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By email: consultation@iaa.ie; adrian.corcoran@iaa.ie

Dear Dr. Corcoran

Thank you for making time to meet on 5 May 2026 on the matters raised in DAT3's letter of 20 April 2026. Tim was unfortunately hospitalised at short notice and am grateful that the meeting proceeded, without him, with our regulatory and policy consultant.

This letter follows up on three sets of matters arising from the meeting.

- First, two points on which the IAA sought clarification from DAT3: confirmation of consent to publication of the 20 April letter, and DAT3's position on the Capital Investment Programme - addressed at sections 1 and 2 below, with a related observation on the proposed Trigger 0 at section 6.
- Second, matters arising from the discussion, including the scope of the IAA's mandate, the relevance of Government policy statements, the role of consultation, and the masterplan - addressed at sections 3 and 4 below.
- Third, and centrally, the matters the IAA did not appear to recognise as engaged by the determination: the 40 MPPA inflection point, the foreclosure risk, and what approval of a programme of this scale and directional significance - without an adequate masterplan, without the policy framework, and without addressing outstanding Government decisions - means in practice for current and future airport users. Those matters are addressed at sections 5 and 7.

This letter should be read in conjunction with our letter of 20 April 2026.

1. Publication and Stakeholder Status

1.1 DAT3 confirms its consent[1] to the IAA publishing its letter of 20 April 2026 as part of the public record of the 2026 Determination process. We would be grateful if you could notify us once the letter has been made available on the IAA's website, and similarly once the Draft Determination is imminent so that DAT3 can engage promptly on publication.

1.2 We appreciate the IAA's formal acknowledgement of DAT3 as a legitimate stakeholder and participant in the Determination process. It would be helpful if that recognition were

[1] DAT3 requests that all names of individuals and personally identifiable information be redacted from its ~~documents on publication, in compliance with privacy regulations.~~

reflected in DAA's consultation processes - including in particular where masterplanning involves potential scenarios, plans or potential development on areas that form part of or adjacent to DAT3's lands. DAT3 notes that to date its stakeholder status has not been reflected by DAA in its CIP consultation process and that a formal briefing on CIP27[2] and its constituent projects has not been offered. DAT3 asks the IAA to draw this to DAA's attention accordingly.

2. DAT3's Position on the Capital Investment Programme

2.1 I understand that a question was raised at the meeting as to whether DAT3 was proposing in its letter of 20 April that the IAA should not approve DAA's capital investment programme. I can confirm – as indicated at the meeting – that the letter of 20 April 2026 contained no such proposal. What the letter set out – and what this letter develops further – are the conditions of process integrity and statutory compliance that DAT3 submits must be met before a sound Determination can be made.

2.2 What our letter sets out is **five conditional requirements as to process integrity that DAT3 submits should be met before the IAA issues the Draft Determination**. These are process requirements going to the quality and defensibility of the Determination, not proposals to reject the CIP. The letter's statement that any Final Determination that does not comprehensively address the competition, capacity, policy and strategic planning questions identified will fall short of the IAA's statutory mandate and will be difficult to sustain against challenge is a legal framing about the standard the Determination must meet – not a proposal that the IAA should refuse to approve the capital investment programme.

2.3 DAT3's position on CIP27 is bounded and specific. To the extent CIP27 investments fall within the scope and capacity envelope of DAA's live 40 MPPA Infrastructure Application (F23A/0781) and is the maximum necessary to meet the annual originating and terminating passenger capacity limits established by DAA's own advisers, Ricondo[3] – DAT3 does not oppose it. DAT3 is clear: it supports the lifting of the passenger cap and the infrastructure investment required to bring Dublin Airport to 40 MPPA, as described in the planning process. What DAT3 submits is that the IAA cannot remunerate, without adequate conditions, a programme that allows the key policy and capacity decisions arising at 40 MPPA to be foreclosed by DAA's capital commitments rather than resolved by Government decision. DAT3 notes that many of the capacity pressures now presented as requiring immediate and unconditioned regulatory approval were foreseeable and that earlier action to seek planning permission or policy clarity was available to DAA. For clarity, DAT3 reserves its rights in all relevant planning processes in which it has entered observations, including in relation to F23A/0781, and this letter is without prejudice to those positions.

