

Planning Department

South Dublin County Council
County Hall
Tallaght
Dublin 24
D24 YNN5

Monday, 27 June 2022
[By Courier]

Dear Sir/Madam

**Re: REFERENCE UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000-2021
BUILDING AT WESTON AIRPORT, BACKWESTON PARK, LEIXLIP, DUBLIN 5, W23 XHF8**

1.0 INTRODUCTION

1.1 Purpose of this Reference

Weston Aviation Academy Ltd¹ has retained Tom Phillips + Associates², to seek a Declaration under Section 5 of the Planning and Development Act 2000 – 2021 ('the Act') on Development in respect of the following:

- 1. The physical works proposed and outlined in this request (being an increase in window sizes) are exempted development under Section 4(1)(h) of the Planning & Development Act, 2000 (as amended).***

2.0 RATIONALE FOR THIS REQUEST

Weston Airport has recently been purchased by a new group of stakeholders, who aim to establish Weston Airport into a state-of-the-art facility. The landowner has identified an early opportunity to improve the terminal building on site.

This Section 5 Request is to allow the new tenant to replace the glazing of the first story windows and reduce the cill head height. The proposed development would have no impact on the existing structures form and function.

In summary, this Section 5 Request demonstrates compliance with the Section 4(1)(h) of the Planning & Development Act, 2000 which will allow improve the function of the building through improved outlook and new windows enable the building to continue to be used for its current operation.

¹ Weston Airport, Backweston park, Leixlip, Dublin, W23 XHF8

² 80 Harcourt Street, Dublin 2, D02 F449

3.0 BACKGROUND INFORMATION

3.1 Site Location and Context

Weston Airport is located on lands to the west of County Dublin in Lucan and is in the administrative region of South Dublin County Council (SDCC) and Kildare County Council (KCC). The area of land associated with this Section 5 Request is located in administrative region of SDCC.

The lands are located within the townland of Backwestonpark and the site is accessed off the Cooldrinagh Lane which leads onto the R403. The M4 is located to the north of the site and the river Liffey is situated along the north/ north-western boundary of the site. The wider area within the vicinity of the site is characterised by agricultural lands with individual dwellings and small housing estates.

The Section 5 application relates to the airport building outlined in red (see Figure 3.1 below).

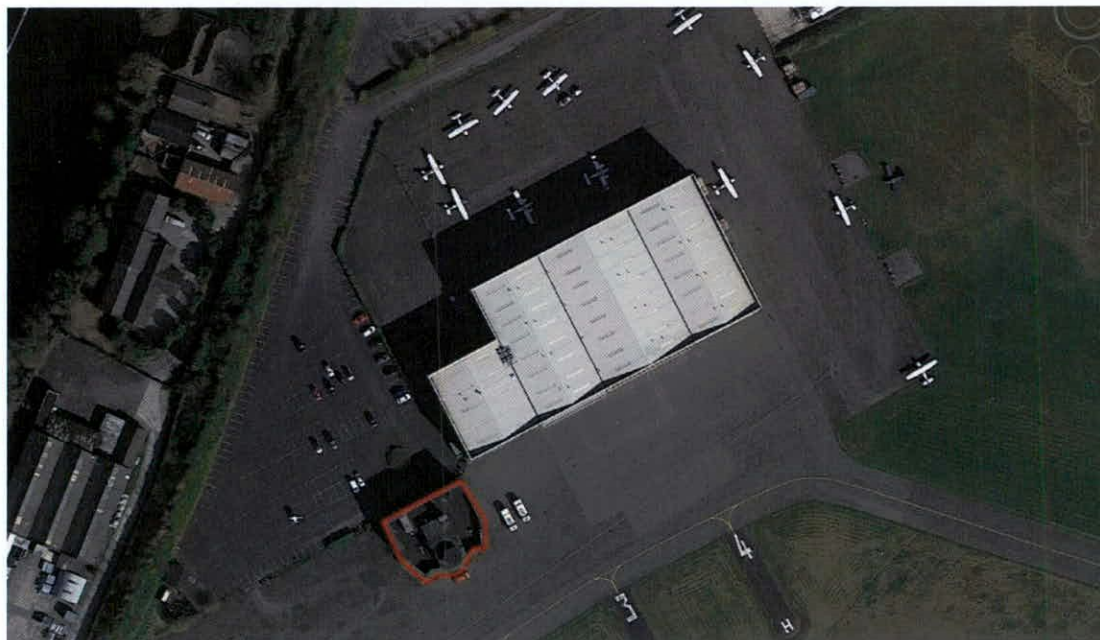


Figure 3.1. Site Location Map (Source: Google Maps, annotated by TPA)



Figure 3.2. Weston Airport (Viewing South - East)

3.2 Planning History

Planning permission for the development of the Weston airport for an 800 m long runway was initially granted by South Dublin County Council as part of application TA532. The existing Weston airport building was permitted for construction under the planning application (SDCC Reg. Ref. S01A/082).

A full Planning History for the site is contained within Appendix A.

4.0 DESCRIPTION OF PROPOSAL

4.1.1 Details of the Proposal

The proposal seeks to make minimal external changes to external South-east elevation of the terminal building. The proposal would see replacement glazing and a reduced cill height at first story level. Ultimately the changes of the cill height are minimal and represent a less than 3% alteration to the fabric of the south-eastern elevation which measures at a height of 14.3m (as shown in table 4.1 below and displayed in Figure 4.1).

| Existing Cill Height from ground level | Proposed Cill Height from ground level | Total Change |
|--|--|----------------|
| 4.579m | 4.17m | 0.409m (2.86%) |

Table 4.1: Proposed Cill height change from ground level as per NBK Drawings



Figure 4.1: Drawing P937-102 Proposed Southeast Elevation (Source: NBK)

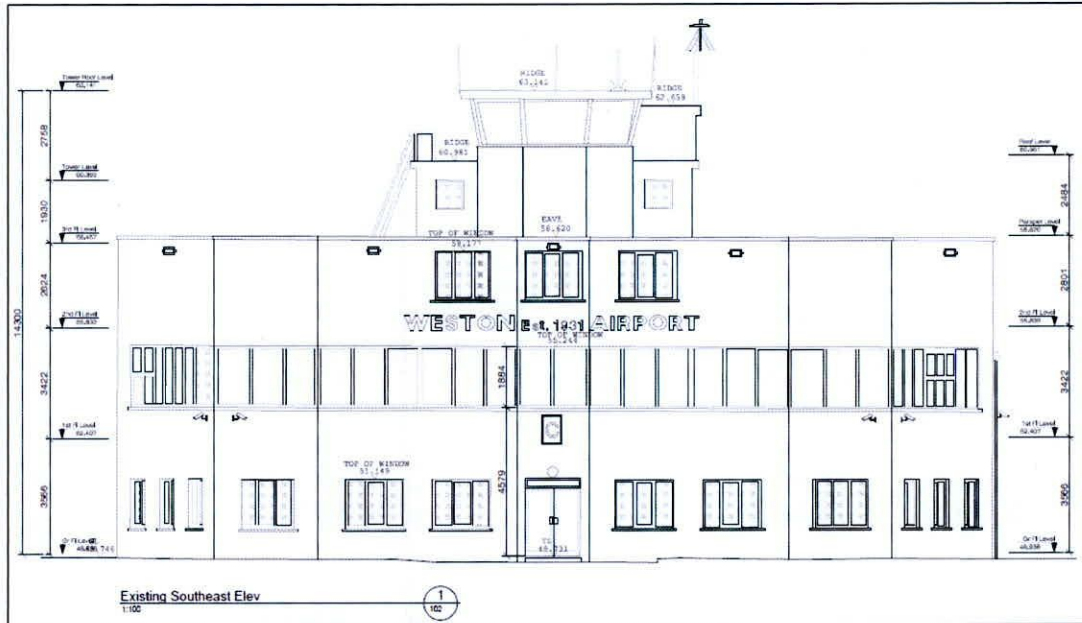


Figure 4.2: Drawing 937-102 Existing Southeast Elevation (Source: NBK)

4.1.2 Proposed Layout

The floor layouts associated with the terminal building are provided on the NBK Drawings submitted with this request. The internal floor space would be unaffected by the proposed development as displayed in Figure 4.3.

