

An
Bord
Pleanála

Board Direction
BD-018712-25
ABP-321584-25

The submissions on this file were considered at a Board meeting held on 20/01/2025.

The Board decided to refuse leave to appeal based on the reasons and considerations set out below.

Reasons and Considerations

It is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject.

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that -

- (i) The development in respect of which a decision to grant permission has been made, will not differ materially from the development as set out in the application for and,
- (ii) The imposition of condition number 1 or any other condition attached to the planning authority's decision to grant permission will not materially affect the Leave to Appeal applicants' enjoyment of the land adjoining the land to which the grant of planning permission relates.

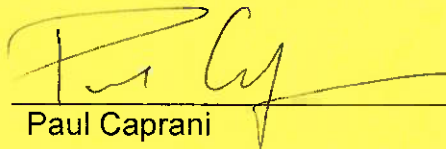
Having regard to the documentation on file, Aer Lingus sought grounds for leave to appeal on the basis that it mistakenly concluded that the proposed hangar was reduced in size on foot of a further information request issued by Fingal County Council. It is clear from the drawings submitted on the 13th day of October 2023 that the overall height, footprint and external finishes of the hangar had not been materially altered from the original drawings submitted with the application on the 12th day of May 2023. This fact was acknowledged on page 46 of the Local Authority Planning Report dated the 7th day of December 2023 which states that “the Planning Authority notes that the development remains similar to the original proposal, however the revised proposals have been submitted in relation to the external finish colour palette. Whilst further changes to the hangar design would have been welcomed, the Planning Authority is cognisant of the constraint of the site allocated to them and the design requirement for a building of this site.” The Board therefore concluded that there was no material change in the layout, footprint and height of the hangar, during the course of adjudicating on the application. The only changes to the building related to the colours proposed to be applied on the external elevation. The imposition of such changes would not result in a development that would materially differ from the development as set out in the application and would not materially affect the Leave to Appeal applicants’ enjoyment of the lands as stipulated in S37(d)(i) and (ii) of the Act.

In relation to the issue of car parking, the Board notes that no car parking provision formed part of the planning application on site. The applicant proposed that staff using/employed at the hangar would avail of parking provision elsewhere within the airport subject to obtaining licences from the Dublin Airport Authority (DAA). No car parking provision at the subject site was included as a condition in the grant of planning permission by the Fingal County Council. Furthermore, there was no material change in the proposed car parking arrangements proposed throughout the course of the application. It is clear from the original documentation lodged with the planning application (see section 5.3, page 12 of the Traffic Impact Assessment submitted to the Planning Authority on the 12th day of May 2023), that it is not proposed to provide staff car parking within the site, and that an agreement had been reached where the DAA are to facilitate allocating car parking permits to cater

for staff associated with the proposed development throughout the wider airport area. There have been no material changes in relation to car parking provision during the course of the application or in Fingal County Council's conditions attached to the grant of planning permission and consequentially the imposition of the conditions attached by Fingal County Council will not materially affect the Leave to Appeal applicants' enjoyment of the land or reduce the value of the applicants land.

The Board therefore concludes that the applicant for leave to appeal has not shown that the criteria cited in section 37(6)(d)(i) and (ii) of the Planning and Development Act 2000, as amended have been met.

Board Member:


Paul Caprani

Date: 22/01/2025