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2 Draft Capital Investment Programme 2027–2031, Submission to IAA, March 2026, published by IAA (CIP27).

3 Dublin Airport Overarching Capacity Report (Ricondo, July 2024 on behalf of DAA) forming part of DAA 40m infrastructure planning applications 2023 (F23A/0781), in particular Table 4.3, based on "Optimum" Level of Service (LoS).
https://planningapi.agileapplications.ie/api/application/document/FG/3VENY44TWEREQNDV3ASJEH2FCDP8UTDXZGMXW8EAU34ZHA44U3GG4T8ZYXZ6DTWWSU9GFHMSBW6DE

2.4 DAT3 cannot, however, give blanket support to a 669-page document that has not been independently delineated against that boundary. CIP27 as submitted to the IAA does not clearly distinguish between: projects within the F23A/0781 scope and capacity envelope; projects that would extend capacity beyond the Ricondo-established levels; projects contingent on Government decisions that have not been taken; and projects in the category that Oxford Economics/CEPA's Section 5 identified as requiring Government decision before the 40 MPPA threshold is reached. That absence of independent delineation is not DAT3's failure. It is a process and scrutiny deficit that the IAA's own mandate requires it to address.

2.5 The scale of the programme is itself a signal that demands scrutiny. DAA's CIP 2020+ submission to the IAA in 2019 was approximately €2.5 billion. CIP27, submitted to the IAA in April 2026, totals €5.6 billion – an increase of over €3 billion on the previous cycle. Of that, €3.1 billion is designated as Triggered Projects, of which €2.7 billion sits in the Airport Development category alone. DAA's own submission states that major Airport Development projects "are expected to extend beyond the 2031 horizon, potentially continuing until 2036" and describes the **Triggered Projects as representing "the transition toward the 55 MPPA masterplan.**" That is DAA's own characterisation, in the document submitted to the IAA for this Determination, of a programme that explicitly extends beyond the capacity envelope and the horizon of F23A/0781. The IAA cannot approve a programme so described without addressing what that transition means for the decisions of Government that Oxford Economics/CEPA identified as prerequisites – including the policy choices identified in the context of the IAA's own stated rationale for the 32 million passenger cap, the 2005 Government policy commitment, and the Future Capacity Needs Report – decisions that remain outstanding.

2.6 DAT3 also observes that the scale of investment proposed extends materially beyond anything DAA has previously delivered or is likely to finance within a single regulatory period, and that it is being advanced in the absence of the policy framework that Oxford Economics/CEPA identified as a prerequisite for a programme of this scope. The absence of that framework is not a reason to approve the programme regardless - it is a reason to require it before approval.

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2.8 We note and welcome the confirmation at the meeting that the IAA will reflect on the matters raised ahead of the Draft Determination, and that the Draft is open to substantial change in arriving at the Final Determination. DAT3 will engage formally with the Draft Determination on publication.

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4 DAT3 is not in a position to exhibit that material in this correspondence but is in a position to satisfy the IAA as to its authenticity and provenance if required.

5 DAT3 requires that paragraph 2.6 be redacted from any published version of this letter.

3. The IAA's Mandate, Government Policy and Statutory Obligations

3.1 The impression conveyed at the meeting was that the IAA's role is primarily the setting of airport charges in response to the capital programme as presented by DAA, and that questions of strategic direction, policy alignment, long-term campus configuration, and competition are more at the periphery of or outside that function. DAT3 places that impression on record because a determination made on the basis of that characterisation would not, in DAT3's submission, reflect the full scope of the IAA's published statutory mandate. We make the following points in response.

3.2 The National Policy Statement on Airport Charges Regulation establishes the overriding objective as ensuring that current and future airport customers are presented with choice, value and quality services. It is **explicit** that the airport charges regime is critical to promoting competition by ensuring that sufficient and appropriate additional capacity, including through additional terminals, is brought on stream to meet growing demand and to provide access points for new entrants.

