



An
Bord
Pleanála

Inspector's Report PL06F.246975

Development

Provision of apron bus access facilities at Terminal 2 comprising 2 no. two-storey vertical circulation cores c.10.5m and 11.0m high to the south of Terminal 2 linking to Terminal 2 via 4 no. c.4.4m long elevated passenger link bridges and all associated works.

Location

Terminal 2, Dublin Airport, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F16A/0081

Applicant(s)

Dublin Airport Authority PLC

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Irish Airline Pilots Association

Observer(s)

None

Date of Site Inspection

4 November 2016

Inspector

Una Crosse

1.0 Site Location and Description

- 1.1. The site in question comprises approximately 0.088 hectares and is located to the south of Terminal 2 within the airside space of the airport to the east of Pier 4. The site area is located under the roof overhang of Terminal 2.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of two vertical circulation cores (VCC) which comprises two enclosed structure accommodating lifts and stairs. One of the VCC's is 10.5m in height and the other 11m in height with a gross floor area of 303 sq.m.
- 2.2. These cores are linked to Terminal 2 by way of 4 elevated passenger link bridges which are 4.4m long installed at mezzanine level.
- 2.3. Proposal also includes the installation of 2 ventilation louvres (8m x 2m) on the south elevation of Terminal 2;
- 2.4. The provision of a bus-set down area to the south of the vertical circulation core;
- 2.5. In support of the application a design statement prepared by Pascall + Watson, a Planning report prepared by Tom Phillips & Associates and an Assessment for Screening prepared by Ecology Ireland was submitted.
- 2.6. In response to further information bus movements associated with the proposal are included on Drawings P002 & P003. Drawing No. D14209-C-P001 Rev. A provides the proposed airside road layout. It is also proposed to provide a convex mirror where visibility is hampered by the presence of buses in the bus bay.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission granted subject to 6 conditions which included:
- 3.1.2. C3 – prior to commencement of development the developer shall submit documentation evidence from the Irish Aviation Authority (IAA) that all requirements of that Authority have been addressed in full.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The main issues were considered to be zoning which it was considered was acceptable. The impact on amenity of the area was not considered to be negatively impacted with the proposed considered to allow for a more efficient way of bussing passengers. The proposal is considered to be visually acceptable. The reports received were considered with the concerns of both the Transportation Section and the objector considered to demonstrate significant deficiencies in the roadside layout and the potential for traffic safety with further information required.
- Further information was requested in respect of a description of vehicular manoeuvres associated with the proposal and an assessment of potential conflicts with existing vehicular traffic in immediate vicinity; assessment of pedestrian movements associated with proposal showing safe manoeuvres and waiting areas; if road layout to be revised to facilitate the development applicant requested to submit a revised site layout plan indicating revisions to the layout; comments of third party to be addressed;
- Following the further information request there are two reports (23rd June & 27th June) which are largely the same and which note that the bus movements associated with the proposal are shown on Drawings P002 & P003. It is also stated that sightlines in excess of 50m are provided which are suitable for the 42km design of the road with the speed limit 30kmph with only authorised personnel permitted to drive airside with road traffic safety and speed regulated by the Airport Policy/Dublin Airport Operations. Stated that passengers using the bussing facilities will be managed by airline/ground handling staff responsible for each flight with the process well established. Drawing No. D14209-C-P001 Rev. A provides the proposed airside road layout. The road at the front of the terminal is stated to be 9m in width and is proposed to be relocated by 3m to the south of its current location away from the airside front of Terminal 2. Sightlines are considered adequate and the speed limit is noted as 30kmph. It is also proposed to provide a convex mirror where visibility is hampered by the presence of buses in the bus bay. It is noted that issues relating to

disruption of aircraft and equipment parking are primarily a concern for the airport operator and its clients. It is concluded that the use of bus gates allows for greater flexibility in airport operations. It is also noted that the desirability of bussing passengers is not an issue for the PA.

3.2.2. Other Technical Reports

- Transportation Planning Section – additional information required; in response to same the report states that the proposed layout is not ideal in that buses leaving the stop in a westerly direction need to cross to the other side of the carriageway in the middle of a staggered junction. It is also stated that the proposal for a convex mirror is normally an indication of a sub-standard sightline. It continues by stating that the side roads in the staggered junction are both under ‘Stop’ control, the revised stop-lines improve visibility for existing traffic, the area is a low speed environment and the airside area is restricted to vehicles driven by professional drivers. The report concludes that the section has no objection.
- Water Services Section – no objection subject to conditions;
- Irish Water – no objections subject to conditions

3.3. Prescribed Bodies

Irish Aviation Authority – Safety Regulation Division of the IAA in consideration of Technical standards for aircraft manoeuvring areas outlined in Commission Regulation EU 139/2014 and related Certification Specifications and the standards laid down in the International Civil Aviation Organisation has no technical objection.

