



An
Bord
Pleanála

Inspector's Report ABP 304484-19

Development

Refurbishment works on east and west embankments.

Location

Shannon Airport

Prospective Applicant

Shannon Airport Authority DAC.

Planning Authority

Clare County Council

Type of Application

Pre-Application Consultation, Section 37B of the Planning and Development Act, 2000, as amended.

Inspector

Pauline Fitzpatrick

1.0 Pre-Application Consultation

The Board received a request on the 20th May 2019 from Shannon Airport Authority DAC to enter into pre-application consultations in relation to the proposed development at Dublin Airport.

2.0 Proposed Development

The proposed development entails the carrying out of refurbishment works on the East and West Embankments at the airport. The works are required so as to:-

- (1) Upgrade and protect the existing flood embankments with a view to the prevention of flood events at Shannon Airport and the Shannon Town area;
- (2) Protect a state asset and associated commercial enterprises in the area.

East Embankment

The East Embankment is approx. 1.3 km long with a plan area of approx. 23,985 sq.m. It has an average crest level of between 4.20m and 5.02m OD and an average width varying between 1.5 and 5 metres.

The works to this embankment consist of the placement of rock armour on the front slope and the strengthening of the crest using either small rock armour or a gravel filled geotextile.

In terms of materials, the key quantities calculated for the refurbishment are:

- 23,900 m³ of rock armour
- 24,000m² geotextile
- 1,400m³ gravel

West Embankment

The West Embankment is approx. 1.6 km long with a plan area of approx. 22,320 sq.m. It has an average crest level of between 4.80m and 5.50m OD and an average width varying between 1.5 and 3 m

The works to this embankment consist of the armouring of the crest and back slope using either small rock armour or a gravel filled geosynthetic cellular confinement system.

In terms of materials, the key quantities calculated for the refurbishment are:

- 5,300m³ rock armour
- 18,000m² geotextile (or 18,000m² geosynthetic cellular confinement system or 2,700m³ geosynthetic cellular confinement system fill)

The duration of the works is anticipated to be between 6-9 months with works to be undertaken at 2 to 3 locations on each embankment at the same time.

3.0 Prospective Applicant's Case

It is submitted that -

- The proposed development is, in essence, a refurbishment project of the existing flood defence embankments which were constructed during the 1940's to protect the newly constructed airport.
- The refurbishments would comprise of operational efficiencies, both from a safety and environmental perspective, to airport infrastructure that is already in existence.
- The operational efficiencies that are proposed, in isolation, would not be of strategic economic or social importance to the State or region in which the Airport is situated. They would not contribute substantially to the fulfilment of objectives of the NPF, County Development Plan or Mid-West Regional Planning Guidelines. It would not have a significant effect on more than one planning authority.

4.0 Relevant Planning History

5.0 Legal Provisions

The development subject of this pre application consultation request relates to airside infrastructure. Of relevance, therefore, 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 and section 78(a) of the Planning and Development (Amendment) Act 2010:

Transport Infrastructure

1. 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).

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 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

I refer the Board to previous cases at Shannon Airport including 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, 03.PC0245 and 03.PC0251. In all these pre application consultation cases, despite cited passenger numbers below 2 million instances per annum, it was accepted by the Board that Shannon Airport would constitute an airport for the purposes of definition under the Seventh Schedule.

I consider that the development as proposed can be classified as development that would constitute a facility or other installation associated with an airport with not less than 2 million instances of passenger use per annum.

Whilst it could be said that the proposed amendments are strategic in terms of securing the operational efficiencies of existing airport infrastructure, I would concur with the prospective applicant that they essentially entail refurbishment works of existing flood defence embankments which were constructed during the 1940's to protect the newly constructed airport. The works 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 strategic infrastructure 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 Mid-West Regional Planning Guidelines. In addition 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 Shannon Airport Authority DAC be informed that the proposed development consisting of refurbishment works on the East and West Embankments at Shannon Airport as described in the plans and particulars received by An Bord Pleanála on 20th May 2019 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.

Pauline Fitzpatrick
Senior Planning Inspector

July, 2019