



An
Bord
Pleanála

Board Direction
ABP-302457-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 15th 2019. The Board also considered related referral file number 302415-18, and the Inspector's report on that case at the same meeting.

The Board decided, as set out in the following Order, that the implementation of the following measures (1) revision of the position of the visual navigation aids (runway markings) is development and is not exempted development and (2) the decommissioning (removal through planing over and grassing out) of the western taxiway that is no longer required, while retaining a 5 metre wide section for use as an emergency vehicle access route, is development and is exempted development, all at Dublin Weston Airport, Junction 5 of M4, Lucan, Co Dublin.

Board Order as follows:-

WHEREAS a question has arisen as to whether the implementation of the following measures (1) revision of the position of the visual navigation aids (runway markings) and (2) the decommissioning (removal through planing over and grassing out) of the western taxiway that is no longer required, while retaining a 5 metre wide section for use as an emergency vehicle access route, all at Dublin Weston Airport, Junction 5 of M4, Lucan, Co Dublin is or is not development or is or is not exempted development.

AND WHEREAS Weston Aviation Academy Ltd (WAAL), requested a declaration on this question from South Dublin County Council on the 9th day of July 2018, and the Council did not issue a declaration.

AND WHEREAS Weston Aviation Academy Ltd (WAAL) referred the question, under Section 5(3)(b) of the Planning and Development Act, 2000, as amended, to An Bord Pleanála for determination on the 27th day of August 2018.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Classes 32(b) and 32(c) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the subject site and overall Weston Airport, and in particular Kildare County Council planning permission register reference number 06/334 (An Bord Pleanála reference number PL09.218796) and planning application register reference number SD08A/0779 (An Bord Pleanála reference number PL09.232683),
- (e) The documentation and submissions on file, and
- (f) The report of the Inspector on this file and related referral file number 302415-18.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The revision of the position of the visual navigation aids (runway markings) would involve the incorporation of the stopway/clearway authorised under Kildare County Council planning permission register reference number 06/334 (An Bord Pleanála reference number PL09.218796) into the active runway, and thereby its use for the take-off of aircraft. This would represent a change of use of this stopway/clearway to use as a runway, as it would revise the locations of the thresholds of runways 07 and 25, such that the runways in question would, at the western end, come significantly closer to adjoining properties than is currently the case. Furthermore, the change of use would result in portion of the authorised runway within the South County Dublin becoming a stopway/clearway, which use would be different from use as a runway, and would also involve the incorporation, as part of the runway, of an area within South Dublin which does not appear to have any planning permission as a runway. This change of use would raise material planning issues, including impacts on adjoining properties by reason of increased noise, nuisance and general disturbance, and would have implications for the orderly development of lands in the general vicinity of the subject site within County Kildare, and would therefore represent a material change of use and would constitute development.
- (b) This development would normally come within the scope of Class 32(c) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, but, by operation of Article 9 (1)(a)(i), would not be exempted development because it would contravene condition number 2 of planning permission register reference number 06/334 (An Bord Pleanála reference number PL09.218796), which stated that the stopway/clearway shall not be used for the take-off of aircraft;
- (c) Furthermore, the Board is not satisfied that the development in question might not, having regard to the planning history of the subject site and in particular planning application register reference number SD08A/0779 (An Bord Pleanála reference number PL09.232683) require an Environmental Impact Assessment, and accordingly, by reason of Section 4 (4) of the

Planning and Development Act 2000, as amended, would not be exempted development.

- (d) The decommissioning (removal through planing over and grassing out) of the western taxiway that is no longer required, while retaining a 5 metre wide section for use as an emergency vehicle access route would involve the carrying out of works, as defined, and would therefore be development;
- (e) Such development would come within the scope of Class 32(b) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would therefore be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(b) of the Planning and Development Act, 2000, as amended, hereby decides that:-

(1) the revision of the position of the visual navigation aids (runway markings), at Dublin Weston Airport, Junction 5 of M4, Lucan, Co Dublin, is development and is not exempted development, and

(2) the decommissioning (removal through planing over and grassing out) of the western taxiway that is no longer required, while retaining a 5 metre wide section for use as an emergency vehicle access route, at Dublin Weston Airport, Junction 5 of M4, Lucan, Co Dublin, is development and is exempted development.

Board Member

Date: April 1st 2019

Philip Jones