# Inspector's Report
# ABP-317828-23

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| **Development** | Alterations and extension to the US (United States of America) Customs and Border Protection (CBP) pre-clearance facility building and the partial demolition, refurbishment and upgrade of the former flight catering building etc. |
| **Location** | In the townlands of Corballis and Collinstown, Dublin Airport, Co. Dublin |
| **Planning Authority** | Fingal County Council |
| **Planning Authority Reg. Ref.** | F23A/0301 |
| **Applicant(s)** | DAA plc |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Refuse Permission |
| **Type of Appeal** | First Party |
| **Appellant(s)** | Dublin Airport Authority (DAA) plc |
| **Observer(s)** | Irish Air Line Pilots Association (IALPA) |
| **Date of Site Inspection** | 24th November 2023 |
| **Inspector** | Philip Maguire |

# Contents

## 1.0 Introduction

1.1. An appeal has been made to An Bord Pleanála ('the Board') by Dublin Airport Authority (DAA[1]) under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a refusal of permission under Section 34 of the Act.

1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Board are required to consider both before determining the matter.

## 2.0 Site Location and Description

2.1. The appeal site is located within the Dublin Airport campus, to the west of the Swords Road (R132) and generally south and east of the terminal buildings. It has a stated area of c. 2.632ha and consists of two separate land parcels. The larger of the two (1.765ha) is located airside[2], immediately south of Terminal 2. The smaller of the two (0.867ha) is located on the landside[3] and immediately south of Corballis Road South.

2.2. The larger of the land parcels, relates to the US Customs and Border Protection pre-clearance facility and includes part of Pier 4 which extends in a south-westerly direction from Terminal 2. In Pier 4 the facility includes parts of Levels 10, 15 and 20 and 30. Apron pavement including two aircraft stands and part of an airside road are also included within the site boundary. Pier 4 and the apron pavement areas are located to the west of an airside road, a transportation service building and Gate Post 4, which is accessed via Castle Road. The Cuckoo Stream is located further south.

2.3. The smaller of the land parcels relates to a vacant flight catering building which is a two-storey flat roof structure with elevated pedestrian link at first floor level to Shamrock House, an Aer Lingus office building. The site is accessed via Castle Drive with hardstanding parking areas to the east and west. Further west lies the Terminal 2 energy centre with thermal tanks evident. Another catering building lies to the south.

2.4. The topography of the site is generally flat and between the 60-63mAOD contours.

[1] Stylised by the applicant in lowercase as 'daa'.
[2] Areas within the Critical Part of the Security Restricted Area (CPSRA) boundary which surrounds the airfield.
[3] Areas outside the CPSRA boundary e.g., the area(s) before passengers go through security, customs, and immigration including the landside access road network and public transport.

## 3.0 Proposed Development

### 3.1. Overview

3.1.1. As per the Environmental Impact Assessment Report (EIAR), there are two key elements to the proposed development:

- US Customs and Border Protection ('CBP') reconfiguration and expansion; and
- South Apron Support Centre ('SASC') partial demolition, refurbishment and upgrade.

### 3.2. Development Description

3.2.1. The proposed development is described in the statutory notices as per Appendix 1.

*General Comments*

3.2.2. The proposal entails a 6,419sq.m reconfiguration and expansion of the existing two-storey US CBP pre-clearance facility at Pier 4 adjacent to Terminal 2, including a two-storey (Levels 10 and 15) and part three-storey (Level 20) flat roof extension. I also note that a new link bridge to the main Terminal 2 building is proposed at Level 20.

3.2.3. Refurbishment and upgrade of the former flight catering building (FCB) to become the SASC, which, together with the external hardstanding area to the northwest of the FCB, 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.

3.2.4. It is stated that the proposal 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 clean only pipeline for future diversion of roof runoff from the CBP building.

3.2.5. The proposed development also includes associated works, ancillary airport infrastructure including additional apparatus/equipment and High Mast Lighting (HML).

3.2.6. The applicant also states that the proposed development will not result in any increase in passenger or operational capacity at Dublin Airport and there will also be no increase in staff parking, either airside or landside, as a result of the proposal.

3.2.7. In addition to the EIAR and AA screening (Atkins, May 2023), other reports include:

- Planning Statement (Coakley O'Neill, May 2023)

- Airfield Design Report (RIBA 2) (AECOM, March 2023)
- Completed Aircraft Noise Change Considerations Proforma
- Construction Traffic Management Plan (CTMP) (AECOM, May 2023)
- Design Statement for CBP Extension (AECOM, March 2023)
- Design Statement for SASC (AECOM, March 2023)
- Energy & Sustainability Planning Report (AECOM, March 2023)
- Flood Risk Assessment for CBP (Nicholas O'Dwyer, April 2023)
- Flood Risk Assessment for SASC (AECOM, May 2023)
- Infrastructure Report for SASC (AECOM, May 2023)
- Preliminary Construction Environmental Management Plan (AECOM, May 2023)

# 4.0 Planning Authority Decision

## 4.1. Decision

4.1.1. Permission was refused on 24th July 2023 for the following reason:

*The proposed development would be premature pending the determination by the road authority of the detailed road network to serve the area. In the circumstances, to expand further the US Customs and Border Protection (CBP) pre-clearance facility capacity at this location would materially contravene policy DAP2 Infrastructure Provision, objectives DAO7 Integrated Public Transport Network serving Dublin Airport and DAO8 Surface Access Needs of the Fingal Development Plan 2023-2029, and would materially contravene the objectives SF02 and TP01 of the Dublin Airport Local Area Plan 2020-2026, which seek to provide balanced road infrastructure to manage traffic and to cater for the comprehensive development of the airport and facilitate the on-going augmentation and reconfiguration of existing terminal facilities at Dublin Airport to ensure optimal use, subject to assessment of surface access constraints. The proposed development would therefore be contrary to the proper planning and sustainable development of the area*.

## 4.2. Planning Authority Reports

4.2.1. The Planning Officer's report (24/07/23) can be summarised as follows:

*Principle of Development*

- Highlights serious concerns following a review of the history of the design, consent and operation of the subject US CBP facilities and uses on, and in the vicinity of, the subject development and therefore considers the principle unacceptable.
- Considers that the Terminal 2 permission under ABP ref. PL 06F.220670 (PA ref. F06A/1248) sets a precedent in terms of floor area and passenger throughput within the terminal complexes and rejects the applicant's contention that the increased floor area will not provide additional capacity in relation to the facility and consequent impacts on environmental and infrastructural carrying capacity.
- Considers that the proposal would enable for a passenger capacity increase which would in turn result in a material intensification of the use of the Terminal 2 facility and would have implications for the existing transportation capacity constraints at the eastern campus identified in ABP ref. PL 06F.220670 (PA ref. F06A/1248).
- It considers the proposal to be premature and inconsistent with applicable national and regional policy, and policy DAP2 and objectives DAO7 and DAO8 of the Development Plan and SF02 of the Dublin Airport LAP, in the absence of external surface access infrastructure and / or measures to serve the expansion scheme. It also states that no consideration was afforded the reconfiguration of the existing terminal facility or to an assessment of surface access constraints. On this basis, it considered the scheme was not justified or consistent with TP01 of the LAP.

*Environmental Impact Assessment (EIA)*

- In relation to the EIA process, it considered the EIAR adequate for the purposes of assessing the application however as the principle of the proposal is unacceptable in the highlighted context, it considered the EIAR to be inadequate as it has not considered any intensification of use. It states that the planning authority is not, therefore, in a position to carry out a reasoned conclusion in respect of EIA.

*Appropriate Assessment (AA)*

- States that AA, and the submission of a Natura Impact Statement, is not required.

*Overall Conclusion*

- Having regard to the history and in the absence of any upgraded road infrastructure or measures to address surface access constraints at the eastern campus, and in applying the precautionary approach to ensure that the operational capacity of the national road infrastructure is protected and maintained, it concludes that the proposed CBP expansion and the material intensification which would arise is premature and would materially contravene the Development Plan and LAP.

4.2.2. Other Technical Reports

- Roads (11/07/22): Further information requested.
- Water (03/07/22): No objection subject to condition.

### 4.3. Prescribed Bodies

4.3.1. I note that IAA did not participate in the consultation process. Summary of responses:

- ANCA (27/07/22): No objection.
- DAA (14/06/22): No comment.
- DAU-NMS (04/07/22): No objection subject to condition.
- HSA (26/06/22): No objection.
- HSE (04/07/22): No objection subject to condition.
- TII (22/06/22): No objection.
- Uisce Éireann (05/07/22): No objection subject to condition.

### 4.4. Third Party Observations

4.4.1. A third-party submission was received from the Irish Air Line Pilots Association (IALPA). The issues raised are similar to the appeal observations (section 6.3).

## 5.0 Planning History

5.1. The airport has an extensive planning history. I consider the following to be particular relevance to the proposed development:

*Terminal 1*

5.1.1. PA ref. F06A/1843 – in January 2008, the Board upheld the decision of the planning authority and granted permission (ref. PL 06F.223469) for an extension to Terminal 1. Condition 2 imposed a combined capacity cap of 32 million passenger per annum (mppa) for Terminal 1 and Terminal 2 (as permitted under ABP ref. PL 06F.220670).

*Terminal 2*

5.1.2. PA ref. F06A/1248 – in August 2007, the Board generally upheld the decision of the planning authority and granted permission (ref. PL 06F.220670) for Phase 1 of Terminal 2. Condition 3 imposed a combined capacity cap of 32mppa for Terminal 1 and Terminal 2, as permitted. Condition 23 imposed a broad restriction on car parking within the airport with no increase in the number of employee spaces. In refusing Phase 2 (c. 17,000sq.m), the Board considered that it would be premature pending the determination by the road authority of the detailed road network to serve the area and concluded that further expansion of terminal capacity would contravene LAP objectives EA2, EA3 and TP10 which sought to provide balanced road infrastructure to manage traffic and to cater for the comprehensive development of the airport.

5.1.3. PA ref. F08A/0023 – in April 2008, the planning authority granted permission for alterations to Pier E (now Pier 4) as permitted under ABP ref. PL 06F.220670 (PA ref. F06A/1248) including a 511sq.m, single-storey extension to southeast of pier etc.

5.1.4. PA ref. F16A/0081 – in December 2016, the Board upheld the decision of the planning authority and granted permission (ref. PL 06F.246975) for apron bus access facilities comprising 2 no. circulation cores, c. 10.5m and 11.0m high and c. 303sq.m in area.

5.1.5. PA ref. F16A/0200 – in December 2016, the Board upheld the decision of the planning authority and granted permission (ref. PL 06F.247135) for a Passenger Transfer Facility including a c. 1,772sq.m, three-storey extension to Pier 4 with link bridges etc.

*North Runway (10L-28R)*

5.1.6. PA ref. F20A/0668 – permission granted in August 2022 for the taking of a ‘relevant action’ (RA) relating to the night-time use of the runway system involving the amendment of the operating restriction set out in Condition 3(d) and the replacement of the operating restriction in Condition 5 of ABP ref. PL06F.217429 (F04A/1755) as amended by ABP-305289-19 (F19A/0023), as well as proposing new noise mitigation

measures. The proposed RA would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily and replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (10L-28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. RA appealed and a draft decision was issued by the Board (ABP-314485-22). No decision to date.

5.1.7. PA ref. F04A/1755 – permission granted on appeal (ref. PL 06F.217429) in August 2007 for the new North Runway. Condition 3(d) restricts the use of the North Runway for take-off and landing between 2300 and 0700 hours. Condition 5 restricts the average number of night-time aircraft movements to 65 between 2300 and 0700 hours. The runway and taxiways were amended under ABP-305298-19 (PA ref. F19A/0023).

5.2. Other recent history:

*Shamrock House*

5.2.1. PA ref. F18A/0311 – in September 2018, the planning authority granted permission for the removal of an existing water tank and replacement with a 450kVa diesel generator set with proprietary double skinned fuel storage tank to existing roof plant.

5.2.2. PA ref. F18A/0310 – in September 2018, the planning authority granted permission for the removal of an existing fuel tank and replacement with a 450kVa diesel generator set with proprietary double skinned fuel storage tank to rear plant area.

*Apron 5H*

5.2.3. PA ref. F20A/0550 – in December 2021, the planning authority granted permission to extend the Apron 5H to facilitate 12 no. aircraft stands etc. Condition 2 requires compliance with the mitigation measures contained in both the EIAR and NIS. Condition 3 requires the appointment of a project ecologist etc. with experience in aquatic protection to oversee the mitigation measures contained in the NIS including biological monitoring of the Kealy, Wad, Forrest Little and Cuckoo streams during and post construction. Condition 11 (contributions) was removed under ABP-312476-22.

*Surface Access*

5.2.4. PA ref. F21A/0518 – in March 2023, the Board upheld the decision of the planning authority and granted permission (ABP-313157-22) for alterations to sections of the internal road network on the departure routes to and from the T1 and T2 forecourts.

Condition 2 restricts the use of the T2 surface car park, road configurations, tolling infrastructure and all development adjoining the southwest corner of the T2 multi-storey car park to a temporary basis, ceasing within 5 years of the final grant or otherwise where required for purposes of *Metrolink*, unless prior to the end of that period or where not required for purposes of *Metrolink*, permission for the continuance of use is granted, in order to facilitate the development of the site in accordance with Objective DMS120 of the Fingal County Development Plan 2017-2023 and to ensure the delivery of *Metrolink*. Condition 3 states that the proposed development shall comply with Conditions 12, 23 and 24 of ABP ref. PL06F.220679 (PA ref. F06A/1248).

*Airfield Underpass*

PA ref. F22A/0460 – in April 2024, the Board upheld decision of the planning authority and granted planning permission (ABP-316138-22) to underpass runway 16/34. The application was accompanied by an EIAR and NIS and was subject to legal challenge[4].

*North Apron*

5.2.5. PA ref. F23A/0132 – in December 2023, the planning authority granted permission for an extension to the existing North Apron etc. The application was accompanied by a Natura Impact Statement (NIS) but screened out by the planning authority having regard to the *Eco Advocacy CLG v An Bord Pleanála* (C-721/21) judgement. A leave to appeal application was refused by the Board (ABP-318841-24) in February 2024.

*Hangar 7*

5.2.6. PA ref. F23A/0245 – in December 2023, the planning authority granted permission for a single-, part two-storey hangar for 4 aircrafts etc. This application was accompanied by an NIS. A decision by the Board to grant an application for leave to appeal (ABP-318838-24) in February 2024 was quashed by the High Court[5] and the remitted leave to appeal application (ABP-321584-25) was refused by the Board in January 2025. The intervening appeal (ABP-319103-24) lodged in February 2024 was withdrawn.

*Airfield Drainage Project*

5.2.7. PA ref. F23A/0636 – in August 2024, the planning authority granted permission for upgrades to drainage infrastructure and the construction of additional drainage

[4] *Ryanair v An Bord Pleanála* [2025] IEHC 74.
[5] *Ryanair v An Bord Pleanála,* unreported, High Court, Humphreys J., 23rd December 2024 (2024 JR 407).

infrastructure to improve performance of the surface water management with all associated site works. The application was accompanied by an EIAR and NIS and is currently subject of a live planning appeal (ABP-320815-24). No decision to date.

*'Infrastructure Application'*

5.2.8. PA ref. F23A/0781 – in December 2023, live application for certain project elements, including: North Apron; South Apron[6]; Runway 16/34 Underpass; Airfield Drainage; and Junction Improvements etc. It is also proposed to increase the passenger numbers from 32 to 40mmpa, thereby superseding/replacing Condition 3 of ABP ref. PL06F.220670 and Condition 2 of ABP ref. PL06F.223469, in addition to superseding/replacing Condition 23 of ABP ref. PL06F.220670 in respect of short-term, long-term and staff parking. Significant further information was submitted with the submissions/observations period closing in January 2025. No decision to date.

*South Staff Car Park*

5.2.9. PA ref. FW24A/0253E – in August 2024, the planning authority refused permission for a surface car park providing for a total of 950 staff car parking spaces and all associated site works. The application was accompanied by an EIAR and NIS and is currently subject of a live planning appeal (ABP-320748-24). No decision to date.

*'No Build (36mppa) Application'*

5.2.10. PA ref. F25A/0094E – live application (F24A/1178E previously deemed invalid).

5.3. Other relevant history:

*Metrolink*

5.3.1. ABP-314724-22 – in September 2022, Transport Infrastructure Ireland (TII) lodged a Railway Order application (Estuary to Charlemont via Dublin Airport). Further information was submitted by TII in June 2024. No decision has issued to date.

*BusConnects*

ABP-317121-23 – in June 2024, the Board approved the Swords to City Centre Core Bus Corridor Scheme consisting of bus, cycle and pedestrian infrastructure with an overall length of c. 12km and serving Dublin Airport. Now subject to legal challenge.

[6] The proposed CBP extension and SASC are included within Project Element (2): South Apron.

## 6.0 Policy Context

### 6.1. Local Planning Policy

***Fingal Development Plan 2023-2029***

6.1.1. The current Development Plan came into effect on 5th April 2023. The planning authority decision of 24th July 2023 was made under the provisions of this Plan.

6.1.2. The appeal site is zoned 'Dublin Airport' (DA) with a zoning objective *'to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan'*. Air Transport Infrastructure etc. is 'permitted in principle'.

6.1.3. Chapter 8 of the Development Plan relate specifically to Dublin Airport. Policy DAP1 notes the role of the Dublin Airport Local Area Plan (LAP) in supporting Dublin Airport as a key national economic asset. Objectives DAO1 and DAO2 reinforce the role of the LAP in terms of safeguarding the airport and its current and future requirements.

6.1.4. Other relevant airport policies and objectives are summarised as follows:

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| DAP2 | Seeks to ensure that facilities are provided as per LAP so that the airport can develop further and operate to its maximum sustainable potential. |
| DAO3 | Seeks to ensure Dublin Airport is developed as a secondary hub. |
| DAO4 | Seeks to ensure facilities are provided so that the aviation sector can develop further and operate to its maximum sustainable potential. |
| DAO5 | Seeks to facilitate the on-going augmentation and improvement of terminal facilities at Dublin Airport. |
| DAO7 | Seeks to provide integrated public transport serving Dublin Airport. |
| DAO8 | Seeks to protect and enhance the transportation capacity required to provide for the surface access needs of the airport. |
| DAO11 | Seeks to resists noise sensitive uses in Zone A (subject to Table 8.1). |
| DAO18 | Seeks to promote appropriate land use patterns close to the flight paths. |

6.1.5. Chapter 9 of the Development Plan relates to natural heritage. Section 9.6.14 relates to Landscape Character Assessment. The airport is in the 'Low Lying Character Type'.

***Dublin Airport Local Area Plan 2020***

6.1.6. The LAP came into effect in January 2020 and sets the airport policy context. The LAP duration was extended to 2030 at a Fingal Co. Council meeting in March 2025.

6.1.7. The following sections are relevant to the proposed development:

- 7.1.1 – Key development areas during the Plan Period (incl. US pre-clearance)
- 7.2.1 – Terminals
- 7.2.4 – Aircraft Parking Stands, Piers and Boarding Gates
- 7.2.5 – Aprons
- 7.7.1 – Design Framework

6.1.8. Relevant objectives are summarised as follows:

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| SF02 | Requires, as part of any application that will result in increased demand for travel, the submission of a detailed transport model, to be undertaken in collaboration with stakeholders (i.e. NTA and TII); a traffic and transport impact assessment; and specific proposals for mobility management measures and the demonstration of consistency with the overall Dublin Airport Mobility Management Plan in order to prioritise public transport, appropriately phase transport infrastructure requirements and the appropriate provision of carparking as set out in the South Fingal Transport Study, relevant to the growth of the Airport. |
| TP01 | Seeks to facilitate the on-going augmentation and reconfiguration of existing terminal facilities at Dublin Airport to ensure optimal use, subject to assessment of surface access constraints. |
| TP02 | Seeks to support and facilitate the expansion and enhancement of US preclearance facilities. |
| IA03 | Seeks to ensure that passenger facilities enhance the experience of airport users. This includes efficient circulation and waiting facilities. |
| SBG01 | Seeks to facilitate the development of new stands, piers and boarding gates etc. having regard to the need to protect key operational areas. |
| SBG02 | Seeks to provide improved and expanded parking facilities for aircraft. |

## 6.2. Regional Planning Policy

### *Regional Spatial and Economic Strategy (RSES)*

6.2.1. The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031 (EMRA, 2019) sets the regional policy context. Regional Spatial Outcome (RSO) 14 seeks to promote Dublin as a global city region and protect and enhance international connectivity, including airports and promote the Region as a gateway to Ireland.

6.2.2. Regional Policy Objective (RPO) 8.17 supports the *National Aviation Policy* and the growth and movements and passengers at Dublin Airport to include its status as a secondary hub, and in particular improved terminal facilities and infrastructure. RPO 8.18 supports the improved airport access, including *Metrolink* and *BusConnects*.

## 6.3. National Planning Policy and Guidelines

### *National Planning Framework (NPF)*

6.3.1. *Project Ireland 2040*, the National Planning Framework (NPF), sets the national planning policy context. National Strategic Outcome (NSO) 6 promotes high-quality international connectivity which is crucial for overall international competitiveness.

6.3.2. The NPF identifies the improvement of access to Dublin Airport, including public transport access, connections from the road network from the west and north and in the longer term, consideration of heavy rail to facilitate direct services from the national rail network, in the context of potential future electrification, as a future growth enabler.

6.3.3. The NPF also seeks to ensure that development occurs within environmental limits, having regard to the requirements of relevant legislation and the sustainable management of natural resources as set out in National Policy Objective (NPO) 52. NPO 54 seeks to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

### *Updated Draft Revised NPF*

6.3.4. The updated draft revised NPF (November 2024) reiterates the importance of high-quality international connectivity along with improved public transport to Dublin Airport.

6.3.5. NPO's 66 and 69 reflect the general policy approach under existing NPO's 52 and 54.

***EIA Sub-threshold Development Guidance***

6.3.6. Guidance for Consent Authorities regarding Sub-threshold Development (DEHLG, 2003) aims to provide practical guidance for the competent/consent authorities in deciding whether or not a subthreshold development is likely to have significant effects on the environment. Section 3.5 of the Guidance notes that the legislation addresses the possible need for EIA below the Annex II national thresholds i.e., sub-threshold.

***Flood Risk Guidelines***

6.3.7. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DEHLG, November 2009)[7], seek to avoid inappropriate development in areas at risk of flooding, and new development increasing flood risk elsewhere, whilst also avoiding unnecessary restriction of national, regional or local economic growth.

6.3.8. Figure 3.2 of the guidelines illustrates the sequential approach to managing flood risk.

6.3.9. Section 3.5 of the guidelines notes that development in Flood Zone C is appropriate from a flood risk perspective, subject to assessment of flood hazard from sources other than rivers and the coast and the other normal range of planning considerations.

## 6.4. Other National Policy and Technical Guidance

***Climate Action Plan 2024 (CAP24)***

6.4.1. The Climate Action and Low Carbon Development Act 2015, as amended, ('the Climate Act'), commits the State to a legally binding 51% reduction in overall GHG emissions by 2030 and to achieving net zero emissions by 2050. Section 15 places an obligation on the Board to make all decisions in a manner consistent with this Act.

6.4.2. The Climate Action Plan 2024 (DECC, 2024) follows the commitment in the Climate Act, and sets out the range of emissions reductions required for each sector to achieve the committed targets. Measures to reach a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fossil fuel usage and a 50% increase in daily active travel.

6.4.3. In terms of air travel, it notes the European Green Deal 2050 aim but states that efforts to reduce aviation emissions are best undertaken within an international framework.

[7] These guidelines were amended/clarified under Circular PL 2/2014.

***National Aviation Policy (NAP)***

6.4.4. The National Aviation Policy (DTTS, 2015) acknowledges the importance of the aviation sector to Ireland's economy. The stated policy position is that Dublin Airport, along with Cork and Shannon, will continue to provide essential strategic infrastructure and services that support the economic and social objectives of the State. In support of this position, Action 4.3.1 seeks to promote Dublin as a secondary hub airport and in this regard, it notes that an adequately resourced US pre-clearance facility is critical.

6.4.5. In addition, Action 3.4.2 states that the Department will encourage Dublin and Shannon Airports and airlines to maximise the benefits to Ireland of pre-clearance facilities and will promote the development of those airports as pre-clearance centres. Action 4.6.3 seeks to prioritise reception facilities so as to remove airport bottlenecks.

6.4.6. This policy committed the Department for Transport to commission a high-level strategic capacity review of Ireland's State airports (see DTTS review details below).

***National Sustainable Mobility Policy***

6.4.7. The National Sustainable Mobility Policy (Dept. of Transport, 2022) sets out a policy framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in greenhouse gas emissions by 2030.