3.4. Third Party Observations

As per grounds of appeal.

4.0 Planning History

- 4.1. Ref. F06A/1248 (PL06F.220670) – Permission granted for Terminal 2.
- 4.2. Ref. F16A/0200 (PL06F.247135) – current appeal - permission sought for a passenger transfer facility at Pier 4.

5.0 Policy Context

5.1. Development Plan

Site zoned 'DA' the objective of which is to ensure the efficient and effective operation and development of the airport in accordance with the adopted Dublin Airport LAP'. Section 2.10 of the Plan relates to the airport with objectives relating to traffic set out in Section 4.1. Objectives EE46, EE47, EE49, EE69 relate to the airport.

5.2. Dublin Airport Local Area Plan

This LAP expired in June 2015 and has not been replaced. Within the now expired LAP the site of the proposed development was zoned as 'Terminal/Apron'.

5.3. Natural Heritage Designations

There are 15 Natura 2000 sites within 15km of the proposed development. Appropriate Assessment is considered separately at Section 7.3 below.

6.0 The Appeal

6.1. Grounds of Appeal

The third party grounds of appeal can be summarised as follows:

- Site selection parameters meant DAA constrained within their own boundary;
- Final preferred location for T2 and associated Pier 4 meant an infrastructural wedge into the south eastern corner on the eastern campus with limited scope to expand;
- Accelerated transatlantic passenger traffic growth put lack of airside space and contact stands under serious pressure with recent spate of applications submitted to overcome these challenges;
- Permission granted by the Board under PC0206, PC0207 & PC0208 with redevelopment projects morphing T2 and altering the original design;

- Reactionary planning application compromises existing T2 structure, disrupts current safe operations and bears no compliance with Airfield masterplan;
- Initial location of vertical circulation cores which required shunt of main service road with sight lines considered inadequate;
- Disagree with PA's application of two different road safety standards (normal and airside);
- Use of convex mirrors should not be considered part of standard apron traffic procedures with imposed operational restriction on baggage cart drivers in vicinity of intense bussing operations unacceptable;
- Response to PA query about passenger safe movement at ground/apron level is duplication of DAA current procedures;
- Request the current results of recent T2 redevelopment works viewed in order to facilitate a bussing facility immediately west of baggage hall exit 'A';
- Current and proposed footpath space afforded to passengers prior to boarding buses compared and considered proposal provides inadequate passenger movement and waiting area at ground level with safety of passengers imposed on airline ground/boarding staff;
- Reference made to bus routing and stopping off area shown on drawings submitted in response to FI with appellants noting that same bus returns for additional/late passengers with 180 degree turn required but not available;
- Planning file lacks an Aerodrome Operator Safety Statement;
- IAA as competent authority may have erred by prematurely approving proposal prior to request for further information which required realignment of arterial service road with no additional communication from IAA following same;
- Proposal materially affects 'apron' space and request that the Board satisfy themselves that the DAA has declared compliance and that the IAA Safety Regulations Division update their position following FI;
- IAA's audit responsibility to ensure apron space conforms to most restrictive aircraft using stand 410;

- Compelled to voice objection about encroachment into Apron which is an area reserved for aircraft operation and encourage observation of a typical turnaround at stand 410;

6.2. Applicant Response

The applicant's response to the appeal is summarised as follows:

- Request appeal is dismissed having regard to Sections 138(1)(a)(i) and 138(1)(b)(i);
- DAA required to respond to the requirements of the airlines for their schedules and facility requirements;
- Considers issues raised do not come within the remit of the Board;
- IAA indicated proposals acceptable to the PA with no further amendments to which the IAA required review;
- Normal practice for development to be on-going at an airport with airlines applying for slots on a twice-yearly basis with a schedule then generated allocating slots with minor amendments required to facilitate same;
- Suggestion that proposal would compromise the existing T2 structure without substance with no attempt to support contention;
- Issues raised about the original Terminal 2 and airside matters outside the building are not related to current proposal;
- Matters related to apron traffic extraneous to current proposal e.g. gate post 4;
- Amendment to apron stand layouts are subject to approval by the IAA with design standards set internationally by ICAO and EASA;
- Apron area not subject to standards set for public roads with the area restricted and drivers operating on same required to complete a specialised training course with lower speed limits applying than on public road;
- Apron design approved through a separate code with changes requiring alterations submitted to the IAA with the IAA approving alterations to the apron area in this instance;

