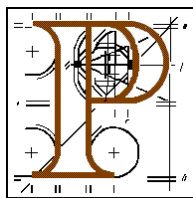


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Fingal County

Planning Register Reference Number: F06A/1248

An Bord Pleanála Reference Number: PL 06F.220670

APPEAL by Angela Lawton of 14 Tailte na Coille, Portmearnóg, Contae Átha Cliath and by the Dublin Airport Authority plc care of Tíros Resources of Armitage House, 10 Hatch Street Lower, Dublin and by others against the decision made on the 25th day of October, 2006 by Fingal County Council to grant subject to conditions a permission to the said Dublin Airport Authority plc for development comprising a 10 year planning permission for development at Dublin Airport, east of the existing terminal building adjoining Pier C. The development will consist of the construction of (1) a passenger terminal (which will be built in two phases) of circa 92,049 square metres in four number interconnecting blocks ranging in height from two to four stories with an overall height of 35 metres, which partially bridges the access road to the existing passenger terminal building; (2) a three-storey Pier building with an overall height of 18 metres (circa 24,052 square metres) complete with 19 number air bridges and associated fixed links; (3) a two-storey over basement energy centre containing water storage and plant for power supply, heating and cooling systems (circa 5,049 square metres with a total height of 11 metres and a chimney stack of 38 metres); (4) external service yard; (5) realignment of existing internal access road infrastructure and provision of new access roads, including pedestrian and cycle routes, all contained within the existing airport campus; (6) Rearrangement of the existing coach park adjacent to the north of the existing terminal building; (7) separate car, taxi and bus set-down areas; (8) associated services connections, site development and landscaping works, including a feature access area; (9) refurbishment of the existing Pier C; and (10) demolition of the following – Corballis House (a two-storey protected structure with an area of circa 482 square metres), a single storey storage building (circa 1,295 square metres), three number single and two-storey car hire buildings (circa 280 square metres, 690 square metres and 1,925 square metres), a single storey boiler house building (circa 373 square metres), single and two-storey Dublin Airport Authority maintenance offices (circa 1,290 square metres), a mainly single storey hangar building (circa 2,165 square metres) and fixed links to Pier C (circa 380 square metres), all on an application site of circa 32,646 hectares.

The following will be included within the passenger terminal and pier – check-in areas including 58 number manned desks and 24 number self-service facilities, passenger services and associated terminal support facilities, departure lounge, baggage processing hall, baggage reclaim area, circa 5,813 square metres of retail (circa 840 square metres landside, circa 4,973 square metres airside) circa 2,730 square metres of catering facilities (circa 643 square metres landside, circa 2,087 square metres airside); two number public houses totalling circa 1,278 square metres (one number landside of circa 491 square metres, one number airside of circa 787 square metres); airline security, immigration and customs offices (circa 4,625 square metres airside); links to a future multi-storey car park and the existing passenger terminal; security check-in and arrival areas, associated plant, circulation and toilet space, all in the townlands of Collinstown, Rock and Corballis, Barony of Coolock, County Dublin in accordance with the plans and particulars lodged with the said Council.

DECISION

GRANT permission for Phase 1 of the passenger terminal and all other elements of the proposed development in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for Phase 2 of the passenger terminal based on the reasons and considerations marked (2) under.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS (1)

Having regard to National Policy as set out in -

- (a) The National Development Plan (2007 to 2011),
- (b) The National Spatial Strategy (2002 to 2020), and
- (c) Transport 21 (2006 to 2015),

which provide for expansion of infrastructural capacity and enhancement of the level of service at Dublin Airport because of its international gateway status, and provide for investment priority for an upgraded public transport system and improved road network to serve Dublin Airport,

and also having regard to

- (d) The Regional Planning Guidelines for the Greater Dublin Area (2004 to 2016),
- (e) the Dublin Transport Office Strategy, A Platform for Change (2000 to 2016),
- (f) the Fingal County Development Plan (2005 to 2011),
- (g) the Dublin Airport Local Area Plan (2006),
- (h) the Aviation Action Plan (2005),
- (i) the provisions of section 57 of the Planning and Development Act, 2000, and
- (j) the current congestion and level of service at Dublin Airport,

it is considered that the proposed development (excluding Phase 2 of the terminal building), subject to compliance with the conditions set out below, would provide an appropriate response to existing deficiencies at Dublin Airport and would be in accordance with the policies and objectives of the current Fingal County Development Plan and Dublin Airport Local Area Plan. Furthermore, it is considered the proposed development would not result in an unacceptable increase in air emissions and noise over and above the levels that would otherwise occur, would not seriously injure the amenities of the area or of property in the vicinity, would constitute exceptional circumstances so as to allow for the demolition of Corballis House, a protected structure, would be acceptable in terms of traffic safety and convenience and would provide for improved surface water attenuation and water quality discharged at the eastern campus of the airport. Phase 1 of the passenger terminal and all other elements would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

General

1. The proposed development (excluding Phase 2 of the terminal building) shall be carried out in accordance with the plans and particulars, including the mitigation measures outlined in the Environmental Impact Statement lodged with the application, and as amended by the revised further plans and particulars submitted during the oral hearing, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission is for a period of five years from the date of this order.