***PE-PDV-02045 (TII, May 2014)***

6.4.8. Guidance relating to traffic and transport assessment (TTA) is set out in this technical document. Section 2.1 considers the thresholds at which the production of a TTA in relation to planning applications is recommended. Table 2.1 details the relevant thresholds, including where traffic to/from the development exceeds 10% of the traffic flow on the adjoining road and distribution. Table 2.2 sets out advisory thresholds where national roads are affected including 100 trips in/out combined in peak hour.

***PE-ENV-01104 (TII, December 2022)***

6.4.9. This technical document provides guidance on the methodology, scope and processes underlying climate assessment for national roads, light rail and rural cycleway projects.

***PE-ENV-01106 (TII, December 2022)***

6.4.10. This technical document provides guidance on the methodology, scope and processes underlying the air quality assessment (AQA) for specified infrastructure projects.

## 6.5. Other Guidance

***A Review of Future Capacity Needs***

6.5.1. This Department of Transport (DTTS) review (August 2018) provides a basis for planning for future growth and investment of Ireland's state airports including Dublin.

6.5.2. It sets out forecasts for passenger and aircraft movements for Dublin Airport up to 2050 and Figure 25 outlines airport's key capacity requirements for the same period.

6.5.3. The DTTS Review also identifies internal congestion points in the terminals as a capacity challenge. Figure 40 illustrates the capacity summary at Terminal 2. In a transfer sensitive scenario, the pre-clearance security queues are projected to have reached capacity (2020) with the subsequent border checks reaching capacity in 2035.

6.5.4. I also note that the review findings for CBP pre-clearance facility are based on the process at the time of the research (2017-2018) with further analysis recommended following the introduction of a biometric facial recognition system in June 2018.

***Dublin Airport Central Masterplan***

6.5.5. The masterplan (Fingal Co. Co., March 2016) was prepared in consultation with DAA and sets out a framework for the future development of lands strategically located adjacent to Dublin Airport, referred to as Zones 1 and 2, and outside the appeal site.

***Dublin Airport Mobility Management Plan 2024-2026***

6.5.6. This Mobility Management Plan (MMP) sets out Dublin Airport's approach to enhancing and promoting sustainable modes (walking, cycling and public transport) for passengers and staff travelling to and from the airport for the period 2024-2026.

6.5.7. The MMP outlines a series of interventions for delivery in the short, medium and long-term. It notes that Dublin Airport will continue to actively oversee the implementation of short-term measures for delivery in 2024, while also commencing planning on further medium to long term interventions, including raising the current passenger cap.

***Greater Dublin Area Transport Strategy 2022-2042***

6.5.8. This National Transport Authority (NTA, January 2023) strategy sets out how transport will be developed across the region. Section 9.3 relates to international gateways.

6.5.9. Measure INT2 outlines NTA's intention to serve international gateways with landside infrastructure, including Dublin Airport, which will facilitate their sustainable operation.

***Noise Action Plan for Dublin Airport 2024-2028***

6.5.10. The plan (Fingal Co. Co., December 2024) contains a long-term strategy for managing the noise climate around Dublin Airport. It provides information on the aircraft noise situation in the communities around Dublin Airport, highlighting areas for improvement and potential future developments at the airport that may affect future noise levels, such as changes to noise management measures and infrastructure upgrades.

***South Fingal Transport Study 2019***

6.5.11. Using the NTA's East Regional Model (ERM), this study identifies the key transport infrastructure that is required including the network serving Dublin Airport in order to address constraints in transport capacity. These include significant improvement to public transport infrastructure and services such as the Swords Core Bus Corridor, *Metrolink* etc. In support of these public transport measures are upgrades to roads infrastructure which would aid improved public transport movements. These include an upgrade to the Airport Roundabout to complement *BusConnects* and other bus services, the provision of a western access route to provide contingency planning and serve improved shuttle transfers from parking and lands to the west of the airport.

6.5.12. The study notes that whilst it is possible that different modal shares or passenger numbers through airport may develop in future, on the basis of the estimated demand scenarios, the assessment of future transport demands up to 2027 concluded that the forecast growth can be accommodated by the surface transport network, provided the recommended infrastructural measures arising from the study are provided.

## 6.6. Natural Heritage Designations

- Malahide Estuary SAC (000205) – 4.9km north, northeast
- Malahide Estuary SPA (004025) – 4.9km north northeast
- Baldoyle Bay SAC (000199) – 6.3km east
- Baldoyle Bay SPA (004016) – 6.3km east
- North-West Irish Sea SPA (004236) – 7.3km southeast

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. A first party appeal has been lodged by Coakley O'Neill Town Planning, on behalf of the applicant, DAA.

7.1.2. The main grounds of appeal can be summarised as follows:

- It is stated that the proposal was considered acceptable in principle and compliant with the zoning objective at the relevant pre-application meeting, and the applicant proceeded on that basis.
- It is submitted that the proposed development is explicitly sanctioned in the applicable national, regional, and local policy and it is needed to meet the current operational requirements of Dublin Airport. The Dublin Airport LAP includes objective TP02 to support and facilitate the expansion and enhancement of US preclearance facilities.
- It is stated that the proposal is acceptable in principle in the applicable DA zoning objective.
- It is suggested that that the proposed development constitutes appropriate and permissible uses in the context of Dublin Airport Noise Zone A and the Dublin Airport Outer Public Safety Zone.
- It is submitted that the proposal does not constitute the need for a noise-related action at the Airport as no increase in flights, passengers or airport operations are proposed as part of the planning application. The 32mppa cap on the airport, as per Condition 3 of ABP ref. PL06F.220670 and Condition 2 of ABP ref. PL06F.223469 will remain in place.
- It is noted that two separate applications have been granted to extend Pier 4 since the original Terminal 2 decision without an impact on passenger capacity.
- It is stated that the proposal is appropriately located, and all reasonable alternatives were considered within the specific characteristics of the project.

- It is suggested that there is an undeniable need for the proposal to ensure the efficient, comfortable, and safe operation of the CBP facility at Dublin Airport, being a core operational facility, which affords the airport it's "niche hub role", as recognised in the Development Plan and Dublin Airport LAP.
- It is submitted that the proposed development is of a high-quality design in line with the Dublin Airport Architectural Design Framework.
- It is stated that the proposal will not give rise to significant environmental effects and either alone or in combination with other plans or projects, will not adversely affect the integrity of European sites.

## 7.2. Planning Authority Response

7.2.1. The planning authority's response can be summarised as follows:

- It is noted that the advice given at pre-application stage cannot prejudice the determination of a subsequent planning application.
- It is stated that planning authority concerned itself with the proper planning and sustainable development of the airport and the carrying capacity of the surrounding area, with careful consideration given to planning precedent.
- It is noted that the decision of An Bord Pleanála to refuse Phase 2 of Terminal 2 was to limit the floor area of the terminal for the purpose of limiting the intensity of the use. It is submitted that a larger floor area having capacity for a larger number of passengers and a smaller floor area having capacity for a smaller number of passengers was and remains a reasonable contention.
- It is stated that the LAP objectives relating to augmentation of terminal facilities (TP01) and expansion of US pre-clearance facilities (TP02) does not equate to policy support for an increase in floor area and capacity of the terminal building. It is suggested that such augmentation and expansion can be undertaken within the substantial floor space available without recourse to terminal expansion.
- It is submitted that the expansion of the CBP facilities is required to fall within the broader planning framework including landside restrictions to the scale of Terminal 2, passenger cap, employee parking cap in addition to restrictions on operation of the airfield for reasons of balancing commercial development aspirations with

proper planning and sustainable development. However, it is also stated that the planning authority supports the utilisation of the extensive floor space in Terminal 2 to accommodate quality experience in waiting, queuing, screening etc.

- It is stated that the decision of the planning authority is consistent with planning precedent for the purposes of limiting the capacity of Terminal 2 in order to mitigate the impacts on transport infrastructure of critical national importance.
- It suggests that the applicant, within it gift, alternative solutions to accommodate the queuing that occurs at peak times without recourse to terminal expansion.
- It is submitted that the appeal relies on the proposition that there is no intensification of use notwithstanding the significant floor area proposed and without any assessment on the impact on the surface access to the airport, which is the main planning cap on passenger capacity.
- It is stated that the assessment of an intensity of use of Dublin Airport are of a complexity and importance that a comprehensive assessment of the receiving environment and transport network is required as per Objective SF02 of the LAP, and this has not been produced.
- Request the Board to uphold the decision of the planning authority and refuse permission for the expansion of Terminal 2, as sought.
- Provision should be made for a financial contribution if the appeal is successful.

### 7.3. **Observations**

7.3.1. An observation was received from the IALPA. The observation generally reflects the submission made to the planning authority. It can be summarised as follows:

- Noting the applicant's submission that there will be no increase in passenger capacity, it is submitted that the Board could condition the removal of proposed floors L20 and L30 in order to allay the planning authority's capacity concerns.
- It is stated that the Board could possibly give long term clarity to the applicant and the planning authority, by way of a contingency condition, that the Terminal 2, Phase 2 footprint is protected for future terminal, as opposed to pier, expansion.

- It is suggested that protecting the Terminal 2, Phase 2 site would ensure no further apron compaction to the congested South Apron which would be a welcome relief for pilots, ground controllers etc. trying to co-ordinate aircraft movements within the South Apron cul-de-sac.
- Whilst it is accepted that the CBP had chronic and dangerous compaction issues in 2019, this has been alleviated through the introduction of new TSA (Transportation Security Administration) screening since April 2023. It is stated that applicant has failed to acknowledge the new TSA screening procedures.
- The observer is unclear as to the function of the proposed SASC.

# 8.0 Assessment

8.1. There are three separate elements to my assessment: a planning assessment; environmental impact assessment (EIA); and appropriate assessment (AA) screening.

8.2. In each assessment, where necessary, I refer to the issues raised by parties in the submissions to the Board. There is an inevitable degree of overlap between assessments, however, to avoid undue repetition I cross-reference where possible.

# 9.0 Planning Assessment

## 9.1. Preliminary Points

9.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

9.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle
- Development Design
- Airport Operations
- Other Issues

## 9.2. Land Use and Development Principle

*Background*

9.2.1. The proposed development includes the alteration and extension of the existing US CBP pre-clearance facility at Dublin Airport. The facility is located airside, at ground floor level (Level 10), to the northern end of Pier 4 and serves all outbound passengers, including transfer passengers, travelling directly to the USA. It is operated to Transportation Security Administration (TSA), as opposed to EU standards, and allows passengers to undertake all US Immigration, customs and agriculture inspections prior to departure, thus allowing for shorter transfer times for the onward connecting flights.

9.2.2. The planning authority's sole refusal reason states that the proposal would be premature pending the determination by the road authority of the detailed road network to serve the area. In this regard, they consider the expansion of the US CBP pre-clearance facility's capacity would materially contravene policy DAP2 and objectives DAO7 and DAO8 of the Development Plan, and objectives SF02 and TP01 of the LAP.

9.2.3. As the refusal reason outlines separate but similar concerns of material contravention, I will address these individually and then return to the primary issue of land use and development principle which are evidently tied up in concerns regarding prematurity.

*Material Contravention of the LAP*

9.2.4. The planning authority considers that the proposal represents a material contravention of objectives SF02 and TP01 of the Dublin Airport LAP, as cited above. These objectives generally seek to provide balanced road and public transport infrastructure in order to manage traffic and to cater for the comprehensive development of the airport and facilitate the on-going augmentation and reconfiguration of terminal facilities to ensure optimal use, subject to assessment of surface access constraints.

Objective SF02

9.2.5. I note that objective SF02 specifically relates to "any application that will result in increased demand for travel". Subsequent to that it requires a number of particular studies to be undertaken and submitted with the relevant application, including a detailed transport model, a traffic and transport assessment (TTA), proposals for mobility management, and overall consistency with the Mobility Management Plan.

9.2.6. The applicant has stated throughout the supporting documentation that the proposed development will not result in any increase in passenger or operational capacity at Dublin Airport, and the statutory notices are explicit in this regard, as noted in the appeal submission. This position is discussed further in section 10.9 of the EIA below.

9.2.7. The planning authority, on the other hand, equate an extended CBP facility to a driver for increased travel demand. This is evident throughout the Planning Officer's Report which states, amongst other things, that a 'material intensification would arise', thus triggering the requirement for the various studies outlined in LAP objective SF02.

9.2.8. Were the proposal to 'result in increased demand for travel', the application would evidently require a detailed transport model, a TTA and proposals for mobility management measures and consistent with the airport's Mobility Management Plan. The planning authority, does not, however, provide evidence that this would be the case. Moreover, I draw the Board's attention to the compelling rationale provided for the proposed development as outlined in the Planning Statement (sections 7.3 to 7.10), CBP Design Statement (section 2.1) and the accompanying EIAR (section 1.6).

9.2.9. In this regard, I am persuaded by the applicant's stated need for the proposal, including their current operational requirements and "niche hub role". Whilst I don't dispute the general link between floor space availability and intensity of usage, I am not convinced that it applies so neatly in the case of transit hubs, as it would, with say, a shopping centre. In such cases the causal factor associated with intensity of usage, or footfall through the terminals, is evidently the volume of air traffic. It is this, in my opinion, that dictates the intensity and subsequent demand for surface access. Whilst I accept that it would be naive not to contemplate that an extended CBP facility wouldn't lead to additional transatlantic routes, that must be done within the confines of 32mppa cap, and failure to comply with that requirement, is evidently a breach of planning control.

9.2.10. Moreover, and this must be clarified, the Board, in deciding to permit Phase 1 of Terminal 2 imposed the aforementioned annual passenger cap. This is widely acknowledged and reported on, but it is not to be conflated with a restriction on floorspace, notwithstanding the Board's decision to refuse Phase 2 of Terminal 2. I do not, therefore, agree with the planning authority that the decision capped both floor space and passenger numbers. This is clearly evidenced in recent Pier 4 extensions, not least the Passenger Transfer Facility permitted in 2016 (ABP ref. PL 06F.247135).

9.2.11. Having regard to the above, I can find no contravention of LAP objective SF02, material or otherwise. If the Board are of the opinion that a contravention has occurred, and consider that contravention is material in planning terms, it should not consider itself constrained by virtue of Section 37(2) of the Planning and Development Act 2000, as amended, having regard to the recent decision in the *Ryanair*[8] case.

Objective TP01

9.2.12. I note that objective TP01 seeks to facilitate the on-going augmentation and reconfiguration of existing terminal facilities at Dublin Airport to ensure optimal use, subject to assessment of surface access constraints. Whilst not explicitly stated in the refusal reason, the planning authority submits that there is scope within the Terminal 2 building to provide an expanded CBP facility without recourse for pier expansion.

9.2.13. The applicant, on the other hand, states that the proposal is appropriately located, and all reasonable alternatives were considered within the specific characteristics of the project. The siting of the proposed development is considered further in section 9.3 below but suffice to say that it represents a logical extension to an existing facility. In this regard, it is important to note the proposal will effectively double the existing floor space allocated to processing pre-clearance passengers at ground level (Level 10) with the bulk of the remaining floor space (Level 15) dedicated to improved passenger and staff experience, which, in my view, is consistent with the National Aviation Policy.

9.2.14. Objective TP01, does not, in my opinion introduce a form of sequential test that must be satisfied before an extension to the terminal facilities can be countenanced. If it did, then, it is not obvious, and in any event would conflict with the overtly explicit objective under TP02 which seeks to support and facilitate the expansion and enhancement of the US pre-clearance facilities and directly relates to the proposal.

9.2.15. In my opinion, there is clear and unambiguous policy support for the proposal. This is noted by the applicant in their submission, where they also state that the proposal is explicitly sanctioned in national and regional policy, and needed to meet the operational requirements of Dublin Airport. The planning authority have not, in my opinion, attached sufficient weight to objective TP02, and simultaneously placed disproportionate weight on objective TP01, and on this point, I agree with the applicant.

[8] *Ryanair v An Bord Pleanála* [2025] IEHC 74.

9.2.16. Having regard to the above, I can find no contravention of objective TP01, material or otherwise. If the Board are of the opinion that a contravention has occurred, and consider that contravention material in planning terms, then as noted above, there is no requirement to consider the proposal in the context of Section 37(2) of the Act.

*Material Contravention of the Development Plan*

9.2.17. The planning authority also consider that the proposal is a material contravention of policy DAP2 and objectives DAO7 and DAO8 of the Fingal Development Plan. These objectives, and policy, outline a general approach to the provision of required infrastructure and facilities (in line with the LAP) and integrated public transport to serve the airport, in addition to the protecting and enhancing the transport capacity and surface access. They are not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Act.

Policy DAP2

9.2.18. Policy DAP2 seeks to ensure that the required infrastructure and facilities are provided so that the airport can further develop and operate at its maximum sustainable capacity, having regard to impacts on local communities, the environment and climate.

9.2.19. In this regard, I am satisfied that no additional infrastructure or facilities are required to accommodate the proposed reconfiguration and expansion of the existing US CBP pre-clearance facility at Pier 4 or indeed the refurbishment and upgrade of the former FCB. It is important to reiterate the fact that the development description explicitly states that the proposal will not result in any increase in passenger or operational capacity and there will also be no increase in staff parking, either airside or landside.

9.2.20. I can find no contravention of Development Plan policy DAP2, material or otherwise.

Objective DAO7

9.2.21. Separately, objective DAO7 requires, and seeks to facilitate, the provision of an integrated public transport network to serve Dublin Airport. With the utmost of respect to the planning authority, there is no direct link between this objective and the proposed alterations and extension, particularly in the absence of increased capacity. I do however acknowledge the context within which this connection was made, but for the reasons stated below, I do not agree the proposed development to be premature.

9.2.22. I find no contravention of objective DAO7, material or otherwise, and in terms of an integrated public transport network to serve the airport, I note that the *BusConnects* Swords to City Centre Core Bus Corridor Scheme was permitted by the Board in June 2024 (ABP-317121-23). It, along with *Metrolink*, are key components of this network.

Objective DAO8

9.2.23. Finally, objective DAO8 seeks to protect and enhance the transportation capacity required to provide for the surface access needs of the airport. Similar to the rationale outlined above, there is no direct link between this objective and the proposed development, although I do note the context within which it has been contemplated.

9.2.24. In the absence of passenger increases, I can find no contravention of objective DAO8.

*Prematurity, Access Constraints and Operational Capacity*

9.2.25. Having regard to the above and the supporting information, including that contained within the EIAR, I do not consider that the proposal will give rise to any external operational capacity issues, specifically those relating to the existing surface access constraints. In these circumstances, whilst I accept that increased floor space at the CBP facility will allow for increased volume, I do not agree that increased surface access demand is a direct corollary, and I am satisfied that the passenger cap will be unaffected insofar as it relates to the proposal. Or to put it another way, I do not consider that the proposal alone will intensify travel demand to, or from, the USA.

9.2.26. In this regard, TII, the state agency responsible for road and public transport infrastructure, did not raise any concerns. Similarly, the local authority's roads section had no concerns in a non-intensification scenario, other than a query regarding additional car parking spaces at the proposed SASC, which I have addressed below.

*Conclusion on Land Use and Development Principle*

9.2.27. The proposed development is supported by the zoning objective at Dublin Airport, which seeks to ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan. I specifically note that the expansion and enhancement of pre-clearance facilities is listed as a 'key development area' during the plan period and unequivocal policy support is found in objective TP02.

9.2.28. As stated, I do not agree that increased floor space at the CBP facility will place any further pressures on the already constrained surface access to Dublin Airport, with a

significant proportion of passengers originating from outside of Ireland and utilising Dublin Airport as a connection hub for onward trips to the USA. This is suggested by the applicant, and I note the DTTS Review projected pre-clearance security queues to reach capacity by 2020 in a transfer sensitive scenario. Indeed, the observer, identified dangerous compaction issues within the CBP pre-clearance facility in 2019.

9.2.29. At both regional and national levels, the proposed development aligns with the RSES and NPF, including the updated Draft Revised NPF, which seek to enhance and promote high-quality international connectivity. The increased volume for passenger circulation and waiting facilities, and overall improved experience of airport users is indicative of high-quality connectivity and explicitly supported by LAP objective IA03.

9.2.30. Moreover, RPO 8.17 clearly supports the 'secondary hub' concept at Dublin Airport and improved terminal facilities, in the context of the National Aviation Policy (Action 4.3.1), where an adequately resourced US pre-clearance facility is considered critical.

9.2.31. In these circumstances, the proposal is acceptable in principle and land use terms.

9.2.32. Should the Board have any residual concerns regarding the impact the proposed development could have on the operational capacity at Dublin Airport in terms of surface access, the option remains to tether it to the parent permission for Terminal 2. Such a condition would be unambiguous in respect of the 32mppa capacity cap (Condition 3) and the broad restriction on car parking within the airport (Condition 23).

### 9.3. **Development Design**

9.3.1. Whilst not expressly raised in the refusal reason, the applicant has submitted that the design of the proposed development is of high quality. Separate design statements for the CBP and SASC have been submitted in this regard, along with an energy and sustainability report. Chapter 6 of the EIAR addresses visual and landscape impacts.

9.3.2. The observer suggests that the Board could condition the removal of Levels 20 and 30, and whilst this is in the context of capacity concerns, it merits consideration here.

*Customs and Border Protection (CBP) Facility*

9.3.3. As noted, it is proposed to demolish two Pier 4 link bridges and minor parts of the façade and extend the existing CBP facility to the south and east. This would allow Pier 4, including the existing facility, to operate normally during construction. The

alternative, namely altering Terminal 2 floorspace, as submitted by the planning authority, would, if you excuse the analogy, be akin to building the plane as you fly it. In this regard, I am fully satisfied that the proposed development is optimally located.

9.3.4. Level 10, or ground floor level, will accommodate the extended pre-clearance passenger processing facility. It is stated that this will allow for improved egress of screened passengers and a separate channel for staff/aircrew, a training/contingency channel, better positioned podiums for CBP officers, and better retail facilities etc.

9.3.5. I note that departing passengers from the CBP on Level 10 will be routed to the gate lounges and the vertical circulation core (VCC), and arriving passengers will be directed to either the existing transfers facility on Pier 4 or to the existing immigration hall in Terminal 2. Level 15 includes a large CBP lounge, a gate room, kitchens, offices and welfare facilities. A fallow space at Level 20 and a lift core extending to Level 30 are included to illustrate future expansion. Both Levels 30 and 35 illustrate the roof.

9.3.6. I accessed the CBP facility via the existing VCC during my site inspection and whilst there was no queueing or congestion issues, the facility was densely populated. In reality an extended facility at Level 10 represents a c. 50% expansion on existing CBP floorspace with the bulk of the additional floorspace located at Level 15 and Level 20.

9.3.7. The Board could, as submitted by IALPA, condition out Levels 20 and 30, although having regard to my comments above I do not consider this tangible to concerns regarding operational capacity and it could detract from overall design quality. Moreover, the removal of these levels would only reduce the floorspace by c. 890sq.m and there is some merit to the applicant's assertions in relation to futureproofing. As a contingency, I recommend that access to the fallow spaces is restricted to staff only.

9.3.8. At c. 14.465m high, the CBP extension is generally subsidiary to Pier 4 and entirely subordinate to Terminal 2, notwithstanding the proposed floor space. It includes contemporary finishes that would be in keeping with both, including the relatively recent Passenger Transfer Facility extension immediately south of the CBP proposal.

9.3.9. Section 5.2 of the CBP Design Statement summarizes the various material finishes but the Board may wish to condition the finishes in the event of a grant of permission.

9.3.10. Whilst I note that a small section of VCC protrudes above the main Pier 4 roof level, it is at the extreme northern end of the pier as it transitions to the Terminal 2 building.

The option does remain to condition out these levels, but I don't consider it necessary and visually it will be read with the other two VCC's located east of the main footprint.

*South Apron Support Centre (SASC)*

9.3.11. The existing FCB is a two-storey flat roof building with a stated floorspace of 8,168sq.m. It is located landside and accessed via Castle Drive, although its visual context is mostly appreciated from Corballis Road South, between Terminal 2 and Shamrock House. In this regard, the FCB appears somewhat dilapidated and derelict.

9.3.12. It is proposed to demolish the western and southern flanks of the building envelope, with a 3,320sq.m reduction in floorspace, leaving a visibly reduced building footprint. I note the existing pedestrian link bridge to Shamrock House will also be demolished. The exterior will be replaced and upgraded with similar architectural design features.

9.3.13. The proposed SASC, with a stated area of 5,043sq.m, includes a large open plan office, various sized meeting rooms and welfare facilities at ground floor level, including showers and changing areas. Storage and plant areas are also proposed at ground floor level in addition to a canteen, kitchen facility and an outdoor seating area.

9.3.14. Similarly, at first floor level, open plan offices along with various sized meeting rooms, welfare facilities, storage and plant rooms are proposed. Whilst roof level is for maintenance access only, I note areas of additional plant adjacent to existing plant.

9.3.15. At 8.90m, the proposed height of the SASC building is unchanged from the existing FCB and would include a mix of material finishes that either match the adjacent Shamrock House or the existing Terminal 2 building. It is stated that screen planting next to the north-eastern boundary of the building would be retained where feasible.

