



An
Bord
Pleanála

Inspector's Report ABP 300667-18

Development

Proposed upgrade to baggage screening system.

Location

Dublin Airport

Planning Authority

Fingal County Council

Type of Application

Pre-Application Consultation Section 37B of the Planning and Development Act, 2000, as amended.

Inspector

Pauline Fitzpatrick

1.0 Pre-Application Consultation

The Board received a request on the 12th January 2018 from Dublin Airport Authority to enter into pre- application consultations in relation to the proposed development at Dublin Airport.

Further details were provided in response to correspondence issued from the Board on the 31st January and 9th February, 2018.

The Board's representatives met with the prospective applicant on the 18th May, 2018.

2.0 Proposed Development

The proposal entails the replacement of the existing checked-in baggage screening system in Terminal 1 with a larger, higher grade system to comply with the European Aviation Safety Agency Security Regulation EU No. 1087/2011 . The works are required to be completed by September, 2020.

The proposal will entail the replacement of 10 no. existing screening machines (6 no. level 1 and 4 no. level 3) with 5/6 new machines which would provide for an upgrade in the screening facility from Standard 2 with x-ray capabilities to Standard 3 with magnetic resonance imagery capabilities. The machines are much larger than the existing and are nearly double in weight and size.

In order to ensure continuity of service allowing the airport to operate as normal during the carrying out of the required upgrade works, the new system must be put in place whilst the existing system is still operating. The equipment cannot be installed in the same locations as the existing. Therefore it is proposed to use the location of a redundant baggage carousel building to the east of the baggage hall located between Terminals 1 and 2 to accommodate the majority of the new equipment (estimated 4 machines). These will then be incrementally connected backed to the existing baggage hall as the older system is swapped out, line by line. The exact requirements to accommodate the new equipment are not fully defined with a

tendering process ongoing. The building may be adapted to facilitate the equipment or it may be demolished and replaced.

A further extension may be required to the rear of the existing baggage hall to facilitate the equipment to be installed at the western end of same (estimated 2 machines). Area 14 in which there are currently 2 machines will no longer be used.

The existing machines can theoretically accommodate between 800-900 per hour. The new machines could theoretically accommodate 1000 bags per hour.

A conveyor belt connecting Terminals 1 and 2 is also proposed which will allow for the transfer of luggage which would replace the manual transfer process currently in place.

A new control room to oversee the equipment is also proposed.

3.0 Prospective Applicant's Case

It is submitted that, whilst the proposed development is of a class specified in the Seventh Schedule of the Planning and Development Act, it does not meet the criteria established in section 37A(2) of the Act and, therefore, would not constitute Strategic Infrastructure as defined by the Planning and Development Act, 2000 (as amended).

- While the development will benefit the safe and efficient operation of the airport, it is not considered that any significant consequences of an economic or social nature will arise of a scale that could be determined as of 'strategic' importance to the State of the Greater Dublin Area.
- While the importance of Dublin Airport for the region and State is recognised in both the NSS and Regional Planning Guidelines, the proposal will not deliver new significant infrastructure at the airport but rather comprises alterations to existing infrastructure to facilitate the replacement and upgrade of an existing facility in order to ensure compliance with security regulations. Therefore, it is not considered that the proposal would contribute substantially to the fulfilment of any NSS or RPG objectives.
- The proposal being of limited size, scale and nature will not, in itself, have a significant effect on the area of more than one planning authority.

- The Board previously determined that development relating to essential security and Customs compliance and comprising physical works that resulted in the alteration to the footprint in Pier 2 did not comprise SI (ref. 06F.PC0206).

4.0 Legal Provisions

Of relevance is the following class of development in the Seventh Schedule inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

An airport (with not less than 2 million instances of passenger use per annum) or any runway, taxiway, pier, car park, terminal or other facility or installation related to it (whether as regards passenger traffic or cargo traffic).

Section 37A(1) says that an application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority. Section 37A (2) says

That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.

5.0 Assessment

I consider that Dublin Airport is an 'airport' falling within the class defined in the Seventh Schedule (see 3.1 above). I conclude that on the basis of the information provided and particularly the stated ancillary nature and purpose of the proposed

works, that the proposed development would constitute a facility or other installation related to the operation of an airport with not less than 2 million instances of passenger use per annum.

I would accept that the nature, scale and function of the proposed development are such that they will provide for an upgrade in the baggage screening facilities as required by EU Security Regulation No. 1087/2011. Whilst the upgrading works will require physical alterations to the existing terminal building footprint they are so as to allow for the continued operation of the airport during the upgrade works and to accommodate the equipment which is almost twice the size and weight of that existing. The prospective applicant confirmed that there are no capacity issues with the existing facilities. The existing 10 machines can each theoretically screen between 800-900 bags per hour. The 5/6 new machines could each theoretically screen up to 1000 bags per hour. The proposed works will not provide for any additional capacity which would support an increase in the passenger capacity of the airport as a whole. I note that Area 14 which currently houses 2 machines is no longer to be used. The prospective applicant has not yet determined the future plans for Area 14 in respect of front of house operations. The back of house area will continue to be used for purposes related to baggage handling.

Whilst it could be said that the proposed works are strategic in terms of aviation safety, in my opinion, it is one that could not reasonably be viewed as being substantial in nature nor could it be viewed as being of 'strategic' importance as so construed by the provisions of section 37A(2) of the Planning and Development Act. I concur with the prospective applicant's submission, based on the scale and function of the proposed development, that the proposal could not be viewed as one of strategic economic or social importance to the State or that it would, in itself, contribute substantially to the fulfilment of any of the objectives set out in the National Planning Framework or the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. I acknowledge the compatibility of the proposed development with the zoning provisions for the site under the relevant development plans applicable to the airport. The proposal would not have a significant effect on the area of more than one planning authority.

Having regard to these considerations, I am of the opinion that the proposed development would not satisfy any of the conditions contained in section 37A (2) (a),

(b) or (c) of the Act. Therefore, I agree with the prospective applicant that this proposed development does not constitute a strategic infrastructure development.

Note: I acknowledge that the Board has been in receipt of a number of Pre-Application requests from Dublin Airport Authority in recent times relating to a range of proposed developments – PC0205, PC0206, PC0207, PC0208, PC0222 refer. It could be construed that the accumulation of such proposed developments could potentially cumulatively comprise development that may be regarded as being of a strategic nature in their totality. However, I remain of the view in this instance that, where the development is of a limited scale and has no impact on passenger capacity at the airport, the proposed development could not reasonably be considered to be of a type that falls within one or more of the criteria set out in section 37A(2) of the Planning and Development Act.

6.0 Recommendation

Having regard to the above I recommend that Dublin Airport Authority be informed that the proposed development consisting of proposed upgrade to baggage screening system at Dublin Airport does not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, as amended, and that a planning application should be made in the first instance to Fingal County Council.

Pauline Fitzpatrick
Senior Planning Inspector

May, 2018