

Response to the IAA's Draft Determination on the Maximum Levels of Airport Charges at Dublin Airport 2027-2031

From DA TERMINAL 3 LIMITED (DAT3)

September 2026

1 Introduction

- 1.1 This submission responds to the Draft Determination published by the IAA on 14 July 2026. It is made together with, and should be read alongside, DAT3's letters of 20 April 2026 and 12 May 2026, which together form one continuous submission to this determination process. DAT3 welcomes the IAA's stated willingness to correspond or meet with interested parties to clarify their submissions, and is ready for further engagement on that basis.
- 1.2 DAT3's view is that the IAA has not adequately addressed several critical matters, measured against its own previous findings and the standards to which this determination is subject.
- For example, its Issues Paper set a masterplan test this Determination does not apply. Its 2019 crosswind report set out findings this Determination does not reference. Section 33 requires due regard to competition and future users - DAT3 submits this Determination neither shows what due regard was had, nor that it was sufficient.
 - On whether a third terminal is needed - a question outside its remit - the IAA told the Oireachtas Committee, when addressing the "policy measure" underpinning the 32m cap, that it is clear that there is no such requirement in the short or medium term. This Determination does not explain or address that declaration, notwithstanding this being a central question for Government raised by the Future Capacity Needs Report.

2 DAT3 Prior Submissions

- 2.1 This section addresses the Draft Determination's treatment of its five specific requests set out at Section 6 of DAT3's letter of 20 April 2026, and five key matters in DAT3's letter of 12 May 2026.

A. The Five Section 6 Asks (20 April 2026)

Issue (and original reference)	DAT3's Ask of IAA	IAA's Response (Draft Determination)	Addressed ?	This Submission
Masterplan (incl Sections 4.6-4.10 in particular, 6a) ⁱ	Require DAA to work from a published, consulted masterplan downwards, reconciled against National Aviation Policy, the Future Capacity Needs Report, and the Fingal LAP.	Published DAA's CIP27-Appendix 4 (Masterplan Compliance) report – a self-assessment by DAA of DAA's own compliance, not an independently examined or consulted masterplan.	X	Section 4
Demand/Capacity/Timescales (Section 3, 6b) ⁱⁱ	Require transparent triangulation of demand, capacity, and timescales on the public record.	Not answered.	X	Sections 3, 5, 6

Issue (and original reference)	DAT3's Ask of IAA	IAA's Response (Draft Determination)	Addressed ?	This Submission
2005 Policy / Future Capacity Needs Report (Section 3, 6c) ⁱⁱⁱ	Address the 2005 policy commitment and Future Capacity Needs Report independently, rather than accepting DAA's self-assessment.	Not answered.	X	Sections 3, 5, 7
Crosswind Runway (Section 3, 6d) ^{iv}	Address the crosswind runway (16/34) as a regulatory matter and decline assumptions that could embed its decommissioning without a formal Government decision.	Proposes treating the 2014 remuneration condition as no longer operative, on the basis the question should be considered afresh – moving in the opposite direction to the one asked.	X	Section 3
Information Asymmetry (Section 6e) ^v	Remedy information asymmetry and procedural exclusion by directing DAA to engage substantively with DAT3.	Not substantively addressed (beyond agreeing forecasts should not be redacted).	X	Section 8

B. The 12 May 2026 Letter

2.1 DAT3's 12 May letter raised matters beyond the five asks of 20 April.

2.2 At Section 3, it addressed the IAA's statutory due regard to **competition** and its anticipated role in assessing it - grounded in the National Policy Statement's competition objective, Section 33's own due regard test, and the CCPC's 2016 submission confirming that role as the IAA's specifically - dealt with at Sections 5 and 8 of this submission.

2.3 In Section 7 of the 12 May letter, DAT identified five specific contradictions engaged by this Determination that the Draft Determination was required to address. The table addresses below assesses in the context of the Draft Determination.

Issue (and original reference)	DAT3's Ask of IAA	IAA's Response (Draft Determination)	Addressed ?	This Submission
Masterplan as Compliance Benchmark (Section 7.3) ^{vi}	DAA's 'masterplan' not demonstrated as a valid compliance benchmark - its derivation, criteria, and reconciliation to policy untested.	Published a new DAA Appendix 4 (DD 10.137); no stated assessment criteria; no independent review recorded.	X	Section 4
Masterplan Standard (Section 7.4) ^{vii}	Requirement for a masterplan guardrail to meet recognised standards – eg IATA, Dublin Port, Perth, Auckland or Toronto – and with reconciliation to policy.	Not addressed.	X	Section 4
Third-Terminal Conclusions (Section 7.5) ^{viii}	The IAA told the Oireachtas a third terminal is not required in the medium term – a strategic question the Future Capacity Needs Report identified as reserved to Government – without independent study or consultation.	Not explained. Restates as “uncontroversial”/“obvious” (DD 10.143); admits the broader question was unaddressed.	X	Section 5, 6

Issue (and original reference)	DAT3's Ask of IAA	IAA's Response (Draft Determination)	Addressed ?	This Submission
Strategic Designation of CIP27 & Policy Prerequisites (Section 7.6) ^{ix}	Treat DAA's €5.6bn CIP27 plan, including Triggered Projects extending into the 2030s, as a new strategic cycle - not merely a roll forward of CIP2020+: it embeds long-term direction (eastern consolidation, crosswind decommissioning) that Oxford/CEPA said requires a prior Government decision and independent study	Disagreed. Treats CIP27 as 'largely a roll forward' of CIP2020+ - without addressing the €3.1bn Triggered Projects or the eastern consolidation/ crosswind direction CIP27 embeds. Proceeds without adequately testing alternatives to DAA's 10-year delivery model (DD 10.147) - potentially facilitating a bypass of the Government decision and independent study Oxford/CEPA said this direction requires.	X	Section 7
Capacity — Planning Process vs Determination (Section 7.7) ^x	Test and explain capacity used in DD against DAA's Ricondo ceiling on the statutory planning record.	Dismisses relevance of annual-capacity figures generally (DD 10.141); does not engage Ricondo specifically.	X	Section 6

- 2.4 Insofar as the comments of the IAA in paragraphs 4.16 and 4.29 of the Draft Determination seek to undermine DAT3's submission of 12 May or otherwise dismantle the chain of evidence, these assertions are wholly rejected.
- 2.5 The absence of DAT3's representative - caused entirely by an unforeseen medical matter - improperly elevates form over substance. The meeting proceeded by agreement with a DAT3's regulatory and policy consultant.
- 2.6 DAT3's letter reported the impression DAT3 formed at the meeting, which DAT3 stands over, based upon a detailed contemporaneous account. That is not the point however, IAA requests stakeholders to place their evidence and statutory arguments directly before the Authority during the official consultation window, which is what DAT3 has simply done. DAT3's letter of 12 May simply reported its impression, explicitly inviting the IAA to engage further or seek clarification.
- 2.7 In any event, both of DAT's letters are listed by the IAA itself among the published submissions against this Draft Determination – putting DAT3's evidence on the IAA's record for this determination.
- 2.8 In the spirit of the IAA's own invitation to full and robust consultation, DAT3 raises the matters in this submission accordingly - to place its position before the IAA as fully as that process requires. The full scope of that due regard obligation is addressed at Section 5.