9.3.16. Section 9.2 of the SASC Design Statement summarises the context of surrounding façades, including Shamrock House and Terminal 2, and details the proposed finishes. In this regard, I note the inspiration drawn from Shamrock House for the brise soleil, but the Board may wish to condition the finishes in the event of a grant of permission.

9.3.17. Whilst I note that the extended plant area projects above the roof level, it is a marginal increase, however, the Board may wish to consider restrictions on further roof plant.

*Dublin Airport Architectural Design Framework*

9.3.18. In the supporting documentation and appeal statement, the applicant states that the proposed development has been guided by the 'Dublin Airport Architectural Design

Framework', purported extracts of which are included in both of the design statements. Section 7.7.1 of the LAP relates to such a design framework, and I note that objective DS02 places the onus on DAA, along with relevant stakeholders, to produce the framework within 6 months of the adoption of the LAP for agreement with the planning authority, with each subsequent planning application in the airport's eastern campus being subject to the agreed framework in terms of material use and design themes.

9.3.19. Similarly, objective DS03 requires proposals for terminal extensions etc. to adhere to the requirements of the design framework. I also note that objective DS04 requires that all applications be accompanied by a statement to demonstrate the LAP's key principles for design along with the requirements of the agreed design framework.

9.3.20. Whilst I accept that sections 6.2 and 8.1 of the CBP and SASC design statements adequately set out what can be considered as key design principles based on character area type, there is no information before me to confirm that this framework was agreed by the planning authority, nor have I been able to publicly access a verifiable copy of same. I therefore do not attach significant weight to this particular document, but equally I do not consider there to be a vacuum in the absence of same.

*Conclusion on Development Design*

9.3.21. On balance, I am satisfied that the design of the proposal generally, and the two elements specifically, is of high quality and reflective of the sustainable design trend at the Dublin Airport campus. In such circumstances, I do not consider that the proposed development will detract from the visual amenities or character of the area.

## 9.4. **Airport Operations**

9.4.1. The crux of the observer's comments centre on the impact the proposal would have on existing and future operations at Dublin Airport. Whilst it agrees that the 'macro issue', as identified by the planning authority, relates to surface access, IALPA suggests that the 'micro issue' relates to the delivery of Phase 2 of Terminal 2 and compaction on the South Apron, and raises additional concerns regarding the SASC.

*Terminal 2, Phase 2*

9.4.2. As noted, Phase 2 of Terminal 2, with a floor space of c. 17,000sq.m, was refused by the Board in August 2007 for similar reasons to the subject appeal i.e., prematurity.

9.4.3. The observer, with intricate knowledge of the historical and planned evolution of the Dublin Airport campus, is evidently concerned that the proposal will prejudice the delivery of Phase 2 and refers to competing demands to provide an additional pier ('Pier 5'). Whilst there is no documentary evidence presented in this regard; I note that the current infrastructure application with the planning authority (PA ref. F23A/0781) would appear to corroborate their claims. This, as noted by IALPA, may harm the applicant's own aspirations of facilitating passenger growth at Terminal 2.

9.4.4. In similar regard, I note that section 9.1 of the SASC Design Statement erroneously refers to "Pier 5". This may be a Freudian slip, or honest mistake, but it is ultimately for the applicant to determine how best to expand airside facilities based on their operational requirements, subject to agreement with the Irish Aviation Authority (IAA).

9.4.5. This is not, therefore, a matter for the appeal before me, and I do not consider the contingency planning condition, as suggested by IALPA, necessary or indeed relevant to the subject proposal. Moreover, I would query whether such a planning condition would comply with the relevant test set out in Section 34(4)(a)(i) of the Planning Act.

*South Apron*

9.4.6. Allied to their concerns over Phase 2 generally, IALPA suggest that it's protection would prohibit further compaction of the congested South Apron which would be a relief to those trying to co-ordinate aircraft movements within the apron's cul-de-sac.

9.4.7. In terms of compaction, I note that the proposal includes the decommissioning of existing aircraft stands 409 L/C/R and this will be offset by the provision of temporary aircraft stand 409T to the east. This would accommodate 2 no. Code C or 1 no. Code E aircraft. Section 7.2.4 of the LAP relates to aircraft parking stands, and neither objective SBG01 nor SBG02 explicitly prohibit the removal or decommissioning of existing stands, notwithstanding the requirement to protect key operational areas.

9.4.8. Whilst I am sympathetic to these concerns, and particularly those who face the operational challenges of navigating aircraft in the South Apron cul-de-sac, this is a matter for the applicant, subject to agreement with IAA, the competent authority.

*South Apron Support Centre (SASC)*

9.4.9. Finally, the observer has stated that the function of the proposed SASC is unclear. In this regard, I note that similar concerns were raised in the Planning Officer's Report.

9.4.10. As noted above, the SASC will be initially used as a temporary construction compound for the CBP extension and then for continued use as an airport operational building for airside support. At c. 5,043sq.m, the proposed SASC is permissible in accordance with Section 13.5 of the Development Plan as long as the use is "air transport related".

9.4.11. The appeal submission states that the end use is consistent with the 'DA' zoning and in relation to concerns over the parking spaces, it states that these are existing spaces that served the FCB and specifically notes that 'no additional parking' is proposed. The applicant also submits that the SASC building will be located landside, and whilst I note that the current infrastructure application before the planning authority illustrates the SASC located to the airside, that designation is subject to that particular proposal.

## 9.5. **Other Issues**

9.5.1. Whilst not expressly raised in the refusal reason, the applicant has submitted that there will be no increase in noise as a result of the proposed development. A completed *Aircraft Noise Change Considerations Proforma* has been submitted in this regard.

9.5.2. They also state that the proposal constitutes appropriate and permissible uses in the context of Dublin Airport Noise Zone A and Dublin Airport Outer Public Safety Zone.

*Noise*

9.5.3. Chapter 4 of the EIAR deals with impacts on population and human health generally with Chapter 9 dealing with noise and vibration specifically. Having regard to Section 34B of the Planning Act, I note that the Aircraft Noise Competent Authority (ANCA) were consulted during the course of the application and were not of the opinion that the development contained a proposal requiring the assessment for the need for a noise-related action; or indicates that new operating restrictions may be required.

9.5.4. Whilst not explicitly stated in ANCA's response, it is reasonable to assume that their comments are based on the aforementioned proforma which states that the 'project will not result in any change to aircraft movements'. It is therefore entirely reasonable to presume that there will be no increase in flights, passengers or airport operations.

9.5.5. This evidently and unequivocally supports the applicant's position in respect of overall operations and passenger throughput, and they correctly highlight that planning enforcement is the appropriate mechanism should the passenger cap be breached.

9.5.6. In such circumstances I agree with the applicant that the proposal is appropriate within Noise Zone A and therefore complies with Development Plan objective DAO11.

*Public Safety*

9.5.7. As noted, the appeal site is located within Dublin Airport Outer Public Safety Zone (PSZ). The Board should note that the Inner PSZs are generally represented by buffer areas along the North, South and Crosswinds runways, and approaches to same.

9.5.8. Regarding the proposed CBP extension, the supporting Planning Statement notes that 'airport terminals' and 'extensions to existing developments' are amongst the exceptions permissible within the Outer PSZ, as listed in section 6.2.3 of the Public Safety Zones Report (Environmental Resources Management, 2005) commissioned by the Departments for Transport and Environment, Heritage and Local Government.

9.5.9. In respect of the FCB refurbishment, the supporting Planning Statement indicates that the proposed number of operational employees will comply with the guidance set out in Table 6.1 of the ERM report i.e., working premises with ≤110 persons per 0.5ha.

9.5.10. In such circumstances I agree with the applicant that the proposal is appropriate within the Outer PSZ and therefore complies with Development Plan objective DAO18.

*Conclusion on Other Issues*

9.5.11. On balance, I am satisfied that no noise or public safety issues arise, and I note the applicant's contention that the 32mppa cap on the airport, as per Condition 3 of ABP ref. PL06F.220670 will remain in place. The above assessment represents my *de novo* consideration of all planning issues material to the proposed development.

9.5.12. Finally, noting the planning authority's submission regarding financial contributions, I agree that such a condition should be applied in the event of a grant of permission.

## 10.0 Environmental Impact Assessment

### 10.1. Statutory Provision

10.1.1. The applicant has submitted an Environmental Impact Assessment Report (EIAR) prepared by Atkins (May 2023). I note that the EIAR has been submitted on a 'voluntary basis, given the unique circumstances of the application'. In this regard, the

EIAR notes the proposed development would be future proofed for passenger capacity increase which may be subject to a future planning application that requires EIA.

10.1.2. Article 102 of the Planning Regulations states that where a planning application for sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with Section 172(1) of the Act.

10.1.3. This regulation equally applies to the appeal before me and therefore the subsequent environmental impact assessment does not prejudice either party to this appeal.

### 10.2. EIA Structure

10.2.1. This section of the report therefore comprises the environmental impact assessment of the proposed development in accordance with the Planning Act and associated Planning Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU, as amended by 2014/52/EU). Section 172 of the Planning Act defines EIA as:

a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

10.2.2. Article 94 and Schedule 6 of the Planning Regulations set out requirements on the contents of an EIAR. This section of the report is therefore divided into two sections.

10.2.3. The first section provides an examination of the EIAR and assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning Regulations.

10.2.4. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. It also provides a reasoned conclusion and allows for

integration of the reasoned conclusion into the Boards decision, should they agree with the recommendation made.

## 10.3. Issues Raised in Respect of EIA

10.3.1. The main issues raised in respect of EIA by the parties are summarised in section 7.0 above. Whilst these issues have already been considered and concluded upon in the main planning assessment, they also require consideration in the context of the EIA, where relevant. For completeness and clarity therefore, the main EIA issues are:

- Consideration of cumulative impacts
- Consideration of alternatives
- Traffic and transportation
- Visual amenity
- Noise

## 10.4. Compliance with Article 94 and Schedule 6 of the Regulations 2001

| Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1) | |
|---|---|
| A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b). | A description of the proposed development is contained in Chapter 2 of the EIAR including details on the nature, extent and phasing of the proposal, the design and layout of the development, and arrangements for construction and environmental management as set out in detail in the accompanying preliminary CEMP. In each technical chapter, where relevant, the EIAR provides details on use of natural resources and the production of emissions and/or waste. It is noted that the proposal does involve some demolition works, including 2 no. airlink bridges (Pier 4) and the south and west flanks of the proposed SASC, and resource waste is generally addressed in Chapter 14 and refers to the preliminary CEMP submitted with the planning application and a specific RWMP by way of construction phase mitigation. |
| A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b). | An assessment of the likely significant direct, indirect, and cumulative effects of the proposed development is carried out for each of the relevant technical chapters with cumulative impacts addressed specifically in Chapter 18 of the EIAR. I also note that Chapter 17 |

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| | provides an overview of future developments within Dublin Airport so that the environmental impacts of future plans can be assessed insofar as practically possible. Whilst it specifically addresses the *Infrastructure Application*, as referenced in section 5.2 above, and considers significant cumulative effects unlikely, albeit subject to further study (including noise assessments), I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making. |
| A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b). | The EIAR includes designed-in mitigation measures and other measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 16 of the EIAR (Schedule of Environmental Commitments) the relevant topic sections and the preliminary CEMP. Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified. |
| A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b). | A description and illustration of the alternatives considered is contained in Chapter 3 of the EIAR. It relates to two alternative design layouts and the planning authority contends that insufficient consideration has been afforded to the reconfiguration of existing Terminal 2 floor space in this regard. The design rationale is premised on alterations and extensions to existing structures/facilities and in this regard, I am satisfied that the EIAR sufficiently outlines the reasonable alternatives that were considered, including a 'do nothing' alternative, and sets out the reasons for selecting the chosen option, based on consideration of the environmental effects. |
| Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2). | |
| A description of the baseline environment and likely evolution in the absence of the development. | In each technical chapter of the EIAR, details are provided on the existing baseline environment along with a brief description of how the baseline environment is likely to evolve in the absence of the development in the context of the 'do nothing' scenario. |
| A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical | The methodology employed in carrying out the EIAR, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the relevant chapters where difficulties have been encountered |

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| deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved | (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am generally satisfied that forecasting methods are adequate although the absence of field studies and surveys are noted in relation to biodiversity. Having regard to the nature and context of the appeal site, I accept that desk studies generally suffice in this case. |
| A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it. | This issue is dealt with in Chapter 2 of the EIAR. Specific risks have been identified in relation to the project's vulnerability to major accidents and/or natural disasters. The risk of major accidents and disasters is also addressed in section 5.4.6 of Chapter 5 in the context of ecological receptors. These risks are reasonable and are assessed in my report. |
| Article 94 (c) A summary of the information in non-technical language. | This information has been submitted as a separate standalone document ('Non-Technical Summary'). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public. |
| Article 94 (d) Sources used for the description and the assessments used in the report | The sources used to inform the description, and the assessment of the potential environmental impact are set out within the various introductory sections to each of the chapters and listed at the end of the EIAR. I consider the sources relied upon are generally appropriate and sufficient other than for example expired documents such as the Climate Action Plan 2023 (CAP23), however I accept that this was extant when the application was lodged, and references to the 2016 CSO data, which has since been updated. |
| Article 94 (e) A list of the experts who contributed to the preparation of the report | A list of the various experts who contributed to the report are set out in Section 1.2 of the EIAR and where relevant the introductory section of each of the chapters also details of the individual's expertise, qualifications which demonstrates the competence of the person in preparation of the individual chapters within the EIAR. |

*Consultations*

10.4.1. The planning application was validated in accordance with the requirements of the Planning Regulations in respect of public notices and no parties have been prejudiced.

10.4.2. Submissions were received from statutory bodies and third parties, including at planning appeal stage, and have been considered, in advance of decision making.

10.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that all parties had the opportunity to comment on the proposed development / appeal.

*Compliance*

10.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant is sufficient to comply with Art. 94 of the Regulations, notwithstanding the Council's concerns. In this regard, I note that the Council's consultants deemed the EIAR compliant with Article 94.

## 10.5. Assessment of Likely Significant Effects

10.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposal as detailed in the various chapters of the EIAR. These chapters are assessed under the following headings, as set out in Section 171A of the Act:

- Population and human health (section 10.6).
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (section 10.7).
- Land, soil, water, air and climate (section 10.8).
- Material assets, cultural heritage and the landscape (section 10.9).
- The interaction between these factors (section 10.10).

10.5.2. In accordance with Section 171A of the Planning Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in submissions/appeal;
- Examination, analysis and evaluation; and
- Direct and indirect significant effects.

## 10.6. Population and Human Health

***Issues Raised***

10.6.1. Issues raised by the applicant generally relates to the efficient, comfortable, and safe operation of the US CBP facility. In this regard, I note the evidence presented in respect of overcrowding at the CBP in recent years, as discussed above (section 9.2).

10.6.2. The planning authority have not raised any specific issues in relation to population and human health. As noted, their chief concern relates to the carrying capacity of the transport infrastructure in the surrounding area, suggesting that the purported overcrowding can be addressed through augmentation of the existing Terminal 2 area.

10.6.3. The observation from IALPA accepts that the CBP facility had chronic and dangerous compaction issues in 2019, but states that this has been alleviated since April 2023.

10.6.4. None of the prescribed bodies raised any concerns, and this includes the HSE. Their comments relate to the adoption of EIAR mitigation measures as minimum conditions.

***Examination, Analysis and Evaluation***

10.6.5. Population and human health is addressed in Chapter 4 of the EIAR with regard to demographics, the economy, tourism and recreation, amenities and human health.

10.6.6. Other environmental topics with the potential to impact on population and human health, such as noise from construction traffic and works, and air quality from construction works, whilst noted in this chapter are assessed separately in this report.

10.6.7. Chapter 4 is supported by:

- Tables 4-1 to 4-4.

10.6.8. The assessment methodology includes:

- Baseline assessment, including identification of receiving environment/receptors;
- Identification of environmental design and construction mitigation measures;
- Identification of potential impacts and assessment of magnitude and significance of potential effects;
- Consideration of mitigation measures; and
- Assessment of residual effects.

10.6.9. The EIAR states that there are no limitations to the assessment of this particular topic, however I note that the 2016 CSO data is relied on for economic and health profiles. The EIAR also states that the future receiving environment is unlikely to change.

*Baseline*

10.6.10. In terms of demographic profile, Table 4-1 of the EIAR notes a 35% increase in population in the Airport Electoral District (ED) between 2011 and 2022, which is twice the growth rate for County Fingal (17%) and three times higher than the State (11%).

10.6.11. Regarding tourism, the EIAR states that of the 8.5 million passengers through Dublin Airport in 2021, 545,834 related to transatlantic travel, up 5% from 2020. It also notes that US travellers to Ireland was 280,200 in 2020, however I consider a breakdown of outbound passengers, including those of third state origin, would have been useful.

10.6.12. In relation to economic activity, Table 4-2 of the EIAR notes a significant decrease in the unemployment rate between 2011 and 2016 (5.5%). It also notes that Dublin Airport is a key employment location for Fingal with more than 12,000 employees, and c. 7,500 of these in the aviation industry with companies such as DAA and Aer Lingus.

10.6.13. In terms of the local community, the EIAR acknowledges the role of St. Margaret's Community Liaison Group (CLG) which has been focusing on areas of interest including airport operations and future plans since 2016. I also note the role of the independently chaired Dublin Airport Environmental Working Group (DAEWG) which was established in 2004 and focuses on issues including noise and air quality etc.

10.6.14. Regarding human health, the EIAR notes that the vast majority of people in Fingal reported that their health was good and very good in the 2016 CSO census with just 3% of the residents in the Airport ED reporting themselves in bad or very bad health.

*Potential Effects*

10.6.15. Potential effects are summarised in Table PHH1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Will have a long-term moderate adverse effect on airport users and staff as a result of ongoing regular congestion with the current CBP building. |
| Construction | • Will lead to temporary traffic, noise and vibration, dust generation and visual impact within the site and general vicinity.<br>• The existing landscape is expected to be only slightly impacted.<br>• Minor adverse temporary construction related effects overall. |

| | |
|---|---|
| Operation | • No adverse direct or indirect effects on sensitive receptors anticipated as the existing CBP will remain operational throughout the construction phase.<br>• A slight positive permanent impact on mental health and wellbeing through the provision of a better travel experience to airport users and improved working conditions for staff.<br>• No anticipated health risks from contaminated soils or noise and vibration.<br>• Slight beneficial impact to SASC building and neutral impact to the CBP with the visual amenity enhanced overall due to a more contemporary building. |
| Cumulative | • None anticipated having regard to consented DAA projects (Table 18-1) and proposed/consented projects in the wider area (Table 18-2), including the infrastructure application and *Metrolink* project. |

**Table PHH1: Summary of Potential Effects**

*Mitigation*

10.6.16. The proposal will have minor adverse effects during the construction phase, and therefore no direct or indirect significant effects are anticipated. Nonetheless, the EIAR states that the mitigation measures within relevant chapters will be implemented.

*Residual Impacts*

10.6.17. Section 4.9 of the EIAR states that all construction activities are temporary, and no significant adverse residual effects are identified. Human health impacts are also addressed in section 11.7.3 of the EIAR in the context of land, soil and geology. It identifies potential risk to construction workers through direct contact, ingestion or inhalation with contaminated soils i.e., containing hydrocarbons etc. However, this risk is addressed through the associated construction phase mitigation measures and no human health risks associated with exposure to contaminants are anticipated.

10.6.18. Similarly, water and human health is addressed in section 12.10 of the EIAR where it is stated that no human health risks associated with long-term exposure to contaminants are likely and thus no significant human health effects are anticipated.

10.6.19. The EIAR states that there will be a permanent positive effect on mental health and wellbeing due to a better travel experience and a permanent positive effect on landscape and visual amenity due to the upgrade of the United States CBP facility. These residual impacts are considered reasonable in the context of the project but are somewhat underestimated in a cumulative scenario with other Dublin Airport projects.

***Assessment of Direct and Indirect Significant Effects***

10.6.20. I have examined, analysed and evaluated Chapter 4 of the EIAR, all of the associated documentation and submissions on file in respect of population and human health.

10.6.21. Having regard to the relatively short construction period as discussed in Chapter 2 of the EIAR, and the limited geographic extent of the project, I am satisfied that direct and indirect significant effects on population and human health are unlikely to arise. Thus, I agree that the proposal is limited to a minor adverse effect during construction.

10.6.22. Based on the evidence on file, I am also satisfied that the existing CBP facility is sub-optimal in terms of circulation volume. Whilst I acknowledge the planning authority's contention that overcrowding could be addressed through augmentation of the existing terminal area, as supported by TP01 of the LAP, it does not necessarily mean that this option would have any less impact on human health during the construction phase, indeed the health impacts could be greater in terms of enclosed noise nuisance.

10.6.23. Regarding the IALPA submission, I note that new 'TSA screening equipment' is considered and detailed in Chapter 2 of the EIAR, and whilst it was purportedly introduced in April 2023, it marginally predates the date of application in May that year.

10.6.24. However, as noted, I do consider the cumulative effects to be understated, particularly given the airport's Capital Investment Programme 2020+ noted by the observer and detailed in Section 17.3.2.1 of the EIAR. In this regard, there is a paucity of information in Table 17-2 in relation to the infrastructure application, with many of the potential construction effects "unknown" or 'subject to further study'. Should construction, and particularly demolition, overlap with other projects, significant short-term health effects, derived from dust, noise and contaminated water, are likely, if unmitigated.

**Overall Conclusion: Population and Human Health**

10.6.25. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I consider that the proposal will have a generally positive impact on the health and wellbeing of airport passengers and staff through an enhanced experience derived from greater room for circulation. I am also satisfied that the potential for significant adverse impacts on population and human health can be avoided, managed and mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on population or human health.

10.6.26. I recommend that a CEMP condition is attached in the event of a grant of permission.

## 10.7. Biodiversity

***Issues Raised***

10.7.1. The planning authority has not raised concerns in relation to this environmental factor.

10.7.2. In their appeal submission, the applicant has stated that the proposed development will not give rise to significant environmental effects and either alone or in combination with other plans or projects, will not adversely affect the integrity of European sites.

***Examination, Analysis and Evaluation***

10.7.3. Biodiversity is addressed in Chapter 5 of the EIAR. It assesses the potential effects, both direct and indirect, of the construction and operation of the project on the biodiversity of the surrounding area. In this regard, I note that the project comprises of existing buildings and built land and there will be no direct habitat loss or impacts.

10.7.4. Chapter 5 is supported by:

- Tables 5-1 to 5-3, and
- Figures 5-1 to 5-8.

10.7.5. I have examined this chapter and the supporting documents. The assessment is undertaken having regard to the requirements for the protection of habitats, species and biodiversity, as set out in international, European and national legislation and national and local policy, and government and industry standard guidelines (EIA/EcIA).

10.7.6. The EIAR states that there were no difficulties in relation to this particular topic, however I note that field studies are conspicuous in their absence. In this regard, the desktop study relies heavily on publicly available datasets i.e., NBDC. Although this is not entirely unreasonable given the lack of ecology associated with the appeal site.

*Baseline*

10.7.7. The proposed development does not lie within any European site, with no hydrological or ecological connectivity to any such site other than Baldoyle Bay SAC and SPA[9]. In this regard, the EIAR identifies an indirect hydrological pathway (c. 6.2km linear distance) via the surface water runoff to the Cuckoo Stream and Mayne River. I note that the Cuckoo Stream is c. 215m south of the CBP and 400m south of the FCB.

[9] The North-west Irish Sea cSPA was designated after the application was lodged.

10.7.8. The proposed development does not lie within any Natural Heritage Areas (NHAs), including those proposed (pNHAs), with no direct or indirect connectivity via physical means such as woodlands, treelines or hedgerows other than to Baldoyle Bay pNHA via the same indirect hydrological connection noted above i.e., surface water runoff.

10.7.9. In considering other known sites of ecological value, the EIAR states that there are no Annex I habitats, wetlands, Ramsar sites, ancient woodlands or semi-natural grassland within, adjacent to, or hydrologically connected to the development project.

10.7.10. The desktop research detailed in section 5.3.3 of the EIAR outlines species that have been previously recorded within and around the proposed development site based on the NBDC 2km grid square (ref. O14R) (2013-2023) and the 10km square (ref. O14).

Birds

10.7.11. In relation to birds, the EIAR notes that there is no record of any Annex I species in O14R, with the only species listed in Annex II of the Birds Directive being the common wood pigeon. It also notes that records of Red-listed species, other than the common wood pigeon, include barn swallow, common linnet, common starling, herring gull, house martin and house sparrow and states that there will be no likely significant effects given the lack of suitable habitat for these species on or surrounding the site.

10.7.12. The EIAR also notes the Irish Wetlands Bird Survey (I-WeBS) site at Baldoyle Bay (site code 0U403), including the various subsites, but states that there will be no likely significant effect on bird species using this site given the distance (>6.2km) and the unlikelihood of such species foraging or roosting at the built ground of the appeal site.