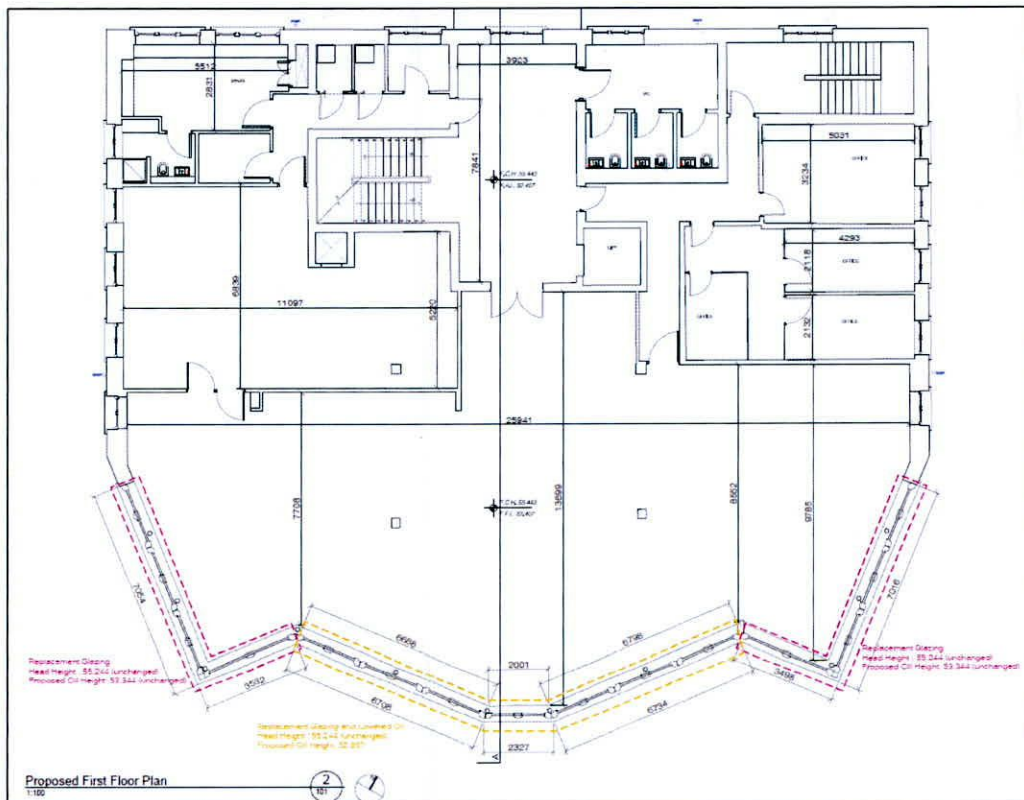


Figure 4.3: Drawing P937-101 Proposed First Floor Plan (Source: NBK)

4.1.3 Proposed Works

The proposal will result in minimal changes to the external building. These proposed works involve upgrading and modernisation of the existing building.

These works include the alteration the exterior of the structure through the replacement of the glazing of the first storey windows, while reducing the cill height along the front elevation (see figure 4.4). The modifications to the front elevations will be minimal from the front of the building and from outside the site (see tables 4.1 and 4.2).

| Existing Cill Height from ground level | Proposed Cill Height from ground level | Total Change |
|--|--|----------------|
| 4.579m | 4.17m | 0.409m (2.86%) |

Table 4.1: Proposed Cill height change from ground level as per NBK Drawings

| Existing first storey window height | Proposed first storey window height | Total Change |
|-------------------------------------|-------------------------------------|--------------|
| 1.884m | 2.445m | 0.561m |

Table 4.2: Proposed window height change as per NBK Drawings

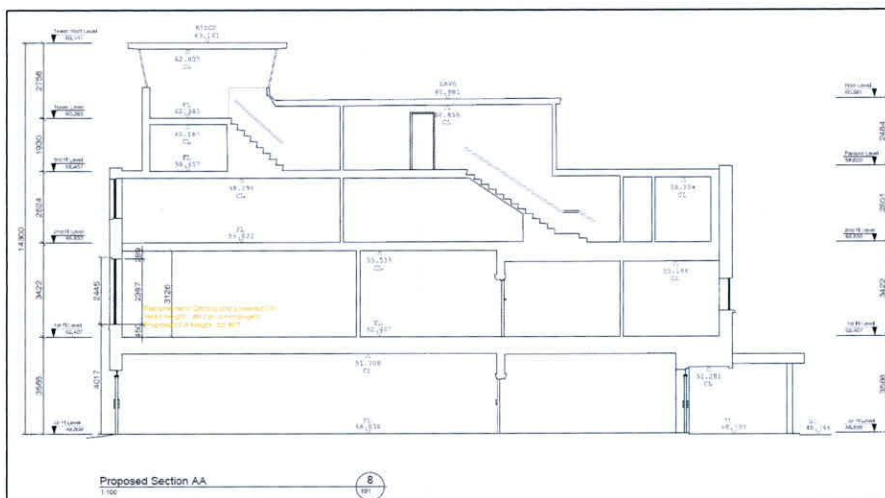


Figure 4.4: Drawing P937-101 Proposed Section (Source: NBK)

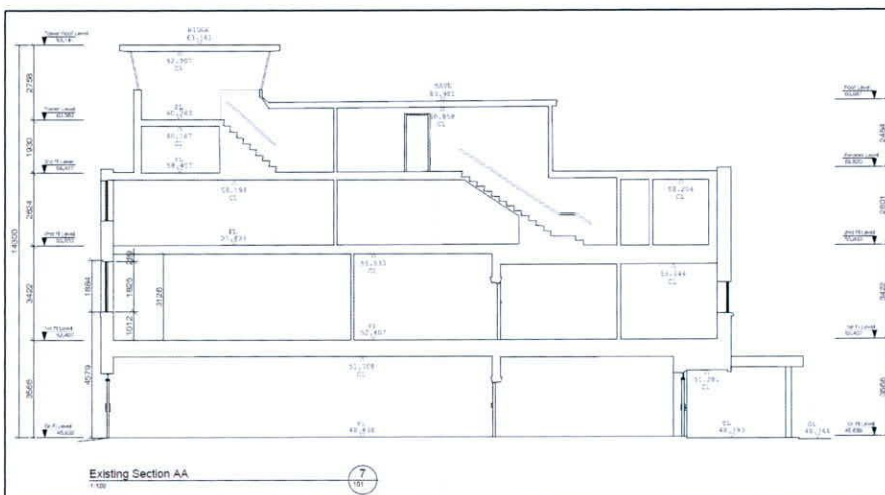


Figure 4.4: Drawing P937-101 Existing Section (Source: NBK)