3.3 The IAA's statutory objectives under Section 33 of the 2001 Act establish two distinct legal tests. The first is the principal objective: the IAA shall seek to protect and promote the reasonable interests of current and prospective users of Dublin Airport, being cognisant of the long-term needs of the airport in terms of capacity enhancements and passenger facilitation. A mandate that requires the IAA to be cognisant of long-term capacity needs is **not a mandate confined to evaluating the CIP as presented within a five-year pricing horizon**. The question of whether the capital programme being approved and funded forecloses competitive infrastructure options and pre-empts Government decisions that have not been taken is not peripheral to that objective. It is, on the IAA's own published framing, central to it. The second is the due regard obligation under Section 33(2): the IAA must have due regard to policy statements published by or on behalf of the Government or a Minister of the Government and notified to the IAA by the Minister in relation to the economic and social development of the State. These are separate and cumulative obligations. The analysis that follows engages both.

3.4 On competition specifically: in its 2016 submission to the Department of Transport, the CCPC confirmed that periodic market power assessment and **competition scrutiny at Dublin Airport is the responsibility of the sectoral regulator (IAA), as it requires sector-specific information available only to that regulator**. The CCPC identified competition between terminals as one of the two primary mechanisms for increasing competition in the Irish airport sector. That responsibility has not been transferred elsewhere. DAT3's letter of 20 April 2026 was copied to the CCPC Chairperson for this reason.

3.5 The IAA indicated at the meeting that it is no longer explicitly required to follow Government policy, and appeared to treat the **2005 Government decisions on timely and competitive provision of terminal capacity beyond Terminals 1 and 2** and the Future Capacity Needs Report (2018) as historical rather than operative instruments. DAT3 does not accept that characterisation. The 2005 commitment was formally notified to the IAA by the Minister for Transport and remains extant as an instrument of notified Government policy. The **Future Capacity Needs Report was commissioned as an instrument of National Aviation Policy** under Action 4.5.3 of the NAP; its conclusions are Government policy outputs, not consultancy opinion. DAT3 submits that **the Future Capacity Needs Report is captured both as notified Government policy engaging the IAA's principal objective and as a due regard factor under Section 33(2)** – the breadth of that provision, covering statements published "by or on behalf of" the Government relating to "economic and social development", is wide enough to encompass it on either basis. The absence of active Government implementation or reinforcement of these instruments does not reduce the statutory obligation of due regard to them.

3.6 During the meeting of the Joint Committee on Transport in March 2026 at which you were present, **the IAA stated in evidence**[6] that: "As things have transpired in the subsequent 20 years, it is clear that there is no requirement for this third terminal, at least in the short or medium term, yet the conditions intended to support the use of that terminal remain and the unique planning process currently applicable to Dublin Airport infrastructure applications seems likely to take many years to revoke or change." That statement is reflected in the Joint Committee's Pre-Legislative Scrutiny report, which records that the IAA advised the Committee[7] the 32 million passenger cap "was in fact a policy measure based on a 2006 Fingal local area plan that envisaged a third terminal on the western side of the airport," that the local area plan has since lapsed "rendering the original rationale for the condition obsolete," and that no other EU airport operates under an equivalent annual passenger cap.

3.7 This is a significant conclusion for the IAA to reach and provide to the Oireachtas on in its pre-legislative scrutiny. **We are unaware on what published evidential basis this has been reached or pursuant to what consultation process.** As the formal evidence of the sectoral regulator responsible for competition scrutiny at Dublin Airport this position warrants close examination. Oxford Economics/CEPA – the Government's own commissioned experts – did not conclude that there is no requirement for a third terminal. They concluded that the Government should make an early strategic decision on whether to build one, and identified the conditions and prerequisites that decision would require.

3.8 The **IAA's statement goes materially further: it answers, on behalf of Government, a question Oxford Economics/CEPA explicitly said Government needed to decide** – without the independent study Oxford Economics/CEPA identified as a prerequisite, without a Government decision to that effect, and without consultation. The Government has not made this decision. It is awaited and outstanding. The IAA is the only independent State body to have made this declaration. In doing so, it has characterised as obsolete a policy instrument it was the formal recipient of, the continued relevance of which Oxford Economics/CEPA confirmed as recently as 2018 and which the Department of Transport acknowledged to the Joint Oireachtas Committee in March 2026 remains active Government business. DAT3 considers this an extraordinary position for a regulator with a statutory competition mandate to advance in a public forum in advance of its own Draft Determination.