Badgers

10.7.13. This species was last recorded within the 10km grid square (NBDC ref. O14) in 2015 and there have been no sightings within the 2km square (ref. O14R) within the last 10 years. Given the lack of suitable habitat in the vicinity of the site and lack of sightings in recent years, the EIAR states that no significant effects on badger are likely to arise.

Bats

10.7.14. The desktop study found that 6 no. species of bat have been historically recorded in the 10km grid square (NBDC ref. O14), namely lesser noctule, common pipistrelle, brown long-eared bat, Daubenton's bat, natterer’s bat and soprano pipistrelle, with the lesser noctule recorded twice in the last 15 years in the 2km square (ref. O14R). The

EIAR states that the site does not support a suitable habitat for foraging or commuting route for bats and therefore there will be no likely significant effects on bat species.

Otter

10.7.15. The EIAR indicates that this species was last recorded within the 10km grid square (NBDC ref. O14) in 2014, however given that otter have not been recorded within 2km of the proposal and the lack of suitable habitat, significant effects are unlikely to arise.

Other Mammals

10.7.16. The desktop study notes other mammal species listed in Annexes II and IV of the Habitats Directive include hedgehog and European rabbit, however given the lack of suitable habitat, which comprises of built land, the EIAR states that any effects on these species will be temporary and not significant. A similar conclusion is arrived at for other mammal species, including invasive species such as grey squirrel and mink.

Flora

10.7.17. The EIAR states that the NBDC database and NPWS datasets were consulted to determine the presence of rare plant species and species protected under the Flora Protection Order. Whilst I note that the desktop study found 3 no. threatened plant species within the wider 10km grid square, namely blue fleabane, meadow barley and smooth brome, none were recorded in the immediate vicinity of the site and the EIAR states that there will be no likely significant effects on invasive or protected species.

Aquatic Ecology

10.7.18. The EIAR notes that there are no watercourses or surface water features within the appeal site, with the closest, the Cuckoo Stream, c. 215m and 400m south of the CBP and FCB respectively. Surface water from the proposed development will outfall to the Cuckoo Stream, via SuDS measures, which ultimately discharges to the Irish Sea via the Mayne River and Baldoyle Bay. I note that the EPA station[10] on the Mayne River, c. 5.7km downstream of the outfall, indicates a WFD status of 'poor' for 2022.

Hydrogeology

10.7.19. Figure 5-6 of the EIAR illustrates that the CBP building lies within the Dublin Groundwater Body where the EPA classification is 'good' for the 2016 to 2021

[10] 'Hole in the Wall Road' Bridge.

monitoring period. The existing FCB/proposed SASC straddles this groundwater body and the Industrial Facility Groundwater Body. The EPA classification for the latter is 'poor' for the 2016 to 2021 period. Given the nature and scale of the proposal, the EIAR indicates that there will be no likely significant effects on groundwater quality.

*Potential Effects*

10.7.20. Potential effects, as identified in the EIAR, are summarised in Table B1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Will have a neutral and imperceptible effect on the proposed development site with the CBP facility and FCB remaining unchanged. |
| Construction | • Designated Sites: No direct effects on any European sites. Potential impacts on Baldoyle Bay SAC and SPA, albeit 6.2km downstream, given the indirect hydrological connection, where the uncontrolled release of pollutants and sediment could enter the surface water network and negatively affect the water quality on which QI's and SCI's depend.<br>• Habitats: No direct effects on habitats anticipated as the appeal site comprises buildings and built land. Potential for indirect habitat/species loss/damage via the spread of invasive species.<br>• Birds: No direct/indirect effects on the SCI bird species for which the nearest SPA, Malahide Estuary, is designated given the lack of suitable foraging and roosting habitat. The indirect hydrological connection to Baldoyle Bay SPA, as noted above, could have a negative effect on the water quality on which the SCI bird species of this SPA rely. Some displacement of birds may also occur due to increased noise and disturbance.<br>• Water Quality: No direct effects on water quality, however indirect impacts on watercourses via surface water runoff as noted above. During wet conditions sediment can mobilise in the form of overground runoff during excavations and/or movement of heavy machinery, with sedimentation of particular concern for aquatic species. The same vector, albeit indirect, applies for uncontrolled release of pollutants e.g., chemicals and concrete. No impact to groundwater anticipated from works associated with underground connections, with dewatering, where required, being temporary, containerised and subject to removal to a licenced facility.<br>• Mammals (excl. bats): No direct/indirect disturbance and/or displacement of faunal species anticipated in the absence of suitable habitat and the existing noise environment at the airport. |
| Operation | • Designated Sites: No direct connectivity and therefore no likely significant effect. Potential indirect hydrological connectivity to Baldoyle Bay SAC and SPA, as noted above, but impacts on water quality to be mitigated by the existing and proposed drainage infrastructure/works. No significant impact to aquatic species in the Cuckoo Stream, Mayne River or Estuary (Baldoyle Bay) and this is not considered a viable pathway to any designated site given the distance, and due to dilution and dispersal. Foul effluent to be treated at Ringsend WwTP and discharged to Dublin Bay/Irish Sea and therefore unlikely to have a significant impact on habitats/species of a designated site.<br>• Habitats: No significant impacts on terrestrial habitats are predicted.<br>• Water Quality: Surface water run-off will discharge to the existing network (designed as per the GDSDS) within the Cuckoo Stream sub-catchment and therefore no significant impacts to aquatic species, as noted above. No |

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|---|---|
| | impact to ecological features as a result of foul water given that it will be treated, and along with dilution and dispersal in Dublin Bay.<br>• Birds: Significant impacts unlikely given the location and design of the buildings, lack of likely waterbird and wildfowl passages across the site and lack of suitable habitats for other wild birds.<br>• Disturbance and/or Displacement: None anticipated given that Dublin Airport is heavily utilised by humans and machinery, and therefore nesting birds and terrestrial mammals unlikely to be affected, including SCI species. |
| Cumulative | • None anticipated having regard to consented DAA projects (Table 18-1) and proposed/consented projects in the wider area (Table 18-2), subject to the ecological mitigation measures (see below). |

**Table B1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.7.21. In relation to designated sites and surface water, the EIAR states that the mitigation measures detailed in chapters 11 (Land, Soils and Geology) and 12 (Water) will ensure that surface water runoff quality is appropriately treated before discharge and follows Inland Fisheries Ireland (IFI) best practice, thus avoiding negative effects on the Cuckoo Stream and downstream designated sites. These include:

- No discharge to existing infrastructure/watercourses/ground without consents etc.
- Identification and risk assessment of existing drainage systems by contractor with measures put in place to prevent possible contamination of surface run-off.
- All plant etc. to be in good working order and maintained as such.
- Fuelling of plant etc. within compound and by trained operative using double skinned bowsers in a designated fuelling area and bunded fuel storage.
- Drip trays to be used during all fuelling operations and a spill kit located within the designated fuelling area.
- Storage of all fuels, chemicals or liquids in a lockable cabinet within a bunded area.
- Contractor compliance with regulations controlling pollution of the environment.
- Identification of ditches and watercourses on site.
- Storage of materials within bunded areas and at least 4 metres from water bodies.
- Treating and testing of all discharged water from pumping to prevent any pollutants entering groundwater and disposal following treatment through settlement tank.

10.7.22. Regarding invasive species, the EIAR states that strict bio-security protocols will be implemented so as to ensure no contaminated materials are brought to site.

10.7.23. Additional construction ecological mitigation measures highlighted include:

- Good practice environmental and pollution control measures with regard to current best practice guidance such as *Environmental Good Practice On-site Guide* (CIRIA, 2018).
- Construction management with regard to other CIRIA guides such as *Control of Water Pollution from Construction Sites* and *Groundwater Control – Design and Practice,* in order to minimise the risk of pollution.

Operational Phase

10.7.24. In relation to ground and surface water, the EIAR refers to measures detailed in chapters 11 (Land, Soils and Geology) and 12 (Water), with the following also noted:

- All plant and equipment to be in good working condition and subject to relevant maintenance contracts.
- Storage of all fuels, oils and chemicals temporarily on site in a secure bunded area in double skinned tanks with absorbent materials held nearby.
- Implementation of emergency spill response measures with the aim of limiting the volume of spilled and recovery of lost product.
- Implementation of a maintenance programme for the proposed surface water drainage system.

10.7.25. The EIAR also notes that impacts from foul water will be mitigated by discharge to the existing foul sewer network and treated at Ringsend WwTP, out-falling to Dublin Bay.

*Residual Impacts*

10.7.26. The EIAR states that residual ecological impacts are not likely to be significant and are likely to be localised to the immediate environs, and provided ecological mitigation measures are implemented, particularly in relation to surface water run-off, no cumulative impacts are expected as a result of the proposed development.

***Assessment of Direct and Indirect Significant Effects***

10.7.27. I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. The main issues can be considered under designated sites, habitats, birds, water quality and mammals.

*Designated Sites*

10.7.28. Having regard to the distance from the appeal site to the nearest European sites, I am fully satisfied that no direct significant effects will arise. I agree with the EIAR that indirect effects could arise in respect of Baldoyle Bay SAC and SPA, which are hydrologically connected to the appeal site, albeit tenuously via the Cuckoo Stream, which lies within 215m of the site boundary at its closest point. Similar indirect effects could arise in respect of the North-west Irish Sea cSPA. An uncontrolled release of polluting material from the works area could enter the surface water network, which outfalls to the Cuckoo Stream, and thus negatively impact on the water quality on which QI's and SCI's depend. However, having regard to the mitigation measures, which amount to good construction practice, I agree that significant effects are unlikely.

*Habitats*

10.7.29. The appeal site comprises previously developed brownfield land consisting primarily of buildings and hard surfaces and therefore direct significant effects, in terms of habitat loss and fragmentation, are unlikely. However, I note the comments in the EIAR in relation to bat activity and whilst I agree that it does not provide suitable foraging or commuting routes, a pre-commencement survey of the former FCB would be required. This is in the absence of any recent survey activity at the site and having regard to my observations of the building, which is derelict and could offer roosting potential. The effect on bat populations however, direct or indirect, is not considered to be significant, nor is the effect on habitats via the spread of invasive species. I am therefore satisfied that direct and indirect significant effects on habitats will not arise.

*Birds*

10.7.30. Having regard to the nature of the site and associated activities, significant direct and indirect effects on bird populations would be limited to those SCI species associated with the identified SPAs via the aforementioned hydrological pathway and any deterioration in water quality in the Cuckoo Stream. Whilst I agree with the EIAR that

some displacement of birds may occur due to increased noise and disturbance, having regard to the mitigation measures, I accept that significant effects on birds are unlikely.

*Water Quality*

10.7.31. As noted above, deterioration in water quality is the primary vector for direct and indirect significant effects to arise in relation to biodiversity. Having regard to the mitigation measures for construction and operational phases of the proposed development, I am satisfied that direct and indirect significant effects are unlikely.

*Mammals (excl. bats)*

10.7.32. Given the brownfield nature of the appeal site and the airport operations in the immediate environs, I agree with the EIAR that no displacement or disturbance of faunal species, direct or indirect, is expected during the construction or operational phases given the lack of suitable habitat. Thus, no significant effects are anticipated.

*Cumulative*

10.7.33. Having regard to the above, and subject to the implementation of the proposed mitigation measures, I do not consider that any cumulative impacts are likely to arise.

**Overall Conclusion: Biodiversity**

10.7.34. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, particularly in relation to water quality.

10.7.35. I do, however, recommend that a condition in relation to the protection of bats, particularly during any demolition, be submitted and agreed prior to commencement.

## 10.8. Land, Soil, Water, Air and Climate

10.8.1. This section of the EIA relates to chapters 7 (Air Quality), 8 (Climate), 9 (Noise and Vibration), 11 (Land, Soils and Geology) and 12 (Water) of the EIAR.

**Air Quality**

***Issues Raised***

10.8.2. None of the parties have raised concerns in relation to air quality impacts.

10.8.3. The HSE, Environmental Health Officer, comments are noted above in section 10.6.4.

***Examination, Analysis and Evaluation***

10.8.4. The likely significant effects on air quality associated with the proposed development is addressed in Chapter 7 of the EIAR. Chapter 7 is supported by:

- Tables 7-1 to 7-10, and
- Figure 7-1.

10.8.5. I have examined this chapter and the supporting documents. The assessment methodology includes an overview of criteria for rating effects including those relating to air quality and dust deposition. Table 7-1 sets out the Ambient Air Quality Standards Regulations which include limit values for $NO_2$, $PM_{10}$ and $PM_{2.5}$. In terms of construction phase air quality, it applies the UK's Institute of Air Quality Management (IAQM) methodology in the absence of applicable Irish guidance. Similarly, in terms of dust deposition limits, the EIAR applies the German TA-Luft standard, which recommends a maximum 350mg/sq.m/day, in the absence of national guidelines.

10.8.6. The EIAR also notes the use of TII guidance document *PE-ENV-01106 'Air Quality Assessment of Specified Infrastructure Projects'* in relation to the construction traffic stage, but states that it does not meet any of the criteria set out therein and a detailed air quality assessment is not required as there is no potential for significant effects.

10.8.7. In terms of the operational phase, it should be noted that the EIAR again utilises *PE-ENV-01106* as best practice, noting that it can be applied to any development that causes a change in traffic. It states, however, that none of the road links impacted by the proposed development met the scoping criteria for a detailed assessment as there is no potential for significant effects to air quality arising from traffic emissions.

10.8.8. The EIAR states that no difficulties were encountered when compiling this chapter.

*Baseline*

10.8.9. Section 7.3.1 of the EIAR sets out the receiving environment in terms of meteorological data, baseline air quality data, climate baseline and sensitivity. Having regard to the meteorological data obtained from Dublin Airport and the EPA air quality monitoring data, it estimates the current background $NO_2$ concentration as 16µg/cu.m, the current background $PM_{10}$ concentration as 14µg/cu.m and the current $PM_{2.5}$ concentration is

estimated as 11.2µg/cu.m based on a ratio of 0.8. The EIAR states that on this basis the air quality in Dublin is generally good, with concentrations of key pollutants generally well below the relevant limit values. However, it also notes that the EPA have indicated that road transport emissions are contributing to increased levels of $NO_2$, with potential for breaches in future years identified within our urban centres.

10.8.10. In terms of the sensitivity of the receiving environment, the EIAR states that Dublin Airport is the only medium sensitivity property within 20m of the works area. Based on the IAQM criteria, the worst-case sensitivity of the area to human health effects is considered to be low. The EIAR also notes that there are no designated ecological sites within 50m of the site boundaries and therefore no ecological effects arise.

*Potential Effects*

10.8.11. Potential effects, as identified in the EIAR, are summarised in Table AQ1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Considered neutral – the ambient air quality will remain as per the baseline and change in accordance with trends within the wider area, including influences from new development e.g., changes in road traffic. |
| Construction | • Air Quality: Potential to effect air quality through construction dust emissions. The major dust generating activities include demolition; earthworks; construction and track-out, and therefore there is potential for short-term, localised, slight dust related effects to air quality. Potential also for traffic emissions in the short-term, particularly due to the increase in HGVs accessing the site (>10 outward movements per day at peak times), however this will have an imperceptible, direct, neutral and short-term effect on air quality (<50 outward movements per day at peak times).<br>• Human Health: Potential to impact on human health through release of $PM_{10}$ and $PM_{2.5}$ from dust emissions. Potential for slight, direct, adverse, short-term effects having regard to the sensitivities of the area. |
| Operation | • Air Quality: Potential for a number of emissions to the atmosphere and in particular from traffic-related air emissions such as $NO_2$, $PM_{2.5}$ and $PM_{10}$, however the EIAR states that the proposed development will not increase traffic levels. There is potential for maintenance vehicles accessing the site to result in emissions of $NO_2$, $PM_{2.5}$ and $PM_{10}$, however due to the infrequent nature of maintenance activities and thus low number of vehicles involved, emissions are not predicted to be significant and therefore the effect on air quality is long-term, localised, direct, neutral and imperceptible.<br>• Human Health: Potential for traffic-related air emissions to effect quality and thus human health, however, as noted above, the EIAR states that there is no change in operational traffic associated with the proposal and therefore the effect to human health is long-term, direct, neutral and imperceptible. |
| Cumulative | • Construction: There are currently no developments within 350m of the site that have the potential for cumulative construction dust effects to air quality however should construction phases of other developments (planned/permitted) coincide then there is potential for cumulative |

| | |
|---|---|
| | construction dust effects to nearby receptors. Such effects will be direct, not significant, short-term, localised, negative and imperceptible, if mitigated.<br>• Operational: The effect is predicted to be long-term, localised, direct, not significant, neutral and imperceptible – noting that cumulative traffic associated with other existing and permitted developments was considered. |

**Table AQ1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.8.12. The construction phase mitigation measures relate primarily to site management with the following measures to avoid dust nuisance during unfavourable weather:

- Locating construction compounds and storage piles downwind of sensitive receptors.
- Monitoring dust control methods depending on prevailing weather conditions.
- Use of a complaints register.
- Review of dust minimisation measures to ensure effectiveness.

10.8.13. Specific dust control measures relate to site preparation and maintenance; vehicle and machinery operations; general operations; and waste management. These include:

- Site layout – ensure that machinery and dusty activities are away from receptors.
- Erect solid screens/barriers around dusty activities or site boundary.
- Enclose specific operations where there is a high potential for dust.
- Avoid site runoff of water or mud.
- Keep site fencing, barriers and scaffolding clean.
- Remove materials that have the potential to produce dust unless being reused.
- Cover, seed or fence stockpiles.
- Ensure vehicles are switched off when stationary (no idling).
- Use mains or battery power where practicable – avoid the use of generators.
- Use of cutting, grinding or sawing plant subject to dust suppression techniques.
- Ensure adequate water supply for effective dust / particulate matter suppression.
- Use of enclosed chutes and conveyors, and covered skips.

- Minimise drop heights from conveyors, hoppers and other loading equipment etc.
- Ensure equipment is readily available to clean any dry spillages etc.
- Avoid bonfires and burning of wastes.

10.8.14. The EIAR also includes various measures specific to demolition, earthworks, construction and track-out:

- Retaining walls and windows as a dust screen during soft stripping of blocks.
- Use of water suppression during demolition.
- Revegetation of earthworks and exposed areas/soil stockpiles and use of hessian, mulches etc. where it is not possible to re-vegetate or cover with topsoil.
- Use of a water bowser during dry and windy periods to ensure soil moisture/stability.
- Avoidance of roughening of concrete surfaces.
- Storage of sand and other aggregates in bunded areas.
- Delivery of bulk cement and other fine powder materials in enclosed tankers and storage in silos with suitable emission controls.
- Application of a speed limit (20kph) for on-site vehicles.
- Use of water-assisted dust sweepers to remove any tracked-out material.
- Covering of vehicles entering and leaving the site.
- Inspection and recording of on-site haul routes with repair work as necessary.
- Implementation of a wheel washing system, including rumble grids.
- Location of access gates at least 10m from receptors.

10.8.15. The above measures will ensure the prevention of significant emissions, as opposed to a reactive attempt to control emissions once released. The EIAR states that the key features regarding dust control will be:

- Specification of a site policy on dust and the identification of site management responsibilities for dust issues.
- Documented system for managing site practices regarding dust control.

- Development of a means by which the performance of dust minimisation measures can be regularly monitored and assessed.
- Specification of effective measures to deal with complaints.

Operational Phase

10.8.16. There are no mitigation measures proposed for the operational phase of the project.

*Residual Impacts*

10.8.17. In terms of the construction phase, the EIAR states that predicted residual air quality effects of the project are direct, short-term, adverse, localised, not significant and imperceptible provided the dust minimisation measures are followed. The residual health impacts are direct, adverse, not significant, short-term and imperceptible.

10.8.18. Regarding the operational phase, the EIAR states that residual effect to air quality and human health from traffic emissions is predicated to be direct, neutral, long-term, not significant and imperceptible. The EIAR indicates this represents a worst-case effect.

***Assessment of Direct and Indirect Significant Effects***

10.8.19. As noted, the parties have not raised any concerns in relation to air quality and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

10.8.20. Given the location of the appeal site on previously developed brownfield land within Dublin Airport campus and having specific regard to the distance from sensitive residential and ecological receptors, I agree that residual impacts are not significant.

10.8.21. I do have concerns, however, regarding short-term effects on air quality should construction, and particularly demolition, overlap with other permitted and proposed projects within and adjacent to the airport, including but not limited to the infrastructure application. I consider the cumulative dust impacts to be understated in this regard.

10.8.22. However, having regard to the relatively modest scale and nature of the proposed development, and the proposed mitigation measures, which generally amount to good construction practices, I am satisfied that significant effects on air quality are unlikely.

***Conclusion on Air Quality***

10.8.23. I have considered all of the written submissions made in relation to air quality and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on air quality can be avoided, managed and/or mitigated

by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have unacceptable direct, indirect or cumulative impacts on air quality.

**Climate**

***Issues Raised***

10.8.24. None of the parties have raised concerns in relation to climate change impacts.

***Examination, Analysis and Evaluation***

10.8.25. The likely significant climate effects associated with the proposed development is addressed in Chapter 8 of the EIAR. Chapter 8 is supported by:

- Tables 8-1 to 8-7.

10.8.26. I have examined this chapter and the supporting documents, including the energy and sustainability report. The methodology includes an overview of criteria for rating of effects including those laid down in national law, policy and guidance. The assessment is divided into a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). I note that the GHGA primarily relates to the construction phase of the proposal whereas the CCRA relates to the operational phase of the project.

10.8.27. Table 8-3 of the EIAR outlines the criteria used to determine the significance of the GHGA. It is derived from Table 6.7 of *PE-ENV-01104* (TII, 2022) along with consideration of the following two factors:

- the extent to which the trajectory of GHG emissions from the project aligns with Ireland's GHG trajectory to net zero by 2050; and
- the level of mitigation taking place.

10.8.28. The EIAR states that the CCRA involves an initial vulnerability screening which is determined by combining the sensitivity and the exposure of the proposal to various climate hazards. The approaches to GHGA and CCRA are considered reasonable.

10.8.29. Table 8-4 of the EIAR details the climate change vulnerability matrix.

10.8.30. The EIAR indicates that the construction stage activities and potential GHG emissions have been reviewed as part of the construction stage climate assessment and notes that where expected emissions will not increase by over 1% (compared to baseline) then no further assessment is required as there is no potential for significant effects.

10.8.31. The EIAR also notes that the emissions from road traffic associated with the proposal have the potential to emit $CO_2$ which will affect climate change and refers to the UK's *Design Manual for Roads and Bridges* (DMRB) as the relevant guidance document.

10.8.32. In this regard, the EIAR states that there are no road links that will experience a change of over 10% in the average annual daily traffic (AADT) or that are deemed to require an air quality assessment, as noted above, as a result of the proposal. It is, therefore, reasonable that the EIAR scoped out the need for a traffic-related $CO_2$ assessment.

*Baseline*

10.8.33. Section 8.3 of the EIAR sets out the baseline climate scenario with Table 8-5 detailing the total national GHG emissions in 2021 and noting that the transport sector was the second highest emitter for that year. The EIAR states that the future baseline with respect to the GHGA can be considered in relation to the future climate targets and thus determined by Ireland meeting its CAP[11] targets alongside binding EU targets.

10.8.34. Although the EIAR also notes that the effects as a result of climate change will evolve over time and refers to the following potential adverse effects compiled by the EPA (2021):

- More intense storms and rainfall events;
- Increased likelihood and magnitude of river and coastal flooding;
- Water shortages in summer in the east;
- Adverse effects on water quality; and
- Changes in the distribution of plant and animal species.

10.8.35. In terms of difficulties encountered, the EIAR states that the data used in the GHGA are conservative estimates, with some uncertainty in the availability of lower embodied carbon materials and further minimisation possible at project detailed design stage.

10.8.36. These caveats are considered reasonable in the contemporary construction context.

*Potential Effects*

10.8.37. Potential effects, as identified in the EIAR, are summarised in Table C1 below.

[11] Climate Action Plan – see section 6.4.

| Project Phase | Potential Effects |
|---|---|
| Do Nothing | • Considered neutral – no demolition or construction works would take place, and the climate baseline would continue to develop in line with identified trends. |
| Construction | • GHG: Emission sources relate to pre-construction site clearance and demolition, the embodied carbon (4,176 tonnes – with mitigation) associated with excavation, construction materials, energy and water usage and transport which equates to 0.42% of the 2030 transport budget or 0.06% of the industry budget.<br>• Climate Change Vulnerability: Potential effects derived from flood risk (fluvial and pluvial) due to increased and intense periods of rainfall; increased and reduced temperatures; geotechnical impacts; and major storm damage. The contractor will be required to mitigate against these effects through site risk assessment and method statements etc. |
| Operation | • GHG: No significant land use change associated with the proposal as the land is currently developed. Operational stage traffic emissions screened out. Thus long-term, minor adverse and non-significant effects anticipated.<br>• Climate Change Vulnerability: The proposal has a worst-case low vulnerability to flooding, extreme heat and extreme cold. The FRA's conclude that the CBP is not susceptible to flooding during a 1% and 0.1% AEP event and the drainage network for the FCB/SASC will contain a 1% AEP event (plus 20% for climate change) and therefore flooding is not a significant risk. Similarly, extreme temperatures are not considered a significant risk subject to use of high quality, durable materials. |
| Cumulative | • Whilst section 8.10 of the EIAR notes that global climate effects from a project are not geographically constrained and therefore the normal approach for cumulative assessment in EIA is not considered applicable, it does state that the assessment approach is inherently cumulative in the context of its alignment with Ireland's trajectory towards net zero. |

**Table C1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.8.38. The following measures will be put in place to minimise emissions:

- Implementation of a vehicle idling prevention policy – on and off site.
- Monitoring of construction phase traffic to ensure haul route compliance.
- Regular maintenance and servicing of all plant and machinery.
- Conformance of construction vehicles with latest EU emissions standards.

