

Validation Checklist

Lodgement Number : **LDG-074918-24**
Case Number **BP-320815-24**
Customer: **~DAA plc**
Lodgement Date: **17/09/2024 13:02:00**
Validation Officer: **James Sweeney**
PA Name: **Fingal County Council**
PA Reg Ref: **F23A/0636**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Appeal**



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Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Not Applicable
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

B901M ✓

B906 ✓

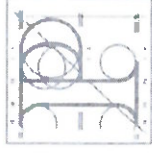
Run at: 18/09/2024 11:45

Run by: James Sweeney

Lodgement Cover Sheet - LDG-074918-24

320815-24

St V Connelly



An Bord Pleanála

Details

Lodgement Date	17/09/2024
Customer	Jennifer Boyce - DAA
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-074918-24
Map ID	
Created By	Shirley Connolly
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	SIDs/EAPs

final Co.U F23A p636

PA Name	Dublin City Council North
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	110.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-058390-24
Related Payment Details Record	PD-058254-24

BPO)M

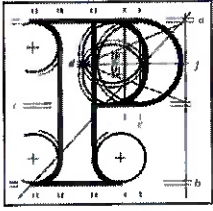
Appeal

BPO6

D of Dec 21/8/24 ∴ 17/9/24

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	
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Planning Appeal Form

AN BORD PLEANÁLA	
LDG-	<u>074918-24</u>
ABP-	_____
17 SEP 2024	
Fee: €	<u>110.00</u> Type: <u>CARD</u>
Time:	<u>12.36</u> By: <u>HAWD</u>

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

daa – Dublin Aiport
Jennifer Boyle

(b) Address

Cloghran House
Corballis Way
Dublin Airport
Swords
Co. Dublin

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

n/a

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Fingal County Council

(b) Planning authority register reference number

(for example: 18/0123)

F23A/0636

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Dublin Airport

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached appeal document

Teach Chlochráin,
Bealach an Chorráin,
Aerfort Bhaile Átha Cliath,
Sord,
Co. Bhaile Átha
Cliath

T: 353-1-944 1111
www.dublinairport.com

Cloghran House,
Corballis Way,
Dublin Airport
Swords,
Co. Dublin



17th September 2024

RE: FIRST PARTY APPEAL UNDER SECTION 139(1) OF THE PLANNING AND DEVELOPMENT ACT, 2000, AS AMENDED, IN RESPECT OF THE NOTIFICATION TO GRANT PLANNING PERMISSION FOR DEVELOPMENT OF THE AIRFILED DRAINAGE PROJECT – FINGAL COUNTY COUNCIL REF: F23A/0636

First party appeal under Section 139(1) of the Planning and Development Act, 2000, as amended, in respect of the notification to Grant Planning Permission for a development which will consist of upgrades to existing drainage infrastructure and construction of additional drainage infrastructure to improve performance of the surface water management system at Dublin Airport and will consist of:

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



Dear all,

daa welcomes Fingal County Council's (FCC) decision to issue a Notice of Decision to Grant Permission. The decision represents good planning outcomes. The Airfield Drainage Project (ADP) proposes a series of upgrades to the existing drainage infrastructure on the airfield of Dublin Airport. The ADP will improve the protection of the Cuckoo Stream, improve efficiency and increase hydraulic capacity.

However, daa has concerns that a number of conditions applied to the grant of permission unnecessarily and possibly inadvertently limit the practical construction of the project.

daa is lodging a first party appeal against conditions nos. 3, 14, 23, 25, detailed below and attached to the Notification to Grant Planning Permission dated 21st August 2024 issued by Fingal County Council in respect of the above development description, register reference F23A/0636.

Condition 3 (phasing)

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

Condition 14 (ceding of land)

Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of a suitably qualified individual with a proven track record to oversee the preparation of a net gain biodiversity action plan related to the Airfield Drainage project. The agreed individual shall be appointed by the developer to oversee the preparation, sign off and submission to the Planning Authority for written agreement, a net Biodiversity Gain Plan for the provision and management of on site and/or offsite habitats. The plan shall set out a multiannual programme including ambitious annual targets and indicators to achieve a net gain in biodiversity for each identified habitat and species, (specific areas for Willow Warbler and Goldcrest are to be planted on the eastern portion of the site in the vicinity of the Cuckoo Stream) impacted as a result of the subject development within 5 years of commencement of the Airfield drainage project. The plan shall include tree planting, creation/rehabilitation wetland habitat including instream, riparian and floodplain, grassland habitat. A project net biodiversity gain update report containing monitoring of progress, surveys of each habitat shall be submitted to the planning Authority on each anniversary of agreeing the plan. On the 10th anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats shall be transferred to public ownership. In default of agreement the matter(s) shall be referred to An Bord Pleanála for determination.

