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Dr. Adrian Corcoran 20 April 2026
Director of Economic Regulation
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By email: consultation@iaa.ie; adrian.corcoran@iaa.ie

Re: 2026 Determination – DA Terminal 3 Limited: Regulatory Process Integrity and Strategic Capacity Obligations

Dear Dr. Corcoran

1. DAT3's Standing in This Process

1.1 I write on behalf of Dublin Airport Terminal 3 Limited ("DAT3") in connection with the IAA's 2026 Determination process for airport charges at Dublin Airport. DAT3 responded to the IAA's Issues Paper consultation in October 2025 and was listed by the IAA in its December 2025 Conclusions as one of nine recognised respondents alongside Aer Lingus, Ryanair, British Airways, IAG, IATA, Iberia Express, Vueling, and Dublin Airport. DAT3's standing is a matter of the IAA's own published record.

1.2 DAT3 owns approximately 128 acres of strategically positioned midfield lands at Dublin Airport, situated centrally between the North and South Runways, west of the crosswind Runway 16/34 - the precise location that every relevant State instrument identifies as strategically relevant, optimal or necessary for future terminal capacity beyond 40 MPPA.

1.3 That characterisation is not DAT3's own. It is established by the cumulative weight of the State's own instruments: the Government-commissioned Future Capacity Needs Report (Oxford Economics/CEPA, 2018)[i] ("Future Capacity Needs Report") identifies these lands as the optimal Terminal 3 location and the only one of three possible sites without surface access constraints; DAA's own Environmental Impact Assessment Report ("EIAR", F23A/0781, 2023)[ii] identifies the central midfield area as the location for "reasonably foreseeable" future developments including a new Terminal 3, new pier, and aircraft stands and apron space; DAA's own 55mppa Emerging Masterplan - used as the basis for its EIAR and its CIP 2020+ submission to the IAA, and DAA's future plan concept as outlined to Oxford/CEPA – placed these lands at the centre of the airport's long-term development concept; and the Fingal Development Plan and Dublin Airport Local Area Plan designate them for airport use, with the LAP explicitly providing for western campus development as the policy response to eastern campus capacity limits. The full basis for DAT3's standing is set out in Appendix 1.

1.4 Those instruments give rise to considerations that are strategic, pivotal, and central to this Determination and to the IAA's regulatory mandate - as developed in Sections 2.1 and 2.2 below. In summary: the capacity needs of Dublin Airport beyond 40 MPPA must be plan-led, requiring a published and independently scrutinised masterplan as the foundation for any capital investment determination; the 40 MPPA threshold represents a policy and timing inflection point that The Future Capacity Needs report identified as requiring Government decisions ("early in the 2020's") bearing in mind decade-long infrastructure lead times, and which has now arrived; and the CIP 2027-2031 introduces a directional framing - eastern campus intensification and crosswind runway decommissioning - that differs materially from the directions presented in previous CIP submissions, the EIAR, and the concept assessed by Oxford/CEPA, and one that is dependent on Government decisions not yet made.

1.5 As we set out in this letter, those considerations engage a series of matters that the IAA must address in the 2026 Determination: the 40 MPPA convergence point; the dual capacity crisis already emerging; the Government policy and policy instrument context within which this Determination is being made; the structural conflicts between DAA's fiduciary mandate and national aviation policy that make independent regulatory scrutiny essential; the masterplan deficit at the heart of both the CIP prudency question and the IAA's own primary statutory goal (paragraphs 2.1 - 2.2); and the specific conduct and information practice concerns that go to the integrity of the process. DAT3 is a recognised stakeholder in each of these matters. It has not sought to insert itself into this process. This process has arrived at the point where DAT3's lands are central to the outcome.

2. The IAA's Mandate and Where It Is Being Failed

The governing policy framework

2.1 The National Policy Statement on Airport Charges Regulation[iii] establishes the overriding objective: "to ensure that current and future airport customers are presented with choice, value and quality services" and recognises "the importance of the timely provision of capacity, enhanced connectivity, strong competition and the financial sustainability of the aviation sector." Section 6 of that Statement is explicit that the airport charges regime is "critical to promoting competition by ensuring that sufficient and appropriate additional capacity – provided through additional piers, terminal, runway – is brought on stream to meet growing demand and to provide additional access points for expansion by incumbent service providers and opportunities for new entrants."

2.2 The IAA's own primary goal is to protect and promote the reasonable interests of current and prospective users of Dublin Airport – including being "cognisant of the long-term needs of the airport in terms of capacity enhancements and passenger facilitation."[iv] That goal is not discharged by approving a capital programme in isolation. It requires the IAA to satisfy itself that the programme it is pricing is the right programme – consistent with Government policy, adequate for demand, and not foreclosing competitive options that both Government policy and the IAA's own statutory mandate require to be kept open.

Where the mandate is being failed

2.3 Table 1 below maps the IAA's statutory factors against what each requires and where, in DAT3's submission, the current process falls short. The failures identified are not procedural complaints. They are substantive failures that go to whether the 2026 Determination can be made on sound foundations.