Operational Phase

10.8.39. Design measures include the incorporation of adequate attenuation and improved drainage to avoid potential flooding effects as a result of increased rainfall in future years. Measures to reduce the effect to climate from energy usage include:

- Compliance with Near Zero Energy Building (NZEB) standards.
- Achievement of a renewable energy rating (RER) of 20%.
- A target building energy rating (BER) of A2/A3.
- Improved building thermal efficiency (U-values), air permeability and bridging.

*Residual Impacts*

10.8.40. The EIAR states that the proposed development, with mitigation measures in place, is estimated to result in total GHG emissions of 4,176 tonnes of embodied carbon which equates to 0.007% of the 2030 buildings (commercial and public) budget or 0.001% of the 2030 industry budget. The EIAR also states that the residual effect in relation to GHG emissions is long-term, minor adverse and not significant in EIA terms.

10.8.41. The EIAR states that due to the nature of the operational phase, the effect on climate is predicted to be imperceptible, not significant and long-term. I note that the increase in road vehicle traffic was scoped out for climate impacts in accordance with TII guidance and it is stated that there will be no increase in air traffic as a result of the proposal. In this regard, the residual effect is considered to be long-term, minor adverse and not significant in relation to GHG emissions. In relation to climate change vulnerability, it states that there are no significant risks as a result of climate change.

***Assessment of Direct and Indirect Significant Effects***

10.8.42. As noted, the parties have not raised any concerns in relation to climate and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

10.8.43. Given the location of the appeal site on previously developed brownfield land within Dublin Airport complex and having specific regard to the relatively modest nature of the proposed project in this context, I agree that residual impacts are not significant.

10.8.44. Like my concerns regarding the impact on air quality and human health, should the construction phase overlap with other permitted and proposed developments, there is the potential for short-term effects on climate. However, having regard to the modest embodied carbon projection, and the imperceptible impact on the 2030 buildings (0.007%) and industry (0.001%) budgets, cumulative impacts are highly unlikely. In this specific regard, it has been stated throughout the EIAR that there will be no increase in road vehicle traffic or air traffic as a result of the proposed development.

***Conclusion on Climate***

10.8.45. I have considered all of the written submissions made in relation to climate and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on the climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have unacceptable direct, indirect or cumulative impacts on the climate.

**Noise and Vibration**

***Issues Raised***

10.8.46. The planning authority have not raised concerns in relation to this environmental topic, nor have ANCA, the Aircraft Noise Competent Authority, who made a submission.

10.8.47. In their appeal submission, the applicant has suggested that the proposal constitutes an appropriate and permissible use within Dublin Airport Noise Zone A. They also submit that the proposal does not constitute the need for a noise-related action at the airport as no increase in flights, passengers or airport operations are proposed as part of the application. Thus, the 32mppa cap on the airport, as per Condition 3 of ABP ref. PL06F.220670 and Condition 2 of ABP ref. PL06F.223469 will remain in place.

***Examination, Analysis and Evaluation***

10.8.48. Noise and vibration is addressed in Chapter 9 of the EIAR. It is supported by:

- Tables 9-1 to 9-16, and
- Figures 9-1 to 9-3.

10.8.49. I have examined this chapter and the associated figures and tables. It focuses on potential noise and vibration effects of the proposal on its surrounding environment, during both the short-term construction phase and the long-term operational phase.

10.8.50. The assessment methodology includes: baseline noise monitoring in order to characterise the existing noise environment; a review of the most applicable standards and guidelines in order to set a range of acceptable noise and vibration criteria for both phases of the project; predictive calculations at the nearest sensitive locations for the construction phase and a review of potential effects during the operational phase.

10.8.51. The EIAR notes that there is no national guidance relating to the maximum permissible noise levels of a construction project. In the absence of such limits, the EIAR defers to other industry guidelines and standards. In this regard, Table 9-1 sets out the permissible noise levels at dwellings during construction based on *BS 5228*[12]. Table 9-2 includes guidance as to the likely magnitude of effect associated with construction activities relative to the construction noise threshold (CNT) based on UK guidance.

10.8.52. Table 9-3 details the likely effects associated with a change in traffic noise during construction. The EIAR notes that *BS 7385*[13] is also acceptable guidance with regard to construction vibration and in terms of operational plant noise it defers to *BS 4142*[14]*.* Regarding the latter, the EIAR states that all operational plant is either situated underground or does not produce noise emissions, thus an assessment is not needed.

10.8.53. Table 9-4 of the EIAR outlines the objectives to be adhered to for developments in each of the respective noise zones and notes the appeal site within Zone A where the potential noise exposure during operations is ≥ 63 dB $L_{Aeq, 16hr}$ and/or ≥55 dB $L_{night}$ and the objective is to resist new residential development or noise sensitive uses. Table 9-5 details the typical noise levels in non-domesticated buildings using *BS 8233*[15]*.* Based on a review of *BS 8233,* the EIAR recommends that intrusive noise levels from external noise be controlled such that the level does not exceed 45 to 50 dB $L_{Aeq, 15min}$.

*Baseline*

10.8.54. Table 9.6 describes the nearest noise sensitive receptors, and their locations are illustrated in Figure 9-1. Figures 9-2 and 9-3 show the locations of the nearest noise monitoring locations (NMLs) and the survey results from November 2022 are summarised in section 9.5.5. I note that the subjective noise character is variously described as distant road traffic, occasional local road traffic movements, local road traffic, aircraft movement overhead, aircraft taxi movement, and bird song etc. This generally reflects my site observations, and I am satisfied with the timing of surveys.

*Potential Effects*

10.8.55. Potential effects, as identified in the EIAR, are summarised in Table NV1 below.

[12] Code of Practice for Noise and Vibration Control on Construction and Open Sites (BS 5228:2009+A1:2014).
[13] Measurement of Vibration in Buildings – Guide to Damage from Ground Borne Vibration (BS 7385-2:1993).
[14] Methods for Rating and Assessing Industrial and Commercial Sound (BS 4142:2014+A1:2019).
[15] Guidance on Sound Insultation and Noise Reduction for Buildings (BS 8233:2014).

| Project Phase | Potential Effects |
|---|---|
| Do Nothing | • The noise environment will remain unchanged in this scenario. |
| Construction | • Airborne Construction Noise: Commercial properties located within 70m of the works during demolition have the potential to experience a significant effect given the construction noise predictions (Table 9-13). The Aer Lingus offices (R1 - 'Shamrock House') is immediately adjacent to the FCB/SASC and therefore the only commercial property where a direct, negative, moderate to significant and temporary effect is predicted during demolition. The effect is predicted to be direct, negative, slight and temporary at all commercial receptors during all other construction activities. The closest residential receptor is c. 700m from the works area where the effect will be negative, not significant to slight and temporary.<br>• Structure-borne Construction Noise: Likelihood that structure-borne noise and vibration impacts will arise during demolition given Pier 4 and the existing CBP building are adjoined. Given the proposed methodology (use of hand tools etc.), a direct, negative, moderate and temporary effect is predicted for adjoining and adjacent commercial properties during demolition. Similarly, it is predicted that a direct, negative brief to temporary, significant effect will occur during this activity at the Aer Lingus offices.<br>• Vibration: There is potential for vibration to propagate through the ground during breaking and excavation however the likely level of vibration is expected to be significantly below the criteria for building or utilities damage. It is noted that the methodology to be employed to remove the concrete apron (aircraft stand 409 L/C/R) does not generate significant levels of vibration i.e., cutting and lift as opposed to use of percussive methods. There is potential for a direct, negative, moderate, brief to temporary effect nonetheless, given the closest receptors may adjoin the works.<br>• Traffic: The additional traffic is predicted to produce a direct, neutral and not significant effect and in this regard, the EIAR notes that in order to increase traffic noise levels by 1 dB, traffic volumes would need to increase by c. 25%. |
| Operation | • Operations as a result of these works are not expected to change and therefore there will be no perceptible difference to noise receptors. |
| Cumulative | • No cumulative effect due to traffic movements anticipated given the low levels of traffic associated with the development.<br>• Potential for cumulative effects due to the proximity of other construction projects should they proceed simultaneously. |

**Table NV1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.8.56. The construction phase mitigation measures include:

- Communication – engaging with neighbouring properties with potential for construction impacts / appointing a dedicated noise liaison for the works duration.
- Noise and Vibration Monitoring – installation of an unattended noise meter near the boundary of the Aer Lingus Office building and the installation of vibration meters within the adjoining properties.

- Noise Control Audits – conducted at regular intervals throughout the construction programme.
- Selection of Quiet Plant – careful consideration to be given to the noise emission levels of plant items when being considered for use on site.
- Control of Noise Sources – in the event that low noise plant or replacing noisy plant is not a viable option, consideration will be given to noise control "at source" through modification etc. The following is also proposed:
    - Installation of an acoustic exhaust and/or maintenance of enclose panels for mobile plant items such as dump truckers, excavator and loaders.
    - Switching off plant when not in use i.e., not left idling.
    - Fitting muffler of sound reducing equipment to the relevant percussive tool (e.g. breakers, rock drills etc.) and ensuring any leaks in air lines are sealed.
    - Ensuring materials are not dropped from excessive heights and drop chutes/dump trucks are lined with resilient materials.
    - Use of acoustic lagging or acoustic enclosures around compressors, generators and pumps.
    - Use of demountable enclosures such as acoustic screens/sheds.
    - Ensuring regular maintenance of all plant items.
    - Use of white noise reverse alarms during sensitive evening/night periods.
- Use of non-percussive demolition methods where practicable.

Operational Phase

10.8.57. To achieve appropriate intrusive noise level, the EIAR states that elements of the façade will need to offer a minimum level of sound insulation performance (Table 9-15) which will ensure that the internal ambient noise design goals will be achieved. For glazed elements this will be achieved using high performance double glazing.

*Residual Impacts*

10.8.58. With mitigation, the EIAR states that the noise effects during construction is calculated as negative, negligible to slight and temporary at residential receptors and negative, moderate to significant and temporary at the nearest commercial buildings. Vibration

effects will have an imperceptible impact at offsite residential receptors and a negative, brief and moderate impact at nearby commercial buildings according to the EIAR.

10.8.59. No additional noise and vibration effects are anticipated during the operational phase.

***Assessment of Direct and Indirect Significant Effects***

10.8.60. As noted, the parties have not raised any concerns in relation to noise and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

10.8.61. Given the location of the appeal site on previously developed brownfield land within Dublin Airport complex and having specific regard to the distance from sensitive residential receptors, I agree that residual impacts would not be significant thereon.

10.8.62. I also agree that there is potential for the project to cause a significant noise effect on 'Shamrock House', the Aer Lingus office building which adjoins the existing FCB/proposed SASC, having regard to the construction noise predictions (Table 9-13). I am, however, satisfied that mitigation reduces this impact to moderate or slight.

10.8.63. Similar to my concerns regarding the effects on air quality and human health, should construction, including demolition, overlap with other permitted and proposed projects, there is the potential for adverse effects due to noise. However, having regard to the proposed mitigation measures, which generally amount to good construction practices, I am satisfied that significant effects due to noise are highly unlikely.

10.8.64. In this specific regard, it has been stated throughout the EIAR that there will be no increase in road vehicle traffic or air traffic as a result of the proposed development and I am fully satisfied that any cumulative noise impacts are not likely to be significant.

***Conclusion on Noise and Vibration***

10.8.65. I have considered all of the written submissions made in relation to noise and vibration and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts from noise and vibration can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have unacceptable direct, indirect or cumulative impacts.

10.8.66. I note that a standard CEMP condition will include controls for noise and vibration.

**Land, Soil and Geology**

***Issues Raised***

10.8.67. None of the parties have raised concerns in relation to this environmental topic.

***Examination, Analysis and Evaluation***

10.8.68. Chapter 11 of the EIAR describes the type of land, soils and geology likely to be encountered beneath the proposed development and addresses the potential effects of the proposal on such land, soils and geology. Chapter 11 is supported by:

- Table 11-1,
- Figures 11-1 to 11-8, and
- Appendix 11.

10.8.69. The methodology includes geotechnical site investigations, including trial pits (TP's), boreholes (BH's), rotary cores (RC's) and soil sampling, in addition to a desk-based review of historical and relevant ground investigation information. The EIAR states that no difficulties were encountered during the data collection and assessment stages.

*Baseline*

10.8.70. Table 11-1 provide a summary of historic land use at the appeal site and in this regard, I note the proximity of Corballis House to the north, a former 19th century building and protected structure, which was demolished to facilitate Terminal 2, and the Cuckoo Stream to the south, which is now culverted. I also note the site of a historic castle in close proximity to the FCB/proposed SASC along with the evolution of airport infrastructure around the site. In this regard, the EIAR notes that the proposed CBP facility is bound to the west and south by airside infrastructure including Pier 4, and by landside infrastructure to the north and east, including Terminal 2 and the FCB/SASC. The topography of the site is c. 60mAOD according to the ground investigation work.

10.8.71. Figure 11-1 illustrates the ground investigation locations, a number of which lie within the footprint of the proposed works. Having inspected the appeal site, I agree with the EIAR that the site consists of fully 'urban/made' ground and Figures 11-2, 11-3 and 11-5 illustrate the underlying soils, superficial / quaternary deposits and bedrock geology, respectively. I note that my site observations, and data held by Teagasc and GSI, was verified by ground investigation which the EIAR summarises as follows:

- Topsoil was located across the site and ranged from c. 0.1m to 0.25mBGL.
- Made ground was encountered at various locations across the site to a maximum depth of 2.4mBGL at TP18. It comprised reworked soil or gravel fill material beneath the site with occasional inclusion of red bricks, concrete and plastic.
- Till encountered across the site is described as firm to very stiff, brown, sandy clay with occasional cobbles.
- Till is generally underlain by loose to very dense dark greyish sandy gravel / gravelly sand, to a maximum encountered depth c. 10.5mBGL.

10.8.72. Whilst the EIAR notes that no bedrock was encountered in the RC boreholes up to a depth of c. 10.5mBGL, it states that GSI data identifies the underlying bedrock as Tober Colleen formation with Waulsortian Limestones to the north side of the site.

10.8.73. Figure 11-4 illustrates EPA licenced facilities outside the appeal site boundary, however no evidence of significant onsite soil contamination is noted in the EIAR. The EIAR also notes the proximity of the site to Feltrim Quarry, a geological heritage area and working quarry site, c. 3.3km to the northeast. The proposal is not considered to have any impact on this site nor is the appeal site considered susceptible to landslides with the closest reported landslide c. 11.6km southwest at Knockmaroon Glen Quarry.

10.8.74. Figure 11-8 of the EIAR illustrates the EPA regional radon map which shows that less than 1% of homes are estimated to have radon concentrations above the national reference level of 200Bq/cu.m. Thus, radon is not likely to have a significant effect.

*Potential Effects*

10.8.75. Potential effects, as identified in the EIAR, are summarised in Table LSG1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • The existing CBP facility and FCB will continue to operate with a neutral and imperceptible effect on land, soils and geology. |
| Construction | • Land: Not likely to have a significant effect on land (including land take) as there will be no change in the overall use of the airport campus lands.<br>• Soils and Geology: Activities will comprise the partial demolition and reconfiguration of the existing facilities and construction of new facilities which is likely to result in moderate negative effects on receiving soils and/or bedrock, however any impacts are considered short-term and localised. |
| Operation | • No effects with regard to land (including land take), soils or geology given the nature, location and scale of the proposed development. |

| | |
|---|---|
| Cumulative | • Not addressed in the EIAR. |

**Table LSG1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.8.76. Mitigation measures include:

- Removal of stripped hardstanding, made ground and subsoil (c. 2,500cu.m) for offsite disposal to a suitably licenced / permitted waste facility.
- Exposure of subsoils minimised and disturbed layers will be stabilised as soon as practicable e.g., backfilling of trenches, laying of road capping layers etc.
- Implementation of a Resource and Waste Management Plan (RWMP).

10.8.77. The EIAR notes that other measures outlined in Chapter 12 (Water) are also applicable to the protection of soils and geology. These include:

- Confinement of earthwork / piling plant and vehicles delivery construction materials to predetermined haul routes.
- Installation of wheel wash facilities as needed and subject to the phasing of works.
- Road sweeping as necessary to maintain the road network.
- Implementation of dust suppression during dry periods.
- Storage of excavated materials away from excavations / immediate works area in a stable manner i.e., 3m high temporary stockpiles maximum.
- Monitoring and supervisory regime including excavation and stability assessments.
- Good construction management practices in line with CIRIA C532, *Control of Water Pollution from Construction Sites, Guidance for Consultants etc.*
- Regarding pollution control measures, the EIAR includes the following:
    - Careful handling of fuels, lubricants and hydraulic fluids, solvents, oils and paints to avoid spillage, properly secured and provided with spill containment.
    - Collection of waste oils and hydraulic fluids in leak-proof containers and removal for disposal or re-cycling.

- Immediate containment of any spillage of fuels, lubricants or hydraulic oils and removal for disposal of contaminated soil.
- Refuelling of site vehicles in bunded areas using drip trays. The areas will be adequately sealed and covered within the construction compound and also be used for the storage of ancillary equipment e.g., hoses and pipes.
- Use of drip trays for fixed or mobile plant i.e., pumps and generators.
- Servicing of machinery before being mobilised to site.
- Storage of mobile bowsers, tanks and drums in secure, impermeable areas away from open water.
- Regular inspections for fuel and chemical stores including tanks and drums.
- Procedures and contingency plans to deal with accidents or spills including emergency spill kit with oil boom, absorbers etc.

Operational Phase

10.8.78. I note that no mitigation measures will be required during the operational phase.

*Residual Impacts*

10.8.79. With mitigation, the EIAR states that the residual effects will be slight negative and short-term in duration. I note that the primary impact is the potential removal of c. 2,500cu.m of stripped hardstanding, made ground and subsoils for offsite disposal, however all waste soils will be classified prior to disposal to an appropriate facility.

10.8.80. The residual effect is likely to be slight negative and permanent and no significant effects are likely to occur during the construction phase of the proposed development.

10.8.81. The EIAR states that there will be no effects with regard to land (including land take), soils or geology during the operational phase as a result of the proposed development.

***Assessment of Direct and Indirect Significant Effects***

10.8.82. As noted, the parties have not raised any concerns in relation to geology, and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

10.8.83. Given the location of the appeal site on previously developed brownfield land within Dublin Airport complex and having specific regard to the relatively modest nature of the proposed project in this context, I agree that residual impacts are not significant.

10.8.84. The proposal will not directly or indirectly impact on land, soil or geology to a significant extent and there will be no change in overall use of the relevant airport campus lands.

***Conclusion on Land, Soils and Geology***

10.8.85. I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on land and soil can be avoided, managed and/or mitigated for the proposed development by measures that form part of the proposed scheme, the proposed mitigation measures and through suitably worded conditions.

**Water**

***Issues Raised***

10.8.86. None of the parties have raised concerns in relation to this environmental topic.

10.8.87. Neither Uisce Éireann nor the Council's water services section raised objections.

***Examination, Analysis and Evaluation***

10.8.88. Water is addressed in Chapter 12 of the EIAR. It assesses potential impacts of the proposal on the hydrology (surface water) and hydrogeology (groundwater) regimes.

10.8.89. Chapter 12 is supported by:

- Tables 12-1 and 12-2,
- Figures 12-1 to 12-5, and
- Appendix 12 (CBP and SASC Flood Risk Assessments).

10.8.90. I have examined this chapter and the supporting documents. The assessment methodology includes walkover and geotechnical investigations in addition to a review of desk-based hydrological information and routine surface water sampling events. It is stated that no difficulties were encountered during data collection or assessment.

*Baseline*

10.8.91. Section 12.3 of the EIAR sets out the receiving environment in terms of site development, setting and topography (including potential sources of contamination), flood risk, and drainage design and climate. It notes the evolution of the appeal site from greenfield to airport infrastructure and the general land use containing

hardstanding (both airside and landside) with land use / activities in the wider airport campus and surrounding industrial lands viewed as possible sources of contamination.

10.8.92. In terms of flood risk, the EIAR refers to the separate FRAs. I note that the FRA carried out for the proposed CBP development includes a Stage 2 assessment given the concerns regarding pluvial flooding referenced in the *Dublin Airport SFRA* and pluvial mapping, and notwithstanding the site's location within Flood Zone C. The SASC is also within Flood Zone C and the associated FRA also includes a Stage 2 assessment.

10.8.93. In terms of drainage design and climate change, the EIAR states that the design of all surface water drainage collection and conveyance systems associated with the CBP facility includes an uplift factor of 20% to all rainfall data/events. It also notes that drainage infrastructure beneath the proposed SASC has been similarly designed.

10.8.94. As noted, there are no surface water features within the proposed development. The closest feature is the Cuckoo Stream, to the south of the appeal site and which flows easterly towards Dublin Bay/Irish Sea. The EIAR also notes the Sluice Stream, c. 1.4km to the north of the appeal site, which also flows easterly towards the Irish Sea.

10.8.95. In terms of surface water quality, the EIAR notes that the river waterbody WFD status of both the Cuckoo Stream and Sluice Stream for the 2016 to 2021 monitoring period was 'poor' with both streams discharging to the Mayne Estuary, c. 6km east, which was classified as having 'moderate' transitional waterbody status for 2016 to 2021. It also notes that the Mayne Estuary discharges to the Irish Sea which is classified as having 'good' coastal waterbody status for the 2016 to 2021 EPA monitoring period.

10.8.96. The results of routine surface water quality monitoring of the Cuckoo Stream at upstream and downstream locations are also set out in the EIAR for a two-year baseline monitoring period (2020 to 2022). In this regard, the EIAR notes that occasional exceedances of relevant generic acceptance criteria (GAC) for several parameters including ammonia, orthophosphate and copper, and hydrocarbon contamination has been detected once, but states that such exceedances / detections are temporary and thus no significant surface water issues have been identified.

10.8.97. The appeal site is located on a poor bedrock aquifer (Pl – bedrock which is generally unproductive except for local zones). The EIAR notes that the Liffey Gravels are a locally important gravel aquifer albeit c. 8.5km south of the appeal site and whilst a

karst feature, a ‘spring’, is identified c. 4.7km east, there is none beneath the site and thus the EIAR does not assess connectivity via groundwater flow, which is reasonable.

10.8.98. The groundwater vulnerability rating is noted as primarily moderate (see Figure 12-3). In relation to groundwater flow, the EIAR notes the site within the Dublin Groundwater Body (GWB) and states that the majority of groundwater flow in the general region of the site will be rapid in the upper weathered zone but flow in conduits is commonly at 30m to 50mBGL. The flow is expected in a general easterly / south-easterly direction.

10.8.99. Whilst no groundwater monitoring was carried out, the EIAR notes that perched water was encountered within made ground beneath the proposed development at c. 0.4mBGL and in sandy/gravel/clay layers at c. 2.7mBGL. However, as the site comprises hardstanding, rainfall percolation will be negligible, with runoff to drains.

10.8.100. The EIAR states that there are no group water scheme or public water supply abstraction points, or source protection areas within the vicinity of the site, and whilst there are 19 no. wells and springs nearby (Table 12-2), none are present on the site.

10.8.101. In terms of groundwater quality, the EIAR notes that the groundwater WFD status below the proposed CBP development for 2016 to 2021 is ‘good’ whereas the status below the proposed SASC is ‘poor’ for the same monitoring period (see Figure 12-5).

10.8.102. The key receptors in terms of surface water and groundwater quality are considered:

- Localised perched water in made ground / sand and gravel deposits below the site;
- Poor bedrock aquifer (Pl) below the site; and
- Cuckoo Stream to the south of the site via a groundwater pathway.