3 The Crosswind Runway and the 2014 Condition

- 3.1 At DD 10.148 the IAA states it "welcome[s] stakeholder views on the point of removing the 2014 condition" and that expressing support will not indicate a party's position on decommissioning. DAT3 responds to that invitation. Its position is not that the condition should be retained, nor that it should be

treated as spent - DAT3 opposes any determination proceeding on either basis. The evidence and the Government decision needed to determine the question are not presently before the IAA, and the question cannot properly be decided until they are.

- 3.2 Closing a runway - even a contingency runway - at our capital city's only airport is a significant, irrevocable decision, properly taken only by Government, after thorough examination. It is more consequential still given climate change: the Transport Sectoral Adaptation Plan 2025-2030 (T-SAP II) identifies intense storms and crosswinds as the most significant climate risk to aviation (section 5.1.6), records that the evidence previously before the Department – from the IAA 2019 Report – was that there is no business case for decommissioning the crosswind runway, and scores disruption risk to Dublin Airport operations accordingly.
- 3.3 Decommissioning the crosswind runway is being advanced by DAA, albeit conditionally and directionally, on its own preferred financial comparison, and will likely entrench its preferred approach to future development - understandable from DAA's corporate perspective, but not subjected to the scrutiny the Department of Transport has itself publicly required, in 2018, 2019, 2021 and 2025.
- The IAA/CAR's own 2019 report to the Minister - prepared because the Future Capacity Needs Report found the runway question required an early Government decision, as it "substantially affects the available development options and their cost and relative advantages" - found that absent "a clear business case demonstrating that the benefits of decommissioning...outweigh the costs, it must be retained." It quantified the annual cost of closure at €29-48 million, covering 1,468 to 2,251 flights, excluding delay, cancellation and wider economic effects.
 - That the decision remains outstanding is confirmed by Government, not asserted by DAT3. The Department of Transport told the Office of the Information Commissioner in 2021 that the question remained subject to review "prior to seeking a Government decision" (OIC-100680-R0W2B2). T-SAP II records, as recently as late 2025, that "the strategic decision on the retention of this runway is part of a separate discussion" that has been "referred...for further consideration." No Government decision has been made.
- 3.4 At DD 10.146 the IAA states that DAA has made no proposal to decommission Runway 16/34, and that removing the 2014 condition would allow it to "explore both options further" without pre-determining a question the IAA accepts belongs to Government. This response does not stand up to scrutiny.
- 3.5 The 2014 condition is presently the only regulatory instrument specific to the crosswind runway holding the Government decision open. Removing it is premature: no Government decision has yet been made.
- 3.6 The IAA's own Issues Paper described the crosswind runway's future as one of the "important strategic decisions which may arise during the 2026 Determination," alongside the medium/long-term approach to Terminal 1. Despite this, and despite DAT3's representations supported by the policy documents addressed below, the Draft Determination now takes the view that the remuneration condition is no longer operative, and that campus-direction decisions - themselves integrally linked to the crosswind runway - should no longer be constrained by it. In support, the IAA notes that implementation of CIP27 will take at least 10 years. The Future Capacity Needs report draws the opposite conclusion from the same timeline: reaching the expected 40 million passengers by 2031 requires early decisions some 10 years out (in the early 2020s), on constraints including the crosswind runway and surface access - precisely so long-term terminal and campus capacity can be delivered safely and on time. A ten-year delivery horizon is a policy reason to decide early, not a reason to defer. But the absence of that decision of Government is not a basis for IAA to increase user charges which are linked to the crosswind.

- 3.7 y confirming the condition spent, the IAA removes the one active regulatory prompt for the Department to take that decision - a decision whose timely resolution serves the interests of future users and the efficient development of Dublin Airport.
- 3.8 DAT3 notes that the IAA's view is also informed by DAA's own financial estimates, produced at a very early stage of the analysis. In substance, the IAA is giving undue evidential weight to the untested, commercially interested perspective of DAA - despite such a decision being properly that which belongs to Government, with wide policy and long-term consequences.
- 3.9 The material before the IAA is a cost comparison and nothing else: DAA's estimate of some €5.1 billion to retain Runway 16/34 - a new western satellite pier and automated people mover - against €2.8 billion to replace and extend Piers 2 and 3 following decommissioning (DD 10.130). It contains no assessment of the service proposition under either option, of resilience, or of who may provide terminal capacity at Dublin Airport - and none of the assessment the Future Capacity Needs Report identified as necessary, which found itself "unable to assess DAA's satellite concept" and that the concept, while "not inherently implausible," "requires further demonstration," including "the impact on operations during construction." Eight years on, that assessment has not been produced.
- 3.10 That contrasts with the scrutiny applied throughout the same document. Every CIP27 project enters Independent Fund Surveyor review; projects above approximately €20 million enter the StageGate process. A €2.3 billion figure determining the physical direction of Dublin Airport for a generation has been subject to none of it. DAT3 does not suggest that cost-efficiency review would resolve whether decommissioning is justified - that remains a matter for Government. But a figure of this scale should not receive less financial scrutiny than every other capital number in CIP27, and at present it receives none.
- 3.11 As set out at 3.15 below, DAA's own documents already treat decommissioning as unlocking western campus development.
- 3.12 Hence this is not some narrow, immaterial and inconsequential decision for the IAA as regulator. Rather it is part of something much larger, recognised by IAA itself in its July 2025 paper for this determination at 9.39.

Dublin Airport's various Capex programmes are currently underpinned by and in line with a rolling Masterplan. Each new Capital Investment Plan (CIP) should continue to be guided by this long-term plan as this will ensure that the airport is developed in a coherent and structured way. We note that there are a number of important strategic decisions which may arise during the 2026 Determination; for example, the medium/long term approach to T1 and whether it should be comprehensively refurbished or alternatively replaced, and whether the crosswind runway 16-34 should be retained as an operational runway.