Condition 23 (hours of construction)

The following requirements shall be complied with in full: a) The hours of construction shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00a.m. to 2.00p.m. on Saturdays. b) No construction activities shall take place on site on Sundays or Bank Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.

Condition 25 (PFAS)

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

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disposal of PFAS contaminated materials should be agreed in writing by Fingal County Council prior to removal off site.

The purpose of the ADP is described as follows:

- To provide a nett improvement in the degree of protection afforded to the receiving waters by the surface water management system, in accordance with the planning and environmental requirements of the relevant EU Directives, national and local plans and legislation, as well as daa's Sustainability Strategy and Section 1.1.1 details the Surface Water Quality Objectives and Dublin Airport Local Area Plan 2020.
- To optimise the performance of the surface water management system at Dublin Airport for improved efficiency, greater operational flexibility and resilience to a broad range of extreme weather events.
- To increase the hydraulic capacity of the surface water network and alleviate historic capacity issues.

It is proposed to address the above project purpose through a series of drainage system enhancement measures and infrastructure proposals.

The implementation of a new Contamination Detection and Response (CD&R) System and the provision of additional pollution control facilities are designed to provide robust protection to receiving waters. The proposed network enhancements will also intercept greenfield inflows, at points upstream of the airport campus, and convey them directly to the receiving waters. These proposals will operate as part of an integrated airfield-wide surface water management system designed to improve the ecological quality of receiving waters in accordance with the Surface Water Regulations.

The proposed hydraulic upgrades will provide the network connectivity needed to facilitate the proposed flow segregation system, as well as the required increase in hydraulic capacity. Some local upgrades and reconfigurations of existing drainage networks at West Apron and South Apron will be necessary to integrate these networks into the airfield-wide surface water management system.

The proposed ADP includes an airfield-wide SCADA system which will provide operational control for existing and proposed drainage infrastructure. This system will provide the improved efficiency, operational flexibility and resilience required under the ADP.

Overall, the ADP proposals are an integral part of daa's plan to address water quality objectives and are designed to contribute to improving the ecological condition of receiving waters. The ADP targets have been set out in the Dublin Airport Drainage Management Plan (DMAp), included in the original planning application documents. Since the decision was issued the DMAp has been included in the 3rd Cycle River Basin Management Plan for Ireland¹. This again bolsters FCC decision to issue a Notice of Decision to Grant Permission and acknowledges the important role this project will have in the management of watercourses in the Mayne catchment. Without the proposed ADP measures identified in the DMAp, this cannot be achieved.

The purpose of the ADP is detailed in full in the **Engineering Design Report** and **Operational Control Philosophy**, both are included in the original planning application.

¹ *River Basin Management Plan 2022-2027, Appendix 04 2024 03 11 National AFA with Catchment Projects identified, waterbody code, IE_EA_09M030500, Reasons for Selection: It is proposed that a framework for a phased approach to a diversion concentration limit for development of infrastructure at the Airport could be integrated in a Programme of Measures for the "At Risk" waterbodies or sub-catchments under the Third Cycle RBMP. For those waterbodies or sub-catchments draining the Airport campus- the phased approach could be contained in a "Drainage Management Plan"*

The proposal is fully supported by National, Regional & Local Planning Policy as detailed in Section 5 of the **Planning Report** included in the original application.

We respectfully request that this First Party appeal against condition nos. 3, 14, 23 & 25 attached to the Notification to Grant Planning Permission dated 21st August 2024 on application register reference F23A/0636 is considered under Section 139(1) of the Planning and Development Act, 2000, as amended. The last date for appeal is 17th September 2024. The appeal fee of €110 is enclosed.

