



An
Bord
Pleanála

Board Order ABP-317828-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0301

Appeal by DAA Plc care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 24th day of July, 2023 by Fingal County Council to refuse permission.

Proposed Development: Reconfiguration and expansion of the existing two-storey US Customs and Border protection (CBP) pre-clearance facility, which will consist of the demolition of two number existing Pier 4 link bridges; two number external vertical circulation cores (VCC) and two number airbridges; part of the north, east and south elevations of the existing CBP facility (circa 309 square metres), including external footpaths, ramps and handrails and part of the existing apron pavement (circa 5,000 square metres). Internal reconfiguration of part of Pier 4 and the existing CBP facility and the construction of an expanded two-storey, part three-storey CBP facility to the east of the existing CBP facility (circa 6,419 square metres) to include pre-clearance passenger processing facilities at Level 10 (ground floor), including five number entry E-gates, queuing areas, eight number screening lanes (including one number for training/contingency and one number for staff access (no increase in number of existing passenger screening lanes), 22 number booths, transit lounge area, welfare facilities and ancillary staff facilities; lounge, retail/food and beverage area, swing gate room, welfare facilities, airline lounge, staff facilities, including ancillary offices at Level 15 (first floor); construction of two number external

vertical circulation cores (VCC); construction of a new link bridge at Level 20 (second floor) to the existing Terminal 2 building and all associated works; fallow space at Level 10 and Level 20 to allow for future CBP security facilities and a lift core extending to Level 30 (third floor (part)) to safeguard for future expansion, to merge with the remaining parts of the existing facility at Pier 4; ancillary external structures to the extended roof, including rooflights, external balustrade and handrail; fixed metal roof walkway and fall protection anchorage system; realignment of the existing airside road; the provision of new airside road and the provision of pedestrian walkways and zebra crossings and the reorganisation of an existing airside operations car parking area to provide 15 number airside operations car parking spaces. The provision of two number PRM airside operations parking spaces, two number platinum passenger parking spaces, two number GIWA (goods vehicles) spaces, and two number bus set-down areas. Decommissioning of existing operational aircraft stand 409 L/C/R, and the provision of temporary MARS operational aircraft stand 409T accommodating two number Code C or one number Code E aircraft, as well as the realignment of the existing apron by way of new paint markings on the apron pavement. The partial demolition (circa 3,320 square metres), refurbishment and upgrade of the existing two-storey former flight catering building, to become the South Apron Support Centre (SASC), which, together with its existing external hardstanding area to the north-west of the SASC, is to be used initially as a temporary construction compound (office storage and a pre-screening/logistics/staff welfare facilities) for the proposed works to the CBP facility and then for continued use as an airport operational building for airside support/operations, which will consist of upgrade of the façade of the existing SASC building, to include partial demolition of the later attritions/extensions to the south and west flanks of the building; demolition of the existing pedestrian link bridge to Shamrock House to the east (making good the elevation of Shamrock House to match the existing) and demolition of an existing substation internal to the building; the refurbishment of the remaining SASC structure to provide offices, meeting rooms, staff welfare facilities, storage and plant rooms on the ground and first floors and refurbished rooftop plant enclosure and new rooftop balustrades (circa 5,043 square metres), as well as an external dining courtyard at ground floor; the provision of 10 number visitor car parking spaces, two number PRM visitor car parking spaces

and 80 number cycle storage racks; revised external pedestrian and vehicular circulation arrangements and separate external smoking shelter and separate external bin storage. The proposed development at the existing CBP and SASC buildings will also require the diversion and extension of the existing watermain on site and a new foul and surface water drainage system, including a proposed future clean only pipeline for future diversion of roof run-off from the CBP building. The proposed development also includes all associated site development and landscaping works and all ancillary airport infrastructure, including additional apparatus/equipment, as well as High Mast Lighting (HML). The proposed development will not result in any increase in passenger or operational capacity at Dublin Airport. There will also be no increase in staff parking, either airside or landside, as a result of the proposed development, all at site of the existing two-storey US Customs and Border Protection (CBP) pre-clearance facility at Pier 4, Terminal 2 (circa 1.765 hectares), and the site of the existing two-storey former flight catering building to the south-east of the Terminal 2 building (circa 0.86 hectares), in the townlands of Corballis and Collinstown, Dublin Airport, County Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board was consistent with the following:

- the Climate Action and Low Carbon Development Act 2015, as amended, and
- the Climate Action Plan 2024 and 2025.

