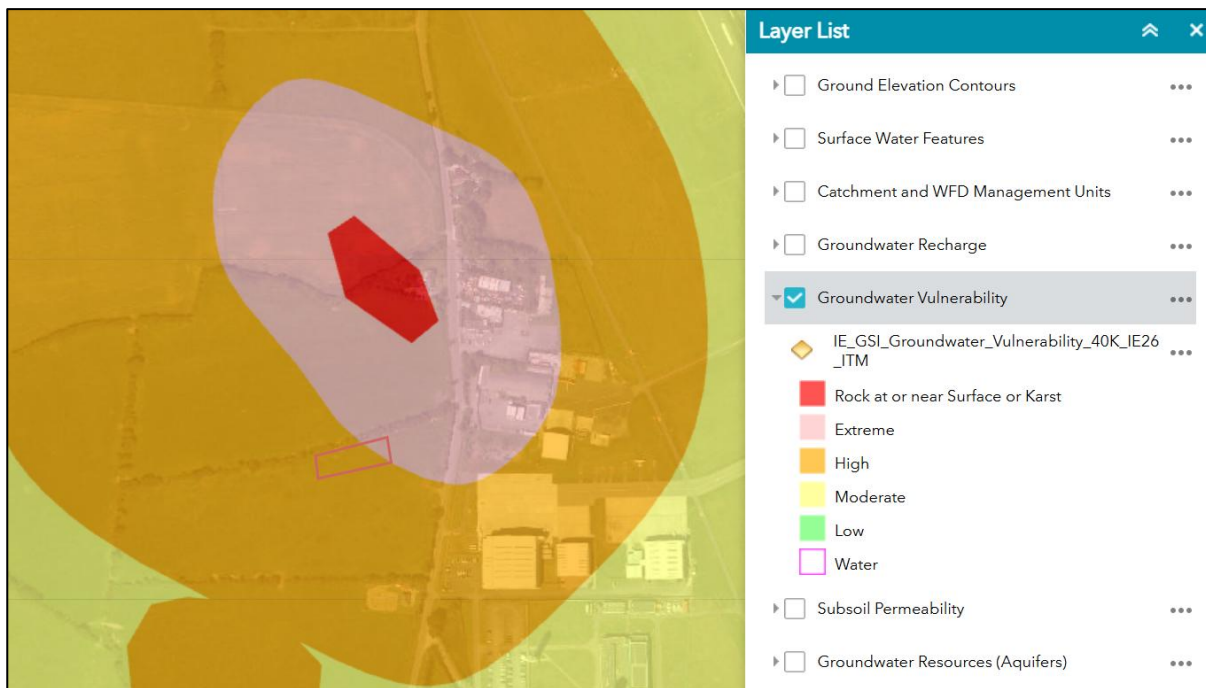
Having reviewed the available documentation, I consider that the Applicant has not demonstrated sufficient evidence to clarify why a 250 p.e. wastewater treatment system is required to serve this proposed development.

Suitability of the location for the WWTP and Polishing Filter

The Groundwater Vulnerability map produced by the Geological Survey Ireland (GSI) shows land areas across Ireland where groundwater can be easily polluted. It also shows areas where it is well protected by the subsoil layers. The vulnerability category given to a site or an area is based on how easy it is for water which may contain pollutants to reach the groundwater.

The site characterisation report (SCR) identified the proposed location of the polishing filter to be in an area of High groundwater vulnerability. Having reviewed the online GSI Groundwater Map viewer I believe the proposed polishing filter is located in an area of both High and Extreme groundwater vulnerability (see Figure 3-1 below).

Figure 3-1 Groundwater vulnerability mapping with site investigations area (trial hole and percolation test holes) identified



One trial hole was excavated by the applicant as part of the site characterisation process. This hole was dug to 2.1m below ground level and the SCR suggests that neither bedrock nor groundwater was encountered at this depth. The SCR refers to ‘gravel and cobble’ being present from 0.4m to 2.1m below ground level. The SCR included photographs of the trial hole and excavated material on pages 27 and 28. Having reviewed these photographs, I believe that what the applicant describes as ‘gravel and cobbles’ is fractured bedrock, given the evidence of large (>200mm) pieces of rock within the excavated material. This coupled with the photographic evidence of ‘impact marks’ on rock/stone in the trial hole walls suggests that fractured bedrock may be present within 1.5m of the surface at this location.

With regard to the High/Extreme groundwater vulnerability classification provided by the GSI for this location, along with the photographic evidence provided by the applicant in the SCR, I am not satisfied that the site’s suitability has been adequately assessed.

The EPA document *Guidance on the Authorisation of Discharges to Groundwater*, 2011 provides guidance on the technical assessments that are needed to authorise discharges to groundwater, as a means of satisfying the requirements of the European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010) as amended. The guidance provides a practical framework for the processes, types of

information, and criteria that are considered important for granting or refusing an authorisation to discharge, or alternatively, to point to what specific information might be needed to address technical areas of uncertainty.