We respectfully request the Board to:

- remove condition no. 3.
- amend condition no. 14.
- amend condition no. 23.
- amend condition no. 25.

The grounds of appeal are detailed below.

We hope that this is to your satisfaction, but please do not hesitate to contact us if you require any further information.

Sincerely,



Jennifer Boyle
Senior Planner
INFRASTRUCTURE

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Grounds of Appeal

Condition 3 (phasing)

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

Grounds of appeal

Section 17 of the Engineering Design Report included in the application documents and again referenced in the request for further information response provides a comprehensive overview of the phasing requirements and justifies the phasing approach adopted. The approach was developed to satisfy the following objectives.

- Drainage works will be sequenced such that the risk to the environment is not increased at any point, either temporarily or otherwise.
- Existing drainage infrastructure will be maintained in operation, as required to ensure there is no nett reduction in the overall system performance of the drainage network at any point during the phased construction developments.
- The construction sequence will be designed to ensure that the disruption to airport operations is minimised.

All components of the ADP project are interrelated, and all are required in order to achieve the project objectives. Delivering any component independently will be ineffective in achieving the objectives. If, as suggested, the development of clean water segregation and source control decision points were prioritised over the development of the Central Pollution Control Facility (CPCF), the risk of contamination entering the Cuckoo Stream would only be partly addressed; while frequency of system overflow events would be reduced during the phasing approach, overflows would still occur and the increased concentrations associated with such overflows may pose a significant environmental risk. In addition, such an approach may introduce flooding risk to the airfield.

With respect to receiving water impacts, such an approach would improve baseflows in the Cuckoo Stream, at the expense of generating segregated contaminated runoff for which there would be (for a period of time until the CPCF is constructed) insufficient capacity to detain. The existing 11,000m³ pollution control tank is operating beyond its capabilities, resulting in regular overflow events and loss of contaminated runoff to the Stream. Diversion of the upstream measures would reduce the volumes of runoff entering the tank, however it will not address the inherent capacity limitations. Even if the clean water segregation was carried out, to prevent system overflows in 95% of de-icer seasons (the design basis of the CPCF), an extra 70,700m³ of storage capacity would still be necessary. Phasing construction as proposed in Section 17 of the Engineering Design Report ensures that the overflow risk is addressed as a priority.

With respect to flood risk, to facilitate conveyance of segregated clean flows, the development requires the construction of clean and contaminated pipelines throughout the airfield, sized in accordance with Dublin Airport Drainage Policy (1 in 100-year storm plus 30% uplift for climate change). Construction of same in any approach other than a downstream to upstream manner would introduce flood risk to the airfield, with increased flows overwhelming existing attenuation and pipeline capacities.

Further, given the mobilisation required to carry out such works, undertaking construction of source control decision points, and additional clean and contaminated attenuation will require a phased approach when working airside (i.e. construction occurring across all decision point and pipeline routes on the airfield at the



same time (I be extremely challenging from an airfield logistics and risk management basis). A key basis of the proposed phasing is to minimise disruption to airport operations. All works on the airfield undergo a detailed assessment and approval process by the Irish Aviation Authority (IAA). This process takes into consideration the impact on airfield operations including the movement and safety of aircraft on the airfield.

daa requests the Board remove Condition 3.

Condition 14 (ceding of land)

Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of a suitably qualified individual with a proven track record to oversee the preparation of a net gain biodiversity action plan related to the Airfield Drainage project. The agreed individual shall be appointed by the developer to oversee the preparation, sign off and submission to the Planning Authority for written agreement, a net Biodiversity Gain Plan for the provision and management of on site and/or offsite habitats. The plan shall set out a multiannual programme including ambitious annual targets and indicators to achieve a net gain in biodiversity for each identified habitat and species, (specific areas for Willow Warbler and Goldcrest are to be planted on the eastern portion of the site in the vicinity of the Cuckoo Stream) impacted as a result of the subject development within 5 years of commencement of the Airfield drainage project. The plan shall include tree planting, creation/rehabilitation wetland habitat including instream, riparian and floodplain, grassland habitat. A project net biodiversity gain update report containing monitoring of progress, surveys of each habitat shall be submitted to the planning Authority on each anniversary of agreeing the plan. On the 10th anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats shall be transferred to public ownership. In default of agreement the matter(s) shall be referred to An Bord Pleanála for determination. (emphasis added)

