



An
Bord
Pleanála

Inspector's Report PL26.247485

Development	Private landing strip for take-off and landing of micro-lite and small aircraft
Location	Cloonerane, Taghmon, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20160919
Applicant	Anne Butler
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	(1) Irish Light Aviation Society (2) Aidan Crane & Others
Observer	None
Date of Site Inspection	26/1/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 5.34 hectares, is situated circa 1.5km to the west of the village of Taghmon, Co. Wexford. The site is a large single field of tightly-mown grass. It extends for circa 570m from the high point at the entrance to the north-east to the south-western corner. At the narrowest section it has a width of 20m and at the widest section it has a width of 200m. The boundaries are formed by ditches and hedgerow. There is an escarpment at the south-western end of the site which separates the main area from the lower section which contains a pond.
- 1.2. The site is accessed via a laneway which is largely unsurfaced. The laneway serves circa five residential properties and the surrounding farmland. The site is situated approximately 1.25km from junction of the laneway and the public road to the east. There is a second lane which joins the main laneway, this is access off the public road to the south-east of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the installation of a private landing strip and navigation wind socks for use for take-off and landing of micro-lite and small aircraft.
- 2.2. An agricultural type building is proposed for storage of micro-lite aircraft, tractor and mower for the maintenance of grass strip
- 2.3. Retention of proposed garden and amenity area.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 no. conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The principle of the use is acceptable. The limited use of the airstrip can be managed by conditions. A temporary permission is recommended in order

that the planning authority can reassess the activity on the site and their impacts.

3.2.2. Other Technical Reports

Area Engineer – Permission recommended

Chief Fire Officer – A Fire Safety Certificate is required

3.3. **Third Party Observations**

The Planning Authority received a number of submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the appeals.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

The relevant Development Plan is the Wexford County Development Plan 2013-2019.

- Section 6.4.3 refers to Tourism
- Section 15.2 refers to Recreation
- **Objective RS07**

To develop sport, recreation and amenity facilities consistent with proper planning and sustainable development in appropriate locations in the county, in partnership with local community and sports groups and/or private parties, subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.

5.2. Natural Heritage Designations

- 5.2.1. Bannow Bay SPA (Site code 004033) is 4km to the south-west of the appeal site.
- 5.2.2. Bannow Bay SAC (Site code 000697) is 8.3km to the south-west of the appeal site.
- 5.2.3. Wexford Harbour & Slobbs SPA (Site code 004076) is 9.8km to the north-east of the appeal site.
- 5.2.4. Slaney River Valley SAC (Site code 000781) is 9.8km to the north-east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The Board received 2 no. third party appeals from (1) Irish Light Aviation Society (2) Aidan Crane & Others.

(1) Irish Light Aviation Society

- The Irish Light Aviation Society (ILAS) operate an airfield at Ardinagh, Taghmon, Co. Wexford. There has been an airfield there since the 1980's and ILAS have operated it since 2001.
- The appellants state that unauthorised development has taken place on the site including the relocation of earth to provide a landing strip.
- It is considered that aircraft movements in and out of the proposed airstrip would be clearly visible from the elevated position of Taghmon village.
- The level of aircraft movements stated in the application is questioned. The appellants consider that it would be difficult for the Planning Authority to monitor activity given the restricted use imposed by condition no. 5 of the permission.
- In relation to the issue of traffic generated by the proposed development the appellants note that under Reg. Ref. 20064047 permission was refused for a dwelling on an adjacent site in part due to the access on the lane being inadequate in terms of width and condition to accommodate the traffic generated.

- It is noted that a subsequent application was granted permission under Reg. Ref. 2008/1513, however the Planning Officer had concluded that the issue of the inadequacy of the laneway had not been overcome. In that case the Director of Planning recommended that permission be granted.
- The appellants concur with the assessment of the Planning Officer in that case in respect of the capacity and appropriateness of the laneway for traffic associated with a dwelling. This is also relevant in relation to the likely levels of traffic the proposed development would generate.
- The granting of permission for a period of three years is not appropriate as the proposal has permanent features. Once development is granted a precedent will be created.
- The Chief Fire Officer recommended that works must not be carried out unless a Fire Safety Certificate has been granted. It is unclear if it relates to the proposed 'agricultural type building' for the storage of micro-lite aircraft.
- The biggest safety hazard associated with the operation of the airfield is the risk of accident involving aircraft. The poor condition and narrow width of the long access laneway is specific concern when considering the requirement for the efficient and rapid access to the scene of accidents by the Emergency Services.
- The appellants consider that there is collision risk between aircraft taking off and landing from the two adjacent airfields. The appeal site is located 2.9km to the north of the ILAS airfield at Ardinagh, Taghmon.
- The north-south runway alignment at ILAS airfield would place arriving and departing aircraft from both sites in potentially dangerous conflict.
- It is noted that the Irish Aviation Authority as the competent aviation safety body did not provide any analysis of the potential safety risk.
- Best practice in the aviation sector is to establish an aerodrome traffic circuit or zone extending from the surface to 2000ft with a radius of 2 nautical miles (3.7km). This practice is particularly important in uncontrolled Class G airspace where there is no air traffic control.