Table 1

Statutory Factor	What It Requires	Where It Is Being Failed
Efficient and economic	Timely infrastructure matched to demand;	No material new capacity commissioned before 2032/33 at earliest. Cap legislation required to

Table 1		
Statutory Factor	**What It Requires**	**Where It Is Being Failed**
development of Dublin Airport	planning decisions not deferred	remedy DAA's own planning delays. Planning acknowledged by its departing CEO as its biggest shortcoming in last ten years[v].
High-quality, cost-effective airport services	Infrastructure adequate for forecast demand; charges proportionate to delivery	Near-doubling of charges proposed for infrastructure that, on DAA's own evidence[vi], will still fall 3 million passengers short of demand at commissioning. Aer Lingus has quantified the cost of that shortfall at €4.2bn in lost activity and up to 111,000 jobs[vii].
Government aviation policy	Due regard to notified Government policy; Future Capacity Needs Report as NAP instrument	2005 Government policy on competitive terminal provision not implemented.[viii] Future Capacity Needs Report (2018) - commissioned under NAP - not acted upon.[ix] NAP review overdue since 2021, still in 'preparatory mode'.[x]
Encourage competition at Dublin Airport	Assess whether capital plan forecloses competitive infrastructure options (CCPC confirmed this is IAA's responsibility)	CIP 2027-2031 intentions eastern campus intensification and crosswind runway decommissioning[xi] without Government decision, without the Future Capacity Needs Report's prerequisite independent assessment, and without competitive process[xii]. No such assessment has been conducted in this determination.
Climate change and sustainable development	Capex assessed against climate adaptation obligations (IAA Issues Paper para 3.42)	T-SAP II (2025) confirms crosswind runway decision is unresolved Government business[xiii]. DAA CIP directionally proceeds on assumptions inconsistent with retention. IAA's own Issues Paper commitment is not yet reflected in the assessment of the CIP.

The need for independent analysis

2.4 The IAA has a track record of commissioning independent analysis where the complexity of the regulatory task requires it. The strategic questions raised in this letter – concerning masterplan direction, post-40 MPPA campus configuration, crosswind runway policy, and the adequacy of DAA's demand and capacity projections – are precisely of the kind that require fresh and independent assessment. The IAA's familiarity with DAA's planning and operational circumstances can be a significant asset in many contexts; in this context, where the question is whether the assumptions that have underpinned successive CIP cycles remain valid and consistent with Government policy, independent analysis that is not anchored to those prior cycles is essential.

2.5 DAT3 is prepared to contribute to such an assessment and, on appropriate terms, to share its own studies and development proposals and costings for the western campus and midfield lands, including the road access solution it has recently secured from the west of the airport campus, which addresses the surface access constraint Oxford/CEPA identified as a prerequisite for western campus development.

3. Dublin Airport at a Strategic Crossroads

The 40 MPPA convergence point

3.1 40 million passengers per annum is the convergence point at which every deferred decision arrives simultaneously[xiv]. It is the ceiling of the current LAP for the eastern campus. It is the threshold at which the Government-commissioned Future Capacity Needs Report identified that a terminal capacity decision would be required. It is the point at which DAA's own planning documents confirm that western campus development becomes operationally necessary. And it is the point at which the 2005 Government policy commitment – to deliver additional terminal capacity beyond Terminals 1 and 2 through an open and competitive process – either is honoured at the decisive capacity moment Oxford/CEPA identified, or is settled by default.

3.2 The same policy logic that underpinned the 32m cap – that the point of decision on western campus development should not be deferred beyond the eastern campus limit – applies with full force at 40 MPPA, which is what that limit has in practice become. This threshold is now fast approaching. Dublin Airport operated at 36.4 MPPA in 2025 and has seen growth of 11% in first quarter of 2026. The infrastructure required to reach the next (short-term) increment has not yet received planning permission. The policy question is not long-term. It is now.

A dual capacity crisis

3.3 DAA estimates passenger demand of 44 MPPA by 2032[xv] – the earliest date by which significant new infrastructure under the current 40 MPPA application could realistically be permitted, completed, and commissioned[xvi]. Against DAA's own current capacity estimate of 36.5 MPPA[xvii], this implies a potential total capacity gap of up to 7.5 MPPA by 2032[xviii]. This is not simply a matter of lost growth. It is a dual crisis: the airport will simultaneously be denied passengers it could otherwise have carried and forced to process those it does carry through infrastructure operating so far beyond its assessed service standards that quality of service degrades for everyone. As DAT3's April 2026 supplementary submission to the Joint Oireachtas Committee records, Dublin Airport is facing into a future that is simultaneously diminished and more congested.