- Facilities designed to be safe and to comply with legislation and regulations in accordance with the DAA Safety policy;
- Appellants issue does not appear to be with safety but rather with whom the role is allocated to in the airport with marshalling of passengers not a planning issue;
- Airside area is highly restricted and movement of passenger's subject to appropriate guidance;
- Bussing operations already carried out at a number of locations (Pier 2 & Old Pier C) in the airport with proposed bus access to operate in same manner;
- Busses will drop off and continue in a one-way loop if they require to return to the bus stop;
- Not within remit of PA or the Board to implement the requirements of other legislative codes with no requirement for ABP to review an approval issued by the IAA;
- DAA does not self-regulate with changes to the apron subject to approval of IAA;
- No change to stand 410 capability arising as a result of proposed development with stand remaining capable of accommodating an A321;
- Alterations to apron can be achieved in accordance with Class 32(b) of the exempted development regulations;

6.3. Planning Authority Response

The PA's response to the appeal is summarised as follows:

- Expected that over the lifetime of Terminal 2 that there will be requirements to amend the facility due to operational changes in the airport and changes to aviation travel;
- Rationale for the provision of the apron bus facilities is reasonable and proposal does not detract from overall design of the Terminal building;
- Transportation Response to appeal notes that IALPA reference to the compromise of sightlines is incorrect as proposal meets the appropriate sightlines

from DMURS for the 30kmph speed limited giving a requirement of 24m stopping distance;

- Design provides for advancing stop lines on two approaches with sightlines improved rather than compromised;
- DAA uses higher standard of NRA DMRB with design speed of 42kmph giving requirement of 50m SSD;
- Two different road safety standards not applied with PA applying the appropriate standard namely DMURS which identifies different sightline requirements for different speeds with airside operations significantly different from general traffic due to lower traffic speeds;
- Presence of a convex mirror never accepted as a solution to inadequate sightlines and in this case adequate sightlines are available;
- Sightlines are good for buses arriving at and departing the bus stop with the PA concerns related to sightlines to the two approaches from the north where sightlines would be improved;
- Passengers not allowed into the VCC unless a bus is waiting at the bus stop with no waiting area required at ground level with bus turnabout to take place on the apron;
- Airside location demands pedestrian and vehicles are subject to much tighter controls;
- Applicant required to comply with requirements of the IAA;
- PA does not regulate the use of apron area for aircraft or vehicular movements;

7.0 **Assessment**

I consider that the key issues in this appeal are as follows:

- Principle of Proposal
- Design and Operation of the Proposed Development
- Appropriate Assessment

7.1. Principle of Proposal

- 7.1.1. Firstly, I would note that the site is within the airport complex where zoning objective 'DA' applies. The objective of this zoning is to ensure the efficient and effective operation and development of the airport in accordance with the adopted Dublin Airport LAP. The provision of facilities to support the operation of the airport are therefore acceptable in principle. The appellants refer to what they consider is a limited scope to expand due to the location of T2 and Pier 4 however, the principle of the location of these elements of the airport complex have been addressed in the permission granted for same and is not a matter which is appropriately addressed in the current appeal. They also consider that the recent spate of applications submitted are to overcome challenges with the airside space and change the design of T2. However, I would concur with the applicant and PA that it is not unreasonable that existing developments such as Terminal 2 would require amendments following their completion and therefore I do not consider that the principle of amending the Terminal is unacceptable.
- 7.1.2. Finally, matters raised by the appellants in respect of the apron space and the regulation of same are matters for the Irish Aviation Authority (IAA) who are the competent authority for this area of the airport. The Board are tasked with assessing whether or not the proposal accords with the proper planning and sustainable development of the area. I would note that they have suggested that it is necessary to ensure that the IAA are satisfied with the proposals. I note that the IAA submitted a response to the PA stating they have no technical objections to the proposal. Correspondence is also attached by the applicant in response to the appeal from the IAA to the applicant stating the proposal is acceptable. Drawing No. D14209-C-P001 Rev. A submitted with the response to further information provides the proposed airside road layout with a minor change to the road edge and realignment of same by way of painted marking at the edge of Stand 410. These changes were included in the drawings sent by the applicant to the IAA on 7 April 2016 with a response from the IAA by email dated 14 June 2016 confirming acceptance of same by the IAA. I consider that the matter of the IAA's acceptance has been appropriately addressed.