- 3.13 The consequence for the western campus is common ground between the Department of Transport's Future Capacity Needs report, the IAA's (formerly CAR's) crosswind runway report, and DAA itself. The 2019 report found decommissioning would "postpone or remove the need to develop passenger operations on the western side of the campus." DAA's own Masterplan Compliance Report says the same from the other direction: retention "imposes significant development constraints on the eastern campus," while removal "unlocks substantial additional development opportunity" there. All three - the Future Capacity Needs Report, the crosswind runway report, and DAA's own Masterplan Compliance Report - agree on this consequence for the western campus. The Draft Determination alone is silent on it.
- 3.14 The stakeholder support DAA relies on for its direction of travel is conditional on precisely the analysis that has not been produced. CIP27's own consultation record describes "a mix of support and conditional

openness," with users supportive only "provided that Dublin Airport can demonstrate that operational requirements can continue to be met" - conditions presently unmet.

3.15 Read together with the Capital Planning Studies funding at DD 10.149, the proposal to treat the 2014 condition as no longer operative endorses and facilitates a specific direction of travel - a change from the masterplan approach recorded in every prior CIP cycle - without independent scrutiny and without the due regard to competition Section 5 addresses. The IAA is not removing a planning condition; it is confirming a remuneration condition no longer operative. That distinction does not reduce the effect: as set out at 3.2 above, confirming the condition spent is nonetheless substantive, and facilitates the foreclosure risk addressed in Sections 7 and 8.

3.16 Once eastern-campus spending is approved and users start paying for it through airport charges, that money is spent - reversing course later means writing off investment users have already funded. Approving a capital plan isn't formally a planning decision, but it works like one: every determination cycle that funds the eastern direction makes it harder to still choose the western one.

3.17 The Final Determination should hold the 2014 condition and withhold endorsement of the direction of travel CIP27 sets, pending:

- a Government decision on the crosswind runway, properly informed by the Future Capacity Need (Oxford/CEPA) report's findings (including feasibility and disruption implications of remodelling Terminals 1 and 2 beyond 40mppa);
- an independently reviewed, stakeholder-consulted masterplan that aligns with that decision and, within it, tests DAA's €5.1bn/€2.8bn cost estimates against Oxford's own findings on the western site - an unconstrained site where it will be easier, cheaper and less complicated to develop the core terminal and stands, assuming land is made available
- an updated CAR assessment, the 2019 report now being several years old; and a climate-change risk assessment of the runway's removal, consistent with the Transport Sectoral Adaptation Plan's own risk scoring.

3.18 Absent all of that, DAT3's position is that there is no justifiable basis to confirm the 2014 condition spent. Pending that decision, the IAA should itself formally draw the Department of Transport's attention to the requirement for it - rather than, by discharging the condition, remove the one mechanism presently requiring the Department to address the question at all.

4 The Masterplan Compliance Report – DAA Marking Its Own Work

4.1 The IAA states as their response to DAT3 submissions "We have now published Dublin Airport's CIP27-Appendix 4 (Masterplan Compliance) report."

4.2 This document is not an airport masterplan - it is DAA's own compatibility exercise, run project-by-project against two scenarios nominally held open, each project marked Fully Compliant, Asset Life Compliant, or Not Applicable. That formal neutrality is not matched elsewhere in CIP27. Citing user acceptance it says has grown since earlier consultations, DAA states it will 'advance planning activities to integrate the potential decommissioning of Runway 16/34 into its long-term Masterplan' (CIP27, p.86) - developing an evidence base, cost implications, and replacement infrastructure specifically for that scenario. No equivalent planning activity is committed to retention. DAT3 does not suggest DAA has

decided the question; it submits that the two scenarios are not being advanced on an equal footing, whatever the formal safeguarding language in Appendix 4 states.

- 4.3 Nor does it meet the standard DAT3 previously identified to IAA for a best-practice masterplan for a major airport, in its letter of 20 April 2026 - measured against IATA's own guidance, and against the published, consulted, policy-reconciled masterplans of Dublin Port, Perth, Auckland, and Toronto Pearson. That standard is unchanged and is not repeated here; against it, DAA's own document does not meet it.
- 4.4 The IAA has already set this standard for itself. Its own Issues Paper states that Dublin Airport's capex programmes are 'underpinned by and in line with a rolling Masterplan,' and that 'each new Capital Investment Plan (CIP) should continue to be guided by this long-term plan' (Issues Paper, para 9.39) - not the reverse. A masterplan that is redrawn between cycles to match whatever CIP has already been decided does not guide anything; it follows. Absent external benchmarking, there is no way to test whether the plan is doing the guiding or merely recording the outcome after the fact. DAT3's ask is for the masterplan to function as the guardrail the IAA's own standard requires - fixed externally, tested publicly, and reconciled to policy before each cycle, not redrawn after it.
- 4.5 In DAT3's view the Masterplan Compliance Report has not been independently tested. It is DAA's own assessment of DAA's own compliance with DAA's own capital programme, not independently reviewed. The stakeholder engagement the report itself describes was limited to feedback from airlines and operational stakeholders on two pathways DAA had already selected - not the open, published consultation a masterplan of this consequence requires, and not consultation with DAT3.
- 4.6 Before DAA produced this document, the IAA's own Issues Paper had already described DAA's masterplan as 'rolling,' and treated that as sufficient basis to guide CIP spending. DAT3 flagged exactly this problem in response, in its first submission to this process on 3 October 2025 - over a year before this letter - calling DAA's unpublished masterplan 'a fundamental regulatory oversight failure' and asking the IAA to require its publication as a prerequisite for the determination. What DAA has since produced is not an answer to that request. It is the same unpublished, evolving document DAT3 objected to a year ago, now given a name.
- 4.7 DAA insists on exactly this standard when it suits its own interests. Opposing DAT3's own planning application on adjoining western lands, DAA argued there was 'a need to evaluate the nature of the proposal within the broader context of the national airport's strategic long-term development objectives.' The Inspector agreed - and held that any change of use should await a masterplan 'approved or adopted by the planning authority after appropriate consultation by relevant stakeholders,' a class the Inspector took to include 'the landowners.' DAT3 is that landowner. So by the Inspector's own logic - in the very case DAA brought against it - DAT3 is exactly the kind of stakeholder a proper masterplan should consult. The Masterplan Compliance Report fails that test twice over. No outside authority has approved it. And the only people DAA consulted were airlines and operational contacts it chose itself - not DAT3, the landowner DAA's own case assumed should have a say. DAA wants DAT3 held to a masterplanning standard it won't meet itself, and won't apply to DAT3 either. A regulator whose job is to protect and promote the reasonable interests of current and prospective users should not let DAA pick whichever standard suits it on the day.
- 4.8 The Issues Paper itself commits the IAA to assessing each Capital Investment Programme against a long-term masterplan meeting defined criteria. A document produced by DAA, about DAA, assessing DAA's own compliance, does not meet that standard - it replaces independent testing with self-certification.