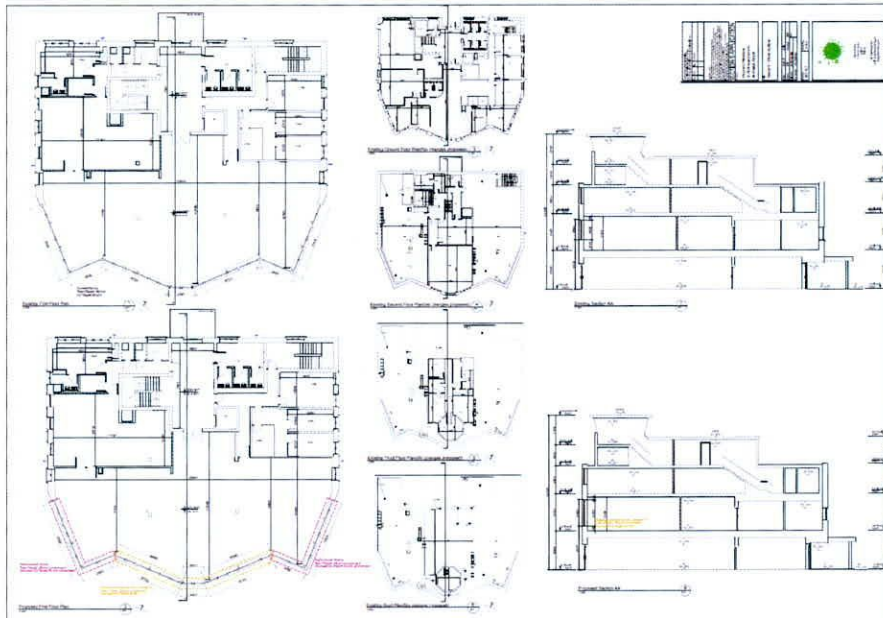


Figure 4.5: Drawing 937-101 Proposed Floor Plan & Sections (Source: NBK)

4.2 Legislative Context (Works)

'Works' is defined in the Acts as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

Since the proposal involves the alteration of the exterior of the structure, it clearly constitutes 'development'. The question is therefore whether the proposed development would constitute 'exempted development'

Having established that the 'works' undertaken amount to 'development', the issue to be considered is whether the development is exempted development or not. Section 4(1) of the Act defines certain types of development as being 'exempted development'. In this regard it is considered Section 4(1)(h) is an appropriate consideration.

Section 4(1)(h) of the Acts states that the following shall be exempted development:

"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"

We note that the proposed works set out in section 4.1.3 of this document are consistent with the parameters set out in the section 4(1)(h) of the Act constitute the proposal as exempted development for the following reasons:

The proposal does involve the carrying out of works for the alteration and modernisation of the terminal building. However, we note that the proposed works do not “*materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*”.

The proposed works are minimal, they represent less than 3% of the overall buildings height (See table 4.1) and do not affect the character of the terminal building in a way to separate it from the context of the surrounding environment.

The terminal building is set on private grounds distanced 560 m from the R403 public road where visibility onto the grounds is permissible only during the winter period due to extensive hedgerow that forms the barrier of the overall grounds, the closest viewpoint is positioned along the entranceway of the prohibited grounds from Cooldrinagh Lane is 466 m (See figure 4.6).

The minimal proposed works to modernise the terminal building will allow for an increase of lighting into the first floor through the replacement of glazing and lowering of the cill height and will be indistinguishable from the public realm once complete due to minor scale of works and distance from the public realm.

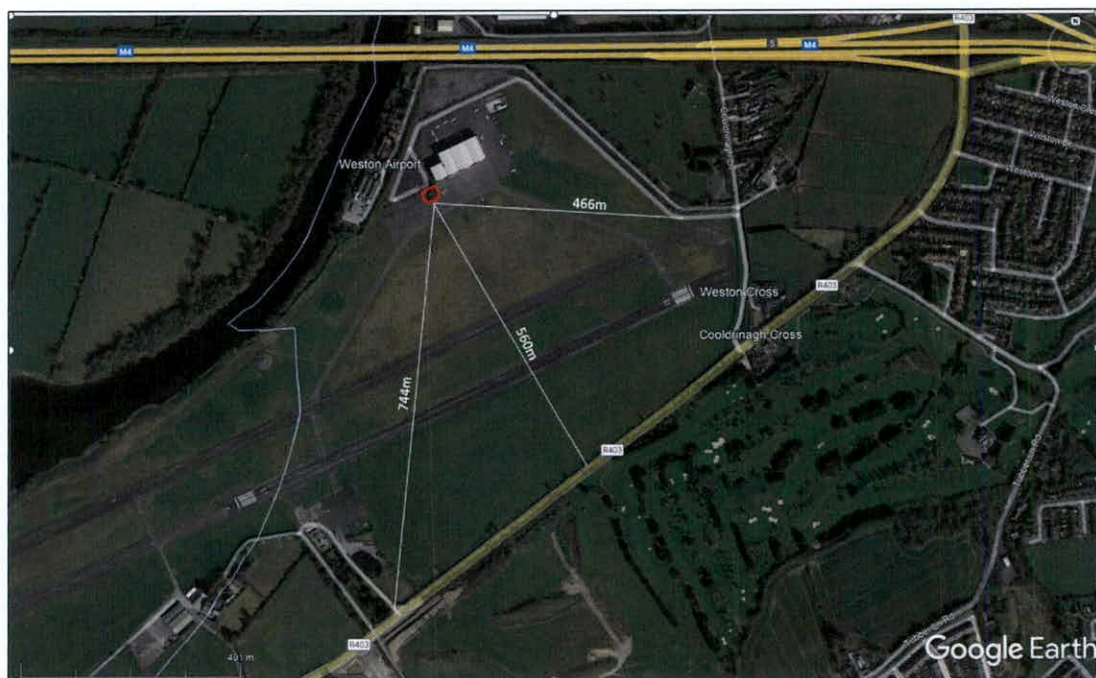


Figure 4.6: Sight line distances from public realm (Source: Google Maps, annotated by TPA)

There is a strong emphasis that the nature of the proposal is consistent with that of the parameters set out in Section 4(1)(h) of the Acts. The proposal does not affect the form, function, scale and mass of the existing terminal building rather it seeks to modernise the south-eastern elevation through the replacement of glazing and lowering of the cill height, upon completion it will be undisguisable from the public realm due to the nature of the minor works.



5.0 COMPLIANCE WITH EXEMPTED DEVELOPMENT PROVISIONS

5.1 Article 9 Restrictions on Exemption do not Apply

Article 9 of the *Planning and Development Regulations 2001-2021* sets out a number of restrictions which can 'de-exempt' development that would otherwise constitute exempted development.

However, the restrictions under article 9 only apply to 'development to which article 6 relates'. Article 6 solely relates to development of a class specified in Parts 1 to 3 of Schedule 2 of the Regulations.

Since the proposed development works would be exempted under section 4(1)(h) of the Act, and not under a class specified in Schedule 2 of the Regulations, the article 6 'de-exemptions' cannot apply in this instance.

5.2 Appropriate Assessment/Environmental Impact Assessment are not required

Section 4(4) of the Act stipulates a further 'de-exemption' in circumstances where an Appropriate Assessment (AA) or an Environmental Impact Statement (EIA) would be required in respect of proposed development:

"Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required."

