



**An  
Bord  
Pleanála**

## Inspector's Report

<b>Case Ref. No:</b>	<b>ABP 300402-17</b>
<b>Issue:</b>	<b>SID Pre-application – whether project is or is not strategic infrastructure development.</b>
<b>Proposed Development:</b>	<b>Proposed storage shed and extension to the site boundary.</b>
<b>Location:</b>	<b>AAG hangar Facility, Shannon Industrial Estate, Shannon Airport, Shannon, Co Clare.</b>
<b>Applicants:</b>	<b>Atlantic Aviation Group.</b>
<b>Planning Authority:</b>	<b>Clare County Council.</b>
<b>Inspector:</b>	<b>Philip Green.</b>

## **1.0 Proposed Development.**

1.1 Atlantic Aviation Group (AAG) intend to carry out the following works:

- Relocation of boundary fence to airport to provide additional 1,844 sq.m. of lands to north east of the AAG facility. Boundary fence to consist of concrete post and metal chain link fence topped with barbed wire (overall height 2.5m.)
- 50 sq.m. metal container storage shed approx. 12m. x 4m. x 3m. high within Strategic Development Area of Shannon Airport.

1.2 It is stated that the extended area will be for the sole private use of AAG, their employees and visitors and operated and maintained by AAG. Details including site location, layout plan and elevations for the above are submitted with the request. Also provided is a letter of support for the proposed works from the commercial property manager of Shannon Airport.

1.3 The Board will note that it recently determined that a proposed extension to the external car park at the AAG facility (ABP reference 03. PC0249) did not constitute strategic infrastructure development. Details of the prospective applicant's business in providing maintenance and technical services to the aviation industry are contained on that file.

## **2.0 Applicant's case.**

2.1 Although passenger numbers are below the two million instances of passenger use per annum the Airport is advised by local authority that it is the capacity capability that is relevant (up to 4.5 million terminal passengers). The Airport therefore is a facility as defined in the Act and applicant is required to enter into pre application discussions.

2.2 Site is within the Clare County Council functional area and adjoins the Shannon Airport boundary to the Shannon Industrial estate within Clare County Council functional area and adjoins the Shannon Airport boundary to the north east, north west and south west. Direct airside access is provided from the AAG site both externally to the north east and from the hangar building.

2.3 It is not considered that proposed development meets any of Section 37A(2) criteria.

2.4 Works are minor in nature contributing only to the private operation of the AAG facility and would not be of strategic economic or social importance to the State or the region or contribute substantially to the fulfilment of objectives in the National Spatial Strategy or Regional Planning Guidelines.

- 2.5 Proposed development located on the Shannon Industrial Estate within the functional area of Clare County Council. It will not have a significant effect on more than one planning authority due to its minor nature.

### **3.0 Legal Provisions.**

- 3.1 Of relevance is the following class of development in the Seventh Schedule inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

*Transport Infrastructure*

2. *Development comprising or for the purposes of any of the following:*

*An airport (with not less than 2 million instances of passenger use per annum) or any runway, taxiway, pier, car park, terminal or other facility or installation related to it (whether as regards passenger traffic or cargo traffic).*

- 3.2 Section 37A(1) says that an application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority. Section 37A (2) says

*That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –*

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which the development would be situate,*
- (c) the development would have a significant effect on the area of more than one planning authority.*

### **4.0 Assessment.**

- 4.1 I refer the Board to previous cases at Shannon including cases 03. PC144, 03. PC0160, 03.PC0163, 03.PC0164, 03. PC0167, 03. PC0173, 03. PC0177, 03. PC0183, 03. PC0193, 03. PC0194, 03. PC0197, 03. PC0211, 03. PC0225, 03. PC0229 and 03. PC0249. In all those pre application consultation cases despite falling below two million passenger numbers per annum in recent years it was accepted by the Board that Shannon Airport would constitute an airport for the purposes of definition under the Seventh Schedule.

- 4.2 I consider that the development and works described associated with the activities of AAG can be classified as development comprising or for the purposes of a facility or installation related to an airport with not less than 2 million instances of passenger use per annum.
- 4.3 I consider that these works would facilitate an expansion of an existing ancillary (to the functioning of the airport) aircraft maintenance business. I would draw the Board's attention to previous pre application consultation cases 06F. PC0145 (for an aircraft maintenance hangar at Dublin Airport), 03. PC0183 (for use of an existing hangar at Shannon Airport for the breaking up of end of life aircraft for recycling), 03. PC0229 (for construction of a new aircraft painting hangar at Shannon Airport) and most recently at this facility under reference 03. PC0249. The Board determined that all of these cases constituted Seventh Schedule development but did not satisfy any of the three criteria set out in s. 37A(2) and thus did not constitute strategic infrastructure requiring an application direct to An Bord Pleanala. I consider this case to be similar in nature to those previously determined cases. Whilst in this case there would appear to be a functional and commercial relationship with the core airport activity I do not consider that the proposed development given its scale, nature and extent would, in itself, satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. I conclude therefore that this proposed development does not constitute a strategic infrastructure development.

## **5.0 Recommendation.**

- 5.1 I recommend that the Atlantic Aviation Group be informed that the proposed development at the AAG hangar Facility, Shannon Industrial Estate, Shannon Airport, Shannon, Co Clare consisting of proposed storage shed and extension to the site boundary as described in the plans and particulars received by An Bord Pleanala on 6<sup>th</sup> December 2017 does not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, 2000, as amended, and consequently does not constitute strategic infrastructure development. A planning application should be made in the first instance to Clare County Council.

---

**Philip Green,**  
**Assistant Director of Planning.**  
**5<sup>th</sup> January 2018.**