



Planning and Environmental Policy Group

Control of Development in Airport Public Safety Zones

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Control of Development in Airport Public Safety Zones

This document contains the Government's general policy advice on Public Safety Zones and sets out the planning controls which will apply to development within these zones in Northern Ireland. It has been prepared by the Department of the Environment in close consultation with the Department for Regional Development and the Department for Transport (DfT) and incorporates policy guidance produced by the DfT for implementation throughout the UK by local and regional authorities with powers to control development and to restrict the use of land.

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PREAMBLE

The Secretary of State for Transport and the Civil Aviation Authority are responsible for civil aviation safety throughout the UK. The Department for Transport also maintains a policy to control activity and development within Public Safety Zones close to the ends of airport runways. The basic policy objective is that there should be no increase in the number of people living, working or congregating in Public Safety Zones and that, over time, the number should be reduced as circumstances allow.

Air travel is a low risk and safe means of transport. The UK has an excellent air safety record, which is almost twice as good as the world-wide average and is among the best in Europe. Even with the increases in air traffic in recent years, the number of accidents involving large commercial aircraft has approximately halved compared with 30 years ago. However, this is no reason for complacency.

Aircraft accidents do still sometimes happen and the information collected about them shows that the normal phases of flight that carry more risk are landing and take-off. For this reason successive governments have maintained a system of Public Safety Zones at the busiest civil airports since 1958. There are currently 150 licensed airports in the UK and 30 of them have Public Safety Zones.

Public Safety Zone policy in large part relies on planning control to restrict development, including the future use of land. The Department of the Environment is responsible for planning control in Northern Ireland. The Department¹ is required to ensure that any policy it brings forward for the development of land is in general conformity with the Regional Development Strategy for Northern Ireland.

This document contains the Government's general policy advice on Public Safety Zones and sets out the planning controls which will apply to development within these zones in Northern Ireland. It has been prepared by the Department in close consultation with the Department for Regional Development (DRD) and the Department for Transport (DfT) and incorporates policy guidance produced by the DfT for implementation throughout the UK by local and regional authorities with powers to control development and to restrict the use of land.

In exceptional cases the Public Safety Zone policy may also require airports to take steps to acquire properties with a view to demolishing them and clearing the land if, within certain parts of the zones, third party risks are assessed as being above tolerable levels. In some cases an alternative use for the land may be acceptable. DRD has powers to assist airports in Northern Ireland with compulsory purchase and to obtain rights over land.

In tandem with the publication of this policy document revised Public Safety Zones have been issued for George Best Belfast City Airport and Belfast International Airport by the Department for Transport (DfT).

¹ All references in this document to the Department relate to the Department of the Environment unless otherwise stated.

These Public Safety Zones have been prepared by DfT, and are in the format of maps relating to each airport. For ease of reference these have been appended to this document.

This document sets out the Department's policy for controlling development within Public Safety Zones for the relevant runways at George Best Belfast City Airport and Belfast International Airport. This document supersedes Policy PSU 3 of the Planning Strategy for Rural Northern Ireland insofar as it relates to Public Safety Zones. In addition those provisions of the Belfast Harbour Local Plan 1990-2005 and the Antrim Area Plan 1984 – 2001 which relate to Airport Public Safety Zones are also superseded. Future development plans will take account of and be consistent with this document.

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by Government Departments are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.

This policy document has been subject to an equality impact screening exercise in line with the statutory obligation contained in Section 75 of the Northern Ireland Act 1998. The outcome of this exercise indicates that the document is unlikely to have any significant adverse implications for equality of opportunity or community relations.

CONTROL OF DEVELOPMENT IN AIRPORT PUBLIC SAFETY ZONES

The basic policy objective

1. Public Safety Zones are areas of land at the ends of the runways at the busiest airports in the UK, within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing. In Northern Ireland the airports affected are currently George Best Belfast City Airport and Belfast International Airport. The level of risk around less busy airports like City of Derry and smaller aerodromes does not warrant the introduction of Public Safety Zones, but the position is kept under review where traffic levels are increasing.
2. Responsibility for air safety issues, including Public Safety Zone policy throughout the UK, is a matter for the Secretary of State for Transport and the Civil Aviation Authority while land use planning is a devolved matter. The basic policy objective governing the restriction on development near civil airports is that there should be no increase in the number of people living, working or congregating in Public Safety Zones and that, over time, the number should be reduced as circumstances allow.

