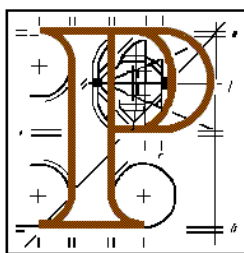


An Bord Pleanála



Inspector's Report

Case Ref. No: 06F. PC0219

Issue: SID Pre-application – whether project is strategic infrastructure development

Proposed Development: Redevelopment of fuel depot

Location: Dublin Airport

Applicants: daa plc

Planning Authority: Fingal County Council

Inspector: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a request by daa plc for a pre-application consultation in respect of development to reorganise and refurbish the fuel storage at the airport. The prospective applicant stated its opinion that the proposed development should not be regarded as strategic infrastructure development.

2.0 PLANNING HISTORY

- 2.1 Reg. Ref. F06A/1463 – The planning authority granted permission in 2007 to refurbish the fuel depot at the airport. The permission has not been implemented. Its appropriate period has been extended to 14th March 2017.

3.0 PROPOSED DEVELOPMENT

- 3.1 The prospective applicant intends to redevelop the existing fuel storage depot at the airport. The redeveloped depot would provide 3 new fuel storage tanks, each 20m high and with a capacity of 5,000m³, as well as parking bays and loading stands for fueller vehicles, an operations building, a vehicle service building and what is described as an ‘into-plane’ building, as well as fire safety facilities and 57 car parking spaces. A site location map, a site layout plan and partial drawings of the proposed buildings were submitted.
- 3.2 The correspondence from the prospective applicant referred to the proposed development as “alterations to an existing planning permission”. This is an error. Development consists of works to land. Changing plans and proposals does not constitute works to land and does not comprise development for which permission may be sought or granted. There is no provision under the planning act for applications to amend planning permissions granted by planning authorities, although there is for SIDS developments authorised by the board. However despite the applicant’s repeated mistake in this regard, it is reasonably clear what the development that it proposes to carry out would actually be. The submitted drawings describe the proposed development sufficiently to allow a declaration to be made as to whether is it strategic infrastructure development, although the full details that would be required for a valid planning application have not been submitted.

4.0 LEGAL PROVISIONS

- 4.1** 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).

- 4.2** 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 planning guidelines 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.*

5.0 ASSESSMENT

- 5.1** The proposal to re-develop a fuel depot would be a development comprising of or for the purposes of a facility or installation associated with an airport with not less than 2 million instances of passenger use per annum. The proposed development therefore comes within the 7th schedule of the planning act. The depot is an important facility in itself due to its role in the supporting the operation of the airport. However the proposed development would simply involve the re-organisation and refurbishment of the existing depot at the same location within the airport and on much the same site. It would not change the location, form or function of the fuel depot to an extent that had strategic implications. Therefore the proposed development would not satisfy any of the

conditions contained in section 37A (2) (a), (b) or (c) of the Act and it would not constitute a strategic infrastructure development.

6.0 RECOMMENDATION

- 6.1** I recommend that the daa plc be informed that the proposed development at Dublin Airport consisting of the re-development of the fuel depot as described on the plans and particulars received by An Bord Pleanala on 25th April 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 consequently does not constitute strategic infrastructure development. A planning application should be made in the first instance to Fingal County Council.

Stephen J. O'Sullivan
19th May 2016