*Potential Effects*

10.8.103. Potential effects, as identified in the EIAR, are summarised in Table W1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • This scenario would result in neutral effects with regards to hydrology and hydrogeology. |
| Construction | • Accidental spillages or spillages in the vicinity of exposed groundwater / surface water pose a potential risk with perched water highly vulnerable, resulting in likely moderate adverse temporary effects directly to the quality of groundwater receptors (i.e. perched groundwater), and likely slight adverse temporary effects indirectly (via groundwater migration) to the quality of surface water receptors (i.e. the Cuckoo Stream). |

| | |
|---|---|
| | • General site activities associated with cement handling and pouring pose a potential pollution risk resulting in likely slight adverse temporary effects (via groundwater pathways) directly to groundwater beneath the site (i.e. perched water and bedrock aquifer) and indirectly to surface water quality in the Cuckoo Stream.<br>• Temporary dewatering may be required where perched levels are likely, however, this is not likely to have a significant effect on groundwater or surface water quality subject to a dewatering plan, including disposal to a licenced / permitted facility.<br>• Existing subsurface contaminants could also pose a potential pollution risk. |
| Operation | • Key receptors (i.e. perched water, bedrock aquifer and the Cuckoo Stream) could be at risk from occasional fuel / oil leaks along the access roads and paved areas, however taking account of the drainage design, including hydrocarbon interceptors and the likely dilution effects, the potential risk to the Cuckoo Stream is negligible.<br>• Key receptors could be at risk during an unplanned event (i.e. traffic collision, emergency onsite fuel / oil spill etc.) however taking account of the unlikelihood of such an event along with the drainage design, potential adverse effects to these receptors are negligible.<br>• Key receptors could be at risk of contamination through routine maintenance and use of lubricant oils, fuels and chemicals, resulting in slight adverse temporary effects indirectly to the quality of groundwater receptors and to the surface water quality of the Cuckoo Stream via groundwater migration. |
| Cumulative | • Not addressed in the EIAR. |

**Table W1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.8.104. In addition to measures for the protection of soils and geology, the following are noted:

- Good construction management practices in line with CIRIA C532 as noted above, in addition to CIRIA C750 *Groundwater Control: Design and Practice (2nd ed.)* and CIRIA C741 *Environmental Good Practice On Site Guide (4th ed.).*
- Protection of the existing drainage network i.e., use of physical barriers and / or implementation of a site-specific water runoff management plan.
- Measures to prevent the release of hydrocarbons / chemical contaminants to surface or groundwater including handling and security procedures / protocols such as collection of waste oils and hydraulic fluids in leak-proof containers.
- Response procedures to deal with accidental pollutions events including supervision of all fuel / oil deliveries in addition to the fuel and chemical storage and refuelling protocols noted above.

- Measures to prevent the release of materials during concrete pours include:
    - No batching/production of concrete on site.
    - Shutters designed to prevent failures including grout loss.
    - Not discharging mixer washings and excess concrete to the drainage network, or any drainage ditches, surface water bodies etc.
    - Returning surplus concrete to batching plant after completion of a pour.
- Directing foul drainage from site offices and compounds to the existing wastewater network or containing and disposing off site in an appropriate manner.
- Ceasing all works in the unlikely event that ground contamination is encountered on the site and seeking the advice of an experience contaminated land specialist and undertaking an environmental risk assessment as per EPA guidance.

Operational Phase

10.8.105. The stated measures include all mitigation for the protection of soils and geology including those relating to the maintenance of all plant machinery, storage of fuels, oils and chemicals, and procedures / protocols in the event of spills and leaks, in addition to a maintenance programme for the proposed surface water drainage system.

*Residual Impacts*

10.8.106. The EIAR states that the proposed development will not result in an adverse impact on the existing hydrological regime and is appropriate from a flood risk perspective.

10.8.107. With mitigation, the EIAR states that the anticipated residual effects on surface water or groundwater will be temporary and slight during the proposed construction phase.

10.8.108. With mitigation, the EIAR states that the anticipated residual effects on surface water or groundwater is likely to be temporary, slight adverse during the operational phase.

10.8.109. According to the EIAR, the proposal is not likely to cause a deterioration in surface or groundwater status or compromise the ability of affected waters to comply with the WFD, concluding that no significant effects are likely as a result of the proposal.

***Assessment of Direct and Indirect Significant Effects***

10.8.110. As noted, the parties have not raised any concerns in relation to water and I am generally satisfied with the content of the EIAR regarding the significance of impacts.

*Flood Risk*

10.8.111. The appeal site is located in Flood Zone C where planning guidelines indicate that development is appropriate, subject to an assessment of flood hazard from sources other than riverine and coastal, and there is no requirement for a Justification Test.

10.8.112. Given the quantum of hardstanding at the airport campus, which limits opportunities for infiltration to ground, a pluvial event represents the only likely source of flooding at the appeal site. As noted, this is acknowledged in the *Dublin Airport SFRA* (Appendix 6 of the Dublin Airport LAP) and should be addressed for all works in Flood Zone C.

10.8.113. In this regard, the applicant notes that the pluvial flooding risk will be removed within the footprint of the proposed CBP facility, which will replace a paved area, and the clean roof run-off will be conveyed directly through the diverted/reconfigured Ø750mm pipeline to the downstream network, thus avoiding the pavement and slot drains.

10.8.114. I note that the FRA submitted for the CBP facility states that hydraulic analysis has verified that the Ø750mm pipeline has sufficient capacity to convey the roof runoff and the upgrades and reconfigurations will eliminate minor flooding in the site boundary. In this regard, I accept that not only will the paved area served by slot drains reduce, but there will be an increase in collection capacity for the remaining hardstand area.

10.8.115. Similarly, the FRA submitted for the SASC notes that an attenuation tank has been incorporated into the surface water drainage design in order to provide an at source reduction in the rate of site discharge. I also note that the drainage network capacity is designed for 1 in 100-year flood events plus a 20% allowance for climate change.

10.8.116. In this regard, I am satisfied that the proposed development will not give rise to flooding or increase the likelihood of a flood event elsewhere due to flood water displacement. I therefore agree that the proposed development will not result in an adverse impact on the existing hydrological regime and is appropriate from a flood risk perspective.

*Water Quality*

10.8.117. Given the location of the appeal site on previously developed brownfield land within the airport campus and having specific regard to the receiving environment, including distances from sensitive receptors, and the drainage system design capacity, I agree that the proposal would not be likely to cause a further deterioration in surface or groundwater status or compromise the ability of affected waters, namely the Cuckoo

and Sluice streams, to comply with the WFD. I am therefore satisfied that no significant effects, direct or indirect, are likely as a result of the proposed development.

10.8.118. However, like my concerns regarding noise impacts, and the effects on air quality and human health, should construction, including demolition, overlap with other permitted and proposed developments, there is the potential for short-term significant effects on water quality from sedimentation and spills in the absence of mitigation measures.

10.8.119. Having regard to the mitigation measures, however, which generally amount to good construction practices, I am satisfied that significant water quality effects are unlikely.

***Conclusion on Water***

10.8.120. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on water can be avoided, managed and/or mitigated by measures that form part of the proposal, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on water.

10.8.121. I recommend surface water and water/wastewater conditions in the event of a grant.

**Overall Conclusion: Land, Soil, Water, Air and Climate**

10.8.122. Having regard to the foregoing, I am satisfied that the potential for significant adverse impacts on land, soil, water, air and climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, including those relating to a CEMP and water/wastewater. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on land, soil, water, air and climate.

## 10.9. Material Assets, Cultural Heritage and the Landscape

10.9.1. This section of the EIA relates to chapters 6 (Landscape & Visual), 10 (Traffic), 13 (Cultural Heritage) and 14 (Material Assets) of the EIAR. In this regard, whilst I note that Table 3.1 of the *Guidelines on the information to be contained in Environmental Impact Assessment Reports* (EPA, 2022) indicates that 'roads and traffic' topics could be considered under 'material assets', the EIAR considers them in a standalone chapter. This is considered reasonable given the planning history at the airport.

**Material Assets**

***Issues Raised***

10.9.2. None of the parties have raised concerns in relation to this environmental factor.

***Examination, Analysis and Evaluation***

10.9.3. Material assets is addressed in Chapter 14 of the EIAR. It focuses on the likely significant effects on the built services and waste management assets serving the proposed development. As noted, roads/traffic is addressed separately in Chapter 10.

10.9.4. Chapter 14 is supported by:

- Table 14-1, and
- Appendix 14.

10.9.5. The assessment methodology relating to the built services assets is prepared in accordance with the aforementioned EPA guidelines (2022) in addition to relevant subsurface services drawings and design guidance relating to storm and foul drainage.

10.9.6. The EIAR also states that the assessment methodology relating to waste management assets has similar regard to the EPA guidelines in addition to *Best Practice Guidelines on the Preparation of Waste Management Plans for C & D Projects (EPA, 2021)* and having regard to the findings of Chapter 11 in relation to the underlying site geology.

*Baseline*

10.9.7. In terms of built services, the EIAR notes that surface water runoff from the CBP and SASC project sites is currently attenuated, with petrol interceptors, and the existing foul network, which runs along the northern and eastern boundaries, and through the centre of the CBP site, and adjacent to the northern, eastern and southern boundaries of the SASC site, discharges to the North Fringe Sewer and the Ringsend WWTP.

10.9.8. Regarding water supply and distribution, the EIAR states that the appeal site is located in the Ballycoolin Reservoir Supply Area and current airport demand is met from an internal reservoir and boosting system. Existing potable water supplies run east-west through the northern portion, and north-south in the western portion of the CBP site. There is also a supply adjacent to the western and southern boundaries of the SASC.

10.9.9. The EIAR also notes that the appeal site is served by electricity from the Dardistown substation and gas from the Cloghran Ground Installation, with underground electricity

and gas lines in proximity to the CBP and SASC project sites. Similarly, there are a number of telecoms and lighting cable ducts within, and in the vicinity of the site.

10.9.10. The receiving environment in relation to waste management is based on its geological make-up, namely underlying bedrock of the Tober Colleen Formation, composed of calcareous shale and limestone conglomerates. The Waulsortian Limestone Formation, comprised of massive, unbedded limestone is noted to the north of the site. Having regard to the geotechnical investigations, and taking into account the proposed mitigation measures, the EIAR states that soils beneath the site are deemed unlikely to have a significant effect on health, building services, or environmental receptors.

*Potential Effects*

10.9.11. Potential effects, as identified in the EIAR, are summarised in Table MA1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Built Services: Neutral effect on built assets within the vicinity of the proposed development and thus no likely significant effects.<br>• Waste Management: The disposal of excavation and other construction wastes would not occur and thus a neutral and imperceptible effect. |
| Construction | • Built Services: Potential damage to existing major foul water network within the CBP and SASC boundaries. Potential damage to existing underground power supply which runs through the CBP site and around the SASC site. Potential power outages to existing services in the surrounding area during the diversion and rerouting of the supply networks within the CBP site. Potential contamination of existing public water supply during diversion and rerouting of water supply network within the CBP boundary. However, these potential effects are considered unlikely, and temporary and moderate adverse, should they occur, with the implementation of the CEMP.<br>• Waste Management: Potential for nuisance issues associated with dust or waste materials impacting roads and footpaths however all waste streams will be managed in accordance with a project-specific RWMP. The potential effects of waste generated via transport and disposal and potential nuisance will be temporary and slight adverse. |
| Operation | • Built Services: All power, telecoms and lighting will be diverted and rerouted in accordance with relevant service provider guidelines with no likely significant effects arising.<br>• Waste Management: All waste materials will be removed offsite to an appropriate facility. The potential effects of waste generated via transport and disposal will be long-term and imperceptible. |
| Cumulative | • Built Services: None anticipated during the construction or operational phases and thus no likely significant effects on built services.<br>• Waste Management: None anticipated during the construction or operational phases based on the nature and scale of the proposal and given the implementation of a RWMP. Thus, no likely significant effects associated with waste generation or management. |

**Table MA1: Summary of Potential Effects**

*Mitigation*

Construction Phase

10.9.12. The following measures are noted in relation to built services:

- Implementation of a CEMP which will take account of all environmental considerations including water, dust and noise control; soil / stockpile management; temporary groundwater management; site compound management; fuel, oil and chemical storage and use; and waste management.
- Diversion and rerouting of services, including watermains and hydrants, existing drainage, existing LV power distribution and light fitting, and existing fuel line.
- Temporary welfare facilities to include foul drainage and potable water supply.
- Testing and certification of new utilities / services prior to commissioning.
- Strict compliance with utility providers and HSA in relation to existing / new utilities.
- Detailed Surface Water Management Plan to be included as part of CEMP.

10.9.13. In addition to the above, the following waste management measures are noted:

- Implementation of a RWMP, taking account of the above-mentioned CEMP.
- Precondition surveys (including asbestos surveys) in advance of demolition.
- Provision of waste containers / skips for relevant waste streams and wastes to be segregated accordingly with waste haulage contractors to hold valid permits.
- Waste management routes for each waste stream to be recorded in the site Waste Management Plan and waste generation reduced as far as possible.
- Dust control using wheel washer and road sweepers etc.

Operational Phase

10.9.14. The EIAR states that no mitigation measures are required in respect of built services.

10.9.15. In terms of waste management, the EIAR states that private contractors will be utilised in accordance with statutory requirements, regional policy and best practice and guidance, and regulated by Fingal County Council. No further measures are proposed.

*Residual Impacts*

10.9.16. With specific regard to mitigation for built services, the residual effects of the proposed development are stated as short-term and slight adverse during the construction phase, and long-term and not significant during the operational phase of the project.

10.9.17. Having regard to the mitigation measures proposed for waste management, the residual effects are stated as short-term and imperceptible during the construction phase and long-term and imperceptible during the operational phase of the project.

***Assessment of Direct and Indirect Significant Effects***

10.9.18. As noted, the parties have not raised any concerns in relation to material assets, and I am satisfied with the content of the EIAR regarding the significance of impacts.

10.9.19. Given the location of the appeal site on previously developed brownfield land within Dublin Airport complex and having specific regard to the relatively modest nature of the proposed project in this context, I agree that residual impacts are not significant.

10.9.20. The proposal will not directly or indirectly impact on material assets to a significant extent and there will be no change in overall use of the existing material assets.

***Conclusion on Material Assets***

10.9.21. I have examined, analysed and evaluated Chapter 14 of the EIAR and all of the associated documentation in relation to material assets. I am satisfied that the potential for impacts on material assets can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on material assets.

10.9.22. I recommend that a RWMP condition is attached in the event of a grant of permission.

**Traffic**

***Issues Raised***

10.9.23. As noted, the refusal is based on the acknowledged surface access constraints at Dublin Airport and a perceived increase in passenger numbers and throughput.

10.9.24. The applicant states that the proposed development will not result in an increase in flights, passengers or airport operations and thus the 32mppa cap, as per Condition 3 of ABP ref. PL06F.220670 and Condition 2 of ABP ref. PL06F.223469, will remain.

This position is restated in the various chapters of the EIAR and the applicant submits that all reasonable alternatives to the proposed development have been considered.

10.9.25. The planning authority rejects this contention, stating that the Board's decision to refuse Phase 2 of Terminal 2 was designed to limit the intensity of use, submitting that a larger floor area with capacity for a larger number of passengers and a smaller floor area with capacity for a smaller number of passengers remains a reasonable position.

10.9.26. In this regard, the IALPA observation notes that there will be no passenger increase but submits that the Board could reduce the floor area by condition to allay concerns.

10.9.27. The report of the local authority roads department considers the information as presented in the application and does not raise any fundamental concerns other than requesting clarification on the requirement for the additional car parking spaces. It does, however, state that should an intensification of use occur, the proposal would be regarded as premature in the context of the Airport LAP objectives SF02 and TP01.

10.9.28. Significantly, TII have not raised any concerns regarding road access to the airport.

***Examination, Analysis and Evaluation***

10.9.29. The anticipated traffic impact of the proposed development is addressed in Chapter 10 of the EIAR. This chapter is supported by:

- Tables 10-1 to 10-3, and
- Figures 10-1 to 10-8.

10.9.30. I have examined this chapter and supporting documents, including CTMP. It includes an assessment of the cumulative traffic impacts generated during construction phase.

*Baseline*

10.9.31. The EIAR notes that the airport's internal road is connected to the external road network at three locations: the Airport Roundabout (R132/M1 junction), the Naul Road (west of the Cloghran Roundabout); and at the Corballis Road South/R132 junction.

10.9.32. In terms of relevant transport proposals, the EIAR notes the planned *Metrolink* and *BusConnects* projects which will serve the airport, in addition to enhanced cycle links.

10.9.33. The EIAR states that site access is available from the Corballis Road South/R132 junction with airside deliveries via Gatepost 4 and Gatepost 9, noting that the FCB will be partially demolished and refurbished to provide temporary landside facilities.

10.9.34. In terms of baseline for the existing CBP facility, the EIAR states that it is becoming congested and requires expansion to accommodate current passenger numbers. It also notes that in relation to operational traffic and transportation issues, there will be:

*(i) No change in operations;*

*(ii) No increase in staff numbers; and*

*(iii) No uplift in passenger numbers.*

10.9.35. Thus, the main impacts are considered from a construction phase perspective. In this regard, Table 10-1 sets out the expected peak level of site operatives i.e., a total of 210 trips per day. Table 10-2 sets out the construction traffic trip distribution (arrival/departure) for both AM and PM peak. It assumes that an even split for AM and PM (i.e., 105 total trips) and a further even split between the Swords Road/Airport Roundabout and Old Airport Road/R132-Swords Road Junction i.e., 52.5 total trips.

10.9.36. Table 10-3 sets out the percentage increase in traffic volume at each junction as a result of trips generated due to the construction phase. I note that the selected base year is 2019 and a reasonable justification has been provided in this regard i.e., pre Covid-19 and airport operations reaching the 32mppa passenger cap. I note that a maximum increase of 3.63% was projected for AM peak and 3.49% for PM peak for the Corballis Road South/R132 junction, which is below the 5% TTA threshold (TII).

10.9.37. Construction is anticipated to last for a period of c. 25 months and the recommended routes are: via Old Airport Road/R132-Swords Road Junction and Corballis Road South; or via Airport Roundabout, R132-Sword Road and Corballis Road South. I also note that a considerable part of the work is expected to be undertaken during night shifts to minimise disruption to airport operations, subject to a noise management plan.

*Potential Effects*

10.9.38. Potential effects, as identified in the EIAR, are summarised in Table T1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • The EIAR anticipates that the 'do nothing' scenario is representative of the 'do something' scenario from a traffic perspective, which it attributes to the proposed function which seeks to accommodate existing capacity and improve passenger experience.<br>• The potential for significant impacts is improbable given there is no expected change in existing operation since there is no increase in passenger or staffing numbers. |

| | |
|---|---|
| Construction | • Having regard to Table 10-3, as noted above, the EIAR found that no detailed junction modelling was required, and it is considered that the traffic effects due to the proposed construction activity are insignificant. |
| Operation | • The refurbishment and use of the former FCB will represent an internal redistribution of existing trips to/from the airport. The visitor parking bays are not considered to be additional due to offsets within existing provision and thus there is no potential traffic effect with the SASC.<br>• Employee increases at the proposed CBP are expected to be minimal given the purpose of the proposed development is to cater for current passenger demand. Thus, no operational traffic effects anticipated. |
| Cumulative | • The anticipated construction period will be phased with the most intense phases assessed for assumed peak trips on key junctions. No junctions were required to be brought forward for detailed assessment, based on TII TTA guidelines (see section 6.4 above), and thus cumulative construction traffic effects is sub-threshold in this regard.<br>• Not addressed as none anticipated for the operational phase. |

**Table T1: Summary of Potential Effects**

*Mitigation*

10.9.39. The measures relate entirely to the construction phase and includes the site access being clean, well-lit and signed, with robust hardstanding, and controlled by experienced gatemen. The traffic management plan will address the following:

- Maintaining free traffic flow along the local road networks.
- Ensuring all footpaths and road surfaces are free from debris.
- Ensuring the efficient free flow of operatives entering/exiting the site.
- Managing the distribution flow of materials within the building and debris removal.
- Enforcing robust traffic management practices to ensure construction traffic does not create congestion and cause inconvenience.
- Accommodating the welfare of c. 120 construction personnel during peak activity.
- Protecting the public for the duration of the proposed development.

10.9.40. A “Just in Time” delivery philosophy and Logistics Plan will also be implemented.

10.9.41. As noted, the EIAR does not propose any operational phase mitigation measures.

*Residual Impacts*

10.9.42. The EIAR states that there are no residual effects from the proposed development.

10.9.43. In this regard, I am satisfied that the main impacts are construction-traffic related and this has the potential to act as a vector for dust (track-out) and noise pollution impacts.

***Assessment of Direct and Indirect Significant Effects***

*Customs and Border Protection (CBP) Facility*

10.9.44. As noted, a perceived increase in passenger numbers and thus surface access traffic forms the crux of the planning authority's refusal reason. The proposal, they therefore suggest, would be premature pending a detailed road network to serve the area. Their decision is derived from the previous Board decision in relation to Phase 2 of Terminal 2, which was refused under ABP ref. PL 06F.220670 (PA ref. F06A/1248), and based on the contention that increased floor space equates to increased passenger demand.

10.9.45. If the proposed development was to result in increased passenger demand, then I would agree that this would be a *de facto* intensification of use and, as a tangible corollary, would lead to increased surface access demand. These impacts could be considered adverse and significant given the accepted surface access constraints.

10.9.46. There is no evidence in the supporting documentation, however, to support this view. In fact, the applicant consistently stated throughout the EIAR that there will be no increase in passenger demand, flights or airport operations. Moreover, it is stated that the proposal is to alleviate overcrowding issues, and significantly, 'chronic and dangerous compaction' was acknowledged by the observer in 2019, although they also suggest that new TSA screening procedure since 2023 has alleviated the issue.

10.9.47. As noted in section 9.2, other than reiterating their position that increased floor space equates to increased passenger demand, the planning authority have not provided any documentary evidence to support their position. Whilst I fully acknowledge the circumstances that led to the Board's decision regarding Phase 2 of Terminal 2, I respectfully note that this proposal is specific to the CBP facility at Pier 4 as opposed to a general expansion of the terminal or pier, including additional aircraft stands etc.

*South Apron Support Centre (SASC)*

10.9.48. Whilst I note that section 10.4.2 of the EIAR states that the FCB 'building will revert to a commercial rental on completion of the airport construction works', it also states that it 'is being refurbished and re-purposed into office and welfare facilities for ancillary airport operations'. In this regard, I accept that such mixed messages could lead to some confusion over the intended end-use of the building following its use as an

airside construction compound, and I note the observer's comments on this issue. This has been clarified by the applicant however, as discussed in section 9.4 above.

10.9.49. From a traffic impact perspective and having regard to Condition 23 of ABP ref. PL 06F.220670 (PA ref. F06A/1248), the acknowledged surface access constraints at the airport and the road sections comments, I recommend that any additional car parking be conditioned out. This, however, does not signify a direct/indirect significant effect.

*Summary*

10.9.50. In the absence of information to the contrary, I agree with the conclusions outlined in the EIAR and consider that no significant operational traffic effects are likely to arise.

10.9.51. I am also satisfied that the construction phase impacts for the proposal have been adequately assessed and there will be no significant or residual effects as a result.

***Conclusion on Traffic***

10.9.52. I have considered all of the written submissions made in relation to traffic and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on traffic can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on traffic or transport.

10.9.53. I recommend that a CTMP condition is attached in the event of a grant of permission.

**Cultural Heritage**

***Issues Raised***

10.9.54. None of the parties have raised concerns in relation to this environmental factor.

10.9.55. The National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage[16] have no objection subject to archaeological monitoring.

***Examination, Analysis and Evaluation***

10.9.56. Cultural heritage is addressed in Chapter 13 of the EIAR. It assesses the baseline archaeological and cultural heritage environment, in order to evaluate the likely effects.

10.9.57. Chapter 13 is supported by:

[16] Development Applications Unit (DAU).

- Tables 13-1 to 13-13, and
- Appendix 13.

10.9.58. I have examined this chapter and the supporting documents. I note that the dimensions of the study area are set out in Table 13-1 of the EIAR. The assessment methodology includes a desktop study of documentary and cartographic sources; however, I note that a field inspection was not undertaken given the nature of the site i.e., an operational airport with no potential for above-ground archaeological features.

10.9.59. The assessment methodology also sets out criteria to be considered for setting the baseline value of sites (Table 13-2), criteria to be used for rating the magnitude of effects (Table 13-4), factors to be considered when assessing effects upon setting (Table 13-5), and criteria for assessing the significance level of effects (Table 13-6).

10.9.60. The EIAR states that no significant limitations or restrictions were encountered.

*Baseline*

10.9.61. As noted, the site forms part of an already-developed operational airport campus that comprises modern terminal buildings, apron surfaces, FCB with associated hardstand.

10.9.62. Regarding the pre-historic period, the EIAR does not identify any significant features in the study area, including *fulachtaí fia*, the most common feature throughout Ireland.

10.9.63. Similarly, in relation to the early medieval period, the EIAR does not identify any features of importance within the study area but does identify 7 no. enclosure sites within 2km of the appeal site and 2 no. significant ecclesiastical sites within 3km; one at St. Margaret's to the west of the site in addition to St. Doolagh's Church to the east.