3.4 DAA's confirmed to the Joint Oireachtas Committee in March 2026 that even at completion of CIP 2027-2031 – the earliest possible delivery point – approximately 3 million passengers of annual demand will remain definitively unserved. Aer Lingus placed on the Committee record its analysis showing that every 1 million passengers of unmet demand equates to approximately €1.4 billion in lost economic activity, €320 million in lost Exchequer revenues, and up to 37,000 lost jobs. On DAA's own admission, the aggregate cost implied by that analysis is €4.2 billion in lost activity, €960 million in lost Exchequer revenues, and up to 111,000 lost jobs. The IAA is being asked to approve a near-doubling of charges – from €8.31 per passenger in 2023 to €14.99 by 2031[xix] – for a CIP that, on the regulated entity's own evidence, will not eliminate that deficit.

What DAA's own actions confirm

3.5 Evidence of where Dublin Airport is headed is not just in DAA's regulatory submissions – it is in DAA's own capital commitments. DAA is currently spending €265 million on a tunnel beneath the crosswind runway which it has described, in its own published Infrastructure Application materials, as "releasing access to the western campus of Dublin Airport."[xx] DAA's own EIAR (2023) records among reasonably foreseeable future developments that "much of the area between the North and South Runways would be required to support a new Terminal 3, new pier, and aircraft stands and apron space", with a subterranean people mover beneath the crosswind runway linking Terminals 1 and 2 with a new Terminal 3.[xxi] The tunnel now under construction is the first physical element of that access strategy – built with passenger charges, in a regulatory vacuum, without any of the policy decisions the Future Capacity Needs Report identified as prerequisites.

3.6 At the same time, DAA's CIP 2027-2031 states that DAA "will advance planning to integrate the decommissioning of Runway 16/34 into its long-term Masterplan"[xxii] and that "there is broad agreement that terminal activity should continue to be focused on the eastern campus."[xxiii] These are not operational observations. They are strategic directional decisions – on campus configuration and on the future of a Government-owned runway – that DAA is signalling unilaterally, embedding in a regulatory submission, and seeking to have priced into passenger charges, without the Government decisions those questions require and without independent assessment of the consequences.

The 2005 Government policy commitment

3.7 On 20 May 2005, Minister for Transport Martin Cullen formally notified the IAA (then CAR) – of the Government's Aviation Action Plan and policy approved at Cabinet on 18 May 2005. That plan committed the Government explicitly to Terminal 3 being "delivered in the most cost efficient and timely way, with this outcome being underpinned by an open competitive process", and to examination of the regulatory framework to make any changes necessary to facilitate a third terminal when passenger volumes required additional capacity beyond Terminals 1 and 2.

3.8 That policy was formally notified to the IAA and has never been withdrawn by Government decision. The IAA is required under Section 33 of the 2001 Act to have due regard to policy statements notified to it by or on behalf of the Government. DAA's CIP – which embeds an eastern campus intensification direction and crosswind runway decommissioning without any open competitive process – sits in direct and unacknowledged tension with that notified commitment. The IAA's assessment of the CIP's prudency cannot be complete without addressing whether the CIP is consistent with it. The competition dimension of that commitment is a matter the IAA is required by statute to address; it is also, as the CCPC has confirmed, the IAA's exclusive responsibility to assess.

The Future Capacity Needs Report: Government's own capacity blueprint

3.9 The Future Capacity Needs Report was not advisory background. It was commissioned by the Department of Transport as an instrument of National Aviation Policy – Action 4.5.3 of the NAP committed the Department to commission precisely this kind of high-level strategic capacity review, with terms of reference that required examination of the timeframe for new terminal capacity and the merits of independent terminal operation.[xxiv] Its conclusions are Government policy outputs, not mere consultancy opinion. They also provide the only independent assessment ever conducted of DAA's longer-term development intentions – an assessment DAA has never been required to respond to in any regulatory process.

3.10 The Future Capacity Needs report identified DAT3's midfield location as "an unconstrained site where it will be easier, cheaper and less complicated to develop the core terminal and stands." It identified serious concerns about eastern campus concentration, including surface access issues that "may present an overriding problem" and which "may not prove to be the least cost option for Ireland as a whole." It concluded that DAA's plans for further incremental eastern expansion "would require a much more detailed study to assess whether DAA's plans for further incremental expansion are plausible" and that "considerable disruption to operations may be required to achieve it" – and was therefore unable to validate DAA's eastern expansion proposals without that study. That study has never been conducted. Oxford/CEPA characterised such eastern-only expansion as a potential "false economy."

3.11 The Future Capacity Needs report was explicit that a Government decision on a third terminal would be required "sufficiently early in the 2020s" to enable construction to begin "around the middle of the 2020s." That threshold has passed. DAA's CIP, submitted for pricing in this Determination, proceeds as if the decision has been made and is not pending – and made in DAA's favour – when it has not been made at all.

The crosswind runway: a Government decision being taken by a commercial entity?