- The appellants state that the operation of the proposed landing strip could seriously jeopardise the ability of the Registered Pilot Training facility to operate at the ILAS airfield.
- The requirement for an additional airfield at this location is questioned. ILAS state that they have not turned down requests to use their airfield and that no landing fees are charged.
- The response submitted to the Planning Authority by the applicant stated that the “owners/operators of the proposed airfield intend to seek full licenced status from the IAA at the earliest instance”.
- The appellants consider that the response indicates the intention to have a greater level of activity and type of operation at the airfield than is set out in the application.
- It is noted that due to dimensional configuration of the site and topography that the proposed airfield does not meet fundamental aerodrome requirements. This is a matter for the Irish Aviation Authority to determine.
- It is requested that the Board overturn the decision of the Planning Authority and refuse permission.

(2) Aidan Crane & Others

- The third party appeal lodged by Aidan Crane and others comprises residents on the laneway and a landowner who actively farms lands situated on the lane.
- The site is located in close proximity less than 3km from the existing landing strip at Ardinagh, Taghmon.
- Aircraft taking off and landing at the Ardinagh landing strip pass over the appeal site quite regularly and at relatively low altitudes particularly in the summer.
- The requirement for a second facility in the area is questioned.
- There was a lack of consultation with the local residents regarding the proposed landing strip.

- The appellants state that the two laneways to the site are private roads and that the applicant does not have a right of way. Neither laneway is in a good state of repair. Residents and landowners which does not include the applicant make contribution towards the upkeep of the laneways.

6.2. Applicant Response

A response to the appeals lodged by the Irish Light Aviation Society and Aidan Crane & Others was submitted by the applicant on the 28th of November 2016. The main issues raised are as follows;

- The applicant decided to locate the proposed airstrip at Cloonerane following a discussion with a number of pilots who operated out of the ILAS field at Ardinagh, Taghmon who said that the conditions at that airfield did not meet their needs.
- The poor drainage conditions on the runway at Ardinagh, Taghmon were noted. The pilots pay insurance on an annual basis however were restricted from using the landing strip for over half the year due to its condition.
- The proposed landing strip at Cloonerane, Taghmon is well drained and has a loamy and free draining soil which provides advantageous conditions to pilots.
- The Planning Officer was correct in stating that the site is not visible from the public road. The site is 1 mile from the public road to the east and 0.75 miles from the public road to the south.
- Regarding aircraft movements they will adhere to height requirements when flying to and from the proposed airfield and will not fly over the village of Taghmon.
- In relation to vehicular traffic on the laneway it is stated that there are various people accessing the roadway for different reasons including farming activities, residents and members of a model flying club and local gun club.
- The permission granted by Wexford Co. Council for a period of three years, contrary to the opinion expressed in the ILAS appeal is a restricted permission

and would require a further application unless the Board decide to grant permission.

- The Chief Fire Officer has stated that a Fire Safety Certificate is required in respect of the development under the Building Control Regulations. Regarding access for emergency vehicles it is noted that the laneway has accommodated large vehicles including combine harvesters, low loaders and tractors with large trailers.
- Regarding the issue of collision risk between aircraft taking off and landing at the two adjacent airfields, the applicant has provided a solution in order to maintain safe clearance between air traffic. They state that all circuits at the proposed airfield would be flown to the north of the airfield regardless of wind direction. If all ILAS circuits were flown to the south of Taghmon and to the east of the ILAS field there would be a minimum lateral separation of one nautical mile between aircraft in the circuit at both airfields. It is stated that this is a common feature of flying in the UK.
- It is also suggested that the owner/operator of the proposed airfield would use a "Unicom" radio frequency and that it would also be used at the ILAS field. This would provide that aircraft at both airfields could communicate on the same frequency.
- The runway at the ILAS field is orientated 18/36 (North/South) it is at an angle to the prevailing south westerly winds. The proposed runway at Cloonerane, Taghmon is orientated 25/07 (Southwest/Northeast) it almost faces the prevailing wind and this alleviates landing difficulties.
- The applicant understands that the landing strip at Ardinagh, Taghmon is an unlicensed airstrip.
- The applicant states that she has recently applied to the Irish Aviation Authority (IAA) for a licence to operate the airfield and be regulated by the IAA. Details of insurance cover have also been submitted.
- The applicant Anne Butler has engaged the services of Mr John Nugent of Newcastle airfield as a consultant to advise in relation to the application to IAA.