Reason: In the interest of clarity.

Capacity

3. The combined capacity of Terminal 2 as permitted together with Terminal 1 shall not exceed 32 million passengers per annum unless otherwise authorised by a further grant of planning permission.

Reason: Having regard to the policies and objectives of the Dublin Airport Local Area Plan and capacity constraints (transportation) at the eastern campus.

Architectural and Archaeological Heritage

4. Prior to commencement of development, the developer in consultation with the Architectural Heritage Advisory Service of the Department of the Environment, Heritage, and Local Government and the planning authority shall carry out further evaluation of the features and fixtures of Corballis House and prepare a list of items to be salvaged. Each item shall be photographed and documented, including its exact location in Corballis House. A copy of this record shall be sent to the Irish Architectural Archive, and a plan to be agreed with the planning authority shall be formulated for the re-use of these items in appropriate locations. All items shall be removed under professional supervision to the satisfaction of the planning authority.

Reason: To ensure satisfactory documentation of Corballis House.

5. Prior to its demolition and the removal of fixtures and fittings, an information video (or a similar medium) highlighting historical and cultural aspects of Corballis House shall be prepared by the developer and shall be placed in appropriate locations within the terminal building for public viewing. A copy of this information and a copy of the conservation report and survey of Corballis House shall be lodged with the Irish Architectural Archive.

Reason: To ensure a satisfactory record is preserved of Corballis House.

6. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation airside or landside (including the demolition of Corballis House) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site, including any potential remains of the castle site.

Natural Heritage/Ecology

7. A bat specialist shall be present when any buildings on site are partially or fully demolished, or when trees are removed. In the event of bats being found, the planning authority and the National Parks and Wildlife Service shall be notified immediately and their requirements shall be complied with. A report by the specialist shall be submitted to the planning authority upon completion of demolition and tree removal works.

Reason: To protect natural heritage.

Drainage

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

Reason: In the interest of public health and to ensure a proper standard of development.

9. The developer shall carry out monthly sampling at the point of discharge from the airside surface water drainage network to the Cuckoo Stream. The sampling results shall be forwarded to the planning authority on a quarterly basis and shall be provided on the Dublin Airport Authority website.

Reason: In the interest of public health, to ensure a proper standard of development, and to ensure continuous monitoring of the quality of surface water discharged to the Cuckoo Stream which is a Salmonid River and which discharges to a European Site.

Contaminated Soil/Aquifer protection

10. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, details of proposals for excavation and containment of contaminated soil during site works together with measures necessary for aquifer protection.

Reason: To ensure satisfactory handling of contaminated soil and to provide precautionary measures for aquifer protection.

Air Quality/Emissions

11. The Dublin Airport Authority shall monitor air pollutant concentrations within the environs of Dublin Airport at locations to be agreed with the planning authority. The pollutants to be measured shall include nitrogen dioxide, sulphur dioxide, benzene, carbon monoxide, particulates PM₁₀ and ozone. The measurements shall be undertaken so that concentrations can be compared with compliance of the appropriate National Air Quality Standards. The monitoring network shall include both continuous sampling equipment and passive sampling methods for monitoring the air pollutant parameters. Results obtained from the air quality monitoring network shall be submitted to the planning authority on a quarterly basis, and displayed on the Dublin Airport Authority website. The frequency and pollutant parameters shall be reviewed on a yearly basis to ensure adequate monitoring.

Reason: To ensure adequate monitoring of emissions and air quality.

Traffic and Transport

12. The Mobility Management Plan (MMP) submitted as part of the planning application shall be complied with in full and all costs shall be borne by the developer. In addition, the following associated measures shall be undertaken:

- (a) Specific mode share targets shall be set and made publicly available on a website or similar public forum.
- (b) Baseline surveys shall be undertaken, as soon as practicable, to establish the following:
 - (i) travel habit surveys, and
 - (ii) parking surveys, including accumulation and duration surveys,
 - (iii) traffic counts of motorised and non-motorised modes to indicate mode share,
 - (iv) queue length, and
 - (v) kerbside surveys.

This information shall be updated on a regular basis.

- (c) A suitably qualified Mobility Manager shall be appointed upon commencement of development.
- (d) Annual monitoring reports shall be prepared and made publicly available on a website or similar public forum.
- (e) The Mobility Management Plan shall be reviewed every two years and the reviewed plan shall be made publicly available on a website or similar public forum.

