



An
Bord
Pleanála

Board Direction
BD-003032-19
ABP-302457-18

Re: Amending Board Order

S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on May 8th 2019.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of April 3rd 2019, by correcting the wording of the question to which the second part of the referral related (while not altering the Board's conclusions).

The Board decided that a clerical error had occurred, in including in its Order an incorrect statement of the question to which the second part of the referral related.

It is considered that amendment of the Board Order would not result in a material alteration of the determination of this referral.

Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the referral.

Accordingly the Board hereby amends the above-mentioned decision by amending the Order, in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, so that the Order reads 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 of part of a parallel taxiway,

all at Dublin Weston Airport, Junction 5 of M4, Lucan, County Dublin is or is not development or is or is not exempted development.

AND WHEREAS Weston Aviation Academy Limited (WAAL) care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin 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 Limited (WAAL) referred this question, under Section 5 (3) (b) of the Planning and Development Act, 2000, as amended, to An Bord Pleanála for determination on the 31st 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 ABP-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 of part of a parallel taxiway would involve the carrying out of works, as defined, and would, therefore, be development, and
- 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, County Dublin, is development and is not exempted development, and
- (2) the decommissioning of part of a parallel taxiway, at Dublin Weston Airport, Junction 5 of M4, Lucan, County Dublin, is development and is exempted development.

Board Member

Date: 14th May 2019

Philip Jones