3.12 The future of the crosswind runway (16/34) is not a matter for DAA's discretion. Oxford/CEPA was explicit that this decision carries strategic implications that place it firmly within the Government's remit. This stance was confirmed by the Department of Transport response to the Office of the Information Commissioner (OIC-100680-R0W2B2, 28 March 2021), regarding the matter, confirming the retention of the runway as a matter under active Government direction. To date, no such Government decision has been made.

3.13 The report produced by IAA (CAR) at the Department's request – released under FOI (but not published) only following the Information Commissioner's decision – concluded that in the absence of a clear business case demonstrating that the benefits of decommissioning outweigh the costs, the crosswind runway must be retained, and quantified the annual cost of closure at between €29 million and €48 million. In 2025, T-SAP II confirmed that "a 2021 study concluded there is no business case for decommissioning the crosswind runway, and that it remains an important part of the contingency operations of Dublin Airport." The IAA's own Issues Paper (paragraph 3.42) commits the IAA to assessing Capex projects against climate adaptation obligations – a commitment directly engaged by a CIP that proceeds on assumptions inconsistent with retention.

3.14 As outlined earlier, DAA's CIP states it will "advance planning to integrate the decommissioning of Runway 16/34 into its long-term Masterplan." DAA has offered, as justification, that no airline has formally objected. The absence of airline objection is not a substitute for a Government decision. It does not address the independent evidence that there is no business case for decommissioning. It does not engage with Oxford/CEPA's finding that the decision has strategic aspects placing it within the Government's remit. And it does not resolve the Department's own characterisation of the question as under active Government direction.

3.15 Rather than awaiting a clear policy direction from Government, the DAA is attempting to obviate the State's decision-making by embedding its preferred outcome within the trajectory of the 2026-2031 CIP. By using the IAA's regulatory framework and a curated stakeholder process to manufacture a mandate it does not legally possess, the DAA is seeking to resolve a question that the State's own consultants, Oxford Economics/CEPA, explicitly identified as "not just a business decision" for the DAA. Oxford/CEPA was clear that the future of the crosswind runway carries "strategic aspects" that place the decision squarely within the remit of

Government. The DAA is now effectively seeking to navigate a policy shift that belongs to the Government; the IAA's mandate requires it to interrupt this process now, before this deniable 'direction of travel' becomes an irreversible fait accompli that renders any future Government intervention moot.

The Department of Transport's role

3.16 The IAA cannot treat the Department of Transport's apparent silence as policy. The absence of a Government decision on the crosswind runway, on post-40 MPPA terminal configuration, and on the 2005 competitive provision commitment is not equivalent to a Government decision on the DAA's eastern campus direction, that Oxford/CEPA cautioned about. The Department acknowledged to the Joint Oireachtas Committee in March 2026 that the NAP is 'admittedly' dated. It further indicated that the review of this policy – a process successive Ministers have assured Dáil Éireann was 'about to commence' annually since 2021 – remains uncommenced and is only now 'getting under way.'

3.17 It is clear that the policy decisions Oxford/CEPA identified as requiring action "early in the 2020s" have been allowed to drift indefinitely. The Department's own published documents from 2020[xxv] confirm that a strategic decision on long-term capacity was identified as a priority for the incoming Government. These decisions remain outstanding.

3.18 The IAA's statutory obligation to have due regard to Government policy does not require it to defer to commercial assumptions filling a policy vacuum. Where Government has not decided, the IAA cannot assume the answer and price it into a five-year determination. The 2026 Determination is the appropriate moment for the IAA to draw formally to the Department's attention the policy decisions that are prerequisites for a sound determination, and to make clear that those decisions cannot be made by a commercial entity through its capital programme processes.

4. DAA's Information Practices in This Process

4.1 DAT3 raises the following matters because they describe a pattern that directly affects the integrity of the process on which the IAA's determination and consultation will be based. The issue is not any single redaction or omission. It is that DAA has consistently presented different analytical frameworks to different statutory audiences, with no single reconciled picture available to any of them, and has managed its masterplan as a document that appears in cameo form when it suits and absent when it does not – more of a an 'evidentiary chameleon' of strategic convenience than the definitive guide for the future development that was ascribed to it.

Different audiences, different frameworks, no reconciliation

4.2 As part of the public consultation process of the still live, 40m Infrastructure Application planning application, Fingal County Council received an annual MPPA framing – prepared by Ricondo on DAA's behalf – presenting the 40 MPPA programme as a coherent answer to annual capacity needs. For the purposes of the 2026 statutory determination process, the IAA has recently received a busy-hour RAG framework showing operational constraints in detail, attached to demand projections seemingly implying annual volumes well beyond the physical capacity ceiling in that same Ricondo analysis – without the connection being made explicit or reconciled.

4.3 Essentially different evidential pictures are presented to statutory audiences for similar considerations, and not together. Stakeholders have not been shown how the busy-hour constraints in the CIP map onto the annual capacity ceiling in the Ricondo analysis, or vice versa.