Individual risk contour modelling

3. The implementation of Public Safety Zone policy at civil airports is based on modelling work carried out using appropriate aircraft accident data to determine the level of risk to people on the ground around airports. This work determines the extent of individual risk contours, upon which a person remaining in the same location for a period of a year would be subjected to a particular level of risk of being killed as a result of an aircraft accident. Public Safety Zone policy is based predominantly on individual risk, while extending beyond it in relation to particular types of development such as transport infrastructure and to temporary uses. The areas of the Public Safety Zones correspond essentially to the 1 in 100,000 individual risk contours as calculated for each airport, based on forecasts about the numbers and types of aircraft movements fifteen years ahead. The Public Safety Zones represent a simplified form of the risk contours, in order to make the Zones easier to understand and represent on maps, and also in recognition of the necessarily imprecise nature of the forecasting and modelling work. In some cases the resultant shape of the Public Safety Zones is that of an elongated isosceles triangle. In others the triangle is slightly modified to form an elongated five-sided shape. In all cases the Public Safety Zones are based on the landing threshold for each end of the runway and taper away from the runway.
4. The Public Safety Zones are based upon risk contours modelled for fifteen years ahead, in order to allow a reasonable period of stability after their introduction. The Public Safety Zones should be of sufficient size to allow

for possible future growth in the number of aircraft movements, without affecting unnecessarily large areas of land. The Department for Transport will arrange for third party individual risk contours around airports to be remodelled at intervals of about seven years, based on forecasts about the numbers and types of aircraft movements fifteen years ahead. It is likely that this will lead to the redefinition of the Public Safety Zones, though the changes will not necessarily be significant. In the meantime the contours will be remodelled in the event that a significant expansion of an airport is approved which has not already been assumed in the modelled risk contours. In addition the Public Safety Zones will need to be redefined if a runway is extended or if a landing threshold is moved.

Risk appraisal

5. The basis of the policy of restricting new development within Public Safety Zones is constrained cost-benefit analysis. This is a risk appraisal principle under which individual risk is reduced to a tolerable level irrespective of cost, and then further reduced only if the benefits of doing so exceed the costs. Within the Public Safety Zones there are safety benefits from preventing any new or replacement development, or change of use, which would result in an increase in the numbers of people within the Zones. The economic costs of removing existing development throughout the Zones, however, would outweigh the safety benefits of doing so, and the Secretary of State for Transport has therefore confirmed that he is not proposing that course.
6. Although the boundaries of the Public Safety Zones correspond essentially to the 1 in 100,000 individual risk contour, the level of risk in some areas within the Zones may be much higher. The Secretary of State for Transport regards the maximum tolerable level of individual third party risk of being killed as a result of an aircraft accident as 1 in 10,000 per year. At some UK airports the 1 in 10,000 individual risk contour extends beyond the airport boundary, however the Department is not aware of any occupied development within the 1 in 10,000 risk contours at the George Best Belfast City Airport or Belfast International Airport.

Purchase of property by airport operators

7. At those airports where there are premises within the 1 in 10,000 risk contour the Secretary of State for Transport wishes to see the emptying of all occupied residential properties and of all commercial and industrial properties occupied as normal all-day workplaces. In cases where any part of a residential property falls within this contour the Secretary of State for Transport will expect the operator of an airport for which new Public Safety Zones have been established to make, within twelve months, an offer to purchase the property or, at the option of the owner, such part of its garden as falls within this contour. In addition the Secretary of State for Transport

will expect such operators to offer to purchase, in whole or in part, a commercial or industrial property if that property, or the relevant part of it, is occupied as a normal all-day workplace and falls within this contour. If the part of the property in question is discrete or self-contained, and its loss would not materially affect the business concerned, only that part need be the subject of such an offer. Otherwise the airport operator should offer to purchase the entire property. In the case of airports for which Public Safety Zones are established or redefined after the date of this document the Secretary of State for Transport will expect the operators to make such an offer, where applicable, within twelve months of the notification of the Public Safety Zones and of the 1 in 10,000 individual risk contours.