- 4.9 To meet the standard the IAA set for itself at paragraph 9.39 of its own Issues Paper - that each CIP be guided by a plan ensuring the airport is developed "in a coherent and structured way" - this document would need to resolve, not merely gesture toward, the strategic decisions the IAA itself identified there: the crosswind runway and the medium/long-term approach to Terminal 1. It would also need to meet the international masterplanning standard the same paragraph invokes, and to serve the function the IAA's own mandate requires of this Determination - the forum in which outstanding Government policy decisions are formally drawn to the Department of Transport's attention, in time to meet the IAA's principal objective and its due regard obligation under Section 33. On any of those tests, it does not.
- 4.10 This pattern is not new. DAA has described this same (unpublished) masterplan in similar terms, across four capital cycles: its 2017 Annual Report recorded that "the emerging options are focused around delivering the North Runway while retaining the existing crosswind runway"; CIP2020+ (2019) illustrated "the emerging 55mppa masterplan"; the EIAR accompanying its live 40mppa planning application (2023) records that planning for 55mppa "has not moved beyond the concept stage"; and CIP27 (2026) describes "two long-term development pathways" still under evolution.
- 4.11 DAT3 does not object to a masterplan evolving as circumstances change - that flexibility is properly meritorious. DAT3's objection is that this masterplan has never been published and consulted on , never tested against external challenge, and never reconciled with the Future Capacity Needs Report, while being relied upon as the evidential basis for a multi-billion, five-year investment programme- and beyond.
- 4.12 The question has to be asked – why the absence of transparency and what function does it serve?
- 4.13 DAT3 repeats its ask of the IAA from 20 April: publish the masterplan, consult on it properly - with all stakeholders including DAT3 - and reconcile it against the Government's 2005 policy decision, the Future Capacity Needs Report, and the Fingal Local Area Plan. Until then, the IAA cannot discharge its statutory function on the basis of a masterplan withheld from appropriate stakeholder consultation and external scrutiny.

5 Due Regard and Competition

- 5.1 In the draft determination, at 4.30, the IAA says it isn't required to "follow" Government policy - only to have due regard to it: the old power to issue Ministerial Directions is gone. DAT3 agrees. The range of policies to be taken into account has grown wider - the IAA must now take account of more policy, not less. So the key question for the determination is whether the due regard it owes - now across a wider range of policies - has actually been given.
- 5.2 Due regard means more than just mere consideration – it means real weight, and a proper explanation when that weight isn't given. That is the IAA's own test.
- 5.3 The Draft Determination does apply that test - just not evenly. For climate policy and the hub objective, it weighs the policy properly and turns that into funding decisions. For terminal provision and new entrants, it doesn't - DD 10.144 just sets the question aside instead of answering it.
- 5.4 The same gap shows up in how the IAA defines competition. Section 33(2) has four limbs - capacity, route choice, airline choice, and connectivity. Only one mentions airlines. Yet the Draft Determination's own heading for this factor is "Encouraging airline competition," and its primary-objective language narrows straight to airlines and passenger choice. DAT3's arguments on capacity, route choice and connectivity get treated as out of scope. Nothing in the statute supports that narrowing.

- 5.5 DD 10.140 shows what that narrowing looks like in practice. The IAA agrees faster delivery of near-term projects like Pier 5 and Pier 1 East would serve users - but says there's "no reality" to faster capacity via the western campus, blaming delay on factors outside its control and the planning process. That might be fair on timelines. But it isn't due regard to the capacity or route-choice limbs - it's a realism call, made without ever applying the test those limbs require.
- 5.6 Other regulators do apply that duty in practice. The UK CAA's Heathrow decision of 29 July 2026 remunerates a rival developer, Heathrow West Ltd, alongside the incumbent - around £4.14m in early costs - expressly to promote competition. The point here isn't a comparison between Heathrow West and DAT3. It's that due regard to competition is capable of producing outcomes like this, and the Draft Determination doesn't show the IAA considered anything of the kind for Dublin Airport, even in principle.
- 5.7 DAT3 set this out already, in its letter of 12 May: the progressive masterplan migration toward eastern intensification, the unilateral assumption of a Government decision on the crosswind runway, and a regulatory submission built to have that direction funded. That is precisely the pattern independent regulation exists to interrogate. DAA's own former Chief Executive said as much. In April 2026, Kenny Jacobs stated that an independent non-DAA terminal at Dublin Airport is possible and that he "certainly wouldn't rule it out" - and explained DAA's historical opposition plainly: it "wasn't on their pitch, so of course, why would you support it." That is not DAT3's characterisation of DAA's motives. It is DAA's own former chief executive's.
- 5.8 A determination that narrows a four-limb statutory factor to one, and departs from notified policy without the enhanced reasoning due regard requires, has not met the standard the IAA set for itself. The competition dimension of this gap is developed further at Section 8.

6 Mandate Boundaries - The Wrong Question Answered, the Right Evidence Ignored

- 6.1 The IAA is the single civil aviation regulator for Ireland, responsible for the regulation and oversight of civil aviation safety and security, and for economic regulation and consumer protection. National aviation policy and strategic decisions - including whether a third terminal is required, and decisions such as crosswind runway retention ('a major factor affecting the shape of the future development of the airport, and there are strategic aspects to such a decision which means that it is not just a business decision for the airport' - Future Capacity Needs Report page 130) - belong to the Department of Transport and the Minister, not the IAA.
- 6.2 The claim that "it is clear that there is no requirement for this third terminal, at least in the short or medium term" was not an answer to a question. It was volunteered, unprompted, by the IAA CEO in the opening statement to the Committee. That is a problem on two counts. First, on the IAA's own account of its remit (6.1), this is a question for Government, not the IAA. Second, even if the IAA had a proper part in informing that question, it would come through economic regulation - not through the slot-coordination role the IAA in fact relied on once pressed, addressed below. The Draft Determination does not resolve either problem. It now calls the conclusion "uncontroversial" and "obvious" - while admitting (DD 10.144) that it "should not be conflated... with the separate question of whether or not there might be a broader or policy basis for a third terminal," and that this is "a point the IAA did not address with the Oireachtas committee." That requires an answer from the IAA in the Final Determination: either it justifies the statement, with regard to all the evidence, policy statements, and duties addressed in this submission - or it withdraws the conclusion, and addresses what the policy vacuum means for Dublin Airport's future development.