4.4 DAA's highly relevant passenger projections appear to have been redacted in the current regulatory consultation process. Yet centreline, low and high case forecasts were published by DAA – without redaction – in its September 2023 ANCA submission (Mott MacDonald, Response to ANCA Direction 01, planning application F20A/0668, Fingal County Council reference 88548), showing centreline unconstrained demand reaching 40.5 MPPA by 2031, 46.6 MPPA by 2040, and 52.3 MPPA by 2050. The DAA's practice of selective transparency – disclosing full data to ANCA while redacting equivalent foundational inputs in a pricing determination – undermines the integrity of the IAA's consultation process. The same organisation that published those projections in a statutory planning proceeding cannot credibly withhold the same key information in a statutory regulatory proceeding to which DAT3 and/or others are recognised respondents.

4.5 The peer regulatory standard is instructive. In the CAA's H7 price control review for Heathrow, Heathrow published its passenger forecasts in full – low, mid and high cases across the regulatory period (Heathrow RBP Update 2, December 2021, CAP2265). That is the standard against which the IAA's approach will be assessed.

The shifting masterplan

4.6 DAA's Masterplan for Dublin Airport has never been published. It has nonetheless served as the authoritative reference point for successive IAA airport charges determinations, for capital investment proposals submitted in the statutory regulatory processes, and for the environmental assessments underpinning planning applications of national significance. A document that directs billions of euros and capacity delivery of regulatory and planning decisions has never been subjected to public consultation or independent scrutiny.

4.7 Three versions or variants of an unpublished masterplan or its equivalent have been presented by DAA across three different processes. The Emerging Masterplan referenced in DAA's CIP 2020+ submission to IAA in 2019, and in the CIP 2023-26 served one purpose. DAA's "Our Vision for the Future" document (2023) offered a second "options" framing and was also submitted for the (live) 40 million Infrastructure Application. The Emerging Masterplan now contained in CIP 2027-2031 offers a further variation - one that, for the first time, presents crosswind runway decommissioning with full eastern campus expansion as a costed alternative, deployed to a selected stakeholder group in a manner that gives it the appearance of a preferred direction of travel, unburdened by the unresolved policy decisions and independent validation that Oxford/CEPA identified as prerequisites – not to mention the 32 million cap – before any such direction could be responsibly adopted.

4.8 DAA's CIP 2020+ has a single Emerging Dublin Airport Masterplan – Safeguarding for growth to 55 MPPA. DAA's annual reports previously confirmed "the emerging options are focused around delivering the North Runway while retaining the existing crosswind runway and adding new aircraft parking stands" – with a large satellite pier beyond the crosswind runway, consistent with the masterplanning reviewed by Oxford/CEPA, when preparing the Government's own Future Capacity Needs Report. Oxford/CEPA declared themselves as were unable to validate DAA's eastern terminal plus western pier expansion concept without a further detailed study, one that has never been conducted. CIP 2027 - 2031 indicates, as outlined earlier, a different trajectory preference – but without addressing any policy decision or public consultation transparency or check and balances. Given its criticality to IAA's principal objectives mentioned earlier this is undoubtedly a key factor for this determination.

4.9 The common thread is not consistency of content but consistency of function: each masterplan version has been deployed when it served the immediate process and withheld from independent scrutiny and appropriate consultation. None has been formally published, publicly consulted on, or reconciled for example either between version or against the Government's 2005 policy commitment or the Future Capacity Needs Report. Nor have the economic advantages of different approaches been indicated. The effect is the maintenance of a strategic ambiguity where the DAA's long-term direction is visible to the IAA – and other stakeholders – only in the specific, 'flexible framing', the DAA chooses to present for each regulatory cycle. By keeping the Masterplan unpublished, the DAA avoids a reconciled reference point against which its shifting frameworks can be tested, maintaining a strategic ambiguity where long-term direction is visible only in the specific form the DAA chooses to present for each regulatory cycle.

4.10 DAA's own Vision 2040 document[xxvi] states that DAA "must ensure this national strategic objective is achieved through investment in our airport in a sustainable and coordinated manner. This means ensuring what is delivered now does not compromise wider policy goals or future longer-term sustainable opportunities." DAT3 endorses that principle entirely. The concern is that the CIP, as submitted to the IAA, provides no basis for any external party to verify whether it meets that test.

The structural governance problem

4.11 DAT3 understands why DAA pursues what is in its fiduciary interests. The High Court's decision in Keating v Shannon Foynes Port confirms that State company directors are legally obliged to act in the interests of the company even where that sits in tension with stated ministerial policy. DAA is doing what it is legally required to do. The question that this

Determination must confront is whether and how the independent regulatory scrutiny by the IAA and policy governance by the Department of Transport have been effective against it.

4.12 The consequence is a structural risk identified in DAT3's April 2026 submission to the Joint Oireachtas Committee: multi-billion euro infrastructure and strategic capacity decisions are effectively being made not by Government but by a State-owned commercial agency whose fiduciary duty is – by law – permitted, and indeed obliged, to diverge from national policy where the interests of the company take precedence. To put the State's entire aviation infrastructure strategy into the DAA preferred eastern campus basket – without independent validation of DAA's plans, without Government decisions on the questions Oxford/CEPA identified as requiring Government resolution, and without the competitive process the 2005 policy commitment required – lacks any demonstrated policy rationale. Proceeding in this manner, against the evidence, would be, as DAT3's JOC submission records, "not only unwise but, absent the independent evidence called for, highly unusual."