8. The Secretary of State for Transport will expect all such offers to be kept open indefinitely. If an owner wishes to sell a property, the airport operator will be expected to have regard to the land compensation provisions set out in statute. Airport operators will be expected to demolish any buildings purchased and to clear the land though in certain limited cases, such as if a scheduled monument is involved, demolition will not be appropriate. In some cases an alternative use for the land may be acceptable. Airports, whose charges are subject to regulation by the Civil Aviation Authority or which are owned by a District Council may acquire the necessary land compulsorily. The operators of such airports can apply to the Department for Regional Development, which has powers to make vesting orders under Article 3 and Article 17 of the Airports (Northern Ireland) Order 1994.

Establishment of Public Safety Zones

9. It is the intention of the Secretary of State for Transport to establish Public Safety Zones as soon as possible at all UK airports for which modelling work produces 1 in 100,000 individual risk contours of a sufficient size to justify doing so. Thereafter they may from time to time be established at other airports if the modelled level of individual third party risk in their vicinity fifteen years ahead justifies this. It is as part of this process that new Public Safety Zones for the relevant runways at the George Best Belfast City Airport and Belfast International Airport have now been established and these are indicated on the maps appended to this document.

Role of planning control

10. From the early 1980s day-to-day administration of Public Safety Zone policy was carried out on behalf of the Department for Transport by the Civil Aviation Authority (CAA). The Department as the body responsible for planning control in Northern Ireland, consulted with the CAA about any planning applications for development within the boundaries of Public Safety Zones, and the CAA offered advice based on guidelines issued to it by DfT. But the CAA is no longer involved in Public Safety Zone administration.

11. This document contains guidance which will be employed by the Department in deciding planning applications and the consideration of road proposals affecting land within Public Safety Zones. In view of the work undertaken by DfT there will not be a need for the Department to undertake separate risk assessments for individual proposals. Nor will it normally be necessary to consider whether the granting of an individual planning application would lead to an increase in the number of people living, working or congregating in the Public Safety Zone: the specific guidance contained in paragraphs 12 to 14 indicates whether or not particular types of development are acceptable.

General presumption against development within Public Safety Zones

12. There will be a general presumption against new or replacement development, or changes of use of existing buildings, within Public Safety Zones. In particular, no new or replacement dwelling houses, mobile homes, caravan sites or other residential buildings will be permitted. Nor will new or replacement non-residential development be permitted. Exceptions to this general presumption are set out below in paragraphs 13 and 14.

Development permissible within Public Safety Zones

13. Two types of exception to the general presumption may be permitted within those parts of Public Safety Zones outside any 1 in 10,000 individual risk contours.

First, it is not considered necessary to refuse permission on Public Safety Zone grounds for the following forms of extension or change of use:

- an extension or alteration to a dwelling house which is for the purpose of enlarging or improving the living accommodation for the benefit of the people living in it, such people forming a single household, or which is for the purpose of a 'granny annex';
- an extension or alteration to a property (not being a single dwellinghouse or other residential building) which could not reasonably be expected to increase the number of people working or congregating in or at the property beyond the current level or, if greater, the number authorised by any extant planning permission; and
- a change of use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission.

Second, certain forms of new or replacement development which involve a low density of people living, working or congregating may be appropriate. Examples of these might include:

- long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);
 - open storage and certain types of warehouse development. 'Traditional' warehousing and storage use, in which a very small number of people are likely to be present within a sizeable site, is acceptable. But more intensive uses, such as distribution centres, sorting depots and retail warehouses, which would be likely to entail significant numbers of people being present on a site, will not be permitted. In granting planning permission for a warehouse, the Department will seek to attach conditions which would prevent the future intensification of the use of the site and limit the number of employees present;
 - development of a kind likely to introduce very few or no people on to a site on a regular basis. Examples might include unmanned structures, engineering operations, buildings housing plant or machinery, agricultural buildings and operations, buildings and structures in domestic curtilage incidental to dwelling house use, and buildings for storage purposes ancillary to existing industrial development;
 - public open space, in cases where there is a reasonable expectation of low intensity use. Attractions such as childrens' playgrounds will not be permitted in such locations. Nor will playing fields or sports grounds be permitted within Public Safety Zones, as these are likely to attract significant numbers of people on a regular basis;
 - golf courses, but not clubhouses; and
 - allotments.
14. Paragraphs 6 to 8 set out the general policy in relation to buildings and land within any 1 in 10,000 individual risk contours. The principal feature of that policy is that people are not expected to live or have their workplaces within such areas. Consequently very few uses will be appropriate within this risk contour. But certain forms of development which involve a very low density of people coming and going may be appropriate within it. Examples of these might include:
- long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);
 - built development for the purpose of housing plant or machinery, and which would entail no people on site on a regular basis. Examples might include boiler houses, electricity switching stations or installations associated with the supply or treatment of water; and
 - golf courses, but not clubhouses.