10.9.64. The EIAR notes that the only RMP[17] within the study area from the later medieval period relates to the 'unclassified castle' (ref. DU014-011----) in close proximity to the FCB/proposed SASC. I note that the demise of the structure in the 1640s is implied by the discovery of reused medieval stones in the mid-17th century Corballis House.

10.9.65. The EIAR also summarises the results of site investigations including test-trenches around the site of the later 19th century Corballis House and within the constraints area of the castle site, carried out as part of the Terminal 2 project. Nothing of significant

[17] Record of Monuments and Places.

interest was uncovered other than a post-medieval field ditch, and a definitive identification of the c. 17th century building and reuse of material from the castle site.

10.9.66. In terms of other designated archaeological sites, the EIAR notes that there are no national monuments or sites with preservation orders in the study area, nor are there any Architectural Conservation Areas (ACAs) in terms of designated architectural sites. Two protected structures are, however, identified: a church[18] (RPS ref. 864); and the original airport terminal[19] (RPS ref. 612). These structures are also included in the NIAH[20], in addition to the demolished Corballis House (NIAH ref. 11349002).

10.9.67. Finally in terms of receiving environment, the EIAR states that there are no undesignated cultural heritage sites that comprise extant remains within the study areas and just one that does not comprise extant remains, namely a laneway in Corballis Td. Thus, no other areas of archaeological potential have been identified.

*Potential Effects*

10.9.68. Potential effects, as identified in the EIAR, are summarised in Table CH1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Will have no effect on archaeological, architectural or cultural heritage with no threats to identified receptors by maintaining the present environment. |
| Construction | • Partial demolition, refurbishment and upgrade of the FCB/SASC resulting in potential ground disturbance within the Zone of Notification for the 'unclassified castle' with potential direct impact to subsurface remains but with slight effect. Ground disturbance associated with the CBP facility could impact directly on a townland boundary and laneway but with slight effect.<br>• The EIAR does not consider any indirect effects on setting as construction works constitute a short-term alteration to the landscape. |
| Operation | • No additional direct effects subject to the implementation of appropriate mitigation measures during the construction phase. None of the identified receptors, noted above, have above surface expression.<br>• Potential indirect effects would occur as a result of effects on the setting of the site i.e., primarily visual impacts on character. The proposal is mainly screened from view and as a result, no effects are identified. |
| Cumulative | • Potential effects are limited to direct effects within the appeal site boundaries thus cumulative effects in respect of known projects are excluded on the basis that there is no boundary overlap. |

**Table CH1: Summary of Potential Effects**

[18] Church of Our Lady Queen of Heaven, Dublin Airport, Corballis (NIAH ref. 11349001).
[19] Old Central Terminal Building (OTCB), Dublin Airport, Collinstown (NIAH ref. 11349006).
[20] National Inventory of Architectural Heritage.

*Mitigation*

10.9.69. Similar to traffic impacts, the measures set out in the EIAR in relation to cultural heritage relate entirely to the construction phase. In this regard, the EIAR notes that the proposed archaeological monitoring programme will be subject to further approval.

10.9.70. As noted above, DAU-NMS have no objection, subject to a monitoring condition.

*Residual Impacts*

10.9.71. The EIAR states that no significant residual effects are predicted to occur, with the significance of effect after mitigation ranging from negligible to slight (Table 13-13).

***Assessment of Direct and Indirect Significant Effects***

10.9.72. As noted, the parties have not raised any concerns in relation to cultural heritage, and I am satisfied with the content of the EIAR regarding the significance of impacts.

10.9.73. Given the location of the appeal site on previously developed brownfield land within Dublin Airport campus and having specific regard to the relatively modest nature of the proposed project in this context, I agree that residual impacts are not significant.

10.9.74. The proposal will not directly or indirectly impact on cultural heritage assets to a significant extent subject to archaeological monitoring in respect of undiscovered subsurface remains. In this regard, I agree that such a condition should be imposed.

***Conclusion on Cultural Heritage***

10.9.75. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage and the relevant contents of the file including the EIAR. I am satisfied that the potential for significant adverse impacts on archaeology, architectural and cultural heritage can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions (arch. monitoring). I am therefore satisfied that the proposal would not have any unacceptable direct, indirect or cumulative impacts on archaeological, architectural or cultural heritage in relevant proximity of the site.

**Landscape and Visual**

***Issues Raised***

10.9.76. Landscape and visual impact issues have not been raised by the planning authority.

10.9.77. The applicant has, however, submitted that the proposed development is of a high-quality design and in line with the Dublin Airport Architectural Design Framework.

***Examination, Analysis and Evaluation***

10.9.78. Landscape and visual impact issues are addressed in Chapter 6 of the EIAR.

10.9.79. Chapter 6 is supported by:

- Tables 6-1 to 6-5, and
- Appendix 6.

10.9.80. The assessment methodology includes a Landscape and Visual Impact Assessment (LVIA) which is used to assess the likely significance of the effects of change resulting from the proposal and involves an assessment of both landscape and visual effects.

10.9.81. I note that the study area is defined by the likely 'Visual Envelope' of the proposal in combination with the proposed site itself i.e., c. 1km from the CBP and SASC site. It has been used to identify the views experienced by people, or the 'visual receptors'.

10.9.82. I also note that no constraints were identified with the field study undertaken during a period of maximum visibility (February 2023). During my site inspection there was also little by way of leaf coverage although other than a belt of semi-mature trees and hedging along Corballis Road South, there is little vegetation in the appeal site area.

10.9.83. The impact classification system is stated to be based upon criteria by the UK's Highways Agency (2010), *Landscape and Visual Effects Assessment, Interim Advice Note 135/10*. The impact significance matrix (see Table 6-3 of EIAR) ranges from 'Neutral' to 'Large', with judgements of 'Neutral' or 'Slight' not considered to be 'significant' in EIA terms. It applies equally to visual and landscape impact significance.

*Landscape Baseline*

10.9.84. The study area is within the 'Low Lying Character Type' which the Development Plan describes as open in character, with few tree belts and low roadside hedges. It therefore has few protected views or prospects and is categorised as having a 'modest value' and 'low sensitivity'. The site and study area have no landscape designations.

10.9.85. The study area itself is described as large areas of open space with clusters of buildings. Aside from the built form, boundaries are comprised of high security fencing with vegetation limited to the grassed airfield and verges around airport roads, and

small areas of formal planting including grasses, clipped hedges and trees around the entrance to the airport. As noted, the topography is generally flat, with minor artificial mounding associated with roadways. The overall character is described as functional and industrial on the runway side, and modern and amenity-led on the public side.

10.9.86. Table 6.5 of the EIAR sets out the attributes contributing to character within the study area, together with their likely value and susceptibility to change of the type proposed. The values range from 'low' to 'moderate', with susceptibility stated as 'low' to 'none'. Thus, the EIAR states that the landscape value of the study area is likely to be 'low', in keeping with the 'modest value' character type and 'low sensitivity' to change. I consider the EIAR's classification and rating of the landscape baseline is reasonable.

*Visual Baseline*

10.9.87. In terms of the CBP 'Visual Envelope', the areas identified are predominantly within 1km of the appeal site. This includes sections of the R132 and the eastern areas of the Old Airport Road which runs adjacent to the airfield. The EIAR notes that there are also some distant views towards the CBP from elevated sections of the M50/M1 junction, however effects would not be significant thereon given the distance and low sensitivity of motorway users. I also note that the CBP is not visible from the publicly accessible roads to the north and east given the intervening buildings, including Terminal 2. The EIAR does, however, state that there may be some partial views to the upper part of the CBP extension from Castle Drive and Corballis Park, to the southeast of the site, and a similar position exists for the stated visual receptors in addition to distant views from the R132 and Old Airport Road, including viewing points.

10.9.88. In terms of FCB/SASC 'Visual Envelope', the areas identified are mainly within c. 500m of the site, including the adjacent Corballis Road South and the terminal roads e.g., the T1 and T2 departure roads. In terms of visual receptors, the EIAR notes the partial screening effect of existing vegetation along the Corballis Road South, in addition to intervening tree planting which partially screens views from the Corballis Park Road. The upper parts of the FCB are barely perceptible from the R132/Old Airport Road.

10.9.89. A total of 10 no. viewpoint locations were selected to represent the experience of visual receptors and the different users from a range of directions and distances from the site. The representative viewpoint information is summarised in Table LV1 below.

10.9.90. I consider the EIAR's classification and rating of the visual baseline is reasonable.

| Table LV1: EIAR Assessment of Visual Impacts<br>Source: Chapter 6 (sections 6.5.3, 6.8 and 6.9) and Appendix 6 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **VP's** | **Location** | **Direction** | **CBP Visibility** | **SASC Visibility** | **Visual Receptor Sensitivity** | **EIAR Visual Impact Magnitude** | | **EIAR Significance of Visual Effect** | |
| | | | | | | **Construction** | **Operation** | **Const.** | **Operat.** |
| **1** | Set down area at T2 | SE | No | Yes | Low | Moderate | Minor | **Slight** | **Slight** |
| **2** | Footpath at T1 & T2 departure road | SW | No | Yes | Low | Moderate | Minor | **Slight** | **Slight** |
| **3** | Footpath at T1 & T2 departure road | SW | No | Yes | Low | Moderate | Minor | **Slight** | **Slight** |
| **4** | Footpath at Corballis Rd. South | W | No | Yes | Low | Moderate | Minor | **Slight** | **Slight** |
| **5** | Footpath at Corballis Road South, near R132 | NW | No | Yes | Low | Minor | Negligible | **Slight** | **Neutral** |
| **6** | Radisson Blu Hotel | SW | No | Yes | Low | Minor | Minor | **Slight** | **Slight** |
| **7** | Corballis Park | NW | Yes | Yes | Low | Minor | Negligible | **Slight** | **Neutral** |
| **8** | West side of the R132, north of Old Airport Road | NW | Yes | No | Low | Unstated | Unstated | **Neutral** | **Neutral** |
| **9** | Field entrance south of Old Airport Road | NW | Yes | No | Low | Minor | Negligible | **Neutral** | **Neutral** |
| **10** | Layby south of Old Airport Road | NW | Yes | No | Low | Minor | Negligible | **Neutral** | **Neutral** |

*Potential Effects*

10.9.91. Potential effects, as identified in the EIAR, are summarised in Table LV2 below.

| Project Phase | Potential Effects |
|---|---|
| Do Nothing | • Not addressed in the EIAR but it is anticipated that existing CBP facility and FCB will continue to operate with a slight adverse impact in the case of the FCB and neutral impact in the case of the CBP. |
| Construction | • Landscape: Temporary weakening of landscape characteristics due to the presence of plant machinery, construction compounds and materials etc. However, the significance of effects would be neutral in the airport context.<br>• Visual: As noted in Table LV1, the sensitivity of all visual receptors is 'Low' which is entirely representative of a receiving environment characterised by a national airport. A total of 7 of the 10 views are deemed to have 'Slight' significance judgements. These are typically medium-distance views or views where the proposed buildings are screened by existing buildings and vegetation. Of the remaining 3 no. views, each are rated as 'Neutral'. These are typically long-distance views of the site across the airfield. |
| Operation | • Landscape: The proposed development would not affect the majority of the landscape character attributes e.g., topography, vegetation, surface water, land use and spatial pattern. The materials, features and aesthetic changes to the airport buildings is considered to be minor positive and the significance of effect would be neutral for the CBP extension and slight-beneficial for the SASC building, through the introduction of contemporary finishes.<br>• Visual: As noted above, the sensitivity of the visual receptors is 'Low'. A total of 5 of the 10 views are deemed to have 'Slight' significance judgements. These are typically medium-distance views or views where the proposed buildings are screened by existing buildings and vegetation. Of the remaining 5 no. views, each are rated as 'Neutral'. These are long-distance views of the site across the airfield in the case of VP's 8, 9 and 10. |
| Cumulative | • None anticipated. |

**Table LV2: Summary of Potential Effects**

*Mitigation*

10.9.92. The EIAR states that there would be no significant landscape and visual effects as a result of the proposed development, thus no further mitigation measures are proposed.

*Residual Impacts*

10.9.93. The overall effect on landscape character is described as slight-beneficial in significance for the SASC building and neutral in significance for the CBP extension. These categories of effects are not considered to be significant according to the EIAR.

10.9.94. Similarly, the overall effect on visual amenity is described as slight-beneficial in significance for the SASC building and neutral in significance for the CBP extension. These categories of effects are not considered to be significant according to the EIAR.

***Assessment of Direct and Indirect Significant Effects***

10.9.95. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation and submissions on file in respect of landscape and visual effects, including the various design reports (see section 3.2.7). I have inspected the site and surrounding area, including the potentially sensitive viewpoints highlighted in the assessment of visual impact as summarised in Table LV1 above, and had regard to landscape character and sensitivity as set out in the current Development Plan.

10.9.96. As noted, the EIAR's assessment relates to both the landscape and visual impacts.

*Potential Landscape Impacts*

10.9.97. There will be some temporary landscape impacts during the construction phase due to the presence of plant machinery but I agree with the EIAR that these are neutral and are not significant overall given the context of the receiving environment. My assessment therefore focuses on the operational phase of the proposed development.

10.9.98. As noted, the EIAR correctly highlights the appeal site's location within the 'Low Lying Character Type' as detailed in the LCA. Table 9.3 of the Development Plan confirms the modest landscape value and low sensitivity of this landscape character type. Having regard to the extent of the works proposed, which would be absorbed within the airport campus context, I agree with the EIAR that the landscape character would generally be unaffected and the works to the existing FCB would be an improvement.

*Potential Visual Impacts*

10.9.99. As with landscape impacts, I consider that there will be temporary visual impacts associated with the construction phase but this is not a cause for concern nor has it been raised. My assessment therefore focuses on the proposed operational phase.

10.9.100. Having inspected the appeal site and surrounding area, comprising the principal road network serving the airport campus, including the Old Airport Road, which connects the R132 to the realigned R108, and the internal terminal roads, I agree that views and thus impacts are either restricted to long-distance sightings across the airfield or medium-distance views where the proposed buildings will generally be screened. On this basis and having regard to the extent of the works proposed, I consider that the operational impacts of the proposal are neutral-slight on the representative viewpoints. I also fully agree that the upgrade of the FCB represents a slight-beneficial impact.

***Conclusion on Landscape and Visual***

10.9.101. I have considered all of the written submissions made in relation to landscape and visual impacts and the relevant contents of the file including the EIAR. I am satisfied that the potential for landscape and visual impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative landscape and visual impacts subject to the contemporary material finishes proposed.

**Overall Conclusion: Material Assets, Cultural Heritage and the Landscape**

10.9.102. Having regard to the foregoing, I am satisfied that the potential for significant adverse impacts on material assets, cultural heritage and the landscape would be avoided, managed and/or mitigated by measures that form part of the proposal, the proposed mitigation measures and through suitable conditions, including those requiring archaeological monitoring and governing the proposed finishes. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on material assets, cultural heritage and the landscape.

## 10.10. Interactions

10.10.1. The interactions between the above factors is addressed in Chapter 15 of the EIAR. Generally, the interactions relate to construction phase effects, although some operational phase interactions are identified, including air quality and human health.

10.10.2. The interactions between the factors are graphically tabulated in Table 15-1 and described in sections 15.3 to 15.13. No significant effects arise as a result of the interactions between factors, although I do note that Section 15.9 of the EIAR states that ‘operational traffic associated with the proposal will contribute to increased traffic volumes on the surrounding network’, and this is a departure from the conclusion arrived at in Section 10.12 of the EIAR. It anticipates that the proposal will replace existing services and therefore, provide no increase in overall airport traffic volumes.

10.10.3. Having regard to the nature of the proposed development, the receiving environment and the foregoing chapters of the EIAR, I am satisfied that the summary of the potential for interactions between environmental factors is reasonably set out in this chapter.

## 10.11. Accident and Disaster Risks

***Issues Raised***

10.11.1. No specific issues raised in respect of risk of major accidents or natural disasters.

10.11.2. I note that the HSA have no objection to the proposed development. I also note that the EPA did not respond to the consultation or the initial scoping request (Jan. 2023).

***Examination, Analysis and Evaluation***

10.11.3. Section 2.8 of Chapter 2 of the EIAR deals with the risk of major accidents and/or natural disasters. It considers the vulnerability of the proposal from on- and off-site, existing and future sources of hazards. I note that potential impacts on the other environmental topics, including air, climate etc. are addressed in the relevant chapters.

10.11.4. The risk of major accidents and disasters is also addressed in Section 5.4.6 of Chapter 5 in the context of ecological receptors. It notes that events such as a large hydrocarbon spill or release of high volumes of contaminants during construction or operation could potentially have a negative impact on high value sensitive sites such as the Cuckoo Stream and downstream Mayne Estuary (Baldoyle Bay SAC/SPA).

*Baseline*

10.11.5. The EIAR identifies two main 'offsite hazards', albeit within the main airport complex and namely aircraft movement, including taxiing, take-offs and landing, and the fuel farm facility, a lower tier Seveso site, c. 150m east of the proposed development.

10.11.6. Figure 2-7 of the EIAR identifies 23 no. Seveso sites within 15km of the appeal site.

*Potential Effects*

10.11.7. Potential effects, as identified in the EIAR, are summarised in Table ADR1 below.

| **Project Phase** | **Potential Effects** |
|---|---|
| Do Nothing | • Not investigated but it is anticipated that the existing risks associated with aircraft movement and proximity to the fuel farm will persist in the 'do nothing' scenario. |
| Construction/Operation and Decommissioning | • It is unlikely that an accident of sufficient scale (i.e., hydrocarbon spill or high-volume contaminant release etc.) could potentially have a negative effect on surface water features or aquatic habitats. The magnitude of such an accident is likely to be significant at a site level only, and imperceptible in relation to ecologically important features.<br>• Significant effects associated with aircraft movements not likely, noting the aircraft movement safety record at Dublin Airport. |

| | |
|---|---|
| | • Significant effects associated with the fuel farm facility, and indeed any other Seveso site, not likely given their strict regulatory framework and distance from the proposed development. |

**Table ADR1: Summary of Potential Effects**

***Assessment of Direct and Indirect Significant Effects***

10.11.8. I have examined, analysed and evaluated Section 2.8 of the EIAR, all of the associated documentation and submissions on file in respect of risk of major accidents and/or natural disaster. Having regard to the nature and location of the development in Dublin Airport complex, removed from centres of population, and to the technical information on file, I am generally satisfied that there are no significant adverse effects on the environment deriving from its vulnerability to major accidents or to natural disasters.

## 10.12. Reasoned Conclusion

10.12.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR, the reports and recommendation of the local authority, and submissions by prescribed bodies and observers, I consider that the main significant direct and indirect effects of the proposed development on the environment are:

- **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 EIAR, including the Construction Environmental Management Plan (CEMP).
- **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 EIAR, such as the CEMP 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 EIAR, such as noise monitoring at the boundary of Shamrock House, and through the implementation of the CEMP.

10.12.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. Thus, having regard to the foregoing assessment, I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the environment.

## 11.0 **AA Screening**

### 11.1. **Introduction**

11.1.1. The planning application is accompanied by a Screening for Appropriate Assessment prepared by Atkins (May 2023). Section 1 describes the project and scope of works. Sections 2 to 4 set out the scope of the study, methods employed and the receiving environment. Section 5 comprises the 'Appropriate Assessment Screening'. Section 6 considers the potential for in-combination effects, including "all reasonably foreseeable" projects, i.e., *MetroLink* and the infrastructure application. The report is accompanied by appendices, including drainage drawings and FRA's for the CBP and SASC. The FRA's are identical to those considered in section 10.8 (ss. 111 to 116).

11.1.2. Having regard to the nature of the proposal, the nature of the receiving environment and the S-P-R model, the screening assessment considers a possible 17 no. European sites for inclusion within a Zone of Influence (ZoI) i.e., 9 no. Special Areas of Conservation (SACs) and 8 no. Special Protection Areas (SPAs). These sites are estuarine and coastal in nature but also includes headlands and islands, some of which are insufficiently connected to the proposal to warrant further consideration.

11.1.3. Having further examined the likely spatial and temporal biophysical changes associated with the project impacts, the applicant's screening determined that the following European sites are within the potential ZoI of the project:

- Baldoyle Bay SAC, and
- Baldoyle Bay SPA.

11.1.4. In excluding the other identified sites, the report notes that none of them were located within the zone of impact and as such there is no potential for any direct or indirect impacts on any of those sites. Moreover, the report indicates that those sites and their Qualifying Interests (QIs) are not dependent in any way on using appeal site lands.

11.1.5. Due to the location, scale, and nature of the project, the report considered that:

*"…the proposed project, either alone or in combination with other plans or projects, will not result in likely significant effects on any Natura 2000 site, in view of its conservation objectives and therefore the proposed project will not adversely affect the integrity of any Natura 2000 site."*

### 11.2. **Stage 1 (Screening)**

11.2.1. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on any of the designated European sites. I have carried out a full screening determination for the development and it is attached to this report (Appendix 2). For completeness, I consider the sites within a potential Zone of Influence are as follows:

- Baldoyle Bay SAC (000199)
- Baldoyle Bay SPA (004016)
- North-west Irish Sea cSPA (004236)

11.2.2. I note that North-west Irish Sea cSPA was designated after the application date.

11.2.3. In accordance with Section 177U of the Planning Act and on the basis of objective information, I conclude that the project individually, or in combination with other plans and projects, would not be likely to give rise to significant effects on Baldoyle Bay SAC or SPA, or the North-west Irish cSPA or any other European Site, in view of the site's Conservation Objectives. It is therefore determined that appropriate assessment of the proposal (Stage 2) [Section 177V of the Act] is not required. Measures intended to reduce/avoid significant effects have not been considered in the screening process.

## 12.0 **Recommendation**

I recommend that permission be **granted** for the reasons and considerations below.

## 13.0 **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, 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 (Nov. 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:
    - 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 appeal site generally and Terminal 2 specifically, and in particular Condition 3 and Condition 23 of PL 06F.220670 (PA ref. 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 application and appeal,
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to EIA and AA screening.

**Proper Planning and Sustainable Development:**

Having regard to the nature of the development, which does not propose any increase in operational capacity, it is considered that the alterations and extension to the US 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.

**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 is 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 proposal 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 EIAR, including the Construction Environmental Management Plan (CEMP).
- **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 EIAR, such as the CEMP 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 EIAR, such as noise monitoring at the boundary of Shamrock House, and through the implementation of the CEMP.

Having regard to the above, the Board is satisfied that the proposal 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 EIAR. The Board is also satisfied that the reasoned conclusion is up to date at the time of making the decision.

## 14.0 **Conditions**

1. The 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 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:

   (a) Access to the fallow space at Level 20 and Level 30 of the United States Customs and Border Protection (CBP) pre-clearance facility extension shall be restricted to airport operational staff only, unless otherwise authorised by a separate grant of permission.

   (b) 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 (EIAR), shall be implemented.

   **Reason:** To protect the environment.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP 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 (CTMP) 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 (NPWS) and details of such licence shall be submitted to the planning authority.

   **Reason:** In the interest of wildlife protection.

8. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS).

   (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or

machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation (e.g. preservation in-situ, or excavation). The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

(d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

9. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement, 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, following consultation with Inland Fisheries Ireland (IFI).

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

10. Prior to the 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.

11. (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 the 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.

12. 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 the 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Philip Maguire
Senior Planning Inspector
27th March 2025

# Appendix 1

(1) the reconfiguration and expansion of the existing 2-storey US Customs and Border Protection (CBP) pre-clearance facility, which will consist of:

(1a) the demolition of: 2 no. existing Pier 4 link bridges; 2 no. external vertical circulation cores (VCC) and 2 no. airbridges; part of the north, east and south elevations of the existing CBP facility (c. 309$m^2$), including external footpaths, ramps and handrails; and part of the existing apron pavement (c. 5,000$m^2$);

(1b) internal reconfiguration of part of Pier 4 and the existing CBP facility and the construction of an expanded 2-storey, part 3-storey CBP facility to the east of the existing CBP facility (c. 6,419$m^2$), to include:

(i) pre-clearance passenger processing facilities at Level 10 (ground floor), including 5 no. entry E-gates, queuing areas, 8 no. screening lanes (including 1 no. for training/contingency and 1 no. for staff access (no increase in number of existing passenger screening lanes), 22 no. booths, transit lounge area, welfare facilities, and ancillary staff facilities;

(ii) lounge, retail/food and beverage area, swing gateroom, welfare facilities, airline lounge, staff facilities, including ancillary offices at Level 15 (first floor);

(iii) construction of 2 no. external vertical circulation cores (VCC);

(iv) construction of a new link bridge at Level 20 (second floor) to the existing Terminal 2 building and all associated works;

(v) 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;

(vi) ancillary external structures to the extended roof, including rooflights, external balustrade and handrail; fixed metal roof walkway; and fall protection anchorage system;

(vii) realignment of the existing airside road; the provision of new airside road; and the provision of pedestrian walkways and zebra crossings; and

(viii) the reorganisation of an existing airside operations car parking area to provide 15 no. airside operations car parking spaces; the provision of 2no. PRM airside operations parking spaces, 2 no. platinum passenger parking spaces, 2 no. GIWA (goods vehicles) spaces, and 2no. bus set down areas.