5.2.1 Appropriate Assessment

The proposed development is relatively minor and essentially comprises external refurbishment to the existing building. The building is already connected to existing services. Furthermore, the building is on a site which has no direct connection to a European Site as identified in the AA Screening Report submitted with the previous permitted development on the site (SDCC Reg. Ref: SD14A/0259).

The main potential risk from the proposed development relates to the possibility of surface water runoff from works which may subsequently outflow into the Leixlip Reservoir which is not designated European Site.

Having regard to the nature, scale, and location of the proposed development it is not considered that a requirement for Appropriate Assessment can arise in this instance.

5.2.2 Environmental Impact Assessment

The various classes and thresholds of development for which an EIA is required are listed in Schedule 5 of the *Regulations*. Since the proposed development relates to relatively minor external changes to an existing building, it is not a form of development which would require an EIS, nor is it considered likely to have a 'significant effect on the environment'.

Having regard to the above, it is our professional planning opinion that the restrictions on exemption relating to AA and EIA as set out under the *Act* are not applicable in respect of the development which is the subject of this section 5 referral.

6.0 Documents Enclosed

The following documents are enclosed with this request for a Section 5 Declaration:

- 2 no. copies of this *Planning Cover Letter*, prepared by TPA, dated 27th June 2022.
- 2 no. set of drawings, prepared by NBK.
- A completed South Dublin County Council Section 5 Application Form, dated 27th June 2022.
- A cheque for €80, representing the appropriate Statutory Fee.
- Appendix A – Planning History

7.0 CONCLUSION

In our professional planning opinion,

The physical works proposed and outlined in this request (being an increase in window sizes) are exempted development under Section 4(1)(h) of the Planning & Development Act, 2000 (as amended).

The physical works are deemed to be exempted development under section 4(1)(h) of the Acts due to the nature of the proposed works. The proposed works are minor in nature and represent less than 3% of the overall building's height, additionally the works to the external appearance of the structure will not render the appearance inconsistent with the character of the structure or of neighbouring structures and wider context.

Therefore the proposed terminal building's south eastern elevation alteration at first floor level comprise exempted development pursuant to section 4(1)(h) of the *Planning and Development Act 2000-2021*.

We look forward to a positive determination of this case from South Dublin County Council in the near future. In the meantime, if you require any further information, please do not hesitate to contact me.

Yours sincerely



Brian Minogue
Associate
Tom Phillips + Associates

Encl.

Appendix A – Planning History

Planning History Associated with Weston Aerodrome (South Dublin County Council)

| Reg. Ref. | Description of Development | Lodged | Decision | Key Info Arising |
|--------------------------------------|---|------------|---------------------------------------|--|
| TA532 | Permission was granted to Weston Ltd. for an 800m long runway on 23 April, 1980 | | Grant 23/04/1980 | 800 m runway GRANTED |
| 88A/1534 | Permission granted for the realignment of existing runway. No information available online | | | Runway realignment GRANTED |
| 92A/1045 | Granted Permission to install kerosene storage tank Link to file - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20aerodrome&regref=92A%2F1045 – Documents Available Online | 17/06/1992 | Grant 12/08/1992 | Kerosene storage tank GRANTED |
| 92A/1242 | Granted Permission to carry out modifications by the addition of 5 metres to improve the standard of existing runway facility to comply with E.C. Standards Link to file - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20aerodrome&regref=92A%2F1242 – No Documents Available Online | 22/07/1992 | Grant 29/10/1992 | Additional 5 m to runway width GRANTED |
| 92A/1242 /EP | Granted Extension of Duration Permission, Weston Airport, Main Runway 07/25, Widening of tarmac surface as per planning application 92A/1242 Link to file - http://www.sdublincoco.ie/Planning/Details?p=2&l=weston%20airport&regref=92A%2F1242%2FEP – No Documents Available Online | 16/09/1997 | Grant 05/11/1997 | N/A |
| S99A/0879 | Permission granted for Relocation of existing portacabins (2 no.) and containers (2 no.) to new site and for new car park. Link to file - http://www.sdublincoco.ie/Planning/Details?p=2&l=weston%20airport&regref=S99A%2F0879 – No Documents Available Online | 10/12/1999 | Grant 23/03/2000 | New car park and relocation of extant structures GRANTED |
| S00A/0284 | Permission was refused for retention of hangar on 29/06/2000 Link to file - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=S00A%2F0284 – Documents Available Online | 02/05/2000 | Refused 29/06/2000 | N/A |
| S01A/0822 (ABP PLO6S.13 1149) | This application sought permission for a development comprising the demolition of existing hangars, construction of new hangars (15,741 sqm), office and club house (1,125 sqm), 180 car parking spaces and aircraft parking with new access off the R403 and all associated development works. On 5 December, 2003 a Split Decision was issued on appeal wherein permission was refused for the development of Hangars A-E and the associated car parking and granted for the balance of development sought. Of note, Condition 2 provided that: | 07/12/2001 | Split Decision on Appeal 5/12/2003 | New clubhouse / office (1,040 sqm), 'long' hangar (3,510 sqm), and 'ramp area' between the runway and new buildings |



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| | <p><i>'This permission as modified by the omission of Hangars A to E and adjoining car parking shall not be constructed as permitting:</i></p> <p><i>a) any increase in aircraft movements over and above existing aircraft movements, where an aircraft movement is defined as a full take-off or landing and does not include "touch and go" training exercises or</i></p> <p><i>b) any material change in the type or capacity of existing aircraft using the aerodrome. Any material increase or change shall be subject to a separate planning permission</i></p> <p>Reason: <i>In the interest of clarity and to allow for a full assessment of any significant impacts that may arise from such increase or change in the existing use of the aerodrome'.</i></p> <p>Condition 3 required that 'the area freed by the omission of Hangars A to E and adjoining car parking area shall be maintained as grassland'.</p> <p>Condition 10 required all buildings in the south west corner of the site to be demolished within 3 months of completion of proposed development.</p> <p>Condition 11 required aircraft fuelling facilities to be provided in 'a location to be agreed with the planning authority to the east of the proposed large hangar'.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=S01A%2F0822&regref=S01A%2F0822 – Just certain compliance submissions available online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/131149</p> | | | <p>GRANTED</p> <p>No. of movements confirmed at 44,000 (not incl. 'touch and go' movements associated with training</p> <p>Note: This permission moved the airport building complex to its current location</p> |
| SD03A/0793 | <p>Permission was granted to Weston Ltd. for the temporary relocation and replacement of 6 no. portocabins (4 no. 40ft. in length and 2 no. 30ft. in length) for a period of two years and for the replacement of roof structure to fire engine garage and associated site works on 12 December 2003.</p> <p>(Located at the former terminal area now demolished.)</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD03A%2F0793&regref=SD03A%2F0793 – Documents Available Online</p> | 28/10/2003 | Grant 12/03/2003 | N/A (since demolished) |
| SD04A/0954 (ABP PL06S.211459) | <p>Permission was refused to Weston Limited for a hotel (95 no. bed), conference (400 person capacity) and leisure centre with 340 car parking spaces and associated works on 25 July 2005. Permission was refused for 3 no. reasons relating to material contravention of the GB zoning, impact on a Protected Structure and visual impact.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD04A%2F0954&regref=SD04A%2F0954 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/211459</p> | 21/12/2004 | Refused 25/07/2005 | N/A |
| SD05A/0658 | <p>Application by Weston Ltd. Invalidated for Retention for first floor dormer extension and side extension to existing bungalow and change of use of first floor dormer to classroom for aviation school/offices. Also for the retention of elevational changes and for the relocation of security fences to original airside.</p> | 03/08/2005 | Invalidated 09/08/2005 | N/A |