Reference to the Department for Transport

15. The Department may exceptionally receive planning applications for other forms of development on sites within Public Safety Zones for which it may consider that there is a reasonable expectation of low-density occupation, and may therefore be minded to grant planning permission. In such cases the Department will normally seek advice from the Airports Policy Division of the Department for Transport who can indicate whether the proposed development is consistent with the general thrust of Public Safety Zone policy.

Planning conditions

16. In appropriate cases the Department will use suitably-worded planning conditions in order to limit the number of people who might be expected to be present on site at any time.

Transitional arrangements

17. Planning permissions are valid for five years or for a specified alternative period, and the Department may have granted planning permission in relation to sites which were not within Public Safety Zones at the time when the permissions were granted. Similarly, the Department may have granted outline planning permission in relation to such sites but not yet considered applications for permission for the details. The Secretary of State for Transport is not seeking the revocation or modification of an unimplemented planning permission during its lifetime. Nor is he seeking the refusal of planning permission on Public Safety Zone policy grounds when an application for the approval of details comes to be considered, provided that the approval of such an application does not result in a greater number of people on the site than would have been appropriate for the type of use for which the outline permission was granted. On the other hand, if a planning permission has not been implemented by the time it expires, any application for an extension of the permission will now be considered afresh in the light of the specific guidance contained in paragraphs 12 to 14 above.

Development not requiring express planning permission

18. Where the exercise of permitted development rights would encourage more people on to land within a Public Safety Zone, consideration will be given by the Department as to whether a direction made under Article 4 of the Planning (General Development) Order would be appropriate. Relevant circumstances might include the temporary use of land within a Public Safety Zone for the holding of a market or its proposed use as a caravan site.

Transport infrastructure

19. Although transport infrastructure within Public Safety Zones is typically used by any one person for only a short period at a time, a large number of people can be using a particular facility at any particular time. The density of occupation of a six lane motorway or a main line railway, averaged over a day, is similar to that of a housing development. Transport infrastructure is therefore considered for Public Safety Zone policy purposes as if it is residential, commercial or industrial development. As with those forms of development, it is not considered necessary to remove existing transport infrastructure from within Public Safety Zones. But new transport infrastructure such as railway stations, bus stations and park and ride schemes will not be permitted within Public Safety Zones, as they would result in a concentration of people for long periods of the day. The planning of new transport links requires careful consideration. Although people passing along a transport route are likely to be within the Public Safety Zone for only a very small part of the day, the average density of occupation within the Zone may be significant, and as high as that for fixed development. Individual schemes will therefore be considered on their merits. Proposals for major roads and motorways will be carefully assessed in terms of the average density of people that might be expected to be exposed to risk. Careful attention should also be given to the location of major road junctions and to related features such as traffic lights and roundabouts which may lead to an increase in the number of stationary vehicles within a Zone. Low-intensity transport infrastructure, such as minor or local roads, can be permitted within Public Safety Zones.

Official searches

20. The Department will maintain a record of all Airport Public Safety Zones notified to it by the Department for Transport and make this information available on the Planning Service website. In addition the existence of a PSZ and the associated policy framework contained in this document will be highlighted in the Department's Property Certificate returns when a search identifies that a property, or part of it, lies within such a zone.

Purchase notices and compensation payable by the Department of the Environment

21. While the refusal of planning permission on public safety policy grounds does not carry with it an automatic entitlement to compensation, under the provisions of part VIII of the Planning (NI) Order 1991 it may nonetheless be possible to require the Department to purchase land in relation to which an application for planning permission has been refused. In order to succeed under those provisions however, it must be demonstrated that the refusal has thereby rendered the land incapable of reasonably beneficial use. Similar provisions apply where planning permission has been granted subject to conditions and it can be demonstrated that the land to which the permission relates cannot be rendered capable of reasonably beneficial use by implementing the permission in accordance with such conditions.