(1c) decommissioning of existing operational aircraft stand 409 L/C/R, and the provision of temporary MARS operational aircraft stand 409T accommodating 2 no. Code C or 1 no Code E aircraft, as well as the realignment of the existing apron by way of new paint markings on the apron pavement.

(2) the partial demolition (c. 3,320m$^2$), refurbishment and upgrade of the existing 2-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:

(2a) 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;

(2b) 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 (c. 5,043m$^2$), as well as an external dining courtyard at ground floor;

(2c) the provision of 10 no. visitor car parking spaces, 2 no. PRM visitor car parking spaces and 80 no. cycle storage racks;

(2d) revised external pedestrian and vehicular circulation arrangements; and

(2e) 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 runoff 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.

The planning application is accompanied by an Environmental Impact Assessment Report (EIAR).

# Appendix 2

**Screening the need for Appropriate Assessment**
**Finding of likely significant effects**

**Appropriate Assessment: Screening Determination**
**(Stage 1, Article 6(3) of Habitats Directive)**

*Compliance with Article 6(3) of the Habitats Directive*

Article 6(3) of the Directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. This proposal is not directly connected to, or necessary to the management of any European site, and therefore is subject to these provisions.

Having examined the application details and all other documentation on the appeal file, I am satisfied that I have sufficient information before me to allow for a complete examination and identification of any potential significant effects of the proposed development alone, or in combination with other plans and projects, on Natura sites.

**Description of the Proposed Development**

It is proposed to demolish part of the existing US Customs and Border Protection (CBP) pre-clearance facility at Dublin Airport, along with other elements of Pier 4, and part of the adjacent apron pavement, and construct a two-storey, part-three-storey, extension. Partial demolition of a former Flight Catering Building (FCB) is also proposed along with refurbishment and upgrade to facilitate temporary construction compound offices initially and a South Apron Support Centre (SASC) in the longer term. The proposed development is described in full in Appendix 1.

**Consultations and Submissions**

The planning authority has not raised any concerns in relation to appropriate assessment (AA) and I note that an independent ecologist's review of the relevant documentation, including the AA screening report, was carried out prior to their determination that AA, and the submission of an NIS, was not required. Whilst I note that the Department of Housing (DAU) were consulted, only NMS responded. I also note that the Council's water services section has not raised any concerns and I am fully satisfied that all surface water drainage issues can be addressed by condition.

Uisce Éireann have no objection subject to their standard condition relating to connection agreements and compliance with their codes and practices. I have reviewed Uisce Éireann's water and wastewater Capacity Registers (published Dec. 2024). I note that there is capacity in water supply to meet the 2033 population targets, with a level of service improvement, and capacity is indicated at Ringsend WwTP. I have reviewed the foul drainage and water supply proposals as detailed and I am fully satisfied that these issues can be addressed by planning condition.

**European Sites**

The appeal site is not located in a European site. Having regard to the source-pathway-receptor (S-P-R) model, a summary of 13 no. European sites that occur within a possible Zone of Influence (ZoI) of the appeal site are outlined in the tables below, 10 no. of which have been excluded at preliminary examination. The excluded sites either have no pathway or hydrologically, the combination of distance, dilution and dispersal would have no significant impact on these sites. There are, however, pathways, albeit tenuous, to the Baldoyle Bay SAC, Baldoyle Bay SPA and North-west Irish Sea SPA and these require further consideration in this assessment.

*QI Habitats / Species*

No other habitats or species of relevance to any SAC's were recorded in the AA screening report or EIAR. Having regard to the spatial scale of the potential project impacts and the distance to other SAC's, coupled with the fact that there are no mobile conservation interests nor realistic connectivity (physical or hydrological), I do not consider it appropriate to include any further SAC's beyond those in Table 1.

*SCI Birds*

In general, SCI species have potential to occur in the environs of the proposed development given the foraging and migratory ranges. SCI bird species are susceptible to habitat loss, noise and human presence during the construction phase and susceptible to collision risk with buildings during the operational phase. That said, and having specific regard to the locational context, bird habitat impacts are unlikely. Neither the CBP, and adjoining apron pavement, nor the existing FCB represent suitable foraging or roosting habitat for SCI bird species, particularly the waders and waterfowl associated with the SPA's on the eastern seaboard. The inclusion of any other SPA's beyond those in Table 2 is not, therefore, warranted.

I have therefore included those European sites with a possible ecological connection or pathway in this screening determination. These sites are considered in Tables 1 and 2 below. Those with identifiable ecological connections/continuity through the S-P-R model are considered further in terms of the likely impacts/significant effects.

| European Site (Code) | Qualifying Interests / Special Conservation Interest<br>**indicates a priority habitat under the Habitats Directive* | Distance / Direction | Connections | Considered further in Screening |
|---|---|---|---|---|
| **Table 1 – Special Areas of Conservation (SAC's)** | | | | |
| Malahide Estuary SAC (000205) | Mudflats and sandflats not covered by seawater at low tide [1140]<br>Salicornia and other annuals colonising mud and sand [1310]<br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br>Mediterranean salt meadows (Juncetalia maritimi) [1410]<br>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]<br>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]<br>https://www.npws.ie/protected-sites/sac/000205 | 4.9km – closest point to site boundary<br>North, northeast | No.<br>There is no direct connection between the appeal site and this SAC i.e., no mobile conservation interests.<br>Uncontrolled surface waters from the appeal site flow towards Baldoyle Bay (Mayne Estuary) and there is no indirect connection between it and this SAC via watercourses, drains, ditches etc.<br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SAC is designated. | No |

| | | | | |
|---|---|---|---|---|
| Baldoyle Bay SAC (000199) | Mudflats and sandflats not covered by seawater at low tide [1140]<br>*Salicornia* and other annuals colonising mud and sand [1310]<br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br>Mediterranean salt meadows (Juncetalia maritimi) [1410]<br>https://www.npws.ie/protected-sites/sac/000199 | 6.3km – closest point to site boundary<br>East | Yes.<br>Potential hydrological connections via (i) surface water run-off to the Cuckoo Stream-Mayne River-Baldoyle Bay (Mayne Estuary) during the construction phase (ii) surface water run-off to the existing drainage network during the construction and operational phases. | Yes |

| | | | | |
|---|---|---|---|---|
| North Dublin Bay SAC (000206) | Mudflats and sandflats not covered by seawater at low tide [1140]<br><br>Annual vegetation of drift lines [1210]<br><br>*Salicornia* and other annuals colonising mud and sand [1310]<br><br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br><br>Mediterranean salt meadows (Juncetalia maritimi) [1410]<br><br>Embryonic shifting dunes [2110]<br><br>Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]<br><br>*Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]<br><br>Humid dune slacks [2190]<br><br>Petalwort (Petalophyllum ralfsii) [1395]<br><br>https://www.npws.ie/protected-sites/sac/000202 | 7.3km – closest point to site boundary<br><br>Southeast | Yes.<br><br>Potential hydrological connections via wastewater from the appeal site which passes through Ringsend WwTP and discharges to a transitional waterbody in Dublin Harbour via the Ringsend outfall, cross-harbour (1.7km) of this SAC, during the operational phase.<br><br>Potential deterioration of water quality impacting on habitats / species susceptible to change although extremely unlikely in the case of the proposed development.<br><br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SAC is designated. | No |

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|---|---|---|---|---|
| Rockabill to Dalkey Island SAC (003000) | Reefs [1170]<br><br>Harbour Porpoise (Phocoena Phocoena) [1351]<br><br>https://www.npws.ie/protected-sites/sac/003000 | 10.8km – closest point to site boundary<br><br>East | No.<br><br>There is no direct connection between the appeal site and this SAC.<br><br>Uncontrolled surface waters from the appeal site flow towards Baldoyle Bay (Mayne Estuary) and there is no indirect connection between it and this SAC via watercourses, drains, ditches etc.<br><br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SAC is designated. | No |

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| Ireland's Eye SAC (002193) | Perennial vegetation of stony banks [1220]<br><br>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]<br><br>https://www.npws.ie/protected-sites/sac/002193 | 11.2km – closest point to site boundary<br><br>East, southeast | No.<br><br>There is no direct connection between the appeal site and this SAC i.e., no mobile conservation interests.<br><br>Uncontrolled surface waters from the appeal site flow towards Baldoyle Bay (Mayne Estuary) and there is no indirect connection between it and this SAC via watercourses, drains, ditches etc.<br><br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SAC is designated. | No |

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| Howth Head SAC (000202) | Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]<br><br>European dry heaths [4030]<br><br>https://www.npws.ie/protected-sites/sac/000202 | 12.2km – closest point to site boundary<br><br>East, southeast | No.<br><br>There is no direct connection between the appeal site and this SAC i.e., no mobile conservation interests.<br><br>Uncontrolled surface waters from the appeal site flow towards Baldoyle Bay (Mayne Estuary) and there is no indirect connection between it and this SAC via watercourses, drains, ditches etc.<br><br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SAC is designated. | No |

| Table 2 – Special Protection Areas (SPA's) | | | | |
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| Malahide Estuary SPA (004025) | Great Crested Grebe (Podiceps cristatus) [A005]<br>Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Shelduck (Tadorna tadorna) [A048]<br>Pintail (Anas acuta) [A054]<br>Goldeneye (Bucephala clangula) [A067]<br>Red-breasted Merganser (Mergus serrator) [A069]<br>Oystercatcher (Haematopus ostralegus) [A130]<br>Golden Plover (Pluvialis apricaria) [A140]<br>Grey Plover (Pluvialis squatarola) [A141]<br>Knot (Calidris canutus) [A143]<br>Dunlin (Calidris alpina) [A149]<br>Black-tailed Godwit (Limosa limosa) [A156]<br>Bar-tailed Godwit (Limosa lapponica) [A157]<br>Redshank (Tringa totanus) [A162]<br>Wetland and Waterbirds [A999]<br>https://www.npws.ie/protected-sites/spa/004025 | 4.9km – closest point to site boundary<br>North, northeast | No.<br>There is no direct connection between the appeal site and this SPA. There is no indirect connectivity between the project and this SPA via watercourse, drains or ditches etc. The project is sufficiently remote that there is no risk of disturbance to waders and wildfowl using the SPA.<br>Whilst a number of SCI species do feed in fields in the wider area, given the nature of the appeal site, the impacts on such species, such as displacement or disturbance from foraging or roosting is highly unlikely.<br>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA is designated. | No |

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| Baldoyle Bay SPA (004016) | Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Shelduck (Tadorna tadorna) [A048]<br>Ringed Plover (Charadrius hiaticula) [A137]<br>Golden Plover (Pluvialis apricaria) [A140]<br>Grey Plover (Pluvialis squatarola) [A141]<br>Bar-tailed Godwit (Limosa lapponica) [A157]<br>Wetland and Waterbirds [A999]<br>https://www.npws.ie/protected-sites/spa/004016 | 6.3km – closest point to site boundary<br>East | Yes.<br>Potential hydrological connections via (i) surface water run-off to the Cuckoo Stream-Mayne River-Baldoyle Bay (Mayne Estuary) during the construction phase (ii) surface water run-off to the existing drainage network during the construction and operational phases. | Yes |

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| South Dublin Bay and River Tolka Estuary SPA (004024) | Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Oystercatcher (Haematopus ostralegus) [A130]<br>Ringed Plover (Charadrius hiaticula) [A137]<br>Grey Plover (Pluvialis squatarola) [A141]<br>Knot (Calidris canutus) [A143]<br>Sanderling (Calidris alba) [A144]<br>Dunlin (Calidris alpina) [A149]<br>Bar-tailed Godwit (Limosa lapponica) [A157]<br>Redshank (Tringa totanus) [A162]<br>Black-headed Gull (Chroicocephalus ridibundus) [A179]<br>Roseate Tern (Sterna dougallii) [A192]<br>Common Tern (Sterna hirundo) [A193]<br>Arctic Tern (Sterna paradisaea) [A194]<br>Wetland and Waterbirds [A999]<br>https://www.npws.ie/protected-sites/spa/004006 | 7km – closest point to site boundary<br>South, southeast | Yes.<br>Potential hydrological connections via wastewater from the appeal site which passes through Ringsend WwTP and discharges to a transitional waterbody in Dublin Harbour via the Ringsend outfall, cross-harbour (0.4km) of this SPA, during the operational phase.<br>Potential deterioration of water quality impacting on habitats / species susceptible to change although extremely unlikely in the case of the proposed development.<br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SPA is designated. | No |

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| North Bull Island SPA (004006) | Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Shelduck (Tadorna tadorna) [A048]<br>Teal (Anas crecca) [A052]<br>Pintail (Anas acuta) [A054]<br>Shoveler (Anas clypeata) [A056]<br>Oystercatcher (Haematopus ostralegus) [A130]<br>Golden Plover (Pluvialis apricaria) [A140]<br>Grey Plover (Pluvialis squatarola) [A141]<br>Knot (Calidris canutus) [A143]<br>Sanderling (Calidris alba) [A144]<br>Dunlin (Calidris alpina) [A149]<br>Black-tailed Godwit (Limosa limosa) [A156]<br>Bar-tailed Godwit (Limosa lapponica) [A157]<br>Curlew (Numenius arquata) [A160]<br>Redshank (Tringa totanus) [A162]<br>Turnstone (Arenaria interpres) [A169]<br>Black-headed Gull (Chroicocephalus ridibundus) [A179]<br>Wetland and Waterbirds [A999]<br>https://www.npws.ie/protected-sites/spa/004006 | 7.3km – closest point to site boundary<br>Southeast | Yes.<br>Potential hydrological connections via wastewater from the appeal site which passes through Ringsend WwTP and discharges to a transitional waterbody in Dublin Harbour via the Ringsend outfall, cross-harbour (1.7km) of this SPA, during the operational phase.<br>Potential deterioration of water quality impacting on habitats / species susceptible to change although extremely unlikely in the case of the proposed development.<br>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which this SPA is designated. | No |

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| North-west Irish Sea SPA (004236) | Red-throated Diver (Gavia stellata) [A001]<br>Great Northern Diver (Gavia immer) [A003]<br>Fulmar (Fulmarus glacialis) [A009]<br>Manx Shearwater (Puffinus puffinus) [A013]<br>Cormorant (Phalacrocorax carbo) [A017]<br>Shag (Phalacrocorax aristotelis) [A018]<br>Common Scoter (Melanitta nigra) [A065]<br>Little Gull (Larus minutus) [A177]<br>Black-headed Gull (Chroicocephalus ridibundus) [A179]<br>Common Gull (Larus canus) [A182]<br>Lesser Black-backed Gull (Larus fuscus) [A183]<br>Herring Gull (Larus argentatus) [A184]<br>Great Black-backed Gull (Larus marinus) [A187]<br>Kittiwake (Rissa tridactyla) [A188]<br>Roseate Tern (Sterna dougallii) [A192]<br>Common Tern (Sterna hirundo) [A193]<br>Arctic Tern (Sterna paradisaea) [A194]<br>Little Tern (Sterna albifrons) [A195]<br>Guillemot (Uria aalge) [A199]<br>Razorbill (Alca torda) [A200]<br>Puffin (Fratercula arctica) [A204]<br>https://www.npws.ie/protected-sites/spa/004236 | 10.85km – closest point to site boundary<br>East | Yes.<br>Potential hydrological connections via (i) surface water run-off to the Cuckoo Stream-Mayne River-Baldoyle Bay (Mayne Estuary) during the construction phase (ii) surface water run-off to the existing drainage network during the construction and operational phases. | Yes |

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| Ireland's Eye SPA (004117) | Cormorant (Phalacrocorax carbo) [A017]<br>Herring Gull (Larus argentatus) [A184]<br>Kittiwake (Rissa tridactyla) [A188]<br>Guillemot (Uria aalge) [A199]<br>Razorbill (Alca torda) [A200]<br>https://www.npws.ie/protected-sites/spa/004117 | 10.95km – closest point to site boundary<br>East | No.<br>There is no direct connection between the appeal site and this SPA. There is no indirect connectivity between the project and this SPA via watercourse, drains or ditches etc. The project is sufficiently remote that there is no risk of disturbance to waders and wildfowl using the SPA.<br>Whilst a number of SCI species do feed in fields in the wider area, given the nature of the appeal site, the impacts on such species, such as displacement or disturbance from foraging or roosting is highly unlikely.<br>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA is designated. | No |

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| Howth Head Coast SPA (004113) | Kittiwake (Rissa tridactyla) [A188]<br><br>https://www.npws.ie/protected-sites/spa/004113 | 12.7km – closest point to site boundary<br><br>East | No.<br><br>There is no direct connection between the appeal site and this SPA. There is no indirect connectivity between the project and this SPA via watercourse, drains or ditches etc. The project is sufficiently remote that there is no risk of disturbance to the SCI species of this SPA.<br><br>Whilst a number of SCI species associated with nearby SPAs do feed in fields in the wider area, given the nature of the appeal site, the impacts on such species, such as displacement or disturbance from foraging or roosting is highly unlikely.<br><br>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA is designated. | No |

**Likely impacts of the Project**

The appeal site is hydrologically connected to the Baldoyle Bay SAC and SPA, albeit weakly (c. 6.2km linear or 7.9km downstream), and the North-west Irish Sea cSPA.

On this basis, I agree with the applicant and I consider that potential impacts associated with the construction and operational phase of the proposed development primarily relate to potential impacts on water quality including:

1. Deterioration of water quality as a result of sediment and pollution loads arising during the construction phase; and
2. Deterioration in water quality as a result of sediment, pollution loads, hard surface flood/water runoff etc. during the operational phase.

*Construction Phase*

A comprehensive surface water drainage network serves the appeal site. It attenuates run-off and consists of a number of attenuation tanks and a 'regional facility' (CS-09) with a capacity of 20,500cu.m near the South Apron. There is also a pollution control tank which is designed to capture contaminated surface run-off.

During the construction phase there is potential for run-off from site works to temporarily discharge to this drainage network via slot drains. There is also potential for direct discharge to the Cuckoo Stream, c. 215m away, which outfalls to the Mayne River, with further, albeit tenuous, connection to Baldoyle Bay SAC and SPA. However, in the absence of rivers, streams or drainage ditches on, or bounding, the appeal site, the uncontrolled hydrological connection is indirect and extremely weak.

Intervening land uses and the separation distance means that water quality in this European site will not be negatively affected by any pollutants such as silt, hydrocarbons etc. from demolition, site clearance and other construction activities, if such an event were to occur, due to dilution and settling out over such a distance.

Moreover, a CEMP condition, requiring typical standard construction methods for managing construction surface water runoff, including silt traps, fences, and bunded areas will ensure that any such uncontrolled events are contained within the appeal site and would not discharge overland nor to the surface water drainage network.

I consider that the construction phase will not therefore result in significant environmental impacts that could affect European sites within the wider catchment.

*Operational Phase*

I note that SuDS measures, including a new attenuation tank are proposed adjacent to the SASC. The total impermeable area is unchanged and the attenuation tank, with a stated capacity of 170cu.m, is designed for 1 in 100-year flood event plus a 20% allowance for climate change. The local authority has not raised any concerns.

I also note that surface water discharge will be restricted to an equivalent rate of 3.67 l/s, and this would be achieved with the provision of a flow control device before passing through a petrol interceptor and discharging to the existing Ø500mm surface water sewer which runs in an easterly direction towards Corballis Park Road.

It is proposed to discharge wastewater from the SASC via a new Ø225mm single point of connection to the existing network. Foul water from the proposed CBP extension will discharge to the existing sewer. Wastewater will then discharge to Ringsend WwTP, which discharges under licence, to the Irish Sea (Dublin Bay).

I consider that the operational phase will not therefore result in significant environmental impacts that could affect European sites within the wider catchment.

*Consideration of residual impacts*

Airborne pollution during construction, namely dust particles, is unlikely to affect Baldoyle Bay SAC, which includes tidal mudflats and sandflats, Atlantic and Mediterranean salt meadows, and *Salicornia* and other annuals colonising mud and sand. The distribution of these QI's, which are detailed in Maps 3 to 5 of the Conservation Objectives Series, are more than 6.3km away, and dust would have settled out prior to this. Baldoyle Bay SPA and North-west Irish Sea SPA are equally remote and I do not consider that dust will be a factor during the operational phase.

Noise disturbance on bird species that occur in the SPA's as a result of the proposed construction phase can also be ruled out due to distance from their favoured habitat and such noise is highly likely to be absorbed within the suburban noise environment.

I also note that the appeal site generally offers no supporting habitat, *ex situ* or otherwise, for such SCI species, including those whose populations are in decline, notwithstanding the abundance of grassland on the airfield to the south and west.

In this regard, I note that the appeal site is remote within the overall SPA context and noise from suburban traffic and aircraft is likely to deter bird activity. In this regard, only one SCI species, namely herring gull, appears in the National Biodiversity Data Centre 2km grid around the appeal site/airport campus (ref. O14R), none of the Baldoyle Bay SPA species are present, which is notable given the relative proximity.

*Consideration of in-combination effects*

A NIR was prepared for the Fingal Development Plan 2023-2029 and I note that appropriate assessment was screened out in the case of the Dublin Airport LAP. No likely significant effects on the water quality of any European sites were identified in either plan. No likely significant in-combination effects are identified in this case.

Other development is similarly served by urban drainage systems and the WwTP. The consideration of in-combination effects is required in respect of these vectors.

Uisce Éireann's Annual Environmental Report (AER) for 2023 notes that the Ringsend WwTP was non-compliant with the Emission Limit Values (ELV) in the Wastewater Discharge Licence in respect of BOD, COD, TSS, Total Phosphorous (TP), Total Nitrogen (TN) and E. coli. I note that non-compliance was generally due to overloading although reported TP exceedances were due to no Phosphorous removal treatment at the WwTP. In this regard, the AER confirms that there is no (zero) remaining organic capacity and the design capacity (Population Equivalent or 'PE') will be exceeded in three years. It also states, however, that capacity upgrades to 2.4 million PE are scheduled to be completed by the end of 2025. The proposed SASC development is anticipated to generate 294 PE. This is well within the projected surplus capacity at Ringsend WwTP (c. 37,400 PE) and whilst a projected PE for the CBP extension has not been provided, I note that Uisce Éireann have no objection to the proposed development subject to connection agreements etc.

The river waterbody WFD status for 2016-2021 for the Cuckoo Stream is 'poor', which was the same status for 2013-2018. The transitional waterbody WFD status for 2016-2021 for Mayne Estuary (Baldoyle Bay) is 'moderate', which was the same for 2013-2018. Similarly, the Irish Sea Dublin coastal waterbody WFD status for 2016-2021, is 'good', which was the same for the 2013-2018 period. In this regard, I also note that the Dublin Bay coastal waterbody WFD status for both periods was 'good', and the transitional waterbody WFD status for the Liffey Estuary Lower was 'moderate' for 2016-2021, a drop from 'good' for the 2016-2021 monitoring period.

In such circumstances, I am satisfied that the in-combination effect of discharge would be negligible in the context of the Ringsend WwTP and surface water outfall. Thus, any potential deterioration of water quality impacting on habitats / species susceptible to change can be excluded on the basis of this objective information.

*Mitigation measures*

In terms of operation, I note that the proposal connects to a drainage system which incorporates SuDS. I accept that this may be designed to remove contaminants and

may therefore have the effect of reducing the harmful effects of the project on the SAC's and SPA, or other European sites. However, having regard to the recent *Eco Advocacy CLG* judgement (C-721/21), I am satisfied that these and other measures are features that are incorporated as standard features inherent in the construction of such schemes, irrespective of any effect on such sites, and are not therefore relied upon to reach a conclusion of no likely significant effects on any European site.

**Likely significant effects on European sites in view of Conservation Objectives**

I consider that potential for significant effects on the Baldoyle Bay SAC/SPA and North-west Irish Sea candidate SPA can be excluded as the proposed project would not result in impacts that could undermine the attainment of conservation objectives.

The development would not result in impacts that could affect seabird population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to these SPAs or other ecologically important sites outside of these designated SPAs.

The site is not immediately adjacent to, or within, a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or *ex situ*. The existing environment includes a WwTP and urban drainage systems. The acceptable distance between the proposed development and any European sites, and the weak and indirect stormwater pathway is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura network.

**Overall Conclusion**
**Screening determination**

In accordance with Section 177U of the Planning Act and on the basis of objective information, I conclude that the project individually, or in combination with other plans and projects, would not be likely to give rise to significant effects on Baldoyle Bay SAC or SPA, or the North-west Irish cSPA or any other European Site, in view of the site's Conservation Objectives. It is therefore determined that appropriate assessment of the proposal (Stage 2) [Section 177V of the Act] is not required.

Measures intended to reduce/avoid significant effects have not been considered in the screening process.