- Mr Nugent has provided a response to the issues raised in the appeals. He states that the Irish Light Aviation Society (ILAS) is an owners association for aviation enthusiasts and hobbyists who build their own aircraft or buy aircraft which is not of a standard which is certified as fit to fly under normal standards. The ILAS has devised their own standards which applies to its members. The Irish Aviation Authority does acknowledge the scheme however they do not take responsibility for aircraft registered under it.
- It is stated that every licensed airfield globally has an ICAO identifier.
- The Planning Authority were correct in their decision. The appellants refer to unauthorised development. This matter was addressed by Wexford Co. Council.
- The Irish Aviation Authority will consider the licence application made in relation to the airfield and if granted they will apply all measures which they feel necessary for the safe operation of the facility and specifically in relation to fire fighting and evacuation capabilities.
- When there are events taking place including ILAS “Fly In” at their airfield notification is given to pilots. The Irish Aviation Authority have systems and procedures in place to ensure aviation safety.
- The operation of a total of 10 no. flights per week from the proposed airfield would not impact upon the operation of the flight school at the ILAS airfield. Flights schools in other locations in the country including Cork, Newcastle & Weston operate in areas where there is intense aviation activity.
- The proposed airstrip would not duplicate the activity at the ILAS airfield, as it is not a flying school or a base for enthusiast’s and it will not host social events.
- The runway length, width and specification is a matter for the IAA. There are no long term plans for the site or for any additional development.
- In relation to the matter of access to the proposed airstrip as raised in the appeal from Aidan Crane and others, the road serving the site also serves five dwellings including a newly constructed property. The road is also used by members of a model flying club to access their facility at the end of the road.

The road is also used lorries, combine harvesters, silage trailers and general traffic.

- The application includes a proposal to erect one agricultural type building and not several buildings.
- The appeal refers to low flying aircraft. The IAA would regulate the airfield and low flying aircraft will not be permitted.
- Regarding the matter of the lack of consultation with residents it is stated that both Aidan and John Crane were informed by the applicant. The applicant stated that she has informed four other local residents.
- In relation to the issue of the right of way on the road. The road has been used for over a 100 years by members of gun clubs and model flying clubs.
- The legal right of way has been recognised by Wexford Co. Council in the granting of permission.
- The applicant states that she has a legal and vested right which extends to the general public to the unrestricted use of the unsurfaced road to gain access from the main public road to her property.
- As stated in the Planner's report the need for the flying operations to be located a distance from built up areas that it is one which is more appropriate to the rural environment. It is difficult to acquire a site to meet the criteria for flying purposes therefore it is considered the scale and nature of the operations are appropriate to the proposed site.
- The applicant requests that the Board uphold the decision of the Planning Authority to grant permission.

6.3. Planning Authority Response

- In a letter dated the 14th of November 2016 the Planning Authority stated that they have no comments in relation to the submitted appeals.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Access and Traffic
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The site is located in the rural area, where agriculture is the predominant land use. In relation to policies of the county development plan, there is no specific policy which makes reference to the provision of grass airstrips and aircraft storage. While no specific provision is made to the acceptance of such flight facilities in rural areas, likewise no exclusion of such facilities is also specified. Therefore, the subject development must therefore be assessed on its own individual merits.
- 7.1.2. The appeal submitted by the Irish Light Aviation Society(ILAS) refers to the proximity of the ILAS field at Ardinagh, Taghmon. The requirement for the proposed landing strip at Cloonerane, Taghmon is raised. In response to the matter the applicant stated that there was demand from local pilots for a landing strip which could be operated year round subject to weather conditions.
- 7.1.3. The location and design of a landing strip including its orientation is dependent upon local conditions including the direction of the prevailing wind and the height and location of existing and proposed development. The applicant stated that the appeal response that the proposed airstrip is orientated in a Southwest/Northeast direction which faces the prevailing wind. The most suitable soil conditions for landing strips are soils which contain a reasonable amount of porous material including sand and gravel. The applicant has stated that the soil on site is loamy and well drained and suitable for the proposal. I observed that the site was well drained on inspection.