The document includes guidance on:

- Appropriate levels of technical assessment for different types and scales of discharges;
- Predicting impact on groundwater quality

The technical assessment methodology is aimed at examining Source Pathway Receptor relationships, specifically:

- Demonstrating that a site has sufficient infiltration capacity to physically “accept” the effluent, thereby avoiding surface ponding and effluent runoff;
- Demonstrating that a site has adequate attenuation potential to limit the loading of substances to groundwater;
- In certain cases, predicting an impact on groundwater quality;
- Where necessary, verifying predicted impacts by checking compliance with relevant groundwater quality objectives and standards.

The level of technical assessment should be proportionate to the risk posed by the discharge activity. Three tiers of assessment are defined, which involve increasing degrees of complexity. Guidance is provided on the types of data and information that might be needed for prior site investigation for each tier of assessment.

- **Tier 1** assessments cover low-risk activities. The most significant discharge activity in this category is effluent from on-site wastewater treatment systems of less than 5 m³/d.
- **Tier 2** assessments generally cover moderate risk activities, including inputs greater than 5 m³/d and less than or equal to 20 m³/d of domestic wastewater.
- **Tier 3** assessments generally cover higher risk activities such as Inputs greater than 20 m³/d of domestic wastewater, landfills etc.

Based on the above criteria, it is my opinion that the proposed development having a proposed discharge of 15m³/d, requires a Tier 2 assessment.

The 2011 Guidance document suggests that a Tier 2 site assessment must demonstrate sufficient infiltration capacity and adequate attenuation potential. However, Tier 2 assessments also involve the prediction of an impact on groundwater quality using basic calculation procedures. Subsoil characterisation, establishing depths to bedrock and provide estimates of subsoil permeability which can subsequently be used to estimate (calculate) infiltration capacity should also be included in a Tier 2 assessment.

A Tier 2 assessment also requires groundwater characterisation involving the drilling and testing of boreholes and, possibly, the construction of monitoring wells for water level monitoring and sampling purposes. The number of boreholes and/or monitoring wells that may be needed for site characterisation and monitoring is a function of the size of the discharge activity and the conceptual hydrogeological model of the site. The level of detail needed is case specific, but the objective is to provide representative hydrogeological data.

Having reviewed the documentation, It is my professional opinion that the level of assessment applied by the applicant to this proposed discharge to groundwater is not consistent with that of a Tier 2 assessment as outlined above. The applicant has not characterised the existing groundwater sufficiently, created a hydrogeological conceptual model or adequately assessed attenuation potential or impacts on receiving waters. The excavation of one trial hole for a proposed gravel filtration bed of 1,875m² area does not provide sufficient characterisation of the underlying soil, bedrock and groundwater to adequately assess impacts from the proposed discharge.

Section 5.0 of the SCR submitted by the applicant suggested that the wastewater generated on-site would be treated in a secondary treatment system and discharged to ground via a sand polishing filter. The applicant suggested that the invert of the gravel distribution layer underlying the sand filter would be at 0.9m below ground level. The applicant suggests the in-situ subsoil depths noted in the trial hole will provide sufficient attenuation above bedrock and the water table. Given the concerns outlined in 3.2.2. I am not satisfied that adequate depth of subsoil does exist below this proposed invert level to provide sufficient removal of pathogens and nutrients thus protecting the receiving groundwater resource.

Water Framework Directive Impact Assessment

Chapter 8 of the EIAR submitted with the planning application deals with impacts of the proposed development on hydrology and hydrogeology. In my opinion, the level of engagement with the issue of compliance with the Water Framework Directive within this chapter is not sufficient.

In relation to the proposed wastewater treatment system to serve the development, the discussion on impacts is limited to the following: *“The foul water on site is all to be discharged to a newly designed on site wastewater treatment system. This system is to be designed by Mitchell Environmental and has been designed according to all relevant standards and guidelines. Due to this aspect of the design, the potential for impact on the environment due to the foul water discharge from the site is considered to be **long-term, imperceptible and neutral.**”*

The applicant has failed to adequately address the potential impacts of the development on the local and regional hydrology and hydrogeology and therefore has not carried out an appropriate WFD Impact Assessment. The Commission therefore cannot rule out the potential for significant impacts on waters from the proposed development.

Conclusion

Having reviewed the results of the site characterisation undertaken by the applicant I am not satisfied that the necessary level of assessment has been applied to the site. Given the proposed volume of wastewater to be discharged into groundwaters, the applicant has failed to carry out an appropriate level of investigation in accordance with the requirements of a Tier 2 Assessment as specified in the EPA document *Guidance on the Authorisation of Discharges to Groundwater*, 2011.

Given the absence of adequate assessment of the potential impacts of this proposed discharge to groundwaters, the Commission cannot be satisfied that significant impacts on groundwater quality would not arise from this development. Therefore, the following reason for refusal should be considered:

Having regard to the nature, scale, and location of the proposed development, and in particular its location within the Swords Groundwater waterbody and the Dublin Groundwater waterbody, which are both designated as Good status water bodies under

the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the chemical or quantitative status of said water bodies, the proposed development would be therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

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

Finbarr Quigley

Senior Environmental Scientist

18th May 2026