3.9 Where Government has not decided, where the policy decisions and recommendations identified in the Future Capacity Needs Report have remained unactioned and overdue at

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6 Official Record, Joint Committee on Transport, 24 March 2026.

7 Joint Committee on Transport, Report on Pre-Legislative Scrutiny of the General Scheme of the Dublin Airport (Passenger Capacity) Bill 2026, May 2026, page 15.

the Department of Transport for multiple years, and where the evidence points to an emerging significant capacity deficit at Dublin Airport likely to last through the 2030s, with significant costs to the economy if left unaddressed - the IAA cannot remain inactive and incurious if it is to fulfil its statutory mandate. The 2026 Determination is not a passive pricing exercise. It is the IAA's principal instrument for ensuring that the standards its mandate requires are met before multi-billion euro commitments are made on behalf of current and future airport users.

3.10 The 2026 Determination is also the appropriate moment for the IAA to draw formally to the Department of Transport's attention the policy decisions that Oxford Economics/CEPA identified as prerequisites for sound capacity planning and necessary for effective masterplanning – decisions that remain outstanding – and to make clear that those decisions cannot be made by a commercial entity through its capital programme processes, or by default through regulatory approval of that programme.

4. The Masterplan: The IAA's Own Guardrail

4.1 The IAA placed emphasis at the meeting on the fact that CIP27 is consistent with DAA's "masterplan", and indicated that the CIP was being tested by it for compliance against that document. The guardrail function the IAA ascribes to DAA's "masterplan" is the right principle – an instrument the IAA itself relies on to assess whether the capital programme is consistent with the policy framework it is required to have regard to. The question is whether the document DAA describes as its masterplan is capable of discharging that function. DAT3's submission is that it is not.

4.2 The IAA's own Issues Paper at paragraph 9.39 commits to assessing each CIP against a long-term masterplan to ensure the airport "is developed in a coherent and structured way", and explicitly identifies the crosswind runway and the long-term approach to T1 as important strategic decisions that may arise during the 2026 Determination. DAT3 notes that at the meeting on 5 May, the IAA indicated these questions as arising at the 2032 determination. **The IAA's Issues Paper says otherwise. More fundamentally, these are decisions of Government – confirmed as such by Oxford Economics/CEPA, the Department of Transport, and T-SAP II – that must precede any capital programme direction that forecloses or pre-empts them.** The sequence cannot be reversed: a determination cannot legitimise a capital programme premised on Government decisions that have not been made.

4.3 From the meeting, we understand IAA's position to be that the derivation, criteria or policy reconciliation of DAA's "masterplan" are largely matter for airport authority although IAA places significant reliance on it as a compliance reference. As was pointed out, **two materially different versions of DAA's longer-term "masterplan" have been deployed across the determination and planning processes.** The 2017/2019 version - referenced in the CIP 2020+ submission to the IAA and forming the basis for DAA's EIAR supporting the live 40 MPPA Infrastructure Application - depicted western campus development as a live trajectory, with the crosswind runway retained and a large satellite pier west of it. CIP27 presents a materially different direction: a capital programme of €5.6 billion submitted for regulatory approval and consumer funding which DAA's own representations confirm is intended to occupy the eastern campus for a period of the order of ten to fifteen years from approval, and which advances crosswind decommissioning as the basis for future masterplan development. DAT3 does not challenge DAA's stated intention to develop a transparent evidence base on decommissioning. What DAT3 observes is that this direction is being advanced - and submitted for regulatory endorsement – prematurely and is ahead of the necessary Government decisions and independent assessments Oxford Economics/CEPA identified as prerequisites. Western campus development could potentially be reduced to little more than a contingency option in that process, not by Government decision but by the progressive effect of regulatory approvals made in the absence of one. **IAA endorsement or approval of the capital programme on the basis of that document provides the regulatory credibility that advances this direction toward entrenchment.** The question for the IAA is not what DAA intends to study. It is what the IAA is being asked to support, approve or fund before those studies are complete and those independent decisions are made.