7.2. Design and Operation of the Proposed Development

- 7.2.1. I note the concerns expressed regarding the impact of the proposal on the design of Terminal 2, however given the design of the proposal, the vertical emphasis and the materials proposed, I consider that the proposal will integrate satisfactorily with the existing design of the Terminal. The Terminal design is robust enough, in my opinion to absorb such changes as are proposed in this development.
- 7.2.2. The appellants consider that the proposal provides inadequate passenger movement and waiting area at ground level of the new structure with the safety of passengers imposed on airline ground/boarding staff. In response the applicant states that there is no need for such a waiting area as passengers remain within the terminal until the bus pulls up. I consider that this response is reasonable and that there is no need for a waiting area within the proposed structure.
- 7.2.3. As I note above, Drawing No. D14209-C-P001 Rev. A provides the proposed airside road layout and includes changes to stand 410 to facilitate the road. Concerns have been expressed by the appellant about conflicting traffic movements and compromised sightlines. This drawing I would note provides the stopping sight distances as requested by the PA and as the PA note in their response to the appeal, the proposal meets the appropriate sightlines from DMURS for the 30kmph speed limited giving a requirement of 24m stopping distance. As I note above the IAA's approval for same has been addressed. However, I would also note that the road environment within the airside area of the airport is strictly controlled and therefore the same considerations as apply on public roads elsewhere within the airport complex are not directly applicable. The airport runs on a schedule and therefore the use of the proposed circulation corridors and the one-way loop proposed to operate for bus access to same can be controlled unlike manoeuvres on the public roadways.

7.3. **Appropriate Assessment**

The subject application was accompanied by a report entitled 'Assessment for Screening' which related to the development subject of this appeal and also for two other proposed developments including the development subject of PL06F.247135 (passenger transfer facility) and the development of a passenger segregation facility at Pier 2 which has not been appealed to the Board. The report comprises a screening report which addresses the three developments.

There are 15 Natura 2000 sites within 15km of the site, all of which are identified in a map in the screening report (Figure 3.2). They are as follows:

1. Broadmeadow/Swords SPA (004025) – 5km;
2. Malahide Estuary SAC (000205) – 5km;
3. Baldoyle Bay SAC (000199) & Baldoyle Bay SPA (004016) – 6.5km;
4. South Dublin Bay and River Tolka Estuary SPA (04024) – 7km
5. North Bull Island SPA (04006) – 7.5km;
6. North Dublin Bay SAC (000206) – 7.5km;
7. Rogerstown Estuary SAC (000208) & Rogerstown Estuary SPA (004015) – c.9km;
8. South Dublin Bay SAC (000210) – 10km;
9. Rockabill to Dalkey SAC (003000) – 11km;
10. Howth Head SAC (000202) & Howth Head Coast SPA (004113) – 11km & 13km;
11. Ireland's Eye SAC (002193) & Ireland's Eye SPA (004117) – 11km;

It is noted in the screening report that it is considered that only two of the 15 sites have the potential to be impacted upon (indirectly) by the proposals, namely Baldoyle Bay SAC & Baldoyle Bay SPA. It is stated that there is potential hydrological links between the Baldoyle Bay SAC & Baldoyle Bay SPA and the development site through the Sluice River and Mayne River sub-catchments.

I would suggest that in terms of potential impacts on the 15 sites, the following potential impacts are considered most relevant: impact on surface water, disturbance to habitats during construction and disturbance to birds during construction. Given the nature of the site within the airport complex there is no direct loss of land or habitat as the area of the site is already developed. In respect of the other potential impacts, given the distance to the nearest designated sites and the nature of the proposed development it is unlikely that any pollutants would reach the relevant sites or would impact birds on those sites.

I will deal with Baldoyle Bay SAC (000199) & Baldoyle Bay SPA (004016) separately in the next paragraph but in respect of the other sites mentioned above, I consider that due to the absence of any vegetation on site, the separation distances of the appeal site from these sites and the nature of the proposed development that it is reasonable to conclude that on the basis of the information on the file which I consider to be adequate that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Broadmeadow/Swords SPA (004025), Malahide Estuary SAC (000205), Malahide Estuary SPA (004025), Rogerstown Estuary SAC (000208), Rogerstown Estuary SPA (004015), North Dublin Bay SAC (000206), Rockabill to Dalkey SAC (003000), Ireland's Eye SAC (002193), Ireland's Eye SPA (004117), Howth Head SAC (000202), Howth Head Coast SPA (004113), Lambay Island SAC (000204), Lambay Island SPA (004069), South Dublin Bay SAC (000210), North Bull Island SPA (04006), South Dublin Bay and River Tolka Estuary SPA (04024) in light of the site's Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required.

In respect of Baldoyle Bay SAC (000199) & Baldoyle Bay SPA (004016) while I note the potential hydrological links, through the Sluice River and Mayne River Catchments, due to the separation distances of the appeal site from these sites and the nature of the proposed development that it is reasonable to conclude that on the basis of the information on the file which I consider to be adequate that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Baldoyle Bay SAC (000199) & Baldoyle Bay SPA (004016) in light of the site's Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1. I recommend that permission is granted for the proposed development.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below, that the

proposed development would not negatively impact on the design, amenity or operation of the existing Terminal and therefore would accord with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of June 2016, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. 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 An Bord Pleanála 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 the permission.

Una Crosse

Senior Planning Inspector

November 2016