

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 317828-23Defer Re O/H ☐Having considered the contents of the submission dated/received 18/09/2023  
fromPA I recommend that section 131 of the Planning and Development Act, 2000  
be/not be invoked at this stage for the following reason(s): no new material issuesE.O.: Pate BenDate: 22/09/2023

## For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

## CORRESPONDENCE FORM

Appeal No: ABP 317828-23

M \_\_\_\_\_

Please treat correspondence received on 18/09/2023 as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with BP 203. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP \_\_\_\_\_

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐Amendments/Comments PA Response to Appeal21/08/23: 18/09/23 ✓

## 4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☒P. BuckleyPlans Date Stamped ☐Date Stamped Filled in ☐EO: Pat BAA: Laura Goady LawlorDate: 21/09/2023Date: 21/09/23

**Eoin O'Sullivan**

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**From:** Bord  
**Sent:** Monday 18 September 2023 17:09  
**To:** Appeals2  
**Subject:** FW: Our Ref.F23A/0301 ; Your Ref: ABP-317828-23  
**Attachments:** F23A 0301.pdf

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**From:** Bernadette Mahon <Bernadette.Mahon@fingal.ie>  
**Sent:** Monday, September 18, 2023 5:05 PM  
**To:** Bord <bord@pleanala.ie>  
**Cc:** Alison Rothwell <Alison.Rothwell@fingal.ie>  
**Subject:** Our Ref.F23A/0301 ; Your Ref: ABP-317828-23

Dear Sir/Madam,

Please find attached response to appeal received in respect of the above application.

Yours faithfully,

Bernadette Mahon | Staff Officer | Fingal County Council | Planning & Strategic Infrastructure Department | County Hall | Main Street | Swords | Co. Dublin | K67 X8Y2  
Phone: +3531087-4155245  
Email: [Bernadette.Mahon@Fingal.ie](mailto:Bernadette.Mahon@Fingal.ie)

This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie). Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software. Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, caillte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnamh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas.



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Our Ref. F23A/0301

Your Ref. ABP-317828-23

13<sup>th</sup> September, 2023

**Re: The proposed development will consist of: (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: 2no. existing Pier 4 link bridges; 2no. external vertical circulation cores (VCC) and 2no. airbridges; part of the north, east and south elevations of the existing CBP facility (c.309m<sup>2</sup>), including external footpaths, ramps and handrails; and part of the existing apron pavement (c. 5,000m<sup>2</sup>); (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. 6,419m<sup>2</sup>), to include: (i) pre-clearance passenger processing facilities at Level 10 (ground floor), including 5 no. entry E-gates, queuing areas, 8no. screening lanes (including 1no. for training/contingency and 1no. for staff access (no increase in number of existing passenger screening lanes), 22no. 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 2no. 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 15no. airside operations car parking spaces; the provision of 2no. PRM airside operations parking spaces, 2no. platinum passenger parking spaces,**

2no. 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 2no. Code C or 1no 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<sup>2</sup>), 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<sup>2</sup>), as well as an external dining courtyard at ground floor; (2c) the provision of 10no. visitor car parking spaces, 2no. PRM visitor car parking spaces and 80no. 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).

Site of the existing 2-storey US Customs and Border Protection (CBP) pre-clearance facility at Pier 4, Terminal 2 (c. 1.765ha), and the site of the existing 2-storey former Flight Catering Building to the southeast of the Terminal 2 building (c. 0.86 ha), in the townlands of Corballis and Collinstown, Dublin Airport, Co. Dublin.

Dear Sir/Madam,

I refer to your correspondence dated 21<sup>st</sup> August, 2023 regarding the above application.

The Planning Authority's comments are as follows:

Appeal documents received by Fingal County Council consist of:

- a letter from Dublin Airport date stamped 18 August by An Bord Pleanála (ABP),
- a report addressed to ABP by Coakley O'Neill dated 18<sup>th</sup> August and
- a planning statement by Coakley O'Neill prepared May 2023.

The letter asserts that the planning authority incorrectly equates the proposal to Phase 2 of Terminal 2 and that the increase in floor area of the passenger terminal proposed cannot be equated to an increase in the capacity of the terminal.

