



**An
Bord
Pleanála**

Inspector's Report.

Case Ref. No: 06F. PC0236.

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

Proposed Development: Proposed solar photovoltaic (PV) installation on the north east of the airport campus over an existing reservoir

Location: Dublin Airport, Co. Dublin

Applicants: Dublin Airport Authority.

Planning Authority: Fingal County Council.

Inspector: Philip Green.

1.0 Proposed Development.

1.1 O'Connor Whelan Planning Consultants 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 proposed solar photovoltaic (PV) installation on the north east of the airport campus over an existing reservoir. The Board will recall that under previous pre application consultation request 06F PC0213 a similar proposal for a solar array on the roof of Terminal 1 was deemed by Direction dated 3rd February 2016 not to be strategic infrastructure by the Board. Details of the subsequent planning permission for this development granted by Fingal County Council (Register Reference F16A/0167 is on file. The description of the proposed development as now proposed is set out as follows:

- 650 sq.m. of PV modules (reduction of 68 sq,m. on earlier proposal)
- Roof of terminal 1 found to be structurally inadequate to support modules without significant structural alterations
- Location proposed is on top of existing reservoir adjoining Castlemoate Road to north east of terminals (aerial photograph attached)
- Panels mounted to ground with max. height of 1.138m. above ground level.
- Panels laid out in two separate areas to west of reservoir building on existing concrete plinth. Array consists of angled PV panels supported on metal frame in back to back arrangement such that panels facing north and south
- Location considered ideal as reservoir building has a high energy requirement and building has the necessary infrastructure to allow connection into airports electricity network.

2.0 Applicant's case.

2.1 Consultation lodged under 'Airport' class set out in Seventh Schedule. Proposed development is considered to be an installation related to the airport and thus may be deemed strategic infrastructure. However having regard to criteria in s.37A(2) and Board's previous decision the proposed solar installation is not one that should be considered as strategic infrastructure.

2.2 Development not of strategic or social importance. It would provide over 50% of the energy requirement for the reservoir which provides 500,000 cu.m. of water to the airport per annum and energy generated will not be used for any other purpose. It is essentially an energy

saving function and will not contribute to airport services in any other way. It is unrelated to passenger or cargo traffic and will not affect the capacity of the airport nor the way it operates. Whilst supporting efficient operation of the airport it can not be considered to be of social or economic importance to the State or region.

- 2.3** 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 of goal; or objectives in the National Spatial Strategy or Regional Planning Guidelines by reason of size and function.
- 2.4** As development only contributes to energy needs of reservoir and does not enhance further services provided by the airport it will not have a significant effect on the area of more than one planning authority.
- 2.5** Considered that Inspector's considerations and conclusions in respect of 06F. 0213 equally apply to this case and that development now proposed is not strategic infrastructure.

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 that the previous pre application consultation was considered under the 'airport' provisions of the Transport Infrastructure section of the Seventh Schedule rather than the further class of development in the Energy Infrastructure section relating to the production of electrical energy. The threshold for that class (300 megawatts) was considered to be well in excess of that supplied by that previously proposed development.

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 previous pre application consultation request 06F PC0213

Recommendation.

I recommend that the Dublin Airport Authority be informed that the proposed development consisting of the proposed solar photovoltaic (PV) installation on the north east of the airport campus over an existing reservoir at Dublin Airport, Co. Dublin as set out in the plans and particulars lodged with the Board on the 2nd November 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.
22nd November 2016.