



An  
Bord  
Pleanála

## Inspector's Report ABP 302317-18

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| <b>Development</b>         | Physical amendments to permitted<br>North Parallel Runway and Taxiways                                 |
| <b>Location</b>            | Dublin Airport   |
| <b>Planning Authority</b>  | Fingal County Council  |
| <b>Type of Application</b> | Pre-Application Consultation, Section<br>37B of the Planning and Development<br>Act, 2000, as amended. |
| <b>Inspector</b>           | Pauline Fitzpatrick  |

## 1.0 Pre-Application Consultation

The Board received a request on the 10<sup>th</sup> August 2018 from Tom Phillips and Associates Planning Consultants on behalf of Dublin Airport Authority to enter into pre-application consultations in relation to the proposed development at Dublin Airport.

## 2.0 Proposed Development

The proposed development comprises the following physical amendments to the north parallel runway as permitted under ref. PL06F.217429:

- Amendments to the width of the runway and shoulders, with 7.5 metres of the outer shoulders each side of the runway constructed of reinforced grass rather than paved, in compliance with European Aviation Safety Authority (EASA) regulations. The overall width of the runway remains the same as that permitted (75 metres).
- Amendments to the width of the taxiways from 25 metres to 23 metres with paved shoulder construction of up to 4 metres each side of the taxiway resulting in an overall width of between 27 and 31 metres to comply with EASA regulations.
- Removal of a number of permitted taxiways and relocation of 3 no. permitted taxiways. The changes will result a net reduction in paved area of c. 75,000sq.m.
- Provision of new vehicular access roads around the airfield to provide maintenance access to certain air navigation equipment. Provision for amended fire access roads also included.
- Minor amendments to the location and layout of 2 no. permitted substations and associated access road to avoid clashes with air navigational aids. The proposed positions are immediately adjacent to the permitted locations

- Minor amendments to the location of the permitted perimeter road inside the airport security fence around the substations, immediately to the northern end of the crosswind runway, for a short section adjacent to Forrest Little Road and at the south-western end of the North Runway.
- The provision of blast pads on the eastern and western ends of the permitted runway and the northern end of Runway 16/34 to comply with EASA regulations. They entail small areas of hard surface; their purpose being to prevent erosion at the end of the runway.
- Slight amendment to the runway levels where the permitted runway intersects existing Runway 16/34 to ensure the optimal and safest design for the north parallel runway. The northern end of Runway 16/34 where it interfaces with proposed Runway 10L/28R is to be lowered by c.1.5 metres.

The amendments arise as a consequence of EASA requirements and regulations, with alterations to the taxiway network arising following consultation with airlines to provide for a more efficient operation. In terms of the air navigational aids the Irish Aviation Authority has provided clarity in terms of location.

Plans of the proposed alterations accompany the request.

### **3.0 Prospective Applicant's Case**

It is submitted that,

- whilst the proposed development is of a class specified in the Seventh Schedule of the Planning and Development Act, it does not meet the criteria established in section 37A(2) of the Act and, therefore, would not constitute Strategic Infrastructure as defined by the Planning and Development Act, 2000 (as amended).
- The proposal for minor amendments does not come within the scope of the strategic infrastructure development.
- Precedent has been set in the Board's previous determinations in relation to the northern parallel runway under ref. 06F.PC0056 and Bellanaboy Bridge Gas Terminal under ref. 16.GC0001.

## 4.0 Relevant Planning History

PL06F.217429 – permission granted in 2007 for the north parallel runway.

06F.PC0056 – proposed alterations to permission granted for north parallel runway under PL06F.217429 not considered to be strategic infrastructure.

The Inspector in his report noted that the reason the proposed amendments did not come within the scope of strategic infrastructure development was because the development of the runway was the subject of an application for planning permission lodged before the coming into effect of the amending provisions of the Planning and Development (Strategic Infrastructure) Act 2006 and the grant of permission for the runway was made under the provisions of section 34 of the Planning and Development Act, 2000.

## 5.0 Legal Provisions

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:

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).

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 situated,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and

economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.

## 6.0 **Assessment**

Planning permission was granted by the Board in 2007 for the new north parallel runway under PL06F.217429. I submit that the proposed amendments do not come within the scope of strategic infrastructure development as the proposed development of the north parallel runway was the subject of an application for planning permission before the coming into effect of the amending provisions of the Planning and Development (Strategic Infrastructure) Act, 2006 and the grant of permission for the new runway was made under the provisions of section 34 of the Planning and Development Act, 2000, as amended.

In my opinion the Board's determinations on case references 06F.PC0056 and 16.GC0001 which relate to amendments to the proposed north parallel runway at Dublin Airport and the permitted Bridge Gas Terminal at Bellanaboy, respectively, set a precedent in this regard.

In the interests of completeness and should the Board not accept the above conclusion I note the following with respect to the legislative provisions for SID:

Dublin Airport is an 'airport' falling within the class defined in the Seventh Schedule. On the basis of the information provided I submit that the proposed amendments to the layout of the permitted north parallel runway would constitute a facility or other installation associated with an airport with not less than 2 million instances of passenger use per annum.

At the time of the original planning application for the runway International Civil Aviation Organisation (ICAO) standards applied to runway design. Since the grant of permission in 2007 the European Aviation Safety Agency (EASA) has been established as the competent authority for aviation standards in Europe. EASA published amendments to the regulations governing infrastructure design in December 2017 which set out revised criteria for design of runways and taxiways.

The proposed works as detailed above arise from the requirement to comply with the revised regulations. In addition, amendments to the taxiway network for the runway follow consultations with airlines with the aim of providing for a more efficient operation.

Whilst it could be said that the proposed amendments are strategic in terms of aviation safety, in my opinion, they are not of such scale, purpose, function and significance to be either 'strategic' or 'substantial' in the sense construed and required by Section 37A(2)(a) and (b) to justify SI status. Based on the scale and function the proposed development could not be viewed as one of strategic economic or social importance to the State or that it would, in itself, contribute substantially to the fulfilment of any of the objectives set out in the National Planning Framework or the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. I acknowledge the compatibility of the proposed development with the zoning provisions for the site under the relevant development plan applicable to the airport. The proposal would not have a significant effect on the area of more than one planning authority.

Having regard to these considerations, I am of the opinion that the proposed development would not satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. I conclude that the proposed development does not constitute a strategic infrastructure development.

## 7.0 Recommendation

Having regard to the above I recommend that Dublin Airport Authority be informed that the proposed development consisting of physical amendments to the permitted north parallel runway and taxiways at Dublin Airport does not constitute strategic infrastructure. The proposed amendments cannot come within the scope of strategic infrastructure development as the proposed development of the north parallel runway at Dublin Airport was the subject of an application for planning permission lodged before the coming into effect of the amending provisions of the Planning and Development (Strategic Infrastructure) Act 2006 and the grant of permission for the northern parallel runway was made under the provisions of section 34 of the Planning and Development Act, 2000, as amended.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**September, 2018**