4.13 The IAA is the body that exists to provide that independent scrutiny. The 2026 Determination is the moment to exercise it.

5. The IAA's Own Position

5.1 DAT3 raises the following matters as considerations the IAA should weigh before the Draft Determination is published.

The governance failure that regulation exists to prevent

5.2 The pattern described in this letter – strategic ambiguity maintained across successive CIP cycles, real directional decisions never transparently addressed, Government policy instruments commissioned and then effectively displaced by commercial planning – is precisely what independent economic regulation exists to prevent. The five-year pricing cycle should not be the mechanism by which consequential long-term decisions escape scrutiny indefinitely. Each determination is an opportunity to require the transparency that policy processes have not delivered. The 2026 Determination is that opportunity for the questions that have accumulated since the Future Capacity Needs Report was published in 2018.

Process integrity and challenge risk

5.3 A determination process in which a recognised stakeholder was excluded from the DAA-led consultation phase, in which foundational demand data was redacted from the public record, in which different analytical frameworks were presented to different statutory audiences without reconciliation, and in which the strategic assumptions embedded in the CIP were not subjected to independent scrutiny, fails the objectives of the statutory process regardless of the quality of the IAA's analysis within the information provided. The integrity of the inputs determines the integrity of the output. Any Final Determination that does not comprehensively address the competition, capacity, policy and strategic planning questions identified in this letter will fall short of the IAA's statutory mandate and will be difficult to sustain against challenge.

Competition responsibility

5.4 In its 2016 submission to the Department of Transport on airport charges regulation, the CCPC[xxvii] stated explicitly that periodic market power assessment at Dublin Airport is the responsibility of the sectoral regulator – not the CCPC – as it requires sector-specific information available only to that regulator. The CCPC identified competition between terminals, including any new terminal which may be built, as one of the two primary mechanisms for increasing competition in the Irish airport sector. The IAA has a statutory responsibility – confirmed by the CCPC as residing specifically with the sectoral regulator – to ensure that its regulatory process addresses whether the capital plan being priced forecloses competitive infrastructure options. Given the CCPC's confirmed interest in this matter, DAT3 is copying this letter to the CCPC Chairperson for information.

5.5 The conduct record documented in this letter - the progressive masterplan migration toward eastern intensification without independent validation, the unilateral assumption of a Government decision on the crosswind runway, and the embedding of that direction in a regulatory submission seeking to have it supported and funded - represents precisely the pattern that independent regulation exists to interrogate.

5.6 That pattern has been candidly acknowledged, and from an authoritative source, by the recent public statement of Kenny Jacobs, who served as DAA Chief Executive from 2023 until his departure in early 2026. Speaking to Business Post editor Daniel McConnell in April 2026[xxviii], Mr Jacobs stated that an independent non-DAA terminal at Dublin Airport is possible and that he "certainly wouldn't rule it out." He acknowledged that such a model "exists elsewhere" and that "competition is always a good thing." His explanation for DAA's historical opposition was direct: "It wasn't on their pitch, so of course, why would you support it?" The significance of that statement is not that it stands alone. It is that it confirms, from the most recent holder of the office, what the conduct record already demonstrates: that DAA's resistance to an independent terminal has been driven by institutional self-interest rather than by principled assessment of the public interest. The IAA is the body that exists to ensure that institutional self-interest does not determine the outcome of questions of this kind.

6. What DAT3 Asks of the IAA

a) *Require DAA to work from a published, consulted masterplan downwards*

The IAA should require DAA to publish and consult upon its Masterplan for Dublin Airport – covering demand scenarios, campus options, long-term capacity sequencing to at least 55 MPPA, indicative costings for each development path, and key timing milestones and risks for eastern and western campus options – as a prerequisite for the Draft Determination. A five-year capital plan proposing a near-doubling of charges cannot be assessed for prudency without the masterplan it purports to implement. The published Masterplan must be reconciled against the Government's 2005 policy commitment, the Future Capacity Needs Report findings, and the Fingal LAP, and must be available for stakeholder comment before the Draft Determination is issued. The IAA cannot discharge its statutory function on the basis of a masterplan withheld from appropriate stakeholder consultation and external scrutiny.

b) *Require transparent triangulation of demand, capacity, and timescales*

The IAA should require DAA to produce, in the public record of this determination, a single reconciled document showing: passenger demand projections (unconstrained, mid and high cases, consistent with data already published by DAA in statutory planning proceedings); physical capacity of the infrastructure being commissioned at each realistic delivery stage from earliest to latest scenario; and realistic planning and construction timescales for each capacity increment. This integrated picture – demand against capacity against time – is what no statutory audience has ever been given and without which neither the IAA nor any stakeholder can assess what is actually being approved and delivered and by when.