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|--|--|------------|--|---|
| | Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0658 – No Documents Available Online | | | |
| SD05A/0681 | <p>Application Withdrawn - Retention of first floor dormer extension and side extension to existing bungalow and change of use of first floor dormer to classroom for aviation school/offices and also for the retention of elevational changes; the relocation of security fences to original airside.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0681 – Documents Available Online</p> | 10/08/2005 | Application Withdrawn 28/09/2005 | N/A |
| SD05A/0420 | <p>Application Withdrawn - Retention and completion of realignment of originally approved Cooldrinagh Lane with junction of Celbridge Road and removal and incorporation of the old road and adjoining private right of way into the adjacent gardens of the houses at the corner of the junction of Celbridge Road with Cooldrinagh Lane; and for new development consisting of the erection of 8 number flag poles (i.e. in two sets of 4), 2 no. stone signs, one denoting Cooldrinagh and the second denoting Weston Airport, 1 no. timber sign denoting Weston Airport, 2 no. directional signs for Weston Airport; for removal of existing hedge on Celbridge Road adjacent to airport and replacement with approximately 2.4m security fencing and replanting and replacement of 3 number entrance gates onto Celbridge Road with security type fencing gates.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0420 – Documents Available Online</p> | 26/05/2005 | Application Withdrawn 06/03/2007 | N/A |
| SD05A/0312 (ABP PL06S.213403) | <p>Permission was granted on appeal to Weston Limited for the revision, alteration and retention to approved office/club house, hangar and car park layout (Reg. Ref. S01A/0822; ABP Ref. PL 06S.131149) on 20 December 2005. The permitted development included the retention of relocated control tower from its centre position on the roof of office/clubhouse to the front elevation with reduced size of the display and visual part of the control tower (improving elevational aspect) and slight increase in height by 0.775 metres and the consequential relocation and retention of navigational aid equipment from the control tower to two storage areas internally under the control tower achieved by lowering the ceiling height of the first floor by 1.945 metres. Also permitted was the consequential relocation and retention of lift shaft internally, thereby avoiding direct entry to control tower. The height of the lift shaft was increased by 1.5 metres. The retention also incorporated necessary security arrangements by changing the use of the ground floor by the provision of office accommodation and reception at ground floor and slight increase in bar area and reduction in office space at first floor. The application also included for the proposed use of the unroofed areas behind the perimeter parapet walling for air handling units and ventilation equipment.</p> <p>Of note, Condition 1 of the Board's decision provides that:</p> <p><i>'Development described under Class 32 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended shall not be carried out on the site area without a prior grant of planning permission.'</i></p> <p>Reason: <i>In the interest of orderly development.'</i></p> | 05/05/2005 | Grant on Appeal 20/12/2005 Judicial Review | Minor revisions to existing permitted buildings GRANTED |



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| | <p>This Condition was subject to a Judicial Review. The High Court found that the reason given for the Condition was insufficient to comply with the statutory duty of the Board. Accordingly, the Court quashed the condition and remitted the matter to the Board to be considered appropriately. Enquiries with An Bord Pleanala relating to the subsequent decision on foot of the High Court Order have been inconclusive and it would appear that no subsequent decision was ever made. It is noted that the redline boundary for the application site related to the northern portion of overall site only, surrounding the terminal building, hangars, car park and fuel farm.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD05A%2F0312&regref=SD05A%2F0312 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/213403</p> | | | |
| <p>SD05A/0313 (ABP PL06S.213 052)</p> | <p>Permission was granted on appeal to Weston Limited for the construction of a fire station by the provision of an extension to the side of existing hangar, signage to front and rear elevations of hangar on 20 December 2005.</p> <p>Of note, Condition 1 provided that <i>'the station building shall be reduced in size by a reduction in length by 19 meters'</i>.</p> <p>Condition 2 required that signage on the north and south elevations shall be omitted and signage on southern elevation removed within 1 month.</p> <p>Condition 3 stated that <i>'the proposed fire station shall be used solely for purposes associated with the operation of accident and emergency services, including fire-fighting and for storage of equipment related to this use'</i>.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD05A%2F0313&regref=SD05A%2F0313 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/213052</p> | <p>20/04/2005</p> <p>Grant on Appeal</p> <p>20/12/2005</p> | <p>Addition of fire station to west of existing hanger</p> <p>GRANTED</p> | |
| <p>SD05A/0314</p> | <p>Permission was granted Weston Ltd. for the construction of a single storey ESB substation and switchroom with a gross floor area of 21 sq. metres to serve the previously permitted new large hanger, office and clubhouse (Reg. Ref. S01 A/0822; ABP Ref. PL 06S.131149) with associated landscaping and site works on 14 June, 2005.</p> <p>Condition No. 3 states:</p> <p><i>'Notwithstanding the exempted development provision of the Planning and Development Regulations 2001, as amended, no further development shall take place on the lands within the South Dublin County Council administrative area, as shown on site location map scale 1:2,500 received on 20/04/05 and marked with purple/blue outline, without a prior grant of planning permission from the Planning Authority or from An Bord Pleanala on appeal.</i></p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD05A%2F0314&regref=SD05A%2F0314 – Documents Available Online</p> | <p>20/04/2005</p> <p>Grant</p> <p>14/06/2005</p> | <p>Addition of substation</p> <p>GRANTED</p> <p>Condition No. 3 restricts all traditionally 'exempted development'</p> | |



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| SD05A/06 75 | <p>Permission was granted to Irish Helicopters Limited for the temporary retention of 5 no. portocabins, for a period of 3 years, located in existing hangar (Reg. Ref. S01 A/0822, ABP PL06S.131149) on 30 September 2005. Condition 2 specified that the permission was for a period of 3 years from date of this grant and that the <i>'portocabins shall be removed from site before that date unless, prior to the date permission for their retention for a further period has been granted...'</i>.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD05A%2F0675&regref=SD05A%2F0675 - Documents Available Online</p> | 09/08/2 005 | Grant 30/09/2 005 | N/A |
| SD05A/08 22 | <p>Permission was refused to Weston Limited for the demolition of existing gate lodge and for the erection of a replacement storey and a half house (new gate lodge) with revised location, also for the upgrading of existing entrance onto Celbridge Road: all within the curtilage of a recorded monument with protected structures status, (Westonpark House), on 29 November 2005.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0822 - Documents Available Online</p> | 05/10/2 005 | Refused 29/11/2 005 | N/A |
| SD05A/08 33 (ABP PL06S.216 916) | <p>Permission was refused on appeal to Weston Limited for the relocation and refurbishment of 13 No. portocabins with an established use of reception, class briefing rooms and simulators from southwest of Weston Aerodrome to north-west of Weston Aerodrome on 11 June 2007. Permission was refused on the basis of intensification and disorderly development.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD05A%2F0833&regref=SD05A%2F0833 - Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/216916</p> | 07/10/2 005 | Refused 11/06/2 007 | N/A |
| SD05A/08 61 | <p>Permission was refused to Weston Limited for the Construction of an Aviation Museum, consisting of aircraft display areas, equipment display areas, reception area, coffee dock, library, souvenir shop, lecture rooms, administration offices and 269 car parking spaces with access from proposed roundabout (see road objectives table 13.6 County Development Plan 2004-2010) on Celbridge Road.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Applications?p=1&l=weston%20airport - Documents Available Online</p> | 21/10/2 005 | Refused 14/12/2 005 | N/A |
| SD05A/09 24 (ABP PL06S.216 262) | <p>Permission was granted on appeal Weston Limited for the retention of the application of tarmac approximately 3.5m wide to the hard shoulders at either side of the runway for safety reasons on 7 March 2008.</p> <p>Condition 1 specifies that:</p> <p><i>This permission shall not be construed as permitting:</i></p> <p><i>(a) any increase in aircraft movements over and above existing aircraft movements, where an aircraft movement is defined as a full take off or landing and does not include "touch and go" training exercises, or</i></p> | 16/11/2 005 | Grant on Appeal 07/03/2 008 | Hardshoulder of 3.5 m on either side of runway GRANTED |