- 6.3 Pressed at the Oireachtas on what basis he had said it, the IAA CEO offered two challengeable grounds. The first ground was that the 2006 Local Area Plan had envisaged a third terminal above 30 million passengers, and the airport is now handling 36.5 million and coping. That is narrowly true, but incomplete - the CEO's evidence makes no mention of the plan that succeeded the 2006 LAP. That successor raised the threshold to 40mppa, the same inflection point identified in the Future Capacity Needs Report, but kept much of the same underlying logic, and on DAA's own account remains live at the new figure: DAA's own Environmental Impact Assessment Report, submitted with its live 40mppa application, identifies a new Terminal 3 on this land as a "reasonably foreseeable future development." The rationale the IAA described as "obsolete" is, on DAA's own most recent planning evidence, still being planned for - and, as set out at 7.4 below, still an active consideration for the planning authority itself. Whether "medium term" is in fact soon enough is addressed separately at 6.9.
- 6.4 The second ground also fails. The IAA does two different jobs: setting slot parameters, and economic regulation - a forward-looking role that includes the competition duty at Section 5. Slot parameters, set twice a year, answer one narrow question: what can the airport handle right now? Whether new infrastructure is needed is a different question, and if it is the IAA's to answer at all, that answer belongs to economic regulation, not slot-setting. "We can see that the airport is able to supply up to 36.5 million passengers and beyond" is what slot-setting measures: capacity right now. It says nothing about whether more is needed, because that was never its job to say. As the IAA CEO put it himself, slot regulation is "purely bound to the actual operation within the airport" and "does not take account of things like planning outside of the airport." The third-terminal question is a broader question, and it sits outside the narrow role slot decisions play.
- 6.5 The closest the IAA has come to substantiating the claim, anywhere in the record, is its own explanation for why legislative intervention is needed: that the planning conditions protecting a future third terminal "remain," and that the ordinary planning process "seems likely to take many years to revoke or change." That explains why the cap needs removing by statute. It does not explain why no third terminal is required - if anything, a planning process that takes years to unwind is a reason to settle the underlying question sooner, not evidence that no such question remains, as Oxford's own timing warning at 6.9 already shows. The Draft Determination was the next opportunity to supply an actual analysis. At DD 10.140, it addresses a different question instead - not whether a third terminal is needed, but whether one could be delivered sooner than DAA's own plans, which it says is unrealistic given "the range of legislative changes that would be required, and the timelines involved in navigating regulatory and other processes." That is a statement about delivery timelines. It is not an answer to the question the CEO told the Oireachtas was settled.
- 6.6 In its Final Decision on Summer 2025 Coordination Parameters (10 October 2024), the IAA found that the 32mppa cap was "specified as the direct result of a policy objective in a 2006 Dublin Airport Local Area Plan" - to protect the viability of a future third terminal on the western campus - and was "expressly not calculated based on any road traffic concern." In the same decision, it rejected DAA's own submission that the condition came from an environmental impact assessment as "incorrect," and rejected similar claims made by airlines. DAT3 agrees with the IAA's reading, not DAA's or the Department's, and has argued - in its own submission to the Oireachtas of 27 February 2026 - why the distinction matters: removing a planning instrument that expresses a Government policy, without addressing the policy itself, "is not a neutral act - it is a reversal of Government policy by omission." An Coimisiún Pleanála's own Inspector's Report reached the same view independently, confirming the cap's intent was to limit eastern-campus activity consistent with the LAP's policy of balanced east-west development. On this narrow question, the IAA, an independent planning inspector, and DAT3 were all reading the same record the same way.

- 6.7 That clarity has not survived. The same October 2024 decision that identified the cap's purpose also confirmed the IAA has no power to treat that purpose as obsolete - "a matter for planning authorities, not the IAA." Five months later, at the Oireachtas, the IAA gave evidence that still described the cap's policy origin correctly, but paired it with the conclusion that no third terminal is required - the practical undoing of the very purpose it had just confirmed. By its Annual Report the following month, the purpose has gone entirely, replaced with this: "The legacy 2007 An Coimisiún Pleanála planning cap on terminal 1 and 2 of 32 million passengers per annum remains the biggest potential threat to the full utilisation of the existing infrastructure at Dublin airport." Six months after correctly identifying what the cap protects and why, the IAA's own account of it has seemingly become a description of an obstacle, with no mention of what it was ever for.
- 6.8 That same description - a threat to be addressed - is not extended to the alternative route DAT3 has raised. At DD 10.140, the Draft Determination states there is 'no reality' to capacity arriving sooner via the western campus, attributing the delay to factors outside its control. One constraint on DAA is a threat to be addressed. Another constraint, on an alternative to DAA, is dismissed as unrealistic.
- 6.9 The IAA has said it is 'clear' there is no requirement for a third terminal. What is actually clear, on the Government's own evidence, is something else: that a decision on this question was due years ago, and still hasn't been made. That evidence is Oxford Economics/CEPA's 2018 study for the Department of Transport, and the Department's own subsequent confirmation, as recently as a PQ in October 2025, that 'a decision on future terminal capacity requirements or the location of any such terminal... has not yet been made.' Oxford supported growing the existing terminals to around 40 million passengers, but said a decision on a third terminal was needed 'early in the 2020s,' because past that point rebuilding the existing terminals would be highly disruptive, and any new terminal would need construction to start by around 2030/31 regardless. That decision still hasn't been made. Oxford's deadline for making it has well passed, and passenger growth has more than materialised in the meantime: Dublin Airport carried 36.4 million passengers in 2025; the IAA's own evidence expects 40 million by around 2028; this Draft Determination forecasts 44.5 million by 2031; and DAA's own capacity consultant, Ricondo, using the IATA Airport Development Reference Manual - the established international methodology for airport capacity assessment - puts total physical annual capacity at 43.0 million in its own Table 4.3 - below this Draft Determination's 44.5 million forecast. The IAA has tied funding to this same 40 million level before, too - its December 2022 decision on the West Apron Underpass relied on a forecast of 'slightly over 40 million by 2030' to justify that spend.
- 6.10 The Draft Determination states that capacity should be assessed at "a much more granular level, such as by hour and/or by 10-minute window," rather than by annual figures, and calls assessments "dating from 2018" out of date given the airport's move to CT-based security screening. DAT3 does not dispute that granular assessment is the right approach - it agrees. That is exactly the approach Ricondo, DAA's own current consultant, used in its Airport Capacity Report of July 2024: peak-hour, processor-level analysis, using data collected through June 2024, and built around the CT-based security configuration the Draft Determination itself says supersedes older assessments. DAA relies on this same report to satisfy Fingal County Council's own planning requirements for its 40mppa application (F23A/0781). Yet the Draft Determination states the principle of granular assessment without once engaging the figure that assessment produces: a total physical annual capacity of 43.0mppa. This Draft Determination forecasts 44.5mppa.
- 6.11 The IAA is not short of means to test and demonstrate any of this. In this determination alone it has commissioned, among others, an Opex Efficiency Study, a Security Efficiency Study with three technical annexes, a Cost of Capital report, a Capex Efficiency Assessment, a combined Terminal/Airside/Airspace

Model, and Passenger and Commercial Revenue assessments - independently-sourced work on cost efficiency, security throughput, cost of capital, terminal simulation, and revenue forecasting. None of that capability has been directed at whether this settlement forecloses a third terminal or affects its viability. By contrast, the five requests at Section 6 of DAT3's letter of 20 April 2026 concern matters squarely within the IAA's own remit - and, as set out in Section 2, remain substantially unaddressed.