Grounds of Appeal

daa is specifically appealing the underlined text only. daa draws attention to the OPR Practice Note PN03 Planning Conditions, Section 3.16 Conditions Requiring Financial Contributions or Ceding of Lands, which states: 'There is no provision in planning legislation for requiring applicants, developers or land owners to cede lands to public bodies such as road authorities or local authorities. Conditions should not be imposed requiring such ceding of lands'. This position is also supported by the Development Management Guidelines Section 7.11 Conditions requiring the ceding of land which states *Conditions should not be attached to planning permissions requiring land to be ceded to the local authority for road widening or other purposes, nor should conditions require applicants to allow the creation of public rights-of-way, other than such access roads as are considered a necessary part of the development, or to agree to transfer part of their land to some third party as, say, the site for a school or a church. Conditions of this sort are not lawful.*

It is considered that the inclusion of this requirement is unclear and will result in unintended consequences. The following uncertainties arise as a result of the condition:

- The definition of public ownership in the context of daa as a semi-state body.
- If off-site habitats are located outside Fingal County Council will this condition compel another local authority to take ownership of a habitat site and manage the associated maintenance costs.
- Is there intention for the lands to be accessible by the public. If so, does this permission make daa reliant on separate permissions for example, access, car & bike parking, road upgrades.
- This condition is likely to be enacted in 2039 (estimated construction commencing mid 2025 + 2.5 years construction period + 10 years condition timeline = 2039)

daa requests the underlined section is revised to state; *On the 10th anniversary of commencement of the Airfield Drainage project where not already in public ownership all off site habitats may be transferred to public ownership.*

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The revised wording will prompt discussion between daa and the relevant local authority, both parties can agree the best course of action in the circumstances of the time. Neither party are held to a possibly unachievable situation.

For clarity, daa is not appealing the remainder of the condition.

daa requests the Board amend Condition 14.

Condition 23 (hours of construction)

The following requirements shall be complied with in full: a) The hours of construction shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00a.m. to 2.00p.m. on Saturdays. b) No construction activities shall take place on site on Sundays or Bank Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.

Grounds of Appeal

Condition 23 restricts the construction activities to specific working hours, which appears to unnecessarily restrict certain construction activities for which working outside of hours will be necessary for a variety of reasons, including technical constructability factors, health and safety reasons and avoidance of impact on airport operational activities. Condition 20 (a)² of the grant of permission specifically requests the use of trench less construction techniques with the purpose of tree and hedgerow protection & retention. Some examples of the potential consequences of condition 23 on the delivery of the ADP are addressed below, under two main categories of construction activity; trenchless pipeline construction and large-scale concreting works:

Trenchless pipeline construction, certain sections of the proposed surface water network pipelines are designed to be constructed by trenchless construction methods:

- This is proposed for several reasons which include inter alia; to reduce the potential impact of construction on airport operations, to reduce potential health and safety hazards associated with deep sections of open excavations adjacent to critical infrastructure, and to reduce the impact of the construction works on the public road (R132). Additionally, trenchless construction offers many advantages over open cut construction techniques. The works will have a lower ecological and environmental footprint by reducing the volume of earthworks required and a reduction in noise and dust emissions during the works.
- Certain trenchless construction operations are typically required to be carried out on a continuous 24/7 basis. For instance, while tunnelling equipment is being propelled forwards (a process which can take several weeks / months depending on the diameter and length of the bore and the location-specific ground conditions), stopping this process for prolonged periods can significantly increase construction risks such as misalignment of the drive or equipment becoming trapped underground. However, when these works are designed appropriately and carried out on a continuous basis with the minimum of downtime, in accordance with industry best-practice, these risks can be effectively mitigated, and the works completed in a safe and efficient manner.
- Trenchless construction includes certain activities, such as craneage of heavy machinery (e.g. tunnelling equipment), which cannot be conducted during airport operational hours due to the height restrictions

² Condition 20 (a) *Prior to the commencement of construction works, the applicant's appointed design engineer and arboricultural consultant shall liaise directly with the Planning Authority to agree additional tree and hedgerow protection & retention measures including the use of trench less construction techniques (rather than open cut) and sensitive design.*

they exist within an airport environment, for aviation safety reasons. The intention would be to carry out any such construction activities during non-operational hours so that they do not present an aviation safety risk and do not interrupt critical airport operational activities.