- 7.1.4. The appellants (ILAS) raised concern at potential risk from aircraft taking off and landing at two adjacent airfields at Taghmon. The appeal site at Cloonerane, Taghmon is situated approximately 2.7km to the north of the ILAS field at Ardinagh, Taghmon. The applicant has proposed a number of measures to address the concerns raised by the appellants and ensure that safe clearance is provided between aircraft. Firstly, the applicant proposes that all circuits flown by aircraft from the landings strip at Cloonerane, Taghmon would be flown to the north of the airstrip regardless of wind direction and if all flights from the ILAS field were flown to the south and east of that airstrip that a minimum lateral separation of one nautical mile between aircraft in the circuit at both airfields.
- 7.1.5. The applicant also proposes that the owner/operator of the airfield would use a “Unicom” radio frequency and that it would also be used at the ILAS field. This would provide that aircraft at both airfields could communicate on the same frequency. These measures could be operated by both airfields to ensure air safety. An application for a private Aerodrome Licence for the proposed landing strip has been made to the Irish Aviation Authority. This is a separate matter to the planning process and the Irish Aviation Authority will adjudicate upon the licence. The Authority assesses the site against the Standards and Recommended Practices specified by the International Civil Aviation Organisation (ICAO)
- 7.1.6. The appellants Aidan Crane & Others have raised concern regarding the impact on local residents of low flying aircraft and they note that there are flights from the ILAS field airstrip which fly over the site. As indicated by the applicant the number of flights per week at the proposed landing strip would be limited to ten. The Planning Authority in the grant of permission attached a condition which restricted the number of aircraft movements per week at the landing strip to a maximum of twenty. The condition also specified that the applicant or the operator of the facility shall keep a log of all flying activity on site and that it shall be available for inspection by the Planning Authority. I consider that this condition is appropriate to control the extent and intensity of use of the proposed airstrip and would address some of the appellants concerns. Accordingly, if the Board is disposed towards a grant of permission, I recommend that a similarly worded condition be attached.
- 7.1.7. The Planning Authority also attached a condition to provide for a temporary permission for a period of three years. I consider it appropriate that a temporary

permission be applied, in order that circumstances could be reviewed in three years' time.

7.1.8. It is proposed to locate a 174sq m agricultural type building to the south of the landing strip. The building has a ridge height of 4.46m and it is proposed to be used for storage of micro-lite aircraft and a tractor and mower for the maintenance of landing strip. The proposed building is necessary to facilitate the operation of the landing strip. Having regard to its limited height and scale and design which is similar to a farm shed, I consider that it can be positively absorbed without any negative impacts on the visual setting and the rural amenities of the surrounding area.

7.2. Access and traffic

7.2.1. The site is accessed via the existing laneway which is largely unsurfaced. There are two entrances to the laneway off the public road. The closer entrance to the south is approximately 930m from the site and the farthest entrance is circa 1.25km to the east. I note that the applicant states that it is proposed to use the southern entrance to the lane. The appellants Aidan Crane & Others have expressed concern regarding the suitability of the laneway to accommodate the traffic which would be generated and also state that the applicant does not have a right of way.

7.2.2. The applicant has stated that the number of flights per week at the proposed landing strip would be limited to ten. As such I consider that the level of vehicular traffic associated with the use of the landing strip would be very low. While, I note that the laneway is largely unsurfaced it serves a limited number of properties and subject to the attachment of a condition restricting the usage of the landing strip to a maximum of 20 no. aircraft movements per week, I considered the proposed development acceptable in terms of access and traffic considerations.

7.2.3. In response to the matter of right of way the applicant stated that she has a legal and vested right which extends to the general public to the unrestricted use of the unsurfaced road to gain access from the main public road to her property. Furthermore, in relation to the matter I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a

permission or approval under this section to carry out a development.” This subsection makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate.”

7.3. Appropriate Assessment

- 7.3.1. The appeal site at Cloonerane, Taghmon, Co. Wexford is located 4km from Bannow Bay SPA and 8.3km from Bannow Bay SAC. Wexford Harbour & Slobbs SPA and Slaney River Valley SAC 9.8km to the north-east of the appeal site.
- 7.3.2. The Planning Authority prepared a screening report and concluded that there is no potential for significant effects to Natura 2000 sites.
- 7.3.3. Having regard to the nature and scale of the proposed development including the limited nature of the proposed usage, to the absence of direct connection between the subject site and the European Sites and proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the above I recommend that permission be granted subject to the reasons and considerations and conditions recommended below.

9.0 Reasons and Considerations

Having regard to the nature, low intensity use proposed and the provisions of the Wexford County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 permission shall extend for a temporary period of three years only, commencing on the date of receipt of grant of full planning permission. At the end of this three year period, the subject site shall be converted back solely to agricultural use, unless at the end of this period a further permission has been granted for its continuance on site.

Reason: In order to allow the development to be reassessed at the end of a reasonable time period.

3. Activity at the landing strip shall be restricted to a maximum of 20 no. aircraft movements per week. The applicant/operator shall keep a log of all flying activity on site and this shall be available for inspection by the Planning Authority.

Reason: In the interest of controlling the extent and intensity of use of the proposed airstrip in the interest of orderly development.

4. 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 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 An Bord Pleanála 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 the permission.

Siobhan Carroll
Planning Inspector

28th February 2017