



An
Bord
Pleanála

Inspector's Report PL06F.247135

Development	Passenger Transfer Facility comprising a three-storey extension to the south eastern elevation of Pier 4 with 2 no. c.10.2m long internal link bridges.
Location	Pier 4, Dublin Airport, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0200
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 area of the appeal site is 0.176 hectares and comprises an area to the south east of and directly connected to Pier 4, which itself connects directly to Terminal 2.. The pier facilitates the parking of aircraft with passengers disembarking by way of air bridges. The site is located between two of these bridges between Gate 408 and Gate 409.

2.0 Proposed Development

- 2.1. The proposal provides for the development of a passenger transfer facility. The structure comprises a three storey extension on the southeastern elevation of Pier 4 which has a gross floor area of 1,772 sq.m and which is elevated over an existing airside roadway. The structure is proposed to accommodate facilities for security screening, passenger processing as well as circulation and plant.
- 2.2. The structure is 15.1m in height and 45m wide with the ground floor covering a small footprint and the first floor cantilevered over the ground floor below. The third level is recessed in by c. 4 metres.
- 2.3. The structure has three proposed floors. At ground floor (described as Level 10) which has a limited area the structure includes an entrance point and circulation space to provide segregated access to the second floor (described as Level 20) of Pier 4. The first floor (described as Level 15) accommodates security screening and passenger processing with lifts/stairs to the second floor where further security screening facilities are proposed.
- 2.4. It is proposed to provide links to the existing Pier by way of two 10m long internal link bridges within Pier 4 located over void space within the Pier.
- 2.5. In response to further information the layout or design of the scheme was not altered with a proposal included to place steel barriers around the column bases on the apron side of the building. It was stated that a safe pedestrian route is provided through the proposed facility.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 10 conditions which included;

C4 – developer shall submit documentary evidence from the Irish Aviation Authority that all requirements of the IAA addressed in full;

C10 – development contribution;

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report notes that proposal applies with the zoning and that it is not foreseen that there would be a negative impact on amenity of others. The materials are considered to integrate with existing with the roof profile noted to be different to the rounded roof profile of Pier 4 but acceptable. Issues relating to the replacement of the pedestrian route are considered to require further information.

Additional information was requested in respect of a revised site layout plan which retains a continuous footpath on the apron side of the building or an alternative design. Details in respect of the protection of the proposed columns from potential vehicular collision was also required.

In response to the further information which in respect of pedestrian movement was acceptable with Drwg. No. P102 Rev. B outlining same. In respect of the protection proposed to columns it is proposed to encase same in concrete with Figures 2.1 and 2.2 relevant with response considered acceptable. Other issues raised by the objector are noted but not considered to be of concern to the PA. The proposal is considered to be acceptable and permission is recommended.

3.2.2. Other Technical Reports

- Transportation Planning Section – further information required in respect of the provision of a continuous footpath on the apron side of the building. The response received was considered to be satisfactory.
- Water Services Planning Section – No objection subject to Conditions

- EHO – no objection subject to conditions;

3.3. Prescribed Bodies

- Irish Water – no objection subject to conditions;
- IAA – letter sent to IAA by PA on 16th May 2016. No report was received.

3.4. Third Party Observations

As per grounds of appeal.

4.0 Planning History

4.1. F06A/1248 (PL06F.220670) – Permission granted for Terminal 2.

4.2. Ref. F16A/0081 (PL06F.246975) - current appeal - permission sought for apron bus access facilities at Terminal 2.

5.0 Policy Context

5.1. Fingal County Development Plan 2011-2017

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 are 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;
- Pressure on DAA to consider additional redevelopment of T2 and associated modifications to Pier 4 with extension to US pre-clearance facility resulting in changes to Pier 4;
- Terminal 2 significantly altered from original development with Pier 4 reaching capacity after 6 years of operations;
- Proposal in wrong location disrupting current apron operations and compromises the existing T2 transfer facility that serves both Pier 3 and Pier 4;
- Alternative location to the west of existing T2 transfer facility which would centralise passengers transferring from both T1 & T2 with proposal short term reactive solution with transfer facilities attached to a Pier not the norm;
- Passenger safety compromised in order to avoid encroaching apron safety lines and avoid changes to road alignment;
- Query whether approval for extinguishing an external perimeter footpath around the Vertical Circulation Core (VCC) compromised normal planning design criteria;
- Query whether PA adequately addressed the extinguishing of the existing Emergency escape route B;
- Bussing activity will be intense with a reduced airside road restricting normal ground servicing vehicles safe manoeuvring as overtaking of busses will be excessive;
- No airside road re-alignment drawing produced showing consequence of the VCC on the perimeter road;