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| | <p>(b) any material change in the type or capacity of existing aircraft using the aerodrome.</p> <p>Any material increase or change shall be subject to a separate planning permission.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0924 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/216262</p> | | | |
| <p>SD05A/0938 (ABP PL06S.220352)</p> | <p>Permission was refused on appeal to Weston Ltd. for permission to vary and retain Conditions 10 and 7 of ABP Ref. PL 06S.131149 on 7 March 2008. Namely to vary and retain Condition No. 10 which states:</p> <p><i>"Within three months of completion of the proposed buildings, all existing buildings in the south-western corner of the site shall be demolished. Rubble generated by demolition shall be disposed of in accordance with the requirements of the planning authority", to read "Within three months of completion of the proposed buildings, all existing buildings in the south-western corner of the site shall be demolished, excluding the existing bungalow, which shall be retained as a residence and the existing offices which shall be retained as an aviation training school. Rubble generated by demolition shall be disposed of in accordance with the requirements of the planning authority".</i></p> <p>Also, to vary and retain Condition No. 7 of ABP Ref. No. PL06S.131149, namely <i>"The existing access in the south-western corner of the site shall be permanently closed off within one month of commencement of operation of the new facilities to the north-eastern of the site"</i> to read, <i>"The existing access in the south-western corner of the site shall be retained only as an emergency access".</i></p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD05A%2F0938 – Documents Available online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/220352</p> | <p>22/11/2005</p> | <p>Refused on Appeal</p> <p>7/03/2008</p> | <p>N/A</p> <p>Any extant buildings on south-west corner of site (location of old aerodrome complex) are unauthorised</p> |
| <p>SD06A/0230 (ABP PL06S.218026)</p> | <p>Permission was granted on appeal to Ryder Cup Limited for the temporary use of lands as a park and ride facility for the period 19-24 of September, 2006 on 9 August, 2006</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD06A%2F0230&regref=SD06A%2F0230 – Documents Available online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/218026</p> | <p>31/03/2006</p> | <p>Grant on Appeal</p> <p>09/08/2006</p> | <p>N/A</p> |
| <p>SD07A/0330</p> | <p>Permission was refused to Weston Ltd for the addition of two internal floors totalling 1,274sqm within the existing fire station (planning ref: SD05A/0313) with the floor area of 891 sqm for use as offices on 2 July 2007.</p> <p>Permission was refused on the basis of material contravention of Condition 3 of PL06S.21052 which requires the sole use of the building as a fire station.</p> | <p>08/05/2007</p> | <p>Refused</p> <p>02/07/2007</p> | <p>N/A</p> |



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| | Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD07A%2F0330 – Documents Available online | | | |
| SD07A/0842 | Permission was granted to Weston Aerodrome for the retention of 6 No. windows on the north east elevation of the existing fire station and for retention of realigned glass screen to the south east elevation of the existing fire station on the 25 March 2008. Condition 2 specifies that <i>'there shall be no intensification of use of the fire station, no modifications to approved external appearances of the structure, and no use or development at second floor level above existing ground and first floor offices of the fire station, without a prior grant of planning permission.'</i> Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD07A%2F0842&regref=SD07A%2F0842 – Documents Available online | 23/10/2007 | Grant 25/03/2008 | Minor elevation amendments to permitted fire station GRANTED |
| SD08A/0286 | Application Invalidated for Construction of light aircraft hangers located to the northeast of the existing hangers at the northern end of the airport and all associated site works and services. Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD08A%2F0286 – No Documents Available online | 30/04/2008 | Invalidated 09/5/2008 | N/A |
| SD08A/0328 (ABP PL06S. 231394) | Permission was refused on appeal to Weston Limited for the construction of 6 No. conjoined light aircraft hangers located to the northeast of the existing hangars at the northern end of the airport and all associated site works and services on 20 March 2009. ABP's decision was subject to an application for Judicial Review. However, the Court held that none of the arguments advanced met the standard of showing substantial grounds to initiate proceedings and the application was dismissed. Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD08A%2F0328 – Documents Available Online Link to ABP - https://archive.pleanala.ie/en-ie/case/231394 | 15/05/2008 | Refused on Appeal 20/03/2009 | N/A |
| SD08A/0729 (ABP PL06S. 233306) | Permission was granted on appeal to Weston Limited for the retention of existing access (to the former airport buildings) from R403 (Celbridge Road) for emergency purposes and for permission for the erection of a security fence on the airport side of the existing access. Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD08A%2F0729 – Documents Available Online Link to ABP - https://archive.pleanala.ie/en-ie/case/233306 | 20/10/2008 | Grant on Appeal 20/07/2009 | Access from R403 GRANTED |
| SD08A/0779 (SDCC) (ABP PL06S.232683) & 082018 (KCC) | Permission was sought from <i>both</i> SDCC and Kildare County Council (KCC) for permission to relocate the existing runways 07 & 25 to midway between the airport boundaries, incorporating the existing stopway to include the provision of Precision Approach Path Indicators (PAPIs). The proposed development includes runway end safety areas of 130m. The application sought to retain the existing runway category (ICAO Code 2b) and aerodrome licensing requirements on aircraft size. It is stated that nothing in the application increases the size or capacity of aircraft to that currently using the airport. The proposed runway distance was 1,199m, the | 14/11/2008 | Both Refused on Appeal 23/09/2009 17/08/2010 | N/A |