In coming to its decision, the Board had regard to the following:

- European legislation, including of particular relevance:
 - Directive 2011/92/EU, as amended by 2014/52/EU, on the assessment of the effects of certain public and private projects on the environment, and
 - Directives 92/43/EEC (Habitats) and 79/409/EEC (Birds), as amended by 2009/147/EC, on the conservation of natural habitats, wild fauna and flora.
- National and regional planning and related policy, including:
 - the National Aviation Policy which seeks to promote Dublin as a secondary hub airport (Action 4.3.1), noting that an adequately resourced US pre-clearance facility is critical in this regard,
 - the National Planning Framework, including updated Revised Draft (November 2024), which seeks to promote high-quality international connectivity, noting its importance to international competitiveness (NSO 6), and
 - the Regional Spatial and Economic Strategy 2019-2031, which seeks to protect and enhance international connectivity (RSO 14), and support growth and movements and passengers at Dublin Airport to include its status as a secondary hub, and, in particular, improved terminal facilities (RPO 8.17).
- Local planning policy, including:
 - the location of the proposed development on zoned 'Dublin Airport' lands under the provisions of the Fingal County Development Plan 2023-2029, which seeks to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan, and the development of Dublin Airport as a secondary hub (objective DAO3), and

- the provisions of the Dublin Airport Local Plan 2020, as extended, which identifies the expansion and enhancement of US pre-clearance facilities as a key development area during the plan-period and seeks to support and facilitate the expansion and enhancement of same (objective TP02) whilst also seeking to ensure that passenger facilities, including waiting and circulation facilities, enhance the experience of airport users (objective IA03).
- other relevant national policy and guidance documents,
- the planning history of the site generally and Terminal 2 specifically, and in particular Condition 3 and Condition 23 of PL 06F.220670 (planning register reference number F06A/1248),
- the nature, scale and design of the proposed development, as set out in the planning application, and the pattern of development in the vicinity,
- the submissions made in connection with the planning application and the appeal, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to Environmental Impact Assessment and Appropriate Assessment screening.

Environmental Impact Assessment:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

- **Population and Human Health:** Should the construction phase overlap with other permitted and proposed projects at Dublin Airport, including for example the airfield underpass and drainage projects, the infrastructure application or Metrolink, there is potential for significant short-term effects on human health derived from cumulative dust and noise impacts, and water pollution, although these impacts will be satisfactorily mitigated through the implementation of the measures set out in the Environmental Impact Assessment Report, including the Construction Environmental Management Plan.
- **Air and Water:** Should the construction phase overlap with other permitted and proposed projects at Dublin Airport, there is potential for significant short-term effects on air and water quality through dust emissions, sedimentation and fuel/oil leaks, but these effects would be satisfactorily mitigated by a series of best practice construction management and pollution prevention measures and other measures outlined in the Environmental Impact Assessment Report, such as the Construction Environmental Management Plan and the surface water management plan.

- **Noise:** There is potential for a significant noise effect on the occupiers of Shamrock House, the Aer Lingus office building adjoining the proposed South Apron Support Centre, during the construction phase. Should the construction phase overlap with other permitted and proposed projects at Dublin Airport, the significance of this effect would be intensified. Construction noise, however, will be mitigated by a series of best practice construction management measures and other specific monitoring measures outlined in the Environmental Impact Assessment Report, such as noise monitoring at the boundary of Shamrock House, and through the implementation of the Construction Environmental Management Plan.

Having regard to the above, the Board was satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment subject to the conditions below, including the mitigation measures set out in the Environmental Impact Assessment Report. The Board was also satisfied that the reasoned conclusion is up to date at the time of making the decision.

Proper Planning and Sustainable Development:

Having regard to the nature of the proposed development, which does not propose any increase in operational capacity, it is considered that the alterations and extension to the United States Customs and Border Protection pre-clearance facility would promote Dublin Airport's status as a secondary hub, improving international connectivity and competitiveness in line with local, regional and national policy. Subject to compliance with the conditions set out below, it is considered that the proposed development would not give rise to unacceptable impacts on traffic safety and convenience during construction and operation, would not detract from the visual amenities or the character of the area, nor adversely impact on airport operations or public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - The car parking spaces serving the South Apron Support Centre (SASC) shall be omitted and the resulting area landscaped.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity, and traffic and pedestrian safety.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report shall be implemented in full.

Reason: To protect the environment.

4. A Construction and Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction and Environmental Management Plan shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of public health and safety and environmental protection.

5. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

6. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

7. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any demolition of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site (including drainage monitoring/maintenance) for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

9. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health.

10. (a) Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to ensure an appropriate high standard of development.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to this permission.



Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 2nd day of May, 2025.