4.4 IATA's Airport Master Planning guidance – the published industry standard – defines a successful master plan as one that: outlines a phasing plan detailing incremental expansion until ultimate capacity is met, with minimum disruption to existing operations; satisfies all planning regulations and overcomes environmental constraints; is based on a process of consultation and transparency resulting in a plan agreed with all key stakeholders; guides land use in the surrounding area of the airport; and is prepared by specialised teams with global experience. IATA is explicit that "a structured planning process is essential to develop a viable and credible master plan that is informed by stakeholder inputs throughout." **Against that standard, the document DAA describes as its masterplan fails on each material criterion.**

4.5 Beyond content, the IATA standard is equally clear on process and publication. Perth Airport's Master Plan 2026 – a draft is publicly available – is a current example from the Australian policy tradition that was a direct reference point for Ireland's Department of Transport when consultations on the National Aviation Policy first commenced in 2012. Perth Airport's Master Plan is published, stakeholder-consulted with a dedicated consultation chapter, and policy-reconciled. Auckland International Airport's Master Plan 2025 and Toronto Pearson's Master Plan are publicly available and demonstrate similar standards: extensive stakeholder engagement including public workshops, open houses, standing community advisory committees, and published consultation reports. Dublin Port Company, operating under the oversight of the Department of Transport, published its Masterplan 2040 with a detailed public consultation record – over 300 submissions received across multiple phases, liaison with Dublin City Council as planning authority, and a defined five-year review cycle with external stakeholder consultation built in. **Against each of these, the document DAA describes as its masterplan – unpublished, not independently assessed, not reconciled with contrary evidence or policy, with no described derivation methodology and no defined review cycle – does not meet the standard.**

4.6 There is a further and specific failure that the IATA standard makes explicit: a masterplan must guide land use in the surrounding area of the airport. The DA-zoned midfield lands are identified in DAA's own EIAR (F23A/0781), in Oxford Economics/CEPA's Future Capacity Needs Report, and in the Fingal Dublin Airport Local Area Plan as integral to any development of Dublin Airport beyond 40 MPPA. A masterplan that does not transparently address the full DA-zoned campus – applying objective criteria to all development options across it, not only those on the current operator's existing landholding – does not satisfy the IATA land use guidance standard. The policy consequence is material: infrastructure lead times at Dublin Airport are a decade or more; DAA is committed to phased and incremental development; and Oxford Economics/CEPA confirmed that decisions on the full midfield campus must be addressed early in the 2020s if capacity beyond 40 MPPA is to be delivered on the timescales demand requires. A masterplan that references those lands without transparently addressing the options, contingencies, sequencing and acquisition implications across the full DA-zoned campus - and without applying objective criteria to development paths on and off DAA's current landholding - **does not satisfy the IATA land use guidance standard** and cannot provide a sound basis for a determination intended to guide investment to 55 MPPA and beyond.

4.7 The National Policy Statement on Airport Charges Regulation and the IAA's statutory objectives require a functional masterplan - one that can genuinely guide orderly and transparent development in the manner the IAA's Issues Paper describes. For the reasons set out at paragraphs 4.3 to 4.6 above, the document DAA describes as its masterplan does not meet that requirement. To function as the guardrail the IAA relies on, a **masterplan must demonstrate** how it was derived, what objective criteria were applied, how it reconciles with the Future Capacity Needs Report's findings and the Government policy framework the IAA is required to have regard to, and how it addresses the capacity and access concerns Oxford Economics/CEPA identified as unresolved. None of those demonstrations has been made. What the IAA has is a document that has been deployed selectively across regulatory and planning processes, that has changed strategic direction between cycles without policy reconciliation or stakeholder engagement, and that has never been subjected to independent assessment. That is not a guardrail. A Determination that relies on it as a compliance reference, without requiring it to meet the standard the IAA's own Issues Paper demands, will be difficult to sustain against challenge.