Article 14 of the Airports (Northern Ireland) Order 1994

22. Any licensed airport in Northern Ireland may be required to pay compensation in respect of a planning decision taken in relation to land within a Public Safety Zone, for the purpose of controlling the number of people on the ground at risk of being accidentally struck by an aircraft taking off or landing at that airport. Article 14 of the Airports (Northern Ireland) Order 1994 provides for recovery from the airport operator of any compensation which the Department of the Environment, as planning authority, has become liable to pay. This provision extends to planning decisions taken, or from an order which has been made, to prevent persons or buildings from being struck by aircraft using the airport.

Public Safety Zones and development plans

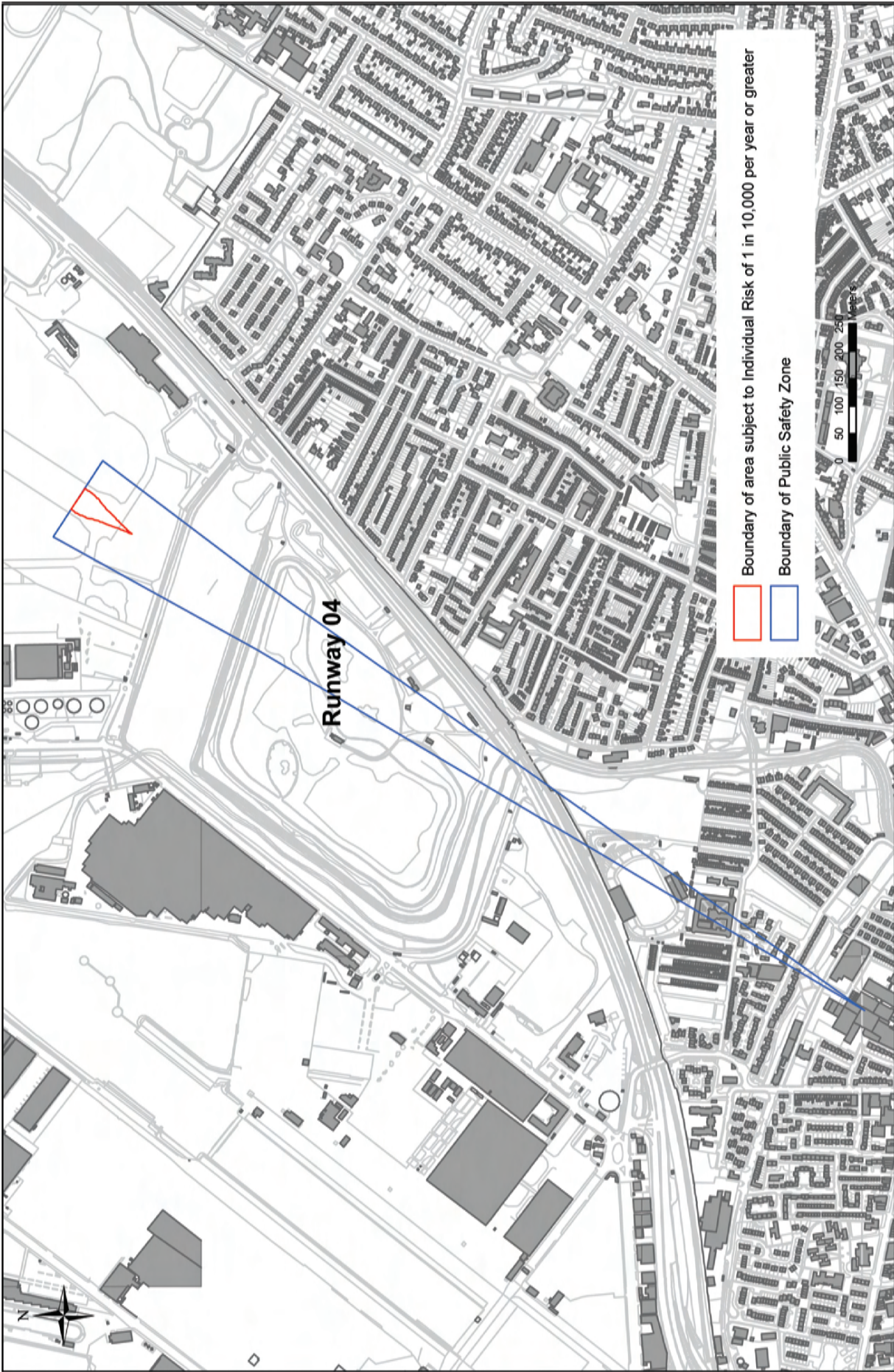
23. Public Safety Zones will be highlighted in the relevant development plan prepared by the Department of the Environment for information purposes. The development plan will also cross reference to the general presumption against development within the areas and the policy advice contained within this document.

