



**An
Bord
Pleanála**

Inspector's Report

Case Ref. No:	03. PC0229
Issue:	SID Pre-application – whether project is or is not strategic infrastructure development.
Proposed Development:	Proposed construction of new aircraft painting hangar.
Location:	Shannon Airport, Shannon, Co Clare.
Applicants:	Shannon Airport Authority Ltd.
Planning Authority:	Clare County Council.
Inspector:	Philip Green.

1.0 Proposed Development.

1.1 Shannon Airport Authority intend to carry out the following works:

- Construction of new steel framed hangar of approx. 6,500 sq.m. including ancillary office floorspace, workshops, plant room and storage space clad with insulated panels.
- Associated site works and car parking
- The hangar is to be located on airport grounds within the airside boundary.

1.2 Site location and proposed floor plans, elevations and sections for the above are submitted with the request.

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 is required to enter into pre application discussions.

2.2 No new critical infrastructure is proposed. The proposed development comprises of operational efficiencies and expansion of the existing airport infrastructure that is already in existence. It is not considered that these operational efficiencies would in isolation be of strategic economic or social importance to the State or region or contribute substantially to the fulfilment of objectives in the National Spatial Strategy, Clare County Development Plan 2011-2017 or the Mid West Regional Planning Guidelines 2010-2022.

2.3 In isolation the proposed development will not have a significant effect on more than one planning authority.

2.4 Consultation made under provisions of s. 37(B) of the Act. It is not considered that any new critical infrastructure will be provided as part of the proposed development and the proposed development would comprise operational efficiencies as well as expansion to existing infrastructure within the airport confines.

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 and 03. PC0225. In all those pre application consultation cases despite falling passenger numbers 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 proposed and works described can be classified as development comprising 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.
- 4.3** This is clearly a large building with additional employment creation potential. It is described by the prospective applicant as providing “operational efficiencies as well as expansion to existing infrastructure..” although this is not expanded upon in detail in the applicants supporting statement. I would draw the Board’s attention however to previous pre application consultation cases 06F. PC0145 (for an aircraft maintenance hangar at Dublin Airport) and 03. PC0183 (for use of an existing hangar at Shannon Airport for the breaking up of end of life aircraft for recycling). The Board determined that both 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 two 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 however 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. Therefore I conclude that this proposed development does not constitute a strategic infrastructure development. The Board should note that the hangar proposed in this pre application consultation request lies in proximity to the development subject of 03. PC0183 (to the south).

5.0 Recommendation.

- 5.1** I recommend that the Shannon Airport Authority Ltd. be informed that the proposed development at Shannon Airport consisting of the proposed construction of new aircraft painting hangar as described in the plans and particulars received by An Bord Pleanala on 26th September 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 Clare County Council.

Philip Green,
Assistant Director of Planning.
13th October 2016