5. The Direction of Travel, the 40 MPPA Inflection Point, and the Foreclosure Risk

5.1 CIP27 states that the focus of planned developments is to the east of the existing airport campus. It discloses two long-term alternatives: retention of Runway 16/34 requiring western satellite development at an estimated cost of €5.1 billion; and decommissioning enabling eastern campus intensification at an estimated €2.8 billion. DAA states that – given no airline has formally objected to potential decommissioning – **it will advance planning to integrate decommissioning into its long-term masterplan**, developing a transparent evidence base on operational, safety and cost implications. DAT3 does not challenge that as a statement of intent. What it observes is that this direction is being advanced – and submitted for regulatory approval and consumer funding – without the Government decisions those choices require and without the independent assessment Oxford Economics/CEPA identified as a prerequisite.

5.2 The IAA cannot make a determination that, in its effect, makes them or otherwise confers legitimacy on them by default. The distinction is important and, in DAT3's submission, it is precisely the distinction that the IAA's mandate requires it to observe.

5.3 The Future Capacity Needs Report identified the policy decisions required at 40 MPPA – on campus direction, crosswind runway, competitive terminal provision, and surface access – as requiring Government action early in the 2020s, on the basis that 40 MPPA would be reached around 2030/31. The IAA stated at the meeting that it now expects passenger numbers to reach 40 MPPA by approximately 2028 – two to three years earlier than the Oxford Economics/CEPA baseline. At the meeting of 5 May, the IAA indicated these questions as arising at the 2032 determination. The policy decisions Oxford Economics/CEPA identified as requiring action early in the 2020s on a 2030/31 demand timeline are now being deferred to the 2032 determination on a 2028 demand timeline. **Each regulatory period that passes without those decisions entrenches the eastern campus direction more deeply as the de facto outcome and forecloses the alternatives Oxford Economics/CEPA said required a long-term view.** The IAA approving the 2026 Determination without requiring that long-term view risks providing a perpetual licence to the incumbent operator to determine, through its capital programme, the strategic outcome that Government policy reserved for Government decision. The IAA cannot approve this Determination and treat the progressive entrenchment of that outcome as a neutral regulatory consequence.

5.4 Oxford Economics/CEPA were explicit on the dynamic this creates. They found that while incremental expansion of T1 and T2 to 40 MPPA is plausible in the short term, "it could be argued that **incremental expansion of T1 and T2 would compromise the business case for a third terminal, the more so the further that expansion proceeds.**" They noted that while the two options are not mutually exclusive in principle, "the decision to invest in one will affect the business case for investing in the other, and **it is necessary to take a long-term view to consider which option should be pursued.**" Oxford Economics/CEPA added that a third terminal decision would be required – on their central forecast – by about 2031, meaning early in the 2020s. That forecast has been overtaken: 40 MPPA is now expected by 2028 and is relevant to the 2026 Determination.

5.5 Oxford Economics/CEPA also identified a concern that has not diminished with time: "We have serious concerns about the surface access implications of concentrating all or most surface access in the eastern campus. Even if DAA can achieve very local surface access requirements and it is a feasible and least cost option for the airport, **it may prove not to be the least cost option for Ireland as a whole.**" Without detailed engineering and architectural studies, Oxford Economics/CEPA were unable to assess whether DAA's eastern expansion plans to 55 MPPA are plausible, and **characterised eastern-only intensification as a potential false economy**. That study was identified as necessary in 2018. It has not been conducted. The absence of a formal, explicit Government decision on the direction of eastern expansion beyond 40 MPPA – and the absence of the independent assessment Oxford Economics/CEPA said was a prerequisite – is, in DAT3's submission, a block to the IAA approving the €3.1 billion of Triggered Projects premised on that direction. Approval of investment to be funded by and to impact future users, without that assessment and without the Government decision Oxford Economics/CEPA identified as a prerequisite, would itself constitute a determination of the policy question that Government has not resolved - made not by those with the mandate to make it, but by the compounding effect of regulatory approval in the absence of one.

5.6 In CAP3238 (April 2026), the UK Civil Aviation Authority addressed precisely this concern - of how an incumbent airport operator's capital programme could entrench that operator as the default developer of expansion and undermine contestability. The CAA considered how, in that context, protections were built in to ensure that consumer-funded work could be transferred to alternative developers and would not foreclose competition. The potential for competition through alternative developers to reduce expansion costs and improve outcomes for users must be preserved; **the CAA linked this explicitly to its statutory duty to promote competition.** The IAA has an equivalent statutory duty and an equivalent competition mandate.