6.12 DAT3 does not ask the IAA to resolve whether a third terminal is required. DAT3 asks the IAA to answer, properly and within its own statutory remit, the questions that are actually its to answer.

7 Foreclosure Across Statutory Processes

7.1 DAT3 has submitted throughout this process - at 20 April and again at 12 May - that the IAA cannot remunerate a capital programme that allows the policy and capacity decisions arising at 40mppa to be foreclosed by DAA's capital commitments rather than resolved by Government. That duty has a specific source, not just a general one: the Future Capacity Needs Report was itself commissioned as an instrument of National Aviation Policy, and its findings - including that a third-terminal decision was required early in the 2020s, and that both the eastern and western options needed to be properly tested before either was preferred - are Government policy outputs the IAA is required to have due regard to under Section 33(2), addressed at Section 5. Foreclosure is not, on this basis, a secondary or abstract concern. It is precisely what Oxford's report was commissioned to prevent, and precisely what the IAA's due-regard duty already requires it to guard against. What follows is not a new argument. It is independent corroboration - from the planning authority responsible for DAA's own applications, and from DAA's own conduct - of the same foreclosure risk this submission has already shown on the regulatory record.

7.2 DAA's CIP27 is a major capital expenditure plan, totalling €5.6bn against €2.5bn in the 2019 cycle, with €3.1bn designated as Triggered Projects, of which €2.7bn sits in Airport Development alone. DAA's own foreword describes CIP27 as having 'a clear delivery pathway beyond this horizon,' and its executive summary states that several projects 'necessarily span multiple regulatory periods, with construction and commissioning extending into the 2030s.' A programme of this scale and horizon is not the completion of a prior cycle - it is the beginning of a new one, embedding the eastern-consolidation and crosswind-decommissioning direction addressed above without the Government decision or independent study Oxford/CEPA identified as prerequisite. Funding it as ordinary capex is itself a form of foreclosure: it lets DAA's own capital commitments settle the direction of travel before Government has decided anything.

7.3 The Draft Determination does not adequately address this. It rejects the suggestion that CIP27 is a 'step change' relative to CIP2020+, repeating that it is 'largely a roll forward' of CIP2020+'s undelivered capacity projects [DD 10.139]. That covers only part of CIP27. DAA's own account of the wider programme describes a delivery pathway extending well beyond the 2031 horizon, with construction and commissioning continuing into the 2030s - not language consistent with a mere roll forward of the prior cycle. The Draft Determination doesn't say which description applies to the €3.1 billion of Triggered Projects it has left unaddressed, or reconcile the two.

7.4 The IAA itself used the word that matters here. Its October 2024 finding, addressed at 6.6, was that the 32mppa cap exists to protect the "viability" of a future third terminal. That concern does not resolve itself at 40mppa - Oxford identified 40mppa as precisely the point at which it becomes acute, since beyond it the existing terminals require highly disruptive remodelling unless the western alternative is kept genuinely open. The viability question the cap protected at 32mppa is the same question now arising at the 40mppa transition. Nothing in the record shows it has been addressed; the evidence below shows the opposite.

- 7.5 This is not a future or hypothetical question - it is a live one, already before the planning authority. On 16 February 2024, Fingal County Council issued a Further Information request on DAA's own infrastructure application (F23A/0781) - the application underlying the 32mppa to 40mppa increase this Draft Determination assumes - requiring DAA to submit "a comprehensive assessment demonstrating that the location and design of each proposed development... do not prejudice future strategic development options," citing the third-terminal locations in the Local Area Plan, the Future Capacity Needs Report, and National Aviation Plan action 4.4.1 as "a critical consideration." That is a different and more exacting test than acknowledging a third terminal is "reasonably foreseeable," as DAA's EIAR does (6.3) - foreseeing a possibility is not demonstrating current works don't prejudice it. DAA's planning application remains undetermined, more than two years later.
- 7.6 DAA says both routes remain genuinely open. If that is right, it should have no difficulty being tested equally on both - Fingal's request is simply an opportunity to demonstrate that even-handedness. What the record shows instead is a single cost comparison - €5.1bn to retain the crosswind runway against €2.8bn to decommission it - produced by DAA alone, addressed in full at Section 3, that favours the eastern route without engaging any of the concerns Oxford Economics/CEPA raised on the Government's behalf about the cost and disruption of eastern intensification beyond 40mppa. Oxford's analysis is conspicuous by its absence from that comparison. DAA's own materials to its planning authority tell a different story again: its EIAR identifies a new Terminal 3 on this land as "reasonably foreseeable"; its own Vision 2040 document describes "safeguarding for growth to 55mppa" here; its infrastructure materials describe the West Apron Underpass, now under construction, as "releasing access to the western campus of Dublin Airport." DAA's claimed neutrality does not match its own conduct. Its cost comparison already favours one route without engaging Oxford's concerns; its own words to its planning authority describe a settled direction, not an open question. The Draft Determination takes DAA's stated neutrality at face value. The record does not support it.
- 7.7 The same planning authority reached a consistent position when it separately considered DAT3's own application on adjoining lands, refusing permission on 9 January 2026 because it was not satisfied the development "would not prejudice the orderly operation and continued growth of the Airport including the provision of a third terminal." On appeal, An Coimisiún Pleanála's Inspector upheld that reasoning as "reasonable" in a report dated August 2026.
- 7.8 The same pattern shows up twice more - once on capacity, once on direction. On capacity: the Ricondo evidence DAA relies on to satisfy Fingal's own planning requirements for F23A/0781 shows a hard 43.0mppa ceiling; the Draft Determination this submission responds to forecasts 44.5mppa, a figure that same evidence doesn't support (6.9-6.10). On direction: to the IAA, the Masterplan Compliance Report presents two long-term pathways for this land as still under evolution, with no committed direction of travel. To Fingal, in response to its own requirement that development not prejudice future strategic options, DAA's EIAR - covering the same land, in the same period - names a new terminal on it as reasonably foreseeable future development. None of this is surprising from an operator that answers to no competitor. It is not something a regulator should take at face value without testing it independently.
- 7.9 The Final Determination should record whether and how it has had regard to the Future Capacity Needs Report, as notified Government policy, and to the competition limbs of Section 33(2) addressed at Section 5 - including, in discharging that duty, whether it has had regard to Fingal's 2024 requirement, its 2026 decision, and the ACP's finding. Or it should record that it has not.
- 7.10 Timing matters here more than at any previous determination. This is the first full Determination since 2019 - the only one this decade. Whatever gets embedded in it now is likely to still be the position when the next one is made, five years from now.