- Lack of dedicated bussing set down bay associated with the transfer facility a fundamental oversight;
- IAA as competent authority has not indicated its position and request that the board satisfy themselves that proposal conforms with EASA Apron Compliance Standards;
- Proposed columns supporting the Transfer Facility eliminates apron and aircraft stand spaces reserved/designated for aircraft operations;
- Reference to EASA document relating to Apron Safety Lines with proposals breaching EASA standards on Apron Safety Lines with proposed encroaching on designated apron safety lines;
- Reference to how apron safety lines are designated in Manchester Airport forward of columns;
- Know of no other airport with apron safety lines running under a building but examples of EASA compliant aprons extending under a building may be forthcoming from the applicant;
- Consider there is outstanding detail which should be submitted with detailed drawings required showing existing and proposed apron layout details and pedestrian pathway crossings, all emergency egress routes, proposed column locations;
- Appellants preference that the existing T2 transfer facility is enhanced with necessity to provide a new pier for long haul flights;

6.2. Applicant Response

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

- Seek that appeal is dismissed as it seeks to use planning system to address concerns regarding the airside layout which is a matter for the IAA;
- No provision under the Planning Acts for the Board to adjudicate on matters which are subject of separate consenting process by another competent authority;

- Proposal provides a modest extension to T2 on eastern side of Pier 4 to facilitate security screening and movement of transfer passengers (those using Dublin as a hub) who use a Transfer Facility within the Airport;
- Number of passengers choosing to transfer at Dublin Airport grown strongly;
- Existing facility does not distinguish between passengers arriving from EU states and non-EU for whom different screening is required with proposed new Passenger transfer facility in Pier 4 to cater for needs of EU passengers;
- Letter of support attached from Aer Lingus;
- Matters raised relate solely to airside safety issues with IAA competent authority;
- Assessment of compliance of proposal with National, Regional and Local policy outlined;
- None of the current planning files compromise traffic safety or apron safety lines;
- Design of apron environment subject to regulations set internationally by the International Civil Aviation Organisation (ICAO) and the European Aviation Safety Agency (EASA) with changes submitted by DAA to IAA for approval;
- Correspondence between representatives of DAA and IAA attached (App. C) which show airside works to facilitate proposal are acceptable to IAA;
- Judgement of Mr. Justice Kelly in Aer Rianta Cpt v ABP which states ABP correct to take views of IAA into consideration;
- Concerns that T2 constrained within airport boundary not relevant to current proposal;
- ABP determination that proposals not SID reinforces that proposals not significant alterations to T2;
- Proposal is simple and in keeping with original design strategy with ongoing works in any International airport through time with airport schedules changing twice yearly with some works exempt under Section 4(1)(h) of the PDA;

- The proposed transfer facility will complement the existing facility with greatest number of transfer passengers occurring at Pier 4 which is most appropriate location for the facility and proposal designed to improve the service;
- Concerns that issues not addressed at PA level relates to airside safety issues which is remit of IAA;
- Safe pedestrian movement facilitated through the proposal with doors at either end of the structure at apron level;
- No issues have been highlighted as to how design proposal with building elevated over the road would impact on staff or passenger safety with claims of extinguishment of footpaths incorrect with safe pedestrian route provided;
- Removal of emergency access routes not a planning matter but note no such route has been removed;
- Bussing of passengers already in existence with proposal not changing this with bussing operations within airside space restricted by security with trained drivers with marshals in place for passengers;
- Absence of roadside realignment details and dedicated bussing set down due to airside location and remit of IAA;
- Proposal does not eliminate apron space nor is there any loss of any aircraft stands as a result;
- Measures proposed to protect columns in line with measures employed elsewhere in the airport;

