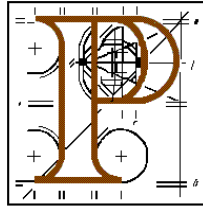


An Bord Pleanála



Inspector's Report.

Case Ref. No: 06F. PC0213.

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: Proposed photovoltaic solar array on roof of Terminal 1.

Location: Dublin Airport, Co. Dublin

Applicants: Dublin Airport Authority.

Planning Authority: Fingal County Council.

Inspector: Philip Green.

1.0 Proposed Development.

- 1.1** Tom Phillips and Associates on behalf of the Dublin Airport Authority has submitted this request for a pre application consultation. Attached with the request was an explanatory statement and set of drawings illustrating the location and layout of the proposed development and analysing the development in the context of the legislative provisions of the Act as it relates to Strategic Infrastructure.
- 1.2** The proposed development is referred to as the installation of a photovoltaic (PV) solar array and ancillary elements on the roof of part of Terminal 1. The description of the proposed development is set out as follows:
- Array will cover a footprint of c. 718 sq.m. within an application site of c. 2,300 sq.m.
 - Maximum generating capacity of c. 106 kW
 - Array consists of angled PV panels supported on metal frames in a back to back arrangement such that panels are facing northeast and southwest
 - Max. height above roof level will be c. 0.9m.
 - Ancillary elements include inverters (equipment converting Direct Current to Alternating Current), access walkways, ladders and cable trays
 - Electricity generated by the panels will be used in the airport increasing its sustainability
- 1.3** The prospective applicant notes that Terminal 1 is one of two serving the airport and was originally built in early 1970's and subsequently extended and altered over time. Terminal 2 opened in 2010. The location of the array will be on a set back area of roof to the northern end of the Terminal. The array will be set back c. 28m. from the front (landside) elevation minimising its visibility
- 1.4** The applicant notes that the proposed development is zoned 'DA' under the Fingal County Development Plan 2011 – 2017 with Objective to 'ensure the efficient and effective operation of the airport in accordance with the adopted Dublin Airport Local Area Plan'. Objective EE49 of the Development Plan states that 'it is an objective to facilitate the efficient and effective operation of Dublin Airport in accordance with Dublin Airport Local Area Plan and the principles of proper planning and sustainable development'.
- 1.5** Lands also zoned Terminal/Apron in Dublin Airport Local Area Plan 2006. It should be noted that the 2006 LAP expired in June 2015 and has not yet been replaced. The proposed development which supports the operation of the airport through the use of renewable energy is consistent with both Development Plan and expired LAP

2.0 Applicant's case.

- 2.1 Consultation lodged under 'Airport' class set out in Seventh Schedule. Under such it is clear that development does not constitute SI. Whilst development might be considered of class of development specified in Seventh Schedule (albeit that it does not relate to either passenger or cargo traffic) it does not meet criteria set out in s. 37A(2).
- 2.2 Solar PV generation might be considered to fall under class of development in Seventh Schedule of 'An industrial installation for the production of electricity, steam or hot water with a heat output of 300megawatts or more'. Proposed development has electrical generation capacity of only 0.1MW and would not constitute SI in its own right.
- 2.3 Eeunable energy project will increase environmental sustainability of the airport and slightly reduce its reliance on fossil fuels and the National Grid. It is unrelated to passenger and cargo traffic and will not affect the capacity of the airport nor will it change the manner in which the airport operates. There will be no significant consequences of an economic or social nature arising from the proposed development. Whilst development supports efficient and sustainable operation of the airport it cannot be considered of strategic economic or social importance to the Greater Dublin Area or the State.
- 2.4 Although importance of Dublin Airport recognised in NSS and Regional Planning Guidelines for the Greater Dublin Area 2010-2022 it is not considered that the PV array in itself would contribute substantially to the fulfilment or objectives in the National Spatial Strategy or Regional Planning Guidelines by reason of scale, extent and nature.
- 2.5 Development is relatively minor involving deployment of renewable energy unrelated to passenger and cargo transport and cannot have a significant effect on the area of more than one planning authority.
- 2.6 It is considered that the following Board determinations (deemed not SI) for electrical infrastructure development at the airport are relevant - PC 0067, PC0070 and PC0189.

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:

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 it would be situate,*
- (c) the development would have a significant effect on the area of more than one planning authority.*

- 3.3 I note the reference to further class of development cited by the prospective applicants for the production of electrical energy but accept the view that this development falls well below the threshold cited in the Seventh Schedule in that context.

4.0 **Assessment.**

- 4.1 I consider that Dublin Airport is an ‘airport’ falling within the class defined in the Seventh Schedule (see 3.1 above). I conclude that on the basis of the information provided and particularly the stated ancillary nature and purpose of the proposed works, that the proposed development would constitute a facility or other installation related to the operation of an airport with not less than 2 million instances of passenger use per annum.
- 4.2 Notwithstanding the above I am not convinced however that the proposed development is 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. Neither do I consider that Section 37A(2)(c) is applicable to this case. I consider that the proposed development as described in the submissions would not satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. Therefore, I agree with the prospective applicant that this proposed development does not constitute a strategic infrastructure development.
- 4.3 For the Board’s information I have attached to this file extracts taken from the internet in regard to potential impacts of solar technology near airports and in addition an extract from the Inspector’s report in dealing with appeal case PL 26. 244351 which addressed the issue of potential

for 'glint and glare' from such technology. The pre application consultation determinations referred to by the prospective applicant in their submission (deemed not SI by the Board) are attached to the Board's file.

Recommendation.

I recommend that the Dublin Airport Authority be informed that the proposed development consisting of the proposed photovoltaic solar array on the roof of Terminal 1 at Dublin Airport, Co. Dublin as set out in the plans and particulars lodged with the Board on the 18th January 2016 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 that a planning application should be made in the first instance to Fingal County Council.

Philip Green,
Assistant Director of Planning.
27th January 2016.