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| <p>(ABP PL09.2351 46)</p> | <p>full extent of ICAO Code 2b limitations. The application stated that the development proposed was solely in the interest of increased safety standards and the promotion of noise abatement.</p> <p>SDCC issued a Notification of a Decision to grant permission, while Kildare County Council refused permission. On appeal to An Bord Pleanala both applications were refused permission on and 23 September 2009 and 17 August 2010, respectively.</p> <p>Link to application – SDCC - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD08A%2F0779&regref=SD08A%2F0779 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/232683</p> | | | |
| <p>SD11A/02 21 (ABP PL.06S.23 9891)</p> | <p>Permission was granted on appeal to Fallowvale (In Receivership) for retention of change of use and amendments to previously permitted and existing development (Reg. Ref. SD05A/0313 - ABP Ref. PL06S.213052 as modified by SD07A/0842) consisting of: (1) retention of change of use of 574sq.m. from ancillary fire station accommodation to aviation related educational use at ground and first floor level including associated modifications to internal layout and removal of Condition 3 of ABP Ref. PL06S.213052 (relating to sole use of the Fire Station for accident and emergency services only) to effect the same; (2) retention of new mezzanine level (over first floor level) with a total gross floor area of 280sq.m. including the provision of 3 no. aircraft simulators and use as ancillary aviation related educational space; (3) retention of advertising signage on glazed entrance on western elevation all at the Fire Station building.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD11A%2F0221&regref=SD11A%2F0221 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/239891</p> | <p>12/09/2011</p> | <p>Grant 23/01/2013</p> | <p>Change of use (to aviation education) and internal modifications to fire station</p> <p>GRANTED</p> |
| <p>ED13/003 5</p> | <p>Declaration Under S5³ - Declared Exempt & Not Exempt – The repositioning of existing fuel tanks used for the storage of aviation fuels (Jet A1 and AvGas) and the upgrading of bund walls and security fencing surrounding these tanks. In addition, the existing emergency access gate from the private road is to be repositioned and converted for use to access this bunded fuel storage, and a replacement emergency access gate, also onto the private road, is to be provided immediately to the west of the repositioned gate. The above is to facilitate the safe and secure storage of aviation fuels on the site, a function which is ancillary to its operations as an airport.</p> <p>The Planning Authority found that the repositioning of fuel tanks and associated bunding would constitute development, and would require appropriate assessment screening to assess the impact of the surface water run-off. The steel mesh paladin security fencing and new emergency gates and alterations to existing entrance is considered exempted development.</p> | <p>28/08/2013</p> | <p>Declared Exempt & Not Exempt 26/09/2013</p> | <p>Despite Reg. Ref. SD05A/031 (Condition No. 3), restricting all traditionally 'exempted development', ABP rules in favour of exempted development in relation to security fencing in this case.</p> |

³ A Section 5 Declaration is obtained from a Planning Authority to give a developer certainty as to what works are 'development' and which of those works that are 'development' are considered 'exempt' in the context of the *Planning and Development Regulations 2001* (as amended), and are therefore not required to obtain planning permission.



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| | <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=ED13%2F0035&regref=ED13%2F0035</p> | | | See Section 4.2 of this Report for further discussion |
| <p>SD14A/0251 (ABP PL06S.244 512)</p> | <p>Permission was granted for Internal and external alterations to the approved Ancillary Fire Station and Education Building (permitted under Reg. Ref. SD11A/0221 - PL09.239891) to enhance the existing aviation-specific education facilities and some minor alterations to the existing car park to facilitate bus and bicycle parking; the proposed internal modifications include enhanced training facilities and reconfigured emergency services accommodation at ground and first floor levels; the extension of the existing mezzanine floor southwards over the fire station to facilitate the utilisation of this floorspace for the provision of aviation related training and education; the proposed external modifications include the provision of an additional building entrance surrounded by glazed panelling (corresponding in height to the existing); emergency access to the revised fire station and 8 windows, all on the western (front) elevation of the building; the installation of 3 windows on the southern elevation and all ancillary works necessary to facilitate the development; alterations to the existing car park will be restricted to the conversion of 14 car parking spaces to 3 bus parking spaces and the installation of parking rails for 32 bicycles.</p> <p>Condition No. 2 of this permission states that <i>'the numbers of student, trainees and staff using the building at any one time shall be a maximum of 100. No increase in this number or change of use within the training g and fire station building shall take place without a prior grant of planning permission by the planning authority or An Bord Pleanála on appeal.'</i></p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD14A%2F0251&regref=SD14A%2F0251 – Documents Available Online</p> <p>*TPA were advised that Weston Aviation Academy Ltd. did not proceed with the development granted by this planning permission.</p> | 27/11/2014 | Grant 30/06/2015 | <p>Internal and external modifications to existing fire station and aviation education building, as well as the revision of existing car park to accommodate bus set-down area and bicycle parking</p> <p>GRANTED but not commenced*</p> |
| <p>ED14/0038</p> | <p>Declaration Under S5 - Declared Exempt & Not Exempt – 1. Revision of the position of the visual navigational aids (runway markings) to facilitate the inclusion of Runway End Safety Areas (RESAs) at both ends of the licenced runway of Dublin Weston Airport (DWA) as required by EU Regulation 139/2014 and the Irish Aviation Authority (IAA) the competent authority for the purposes of licensing and regulating airports and aerospace in Ireland. 2. The installation of additional visual navigational aids (consisting of runway lighting and precision approach pathway indicators or PAPIs) 3. The decommissioning (closure) of part of a parallel taxi way that is not currently required. 4. The section of the licensed, permitted runway, as referred to by An Bord Pleanála inspector Robert Speer in the assessment of South Dublin County Council Reg. Ref.SD08A/0779 and Kildare County Council Reg. Ref. 08/2018, having regard to the planning history and factual circumstances described more fully within the application.</p> <p>The Planning Authority found that all of the items queried constituted 'development', and with the exception of the section of 'licensed, permitted runway', which is not exempted development, each item is</p> | 05/12/2014 | Declared Exempt and Declared Not Exempt 09/01/2015 | <p>Despite Reg. Ref. SD05A/031 (Condition No. 3), restricting all traditionally 'exempted development', ABP rules in favour of exempted development in relation to navigational aids</p> |



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| | <p>also considered exempted development as the Planning and Development Regulations 2001 (as amended).</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=ED14%2F0038 – Documents Available Online</p> | | | (runway markings and associated lighting) in this case. See Section 4.2 of this Report for further discussion |
| SD14A/0259 | <p>Permission was granted for a new bund enclosure surrounding the existing fuel storage facility; the removal of the existing bund structure to facilitate the construction of this new bund enclosure, along with the internal relocation of two existing fuel tanks within the fuel storage facility; all associated ancillary site development works; the proposed development is intended to facilitate the safe and secure storage of aviation fuels within a fully bunded enclosure; the above development will take place in conjunction with the erection of new security fencing; alterations to the entrance points and new emergency gates, classified as exempted development under Reg. Ref. ED13/0035.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD14A%2F0259 – Documents Available Online</p> <p>*TPA were advised that Weston Aviation Academy Ltd. did not proceed with the development granted by this planning permission.</p> | 01/12/2014 | Grant 20/11/2015 | Replacement bunds associated with the existing fuel storage facility GRANTED but not commenced* |
| SD15A/0311 | <p>Permission was Invalidated for Weston Aviation Academy Ltd. for Retention for a portion of paved runway abutting the administrative boundary with Co. Kildare and bound on either side by new runway shoulders permitted under Reg. Ref. SD05A/0924.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=SD15A%2F0311 – Documents Available Online</p> | 19/10/2015 | Invalidated 23/10/2015 | N/A |
| LS06S.LS0024 | <p>Leave to appeal a substitute consent application to An Bord Pleanala for part of runway.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=LS06S.LS0024 – Documents Available Online</p> | 23/12/2015 | Leave to appeal 15/02/2016 | N/A |
| SD18A/0001 | <p>Permission was refused for Retention of garage for the sale/hire of cars, 2 portacabins, signage and ancillary site works in conjunction with the operation of Weston Airport.</p> <p>Link to application - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD18A%2F0001&regref=SD18A%2F0001 – Documents Available Online</p> | 02/01/2018 | Refuse 26/02/2018 | N/A |