Reason: In the interest of proper planning and sustainable development, to secure sustainable travel patterns and to accord with the requirements of the Local Area Plan.

13. A dedicated bus service for employees living within the catchment of the Airport shall be provided by the developer. Details of this service shall be submitted to and agreed with the planning authority prior to the occupation of the development and shall include:
- (a) a definition of the catchment area,
 - (b) the route(s) of the service, and
 - (c) a schedule of the service, which shall include services when other public transport bus operators are not operating a service.

Reason: To secure the most sustainable travel patterns appropriate to the development.

14. The accommodation of bus services accessing the arrivals and departures kerbs and the coach park shall be based upon the principle that those services delivering and collecting the greatest number of passengers shall have priority at the arrivals/departures kerbs. Details of these access and priority arrangements for public and private coach/bus services shall be submitted to the planning authority for written agreement prior to the occupation of the building.

Reason: In order to maximise public transport accessibility to the terminal building.

15. Additional bus priority measures within the campus shall be introduced, if the surveys required as part of the Mobility Management Plan illustrate congestion at the kerbside or on the internal road network. Details of these additional measures shall be agreed with the planning authority, as required.

Reason: To avoid traffic congestion and to secure the free flow of buses.

16. The developer shall liaise with the Railway Procurement Agency (RPA) on an ongoing basis and shall ensure that the Metro North tunnel alignment and station box is preserved and made available when required. Details of the foundations and subterranean works associated with the subject development in the vicinity of the preferred alignment shall, along with correspondence demonstrating compliance with the RPA's requirements, be submitted to the planning authority for agreement prior to commencement of development.

Reason: In the interest of the proper planning and sustainable development of the area.

17. The following junction improvements shall be completed prior to the occupation of the development. Details in this regard shall be submitted to and agreed with the planning authority prior to commencement of development:
- (a) The junction of the R132 and Corballis Road South shall have dedicated left and right turning traffic lanes and pedestrian and cycle crossing facilities. The revised junction shall have regard to the design of the proposed upgrade of the R132.
 - (b) The junction of the R132 and the Southern Parallel Road shall have a free-flow slip road from the Southern Parallel Road onto the R132 (that is, from west to north). The revised junction layout shall have regard to the provision of the proposed East-West Distributor Road.
 - (c) The junction of the South Parallel Road and the Ballymun-Naul Road (R108) shall have a left turn free flow slip road from Dardistown to Ballymun (that is, from east to south). The revised junction shall have regard to the proposed East West Distributor Road.
 - (d) The junction of the Naul Road and the Forest Road shall be replaced by an at-grade roundabout.
 - (e) The junction of the R132 Swords Road, the realigned Stockhole Lane and the Naul Road (Cloghran Roundabout) shall be replaced by an at-grade signalised junction.

Reason: To avoid traffic congestion, in the interest of traffic safety and convenience.

18. Details of the following shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
- (a) pedestrian crossovers of the internal roads between the proposed short-term car park and Terminal 2.
 - (b) tactile paving, which shall be in accordance with “Guidance on the Use of Tactile Paving Surfaces”.
 - (c) the layout of the internal road alignments and cross-sections. Corballis Road North, Corballis Road South, the East Link Road and the West Link Road shall have design speeds of either 60 km/h or 50 km/h. All other roads shall have a design speed of 50 km/h or 30 km/h.
 - (d) the layout of the two proposed major signalised junctions within the campus - the Corballis Road South/East Link Road junction and the Corballis Road North/West Link Road - shall be analysed using OSCADY, TRANSYT, LINSIG or other similar software for the AM peak, the midday period and the PM peak, in the years 2012 and 2024.

- (e) details of cycle parking.
- (f) cycle lanes additional to those illustrated in the application shall be provided between the proposed terminal and the Old Central Terminal Building, on the new West Link Road and on the northern side of Corballis Road South.

Reason: In the interest of traffic safety and the convenience of all road users.

19. The following Intelligent Traffic Management measures shall be implemented by the developer:

- (a) The three sets of traffic signals on the R132 at Collinstown Cross, South Corballis Road and the Airport roundabout, and the two sets of signals at the major junctions within the Airport campus, shall be linked and shall be under the control of Fingal County Council's and/or Dublin City Council's Traffic Management Centre.
- (b) CCTV cameras shall be provided at the same three junctions. The cameras shall be compatible with Fingal County Council's and Dublin City Council's CCTV monitoring systems.
- (c) Variable Message Signs (VMSs) shall be provided to serve the functions of parking guidance and emergency incident management. The VMSs shall be compatible with the proposed Fingal County Council Parking Guidance System and with Dublin City Council's Regional Traffic Management Centre.
- (d) Ducting for fibre-optic cables shall be provided to facilitate communications with CCTV cameras and VMS signs, and the conversion of traffic signals to SCATS.