The report of 18<sup>th</sup> August to ABP by Coakley O'Neill sets out a number of more detailed arguments, those that the Planning Authority consider to be of most relevance to supplement the deliberations of the inspector and ABP in reaching a determination are as follows:

#### **Pre-planning**

Notwithstanding efforts to provide as complete an assessment and advice as possible at pre-planning it is clearly the case and as per the section 247 of the Act it cannot be disputed that advice given at pre planning cannot prejudice the a determination by a planning authority under Section 34 of the Planning and Development Act 2000 as amended.

#### **Design parameters**

There is clearly a complexity to design of aviation related infrastructure. The Planning Authority in consideration of the application concerned itself with the wider complexity of proper planning and sustainable development of the airport and the carrying capacity of the surrounding area. In this instance, as suggested in the Appeal documents careful consideration was given to planning precedent.

#### **Passenger cap of 32 mppa**

There is extensive consideration of the origin and implementation of 32MPPA within planning decisions taken by An Bord Pleanála (ABP) and Fingal County Council (FCC) on applications both directly related and not directly related to the issue. The decision by ABP to refuse permission for phase 2 of Terminal passenger capacity was to limit the floor area of the terminal for the purpose of limiting the intensity of the use. 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. This principle was applied by ABP in permission ref: F06A/1248 PL06F.220670 and by FCC in the subject case.

### **Policy**

Relevant policy support in the Dublin Airport LAP upon which the application and appeal relies extends to objectives seeking ongoing augmentation and reconfiguration of terminal facilities (TP02) and expansion of the US preclearance facilities (TP03). Taken in the policy context of sustainable and efficient use of existing material assets of national importance these objectives do not equate to policy support for an increase in the floor area and capacity of the Terminal Building. Augmentation reconfiguration and expansion of elements can all be undertaken within the substantial available floor space without recourse to terminal expansion.

The planning authority are neither opposed to the *augmentation and reconfiguration* of terminals or to the expansion of the Customs and Border Pre-Clearance facilities in Dublin Airport, as supported by LAP objectives. However any expansion of the CBP at this juncture is required to fall within the existing broader planning framework, this includes landside restrictions to the scale of terminal 2 (phase 2 refusal), a 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. The Planning Authority fully support the efficient utilisation of the extensive existing floor space in Terminal 2 to accommodate quality experience in waiting, queuing, screening or other airport related and other facilities ancillary to use of the terminal.

### **Conclusion:**

This application is for an increase in floor area of a building, the floor area of which was capped by An Bord Pleanála (ABP) for the purpose of limiting its capacity to mitigate impacts on transport infrastructure of critical national importance. The decision of the planning authority in determining the subject case is entirely consistent with that precedent.

By way of justification for the proposal the applicant presents a case that CBP related queuing occurs at peak times and, as a result of the design and configuration of T2 (by the applicant) and that by virtue of the allocation of floor space to various uses (by the applicant), these queues have been directed to stairwells and other unsuitable areas. It is considered that the applicant has within its gift alternative solutions without recourse to terminal expansion.

The appeal now in front of An Bord Pleanála relies on a proposition that there is no intensification of use notwithstanding the significant increase in 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.

The assessment of an of 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. Dublin Airport LAP object SF02 which provides for this assessment, has not been produced.

An Bord Pleanála are requested for the reasons set out in the Planner's reports along with reasons set out in this letter, and in the absence of wider issues being addressed to uphold the decision of the Planning Authority and refuse permission for the expansion of Terminal 2 as sought.

In the event that this appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

Yours faithfully,

  
\_\_\_\_\_  
**Malachy Bradley,**  
**Senior Planner.**

Date: 18/09/23



hard copy

Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

26 SEP 2023

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_

Time: \_\_\_\_\_ By: *Ref*

Our Ref. F23A/0301

Your Ref. ABP-317828-23

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AN BORD PLEANALA

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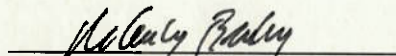
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Yours faithfully,

  
**Malachy Bradley,**  
**Senior Planner.**

Date: 18/04/23