- For the above reasons, condition 23 appears to unnecessarily restrict the use of trenchless construction (e.g. tunnelling), despite it being a preferred method of construction by FCC.

Concreting works, the Proposed ADP developments include concrete structures which will involve large concrete pours:

- While there are several such concrete pours involved in the ADP, consider, as an example, pouring the concrete base for the proposed CPCF pollution storage tank. While the exact volume of concrete required for this pour will be determined at detailed design stage, based on the Contractor's design and their construction methodology and pour sequence, some of the larger pours would be anticipated to require several hundred concrete truck loads.
- These pours are required to be continuous operations to avoid the risk of cold-joints forming in the concrete. Cold-joints are a structural defect which can lead to significant deterioration over time, reducing the design life of the structure. Completing continuous concrete pours of this scale would require construction outside of the standard working hours due to the time required to batch, deliver and place such a large number of concrete loads, followed by concrete finishing works once the concrete has been placed.
- Additionally, concrete pours within height restricted areas of the airfield will also need to be carried out at non-operational hours to avoid any aviation safety risk or interruption to critical airport operational activities.

Section 7 of the Preliminary Construction Environment Management Plan (CEMP) provided with the application states:

Construction working hours on the Dublin Airport campus would normally be between 08:00 and 19:00 Monday to Friday and 08:00 to 14:00 Saturday, with no activities taking place on Sundays or Bank Holidays. However, the proposed works subject of this CEMP shall require working hours that are outside those stated above. In particular, there is a necessity for tunnelling operations to be undertaken on a 24-hour basis. Night working may also be required due to height restrictions in certain parts of the airport campus and when working on the R132. Other works, such as large concrete pours for the CPCF, may require out-of-hours working including extended weekend working. (emphasis added)

The application also provides the following measures to manage construction. As detailed in Section 13.5 Ambient Noise, CEMP:

The Contractor shall be proactive in engaging with the occupants of neighbouring properties with potential for construction impacts and shall notify them of any works forecast to generate appreciable levels of noise, explaining the nature and duration of the works. Night-works in particular have the potential to generate the most significant noise impacts. All affected sensitive locations shall be notified of planned works in advance of the works progressing. The notification shall include a description of the works, the expected duration and details of how to contact the contractor to register any noise complaints and the name and contact details of a person to contact regarding air quality and dust issues shall be displayed on the site boundary, this notice board should also include head/regional office contact details.

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All assessments included in the application were based on works outside standard works hours of Condition 23. The FCC Chief Executive Order (Planners Report) does not offer any assessment of construction hours and there is no indication the hours have been restricted for a particular reason.

For the reasons above, it is deemed that condition 23 places an undue restriction on key construction activities which are required to deliver the consented development and the applicant requests that this condition be amended to permit 24-hour construction, to facilitate a safe and efficient construction methodology in accordance with industry best practice.

daa requests the Board amend Condition 23.

Condition 25 (PFAS)

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

Grounds of appeal

Section 11.6.1.1 of the planning application EIAR states site investigation and laboratory analysis will be carried out to determine potential contamination of ground that will be excavated during the construction phase, including testing for PFAS. If contaminated soil is encountered, it has been proposed that it be removed by a licensed waste contractor for treatment or disposal at a suitably licensed facility in accordance with the Waste Management Act 1996 (as amended), the Waste Management (Collection Permit) Regulations 2007 (as amended) and the Waste Management (Facility Permit & Registration) Regulations 2007 (as amended). Where appropriate daa propose to use a structured approach in line with the Environmental Protection Agency's (EPA's) Guidance on the Management of Contaminated Land and Groundwater at EPA Licensed Sites, taking account of best international practice, evolving standards and emerging knowledge and experience in remediation technologies to determine the most appropriate environmental solution for its management. daa is committed to undertaking the best practice management of PFAS. The knowledge of PFAS management however is evolving and it is likely that in the coming years a regulatory process may differ from the above condition. daa request the above condition is reworded to state:

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

daa requests Condition 25 is amended.

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