6.3. **Planning Authority Response**

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

- It could not be expected that over the lifetime of the T2 building that additional alterations would not be required;
- Airside location requirements passengers, staff and vehicles subject to much tighter controls with provision of an airside road a matter for the operator and

the IAA with absence of a bussing facility as part of proposal not a matter for the PA;

- Provisions of Section 34(13) of the PDA apply with applicant subject to requirements of the IAA;
- PA do not regulate apron space;
- Request Condition No. 10 be included in any grant of permission;

7.0 Assessment

The key issues are considered to be as follows:

- Principle of the Proposal
- Design and Impacts on Operation of Pier 4 and Terminal 2
- Appropriate Assessment

7.1. Principle of the 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 and Pier 4 would require amendments following their completion and therefore I do not consider that the principle of amending Pier 4 is unacceptable in principle.

7.1.2. It is stated that the proposal is in the wrong location disrupting current apron operations and compromises the existing T2 transfer facility that serves both Pier 3 and Pier 4. It is further stated that an alternative location exists to the west of the

existing T2 transfer facility which they state would centralise passengers transferring from both T1 & T2 with the proposal described as a short term reactive solution with transfer facilities attached to a Pier not the norm. While there may be alternative locations for the proposal within the complex, the role of the Board is to assess the development as proposed in the current application on its merits and therefore alternative locations are not considered to be relevant to this assessment in this instance.

- 7.1.3. The appellants state that the IAA as competent authority has not indicated its position and request that the board satisfy themselves that the proposal conforms with EASA Apron Compliance Standards. I would note 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 not the competent authority in respect of compliance with EASA Apron Compliance Standards. The Board are tasked with assessing whether or not the proposal accords with the proper planning and sustainable development of the area. I note that the PA referred the application to the IAA on 16th May 2016. No response was received. I would note that correspondence is attached by the applicant in response to the appeal (Appendix C) from the IAA to the applicant stating the proposal is acceptable. The details of the proposed development were sent by the applicant to the IAA on 28 April 2016 with a response from the IAA by email dated 20 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 Impacts on Operation of Pier 4 and Terminal 2

- 7.2.1. The appellants raise a variety of queries in respect of the apron area. They query whether approval for extinguishing an external perimeter footpath around the Vertical Circulation Core (VCC) compromised normal planning design criteria. It is noted, as outlined by the applicant, that pedestrian movement is facilitated through the proposal with doors at either end of the structure at apron level.
- 7.2.2. They also query whether the PA adequately addressed the extinguishing of the existing Emergency escape route B, however I would note that such a matter is not a matter which relates to the proper planning and sustainable development of the area and therefore is not a matter to which the Board must have regard. Reference is

made to bussing activity, road re-alignment and bussing set down within the apron area, all of which I would note are matters for the IAA.

7.2.3. I would note that the appellants express concern at the use of columns with the building elevated over the road. It is considered that the proposed columns supporting the Transfer Facility eliminates apron and aircraft stand spaces reserved/designated for aircraft operations. It is also stated that no similar example is known at an airport. However, I would note that the IAA, the competent authority for the apron area, does not appear to have a technical objection to such a design. The applicants state in response to the appeal that the proposal does not eliminate apron space nor is there any loss of any aircraft stands as a result and I do not find any evidence put forward by the appellants to suggest that this is not the case.

7.2.4. The reference to the need for outstanding detail in relation to existing and proposed apron layout to be submitted is not considered relevant to the Board's remit given that the IAA is the competent authority for the regulation of the apron area. Finally, I would note the concern expressed about the columns and the protection proposed to same in the response to further information. The applicants state in response that the measures proposed to protect columns in line with measures employed elsewhere in the airport and from my visit to the airport I consider this to be reasonable.

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.246975 (apron bus access facilities) 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;

I would note that the screening report submitted states 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, and 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

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 4th day of July 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