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| <p>ED18/0018 (ABP 302457-18)</p> | <p>Declaration Under S5 - Declared Exempt & Not Exempt – Section 5 Referral submitted by Weston Aviation Academy Ltd. (WAAL) for revision of the position of the visual navigational aids (runway markings); and the decommissioning of part of a parallel taxiway.</p> <p>The Planning Authority found that the revision of the position of visual navigational aids (runway markings) would constitute development, and is not considered exempted development. The decommissioning of part of a parallel taxiway is development, and is considered exempted development.</p> <p>Link to application – http://www.sdublincoco.ie/Planning/Details?p=1&l=weston%20airport&regref=ED18%2F0018 – Documents Available Online</p> <p>Link to ABP - https://www.pleanala.ie/en-ie/case/302457</p> | <p>09/07/2018</p> | <p>Declared Exempt and Not Exempt</p> <p>03/04/2019</p> | <p>Despite Reg. Ref. SD05A/031 (Condition No. 3), restricting all traditionally 'exempted development', ABP rules in favour of exempted development in relation to the decommissioning of a taxiway, and against exempted development in relation to navigational aids (runway markings) in this case. See Section 4.2 of this Report for further discussion</p> |

Planning History Associated with Weston Aerodrome (Kildare County Council)

| Reg. Ref. | Description of Development | Lodged | Decision | Key Info Arising |
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| 98/0876 | Permission was granted to Weston Aerodrome Ltd. For the provision of a 475 m long by 23 m wide paved stopway / clearway and a small infill paved area o50.9 m long x 2.3 m wide to the existing runway with associated fencing and drainage at Weston Aerodrome on 21 October 1998. | 10/06/1998 | Granted 21/10/1998 | 457m x 23m stopway/clearway and 50.9m x 23m 'small infill paved area' GRANTED |
| 04/2141 (ABP PL06S.21 3348) | Permission was refused to Weston Ltd for the refurbishment and change of use, and retention of refurbishment and for the retention of change of use, of farmyard buildings to the storage of light aircraft on 20 December 2005. (KCC issued a Notification of a Decision to Grant which was subsequently refused on appeal.) Permission was refused by ABP on the basis that the <i>'location of the site in an isolated and separate location away from the main aerodrome'</i> would facilitate the <i>'intensification of use of the aerodrome in a piecemeal way'</i> and would conflict with permission granted under PL06S.131149 <i>'which provided for the overall reordering of the aerodrome'</i> | | Refused on Appeal 20/12/2005 | Farmyard buildings and the use of farmyard buildings for storage of aircraft now clearly 'unauthorised' |
| 05/453 | Incomplete planning application submitted for the retention of earthen embankment (acoustic barrier), 341 metres long, varying in height from 2.5 metres to 4 metres and average width of 4.5 metres. | 09/03/2005 | N/A | N/A |
| 05/1792 * | Incomplete planning application submitted for the retention of earthen embankment (acoustic barrier), 341 meters long, varying in height from 2.5 meters to 4 meters and average width of 4.5 meters. *No documents online. | 26/07/2005 | N/A | N/A |
| 05/2297 | Permission was granted to Weston Ltd. for the retention of earthen embankment (acoustic barrier), 341 meters long, varying in height from 2 meters to 2.6 meters and average width of 6.5 meters on 3 March 2006. | | Grant 03/04/2006 | Regularisation of existing berm which had been the subject of Enforcement Action (see Section 3.3.2 of |



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| | | | | this Report) |
| 05/2699 | Incomplete planning application submitted for the retention of tarmacadamed hard shoulder to runway and stopway / clearway, approx. 3.5 m wide to either side of the runway and the stopway. | | | N/A |
| 06/74* | Incomplete planning application submitted for the retention of tarmacadamed hard shoulder to runway and stopway / clearway, approx. 3.5 m wide to either side of the runway and the stopway. *No documents online. | | | N/A |
| 06/334 (ABP PL09.218 796) | Permission was granted on appeal to Weston Ltd retention of tarmacadamed hard shoulder of approximately 3.4 m to runway and stopway / clearway on 6 February, 2009. Condition 1 specified that: <i>'This permission shall not be construed as permitting: -</i> <i>(a) any increase in aircraft movements over and above existing aircraft movements, as applicable on previous split decision by An Bord Pleanala under Appeal Reference Number PL06S. 131149 on the 5th day of December, 2003, where an aircraft movement is defined as a full take off or landing and does not include "touch and go" training exercises, or</i> <i>(b) any material change in the type or capacity of existing aircraft using the aerodrome, as applicable on the said previous split decision by An Bord Pleanala under Appeal Reference Number PL06S. 131149. Any material increase or change shall be subject to a separate planning permission.</i> <i>Reason: In the interest of clarity and to allow for a full assessment of any significant impacts that may arise from such increase or change in the existing use of the aerodrome.'</i> Condition 2 requires that <i>'the stop way/clearway shall not be used for the take-off of aircraft'</i> . Condition No. 3 requires that the hard shoulder shall be 'clearly delineated with white line markings of appropriate width in accordance with the standard requirements of the Irish Aviation Authority. | | Grant 06/02/ 2009 | Hard shoulders (3.4 m), clearly demarcated with white lines, either side of the existing runway GRANTED |
| 06/605 (ABP PL09. 218021) | Permission was granted on appeal to Ryder Cup Limited for the temporary use of lands as a park and ride facility for the period 19 - 24 of September, 2006 on 9 August 2006 | | Grant on Appeal 09/08/ 2006 | N/A |



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| <p>08/1930 *</p> | <p>Incomplete - to centrally relocate the existing runways 07 and 25 to midway between the airport boundaries, incorporating the existing stopway, to include the provision of Precision Approach Path Indicators (PAPIs). Etc</p> <p>*No documents online.</p> | <p>04/11/ 2008</p> | | <p>N/A</p> |
| <p>08/2018 (KCC) (ABP PL09.235 146) & SD08A/0 779 (SDCC) (ABP PL06S.23 2683)</p> | <p>Permission was sought from both KCC and South Dublin County Council (SDCC) for permission to relocate the existing runways 07 & 25 to midway between the airport boundaries, incorporating the existing stopway to include the provision of Precision Approach Path Indicators (PAPIs). The proposed development included runway end safety areas of 130m. The application sought to retain the existing runway category (ICAO Code 2b) and aerodrome licensing requirements on aircraft size. It is stated that nothing in the application increases the size or capacity of aircraft to that currently using the airport. The proposed runway distance was 1,199m, the full extent of ICAO Code 2b limitations. The application stated that the development proposed was solely in the interest of increased safety standards and the promotion of noise abatement.</p> <p>SDCC issued a Notification of a Decision to grant permission, while Kildare County Council refused permission. On appeal to An Bord Pleanala both applications were refused permission on and 23 September 2009 and 17 August 2010, respectively.</p> <p>Permission refused because:</p> <p><i>'[...] neither the application nor the Environmental Impact Statement (EIS) has adequately identified the baseline air traffic types and volumes permitted or those types and volumes using the aerodrome in recent years, nor identified any changes that would be facilitated by the proposed development.'</i></p> <p>Link to application – SDCC - http://www.sdublincoco.ie/Planning/Details?p=1&r=SD08A%2F0779&regref=SD08A%2F0779 – Documents Available Online</p> <p>Link to ABP - https://archive.pleanala.ie/en-ie/case/232683</p> | <p>14/11/ 2008</p> | <p>Both Refuse d on Appeal</p> <p>23/09/ 2009</p> <p>17/08/ 2010</p> | <p>N/A</p> |