- 7.11 And a lot is being embedded. Following the 2026 Act, the process to lift the 32 million cap is now under way - resting on an environmental impact assessment DAA itself will write. The direction of travel on the crosswind runway, and the committed, user-funded investment that follows it into the eastern campus, moves further along with each year this Determination locks in.
- 7.12 Oxford/CEPA said in 2018 that decisions like this need timely, independent assessment - made in time to keep the alternatives open, not after they've closed. That is not a role the IAA can leave for later. It is the independent regulator, accountable to the Houses of the Oireachtas, and testing these questions now - under its economic, competition and EU mandate - is what that independence exists to do.

8 Competition

- 8.1 This section addresses matters engaged by section 33(2) of the Aviation Regulation Act 2001, which the Draft Determination records (DD 4.3) as extending to improving capacity, providing choice on routes, providing choice between airlines, and improving international connectivity.
- 8.2 The reason consultation matters this much is not new. In its 2017-2019 Strategic Plan, the IAA's predecessor, the Commission for Aviation Regulation, explained why: "meaningful and transparent consultation between Dublin Airport and stakeholders is essential, given the lack of competition that would otherwise ensure that airport charges are justified and that required capital infrastructure is supplied at minimum cost." Consultation exists to do the job competition would otherwise do. Who is, and is not, consulted is not a procedural detail.
- 8.3 There is a structural reason DAA cannot be relied on to supply that missing competitive discipline itself. *Keating v Shannon Foynes Port Company* confirmed that a State company's directors are legally obliged to act in the company's own interest, even where that conflicts with stated policy. DAA is not choosing self-interest over the public interest as a matter of preference. Where the two diverge, its own governance requires it to prefer its own. That is the reason self-certification - by DAA, of DAA's own plans - cannot substitute for independent scrutiny.
- 8.4 That structural position is not theoretical. In *ER Travel Limited v Dublin Airport Authority plc* [2026] IEHC 574 (Barrett J, 6 August 2026), the High Court found DAA acted contrary to sections 4 and 5 of the Competition Act 2002 and held DAA's Airport Bye-Laws 2014 ultra vires, on findings that DAA coordinated with incumbent car-hire concessionaires to exclude a competitor. No appeal or stay is recorded as at the date of this submission. Separately, in March 2024 the Competition and Consumer Protection Commission blocked DAA's proposed €70 million acquisition of the former Quickpark facility, finding it would give DAA approximately 90% of car parking spaces serving Dublin Airport and eliminate its only significant competitor. That prediction has since been tested against in the market. In March 2025, the former QuickPark site reopened under a new operator, adding 6,122 spaces to the market. The CCPC's own follow-up analysis, published in June 2025, found this delivered exactly the benefit its 2024 decision was designed to protect - more choice, more supply, and lower prices for consumers - and confirmed the block was the correct decision. DAA's own public response at the time had predicted the opposite: that its ownership 'would have been a good result for consumers, bringing increased choice and lower prices for the travelling public.' The regulator's own subsequent evidence says otherwise.
- 8.5 The IAA cannot complete its 2026 Determination without assessing CIP27's effect on future competitive provision - including DAA's broader direction of travel, the crosswind runway and masterplan questions addressed at Sections 3, 4 and 6 to 8 - and, in doing so, having due regard to the competition record: a record showing two independent bodies, applying two different legal frameworks in two different

markets, have each found DAA moved to protect or extend its own commercial position at the expense of a competitor.

- 8.6 The IAA's own 2026-2028 Strategy confirms as much. Its stated aim for economic regulation is to 'ensure efficient and high-quality civil aviation infrastructure and services in Ireland that promote competition and deliver choice, value and connectivity for passengers,' and it commits that, in assessing capacity infrastructure at Dublin Airport, it 'will ensure it increases the scope for market entry and growth.' A Determination that prices a €5.6 billion capital programme without recording any assessment of its effect on future competitive provision does not meet that standard.
- 8.7 In its 2016 submission to the Department of Transport, the CCPC identified "competition between Terminal 1 and Terminal 2 in Dublin (or any new terminal which may be built)" as one of two main options for increasing competition in the Irish airport sector, and supported a statutory competition objective on that basis.
- 8.8 DAA's own recent record confirms the same pattern in relation to a new terminal specifically. Kenny Jacobs, DAA Chief Executive from 2023 until early 2026, told the Business Post in April 2026 that an independent non-DAA terminal at Dublin Airport is possible and that he "certainly wouldn't rule it out" - adding that such a model "exists elsewhere" and that "competition is always a good thing." Asked why DAA had historically opposed one, he said: "It wasn't on their pitch, so of course, why would you support it?" Separately, asked at the Joint Committee on Transport whether DAA would become the driving force in setting the size of Dublin Airport once the passenger cap is removed, DAA's witness answered: "Correct."
- 8.9 DAT3's own treatment in this process bears on the same factor. DAT3 responded to the IAA's Issues Paper consultation in October 2025 and was recognised by the IAA in its own December 2025 Conclusions on High Level Issues as one of nine respondents, alongside Aer Lingus, Ryanair, British Airways, IAG, IATA, Iberia Express, Vueling and DAA. DAA's own CIP27 submission confirms that over 250 airport users and stakeholders were invited to its formal consultation of 25-26 November 2025, and names the fourteen attending organisations; DAT3 is not among them, notwithstanding that its October 2025 submission was already before the IAA. An Coimisiún Pleanála's Inspector, in the August 2026 report on DAT3's own planning appeal, separately recognised DAT3 among the relevant strategic stakeholders for these lands. The IAA's own Statement of Strategy 2026-2028 commits it to "expand consultation outreach" and to "a balanced approach in cases of opposing views arising from different stakeholders." DAT3's exclusion sits awkwardly against that commitment.
- 8.10 The Draft Determination records no assessment of the settlement against the section 33(2) competition factor, and no regard to the matters at 8.2-8.8 above. The Final Determination should record whether and how it has had regard to the ER Travel and Quickpark findings in assessing whether CIP27 risks entrenching DAA as sole developer of all future capacity; to DAA's own statements on its future role and its historical opposition to competition; and to the sequencing of DAT3's exclusion from DAA's CIP27 consultation despite its recognised status in this process. It should record its assessment of the section 33(2) competition factor generally, or record that none was made.
- 8.11 DAT3 reserves its position, including under EU and domestic doctrines addressing the conduct of undertakings in control of essential infrastructure, in respect of any entrenchment effected through this Determination.