5.7 CIP27 does not answer - and the IAA has not required DAA to answer - which projects fall within the scope and capacity envelope of F23A/0781; which extend capacity beyond the Ricondo-established 40 MPPA terminal ceiling; which are contingent on Government decisions not yet taken; and which fall within the category Oxford Economics/CEPA Section 5 identified as requiring Government decision before 40 MPPA is reached. Those are not supplementary questions. They are the questions the IAA's own statutory obligations require it to answer before a sound Determination can be made.

5.8 CIP27 advances crosswind decommissioning as the trajectory DAA intends to pursue and embed in future masterplan iterations. To accept that trajectory without a Government decision - and without the independent assessment Oxford Economics/CEPA identified as a prerequisite - would be to endorse, through regulatory approval, a direction that Government has reserved for its own decision. **A regulator with a competition mandate should not enable that entrenchment.** The IAA's own 2014 Determination conditioned North Runway remuneration on DAA operating an airport capable of remaining open to arriving traffic in crosswind conditions. That is a live financial condition. CIP27 advances the assumption that the crosswind runway will be decommissioned without addressing the status of that condition. The Draft Determination must address this.

6. Objection to the Proposed Third Trigger Point

6.1 In the context of the foregoing, DAT3 considers it premature to introduce the proposed Trigger 0.

6.2 Absent the policy clarity that DAT3's Section 6 asks are designed to secure, and absent a masterplan that meets the standard the IAA's own Issues Paper requires, the IAA cannot reliably assess which Triggered Projects are properly the subject of early cost recovery and which are not. Trigger 0 pre-funding should not in any event extend beyond the scope and capacity envelope of F23A/0781 and the Ricondo-established 40 MPPA terminal / 43.5 MPPA total passenger ceiling, and should not extend to Triggered Projects contingent on Government decisions not yet taken or on the independent assessment Oxford Economics/CEPA identified as a prerequisite for advancing beyond the 40 MPPA boundary.

7. The Cumulative Effect and the Standard for a Sound Determination

7.1 The matters raised in this letter and in DAT3's letter of 20 April 2026 are not a series of separate objections. They describe a single dynamic: the progressive entrenchment of DAA as the sole developer of all capacity beyond 40 MPPA, enabled, potentially, by regulatory approval of the kind now sought in the 2026 Determination, on the basis of a document DAA describes as its masterplan that has never been required to demonstrate how it was derived, what criteria were applied, or how it reconciles with the Future Capacity Needs Report's findings. Oxford Economics/CEPA identified this dynamic in 2018 and said it required Government intervention early in the 2020s to prevent the T1/T2 expansion trajectory from foreclosing the alternatives. That intervention has not happened. Each determination cycle that passes without it makes the foreclosure more complete.

7.2 DAT3 places before the IAA five specific contradictions that are engaged by this Determination and that the Draft Determination must address.

7.3 **First**: the IAA at the meeting relied on DAA's 'masterplan' as the compliance reference for CIP27, yet its Issues Paper commits it to assessing each CIP against a long-term masterplan meeting defined criteria, and identifies the crosswind runway and T1 decisions as live questions for this Determination. We are unclear as to how the document's derivation, criteria or policy reconciliation are adequately demonstrated and submit that the IAA cannot rely on it as a guardrail whose adequacy it has not tested.

7.4 **Second**: what the IAA relies on as a "masterplan" is not a masterplan by any published standard – not IATA, not Dublin Port, not Perth, not Auckland, not Toronto. It is a document that has changed strategic direction between cycles without policy reconciliation, independent validation, or stakeholder engagement. Until it meets the standard that a functional masterplan requires, it cannot serve as persuasive evidence for the approval of a €5.6 billion programme. What it is more persuasive of is the perpetual licence dynamic Oxford Economics/CEPA warned against: each cycle validates the next increment, the guardrail moves with the CIP, and the long-term direction is determined not by Government decision but by the compounding effect of regulatory approvals.

