



**An
Bord
Pleanála**

Inspector's Report

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| Case Ref. No: | 03. PC0249 |
| Issue: | SID Pre-application – whether project is or is not strategic infrastructure development. |
| Proposed Development: | Proposed extension to the external car park ancillary to the Atlantic Aviation Group hangar facility. |
| Location: | Shannon Industrial Estate Shannon Free Zone, Shannon Co Clare Airport, Shannon, Co Clare. |
| Applicants: | Atlantic Aviation Group. |
| Planning Authority: | Clare County Council. |
| Inspector: | Philip Green. |

1.0 Proposed Development.

- 1.1** Atlantic Aviation Group (AAG) intend to carry out the following works:
- Relocation of south west boundary to airport.
 - 1,719 sq.m. extension to external car park area with 87 no. additional spaces.
 - External lighting and associated site works and services
- 1.2** Details including site location, survey and layout plans for the above and an Instrument Landing System (ILS) assessment which includes some further description of the proposed development are submitted with the request. Also provided is a letter of support for the proposed works from the commercial property manager of Shannon Airport.
- 1.3** In response to a request from the Board further details were provided by the prospective applicants including clarifying the extent of the proposed works and an analysis of the proposed development in the context of s. 37A(2) and an amended ILS assessment.

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 applicant is required to enter into pre application discussions.
- 2.2** Site is within the Shannon Industrial estate within Clare County Council functional area and adjoins the Shannon Airport boundary to the north east, north west and south west. Direct airside access is provided from the AAG site both externally to the north east and from the hangar building.
- 2.3** AAG provides services to the aviation industry including aircraft maintenance, technical services, design services and training services. Aircraft maintenance services are being expanded to meet demand. Two operation lines will be extended to three within the existing hangar building. As the existing car park is at capacity it is intended to expand the car park for the additional employees required for this growth.
- 2.4** It is not considered that proposed development meets any of Section 37A(2) criteria.
- 2.5** Works are minor in nature contributing only to the private operation of the AAG facility and would not be of strategic economic or social importance to the State or the region or contribute substantially to the

fulfilment of objectives in the National Spatial Strategy or Regional Planning Guidelines.

- 2.6 Proposed development located on the Shannon Industrial Estate within the functional area of Clare County Council. It will not have a significant effect on more than one planning authority due to its minor nature.

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, 03. PC0225 and 03. PC0229. In all those pre application consultation cases despite falling below two million

passenger numbers per annum in recent years 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 and works described (aircraft maintenance) can be classified as development comprising or for the purposes of a facility or installation related to an airport with not less than 2 million instances of passenger use per annum.
- 4.3** I consider that these works would facilitate an expansion of an existing ancillary (to the functioning of the airport) aircraft maintenance business. I would draw the Board's attention to previous pre application consultation cases 06F. PC0145 (for an aircraft maintenance hangar at Dublin Airport), 03. PC0183 (for use of an existing hangar at Shannon Airport for the breaking up of end of life aircraft for recycling) and 03. PC0229 (for construction of a new aircraft painting hangar at Shannon Airport) The Board determined that all 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 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 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. I conclude therefore that this proposed development does not constitute a strategic infrastructure development.

5.0 Recommendation.

- 5.1** I recommend that the Atlantic Aviation Group be informed that the proposed development at Shannon Industrial Estate, Shannon Free Zone, Shannon Co Clare consisting of the proposed extension to the external car park ancillary to the Atlantic Aviation Group hangar facility as described in the plans and particulars received by An Bord Pleanala on 17th July 2017 and in the additional information and clarification received on the 23rd August 2017 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.
30th August 2017.