c) Address the 2005 policy commitment and Future Capacity Needs Report independently

The IAA should require DAA, before the Draft Determination is published, to demonstrate how the CIP and Masterplan context is consistent with the Government's 2005 notified policy on competitive terminal provision and with the Future Capacity Needs Report 2018 findings on the optimal location for future capacity and the prerequisites for eastern campus intensification. That demonstration should be independently examined on the IAA's behalf – not self-assessed by DAA. Where consistency cannot be demonstrated, the inconsistency should be addressed before the Draft Determination, not deferred to the next determination cycle. The 2026 Determination is also the appropriate moment for the IAA to draw formally to the Department's attention the policy decisions that are prerequisites for a sound determination and that remain outstanding.

d) Address the crosswind runway as a regulatory matter

The IAA should decline to accept CIP assumptions that embed crosswind runway decommissioning without the Government decision that Oxford/CEPA, the Department and T-SAP II have confirmed is required, and which the IAA (CAR) concluded was not supported. The IAA should note formally that CAR's 2014 Determination conditioned North Runway remuneration on specified operational capability requirements – conditions whose status in the context of the current CIP has not been publicly addressed.

e) Remedy the information asymmetry and confirm scope

DAT3 requests that the IAA direct DAA to quickly remedy the engagement gap created by DAT3's exclusion from DAA's consultation phase and to address any asymmetry in access or information provided to DAT3 compared with other stakeholders to date. Confirmation of participation in remaining phases is necessary but insufficient. What is required is structured, substantive engagement initiated by DAA at the IAA's direction on the strategic issues raised in this letter, with sufficient time ahead of the Draft Determination for those issues to be addressed rather than noted.

The outstanding matters raised in DAT3's October 2025 submission that were not addressed in the December 2025 Conclusions, and the competition, capacity, and strategic planning questions identified in this letter, are within the scope of what the 2026 Determination must address. Any Final Determination that does not address them will fall short of the IAA's statutory mandate and will be difficult to sustain against challenge.

We enclose DAT3's submission to the Joint Oireachtas Committee on Transport of February 2026 and its Supplementary Submission of April 2026. Both are in the public record. The February 2026 submission addresses the masterplan, the capacity gap, the crosswind runway, the 2005 Government policy commitment, and the Policy Alignment Trigger at Sections 3 to 7. The April 2026 Supplementary Submission addresses the strategic foreclosure risk, the crosswind runway as unresolved Government business, the dual capacity crisis, and the DAT3 midfield road access development at Sections 4 to 7.

DAT3 would welcome the opportunity to discuss any of the matters raised in this letter at the IAA's convenience. We would be grateful for confirmation of safe receipt by return.

Yours sincerely

On behalf of Dublin Airport Terminal 3 Limited

cc Mr Brian McHugh, Chairperson, Competition and Consumer Protection Commission

Enclosures:

1. Submission to the Joint Oireachtas Committee on Transport, February 2026 (Sections 3–7 are of particular relevance)
2. Supplementary Submission to the Joint Oireachtas Committee on Transport, April 2026 (Sections 4–7 are of particular relevance)

APPENDIX 1: DAT3 AS STAKEHOLDER

Generally, a stakeholder in a public process or industry consultation is any individual, group, or organisation that can affect, be affected by, or perceive itself to be affected by a decision, policy, activity, or project. They have a vested interest – financial, social, or environmental – in the outcome.

In the specific context of the 2026 Determination, DAT3's standing as a stakeholder is reinforced by a distinct and cumulative set of legal, planning, and policy foundations, including:

1. ***Fingal Development Plan and Dublin Airport Local Area Plan***

DAT3's midfield lands are designated for airport use and the LAP explicitly provides for western campus development as the policy response to eastern campus capacity limits, directly bearing on the strategic assumptions embedded in any regulatory capital plan for Dublin Airport.

2. ***DAA's own Environmental Impact Assessment Report (2023)***

DAA's EIAR (F23A/0781, 2023) identifies the central midfield area - which includes DAT3's lands - as the location for "reasonably foreseeable" future developments including a new Terminal 3, new pier, and aircraft stands and apron space. This is a matter of statutory planning record, not a speculative claim.

3. ***The Future Capacity Needs Report (2018)***

Commissioned by the Department of Transport under the National Aviation Policy, this report identifies DAT3's midfield location as the optimal site for a future terminal - the only one of three possible locations without surface access constraints, as the optimal location for a future terminal – "an unconstrained site where it will be easier, cheaper and less complicated to develop the core terminal and stands".

4. ***The 2005 Government Policy Notification***

The Government's 2005 Aviation Action Plan – formally notified to the IAA (CAR) – committed to an open competitive process for Terminal 3. DAT3, as the owner of the lands identified as the optimal site for that terminal in the most recent Government-commissioned capacity study, has a direct interest in whether that policy commitment is being honoured or foreclosed in the capital planning assumptions now before the IAA.