9 What DAT3 Seeks in the Final Determination

- 9.1 At DD 10.140, the IAA attributes the delay in developing the western campus to 'factors outside the IAA's control' - factors that trace back to Oxford Economics/CEPA's 2018 call for an early-2020s Government decision, and the Department's own inaction since. None of that relieves the IAA of its own duty. The Department's inaction explains why the question remains open; it does not excuse the IAA from due regard to it now.
- 9.2 To meet its primary objective of protecting and promoting the reasonable interests of current and future users, and to give due regard to all of the factors Section 33(2) requires, the IAA should, before confirming the Final Determination:

a) Require a Masterplan That Meets the Standard, Before Relying on It

The DAA self-assessed masterplan compliance document does not meet the evidential and independently-tested standard required. The IAA should not treat DAA's internal, unpublished masterplan as a compliance benchmark - or as a basis for early cost recovery under any trigger mechanism - until it has been independently assessed, publicly consulted on, and reconciled against the Future Capacity Needs Report, the Government's 2005 policy decision and the Fingal Local Area Plan.

b) Test the Eastern and Western Options Against Each Other, Before Funding Either

Before funding any path-dependent spend beyond the Ricondo-measured 40mppa ceiling, it should test the cost, feasibility, and disruption of continued eastern campus expansion - remodelling Terminals 1 and 2, as the Future Capacity Needs Report describes it - against the long-term viability of western midfield development, whether as an independent Terminal 3 (Oxford/CEPA) or further satellite piers (DAA). The IAA must apply due regard to the full competition scope of Section 33(2) - not only the airline-competition limb it identifies - and should assess how capital approvals affect market structure and the risk of foreclosure.

And the IAA should justify, or withdraw, its statement to the Oireachtas that no third terminal is required in the short or medium term, having regard to the evidence and duties addressed at Section 6.

c) Freeze Funding Pending the Government Decisions

The IAA should not pre-fund, or give regulatory backing to, any project or masterplan direction that assumes decommissioning of the crosswind runway, or that extends capacity beyond the 40mppa ceiling, until Government has made the decisions this submission shows are still outstanding - informed by the updated CAR assessment and climate-change risk assessment sought at Section 3.

The IAA's own mandate doesn't allow it to stay silent on this. The National Policy Statement on Airport Charges Regulation says the whole point of the charges regime is to get enough capacity built in time - more piers, a terminal, a runway - including routes in for new entrants (20 April letter, 2.1). The IAA's own competition duty says the same (20 April letter, 5.4). Instead, at DD 10.140, the IAA said there's 'no reality' to capacity arriving any sooner from anywhere but DAA's own plans, and put the delay down to factors outside its control. That could be read as the IAA giving up the one threshold it exists to enforce, and clearing the way for DAA's preferred direction of travel before Government has actually decided anything.

And the IAA should record whether it has had regard to Fingal County Council's 16 February 2024 Further Information request on DAA's infrastructure application F23A/0781, its 9 January 2026 refusal of DAT3's own planning application (FW25A/0480E), and An Coimisiún Pleanála's Inspector's Report of August 2026 (PL-500739-DF-26) upholding that refusal on appeal - or record that it has not.

d) Fix the Consultation Gap

The IAA should require DAA to consult properly on strategic capital decisions, not selectively. DAA itself argued, opposing DAT3's own planning application, that land-use decisions of this kind need evaluation within the airport's broader long-term development objectives - and the Inspector who heard that case held that such an evaluation requires a masterplan approved after consultation with relevant stakeholders, including landowners. DAA cannot hold DAT3 to that standard while consulting only the airlines and operational contacts of its own choosing on its own capital programme. The IAA should require a consultation framework that includes DAT3 and other affected infrastructure stakeholders, so capital deliverability and pricing assumptions can be properly tested.

And the IAA should also record whether it has had regard to the ER Travel and Quickpark findings, to DAA's own statements on its future role and historical opposition to competition, and to the sequencing of DAT3's exclusion from DAA's own consultation, addressed at Section 8.

9.3 DAT3 does not ask the IAA to decide, in this Determination, whether a third terminal should be built - that decision belongs to Government. DAT3 asks the IAA to state expressly, on the record, how it has had regard to each matter raised in this submission - or that it has not.

Appendices

- 1 Appendix 1: DAT3 letter to the IAA, 20 April 2026, found on IAA website – link [here](#)
- 2 Appendix 2: DAT3 letter to the IAA, 12 May 2026, found on IAA website – link [here](#)

Statutory References (Section 2 Tables)

DAT3 submits this does not adequately meet the requirements of Section 33, including but not restricted to:

- i Section 33(1)(b) (duty to facilitate efficient/economic development) and Section 33(1)(d) (duty to take account of Government policy) by accepting a self-assessed DAA plan over an independently evaluated masterplan
- ii Section 33(2)(b) (duty to align investment with actual safety and prospective user needs) by failing to transparently test demand/capacity timelines
- iii Section 33(2)(f) (due regard to Government policy statements) and Section 33(2)(j)(i) (encouraging competition to improve capacity etc) by ignoring established policy frameworks
- iv Section 33 (1)(b) and 33(1)(d) duty to take account of the policies of the Government on aviation, climate change and sustainable development by facilitating the embedding of decommissioning assumptions without the outstanding Government decision, and without regard to the climate-change risk identified in T-SAP II
- v Section 33(1) overarching objective to protect and promote the reasonable interests of current and prospective airport users
- vi Section 33(2)(h) (imposing minimum necessary restrictions consistent with the functions of the IAA) by treating DAA's internal document as an untested compliance benchmark
- vii 33(1)(b) (facilitate efficient/economic development) by failing to test plans against recognised international masterplanning standards
- viii Section 33(2)(j) (express statutory duty to encourage competition at Dublin Airport to provide choice on routes, choice between airlines, and improve connectivity) by foreclosing competitive third-terminal options without study
- ix Section 33(2)(f) (duty to have due regard to policy statements), Section 33(1)(b) (duty to facilitate economic/efficient development), and Section 33(2)(j) (express duty to encourage airline and route competition) by locking in DAA's 10-year delivery trajectory (DD 10.140, DD 10.147) and advancing crosswind decommissioning without the requisite Government policy decision or independent study
- x Section 33(2)(b) (duty to align investment with actual safety and prospective user needs) by dismissing the relevance of annual-capacity figures generally and failing to engage DAA's own Ricondo capacity assessment on the statutory planning record