7.5 **Third**: the IAA stated to the Oireachtas that there is no requirement for a third terminal in the medium term. Other than DAA who has concluded this? The Government's last future capacity assessment by Oxford Economics/CEPA did not conclude this. They concluded that the Government should make an early strategic decision on whether to build one. The Government has not made that decision – it is awaited and outstanding. Other than DAA who has concluded this? The IAA is the only independent State body to offer this conclusion: without the independent study Oxford Economics/CEPA identified as a prerequisite, without a Government decision, and without consultation. The IAA has answered, in a public parliamentary forum, a question that Oxford Economics/CEPA said was for Government to decide.

7.6 **Fourth**: the IAA characterised, at the meeting of 5 May, CIP27 as essentially completing the 2019 CIP. DAA characterises it as "the transition toward the 55 MPPA masterplan." CIP27 totals €5.6 billion against €2.5 billion in 2019, includes €3.1 billion of Triggered Projects extending potentially to 2036, and embeds a strategic direction – eastern consolidation, crosswind decommissioning advancing as a planning assumption – that Oxford Economics/CEPA said requires a Government decision and detailed independent study before it can be responsibly adopted. A programme of this scale, horizon and strategic implication cannot be characterised as the completion of a prior cycle. It is the beginning of a new one - and it is being advanced without the policy framework Oxford Economics/CEPA said that new phase requires.

7.7 **Fifth**: the IAA challenged, at the meeting of 5 May, the evidential relevance of annual capacity figures – the Ricondo analysis – in favour of hourly metrics. If the IAA's capacity methodology is sound, there should be a demonstrable, transparent and reconcilable evidential basis for it – one that can be tested against the capacity ceiling DAA's own advisers placed on the statutory planning record. That basis has not been provided. Replacing the one objective, independently prepared capacity measure in the public record with an untested methodology, without explanation or independent analysis, leaves the Determination without a defensible capacity anchor.

7.8 What DAT3 asks of the IAA is not that it refuse to approve the CIP. It is that approval, where the evidence supports it, be given on terms its own mandate requires. As set out at section 2, that approval must be bounded - to the scope and capacity envelope of F23A/0781 and the Ricondo-established 40 MPPA terminal ceiling, with Triggered Projects beyond that boundary requiring the policy framework and independent assessment Oxford Economics/CEPA identified as prerequisites. As set out at section 3, that approval must be informed by policy - the IAA drawing formally to the Department of Transport's attention the outstanding Government decisions Oxford Economics/CEPA identified, and requiring DAA to demonstrate consistency of the CIP with the 2005 notified policy commitment and the Future Capacity Needs Report. And as set out at section 5, that approval must not foreclose - the IAA declining to approve projects contingent on Government decisions that have not been made, and ensuring that any early-stage cost recovery does not entrench DAA as the sole developer of future capacity, undermine contestability, or foreclose competitive alternatives.

7.9 Central to all of this is the requirement - anchored in the IAA's own Issues Paper - for a functional masterplan, as described at section 4. Absent that requirement being met, the IAA in its Draft Determination should state explicitly what conditions DAA must satisfy - and what policy decisions the Department of Transport must address - before the IAA can engage with DAA's capital programme beyond the boundaries of the current planning application, and before any option that continues indeterminately on the eastern campus can be approved without the independent assessment of viability, surface access, and long-term cost that Oxford Economics/CEPA identified as outstanding. If those conditions are not stated in the Draft Determination, the opportunity to require them will not arise again before 2032.

7.10 DAT3's five asks set out in the letter of 20 April 2026 remain as set out and this letter does not add to or supersede them. DAT3 will engage with the Draft Determination on publication.

I trust that this letter will be useful input to the IAA's determination process. Should you require any clarification on the content of this or our earlier letter, or wish to arrange a follow-up meeting, I would be pleased to assist.

Please regard this letter as forming part of DAT3's formal submissions to the 2026 Determination process and as available for publication subject to the consent and redaction terms set out at paragraphs 1.1 and 2.6 above.

DAT3 anticipates the IAA will wish to discuss a number of the matters raised in this correspondence with the Department of Transport, and is fully agreeable to these matters being drawn to the Department's attention.

Yours sincerely

On behalf of Dublin Airport Terminal 3 Limited

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

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