5. ***The IAA's own recognition***

The IAA listed DAT3 as a recognised respondent in its December 2025 Conclusions alongside the airlines and other respondents.

This letter is written without the benefit of legal advice on all matters referenced herein and does not constitute a waiver of any rights.

REFERENCES

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[i] Future Capacity Needs at Ireland's State Airports report (Oxford/CEPA, 2018) – Review for Department of Transport https://assets.gov.ie/static/documents/review-of-future-capacity-needs-at-irelands-state-airports.pdf

[ii] Dublin Airport Environmental Impact Assessment Report, Chapter 21, Potential Future Developments including 21.4.8, part of F23A/0781, planning documents, available at https://planningapi.agileapplications.ie/api/application/document/FG/2QD7A35NQZA3YQZD29MHY3Z23NQ2Q4Q93SYVDKLE24T9U8KLH8USRUJ65LLF22AGMQBRM4PFTJVJS

[iii] National Policy Statement on Airport Charges Regulation https://assets.gov.ie/static/documents/national-policy-statement-on-airport-charges-regulation.pdf

[iv] 2026 Determination on Airport Charges at Dublin Airport: Issues Paper Consultation - 29 July 2025, paragraph 3.9

[v] Kenny Jacobs, interview with The Business Post 9 April 2026. Business Post podcast with ex-DAA chief Kenny Jacobs

[vi] Joint Committee on Transport, Wednesday, 24 March 2026

[vii] Joint Committee on Transport, Wednesday, 25 March 2026

[viii] See DAT3 Submission to the Joint Oireachtas Committee on Transport, February 2026, generally, particularly page 1 and paragraph 3.8; DAT3 Supplementary Submission to the Joint Oireachtas Committee on Transport, April 2026 generally, particularly paragraphs 4.4 – 4.5, 6.3

[ix] Ibid, generally

[x] See DAT3 Supplementary Submission to the Joint Oireachtas Committee on Transport, April 2026, particularly 4.2

[xi] DAA Draft Capital Investment Programme 2027 - 2031, Submission to IAA, March 2026, pages 11-12, Exhibit 1.5 "Evolving Masterplan Concept", Section 3.14 – 3.16

[xii] See DAT3 Supplementary Submission to the Joint Oireachtas Committee on Transport, April 2026, particularly section 6

[xiii] Transport Sectoral Adaptation Plan (T-SAP II), published by the Department of Transport, 14 November 2025 - a strategic document designed to help Ireland's transport system build long-term resilience, responding to climate impacts, page 102 https://www.gov.ie/en/department-of-transport/publications/transport-sectoral-adaptation-plan-t-sap-ii/

[xiv] See DAT3 Submission to the Joint Oireachtas Committee on Transport, February 2026, page 1

[xv] See DAA Draft Capital Investment Programme 2027 – 2031

[xvi] See DAA Draft Capital Investment Programme 2027 – 2031, in particular Exhibit 3.1 page 664

[xvii] See DAT3 Submission to the Joint Oireachtas Committee on Transport, February 2026, section 2, DAT3 submission to IAA, October 2025

[xviii] See DAT3 Supplementary Submission to the Joint Oireachtas Committee on Transport, April 2026, section 7, particularly 7.3

[xix] Proposed charges to increase from €8.31 per pax for 2023 to €14.99 in 2031 (before inflation) – DAA Dublin Airport 2017 2031 Regulatory Proposition

[xx] See DAT3 Submission to the Joint Oireachtas Committee on Transport, February 2026, in particular paragraphs 3.11 – 3.13

[xxi] Ibid, in particular paragraph 3.11

[xxii] DAA Draft Capital Investment Programme 2027 - 2031, Submission to IAA, March 2026, page 86

[xxiii] Ibid page 89

[xxiv] As confirmed by Office of the Information Commissioner (OIC) report referring to representation from Department of Transport - Case number: OIC-100680-R0W2B2 - Published on 28 March 2021

[xxv] Department of Transport - Meeting with Representatives of The Green Party - 20 May 2020

[xxvi] The Dublin Airport Vision 2040 Report (2023) produced by DAA in conjunction with its 40m. infrastructure application entitled "Planning for the Future - Our Vision" https://www.dublinairport.com/docs/default-source/corporate/91267-dublin-airport-vision-report-final-issue-nov-2023.pdf?sfvrsn=c8afb093_4

[xxvii] Review of the Regulatory Regime for Airport Charges in Ireland, Submission by the Competition and Consumer Protection Commission to Public Consultation by Department of Transport, Tourism and Sport, July 2016 https://www.ccpc.ie/business/wp-content/uploads/sites/3/2017/03/CCPC-Submission-to-DTTAS-on-airport-regulation-.pdf

[xxviii] Kenny Jacobs, interview with The Business Post 9 April 2026. Business Post podcast with ex-DAA chief Kenny Jacobs