Reason: In the interest of traffic safety and convenience.

20. Full staged Road Safety Audits shall be carried out for all road infrastructure works and submitted to the planning authority for agreement. The Road Safety Audits shall be in compliance with the NRA Road Safety Audit Guidelines (DMRB Volume 5 – Section 2) and shall be submitted to the planning authority for agreement at the appropriate stages of development.

Reason: In the interest of traffic safety.

21. The developer shall produce an Emergency Incident Traffic Management Plan (Emergency Incident TMP) in agreement with the Transportation Department. The Emergency Incident TMP shall consider the traffic implications of blockages at different locations in the Dublin Port Tunnel, the M1, the M50, the N2, the R132 and the R108. In each case, it shall identify alternative access routes to/from the Airport and set out procedures to manage traffic and inform motorists and public transport operators.

Reason: In the interest of traffic safety.

22. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a comprehensive environmental protection plan to minimise the impacts of the construction processes. The plan shall provide for,
- (a) provision for loading and unloading of materials,
 - (b) storage of plant, materials and operatives' vehicles,
 - (c) provision of temporary offices and car parking,
 - (d) temporary site access,
 - (e) identification of the main routes to be used by construction traffic, having regard to the location of residences in the area and the standard of roads to be used,
 - (f) a survey of the road and pavement conditions affected by the construction route,
 - (g) measures to minimise dust and spillages or deposits of clay or other materials along the route. Such measures shall include wheel washes and other cleaning mechanisms,
 - (h) a waste management plan to ensure the minimisation of waste, re-use or recycling of materials, and
 - (i) access to the site, minimising construction access during the AM and PM peak periods.

Reason: In the interest of traffic safety and amenity.

23. Provision of parking to serve the development hereby permitted shall be the subject of separate planning applications, as required. Any additional parking provided shall have regard to the mode share targets established by the Mobility Management Plan and the growth of passenger numbers using the Airport. Having regard to the assumptions underpinning the Environmental Impact Statement submitted with the subject application, the submitted Mobility Management Plan and the capacity of Phase 1 of the development, the following restrictions to car parking, which are a direct result of the proposed development, shall apply:

- (a) The total number of long-term public car parking spaces serving the Airport shall not exceed 26,800.
- (b) The total number of short-term public car parking spaces shall not exceed 4,000.
- (c) There shall be no material increase in the number of employee car parking spaces at the airport.

Reason: In the interest of the free-flow of traffic and the proper planning and sustainable development of the area.

24. The charges for all public car parking serving the development shall, following consultation with the Dublin Transportation Office (or its successor), be agreed by the planning authority prior to the occupation of this element of the proposed development. The charges shall be set having regard to the mode share targets established in the Mobility Management Plan, the availability of parking and the ongoing implementation of public transport services and infrastructure. The charges shall be displayed on a website, or similar public forum, and shall be reviewed every two years. In default of agreement, the matter shall be referred to the Board for determination.

Reason: To control the use of parking, reduce car dependency, ensure an appropriate public transport mode share and avoid traffic congestion on the surrounding road network.

25. Prior to the occupation of the development, the following shall be submitted to and agreed with the planning authority:

- (a) details of all external (traffic) and internal wayfinding for the public,
- (b) details of a public transport help desk in the arrivals hall, and
- (c) identification of a liaison person to consult with the planning authority.

Reason: In the interest of traffic safety and convenience.

Miscellaneous

26. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

27. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

Contributions

28. 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. 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 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

29. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of:

- (a) the upgrading of the R132 between Collinstown Cross and the Airport Roundabout to two lanes and one bus lane in each direction,
- (b) the provision of the East-West Distributor Road between the South Parallel Road/R108 junction and Collinstown Cross,
- (c) Variable Message Signage outside the Airport complex, and
- (d) extension of the existing 900 millimetres diameter branch foul sewer at the hotel at Kittyhawks to Collinstown Cross.

The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of agreement, the matter shall be referred to the Board for determination. 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 updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered by the Development Contribution Scheme and which will benefit the proposed development.

30. The developer shall pay to the planning authority a financial contribution in respect of the Fingal County Council Supplementary Development Contribution Scheme for Metro North - Lissenhall North to Fingal County Boundary at Ballymun in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS (2)

The proposed development of Phase 2 of the terminal building would be premature pending the determination by the road authority of the detailed road network to serve the area and the commitment by the planning authority to design and fund all the external transport elements detailed in the Environmental Impact Statement to facilitate Phase 2. In these circumstances, to expand further the terminal capacity at this location would contravene the objectives EA2, EA3 and TP10 of the Dublin Airport Local Area Plan which seek to provide balanced road infrastructure to manage traffic and to cater for the comprehensive development of the airport.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2007.