Military aerodromes

24. The Ministry of Defence is responsible for Public Safety Zone matters at military aerodromes.

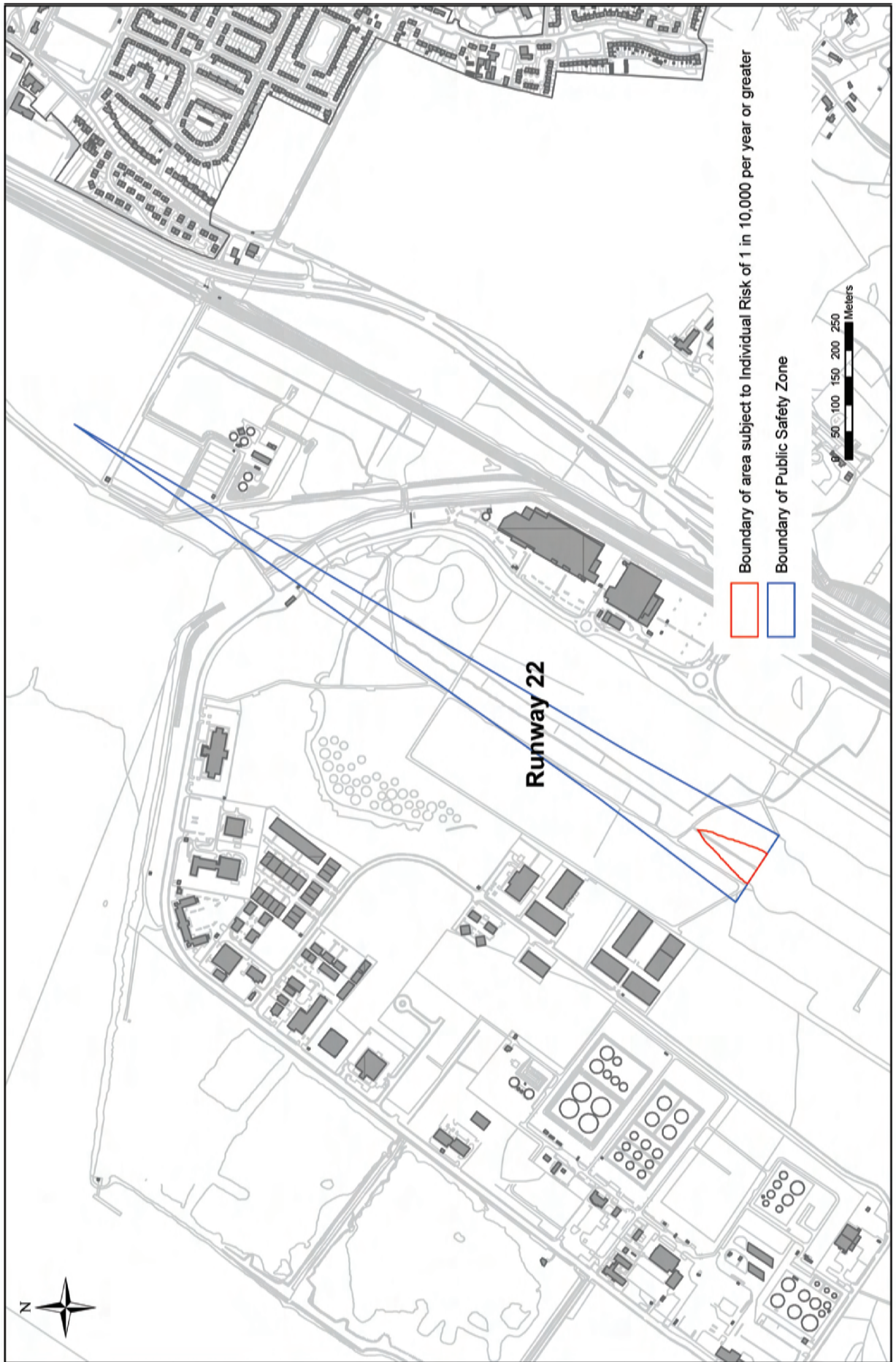
AIRPORT PUBLIC SAFETY ZONE MAPS

**Belfast City Airport - Runway 04
Public Safety Zone**



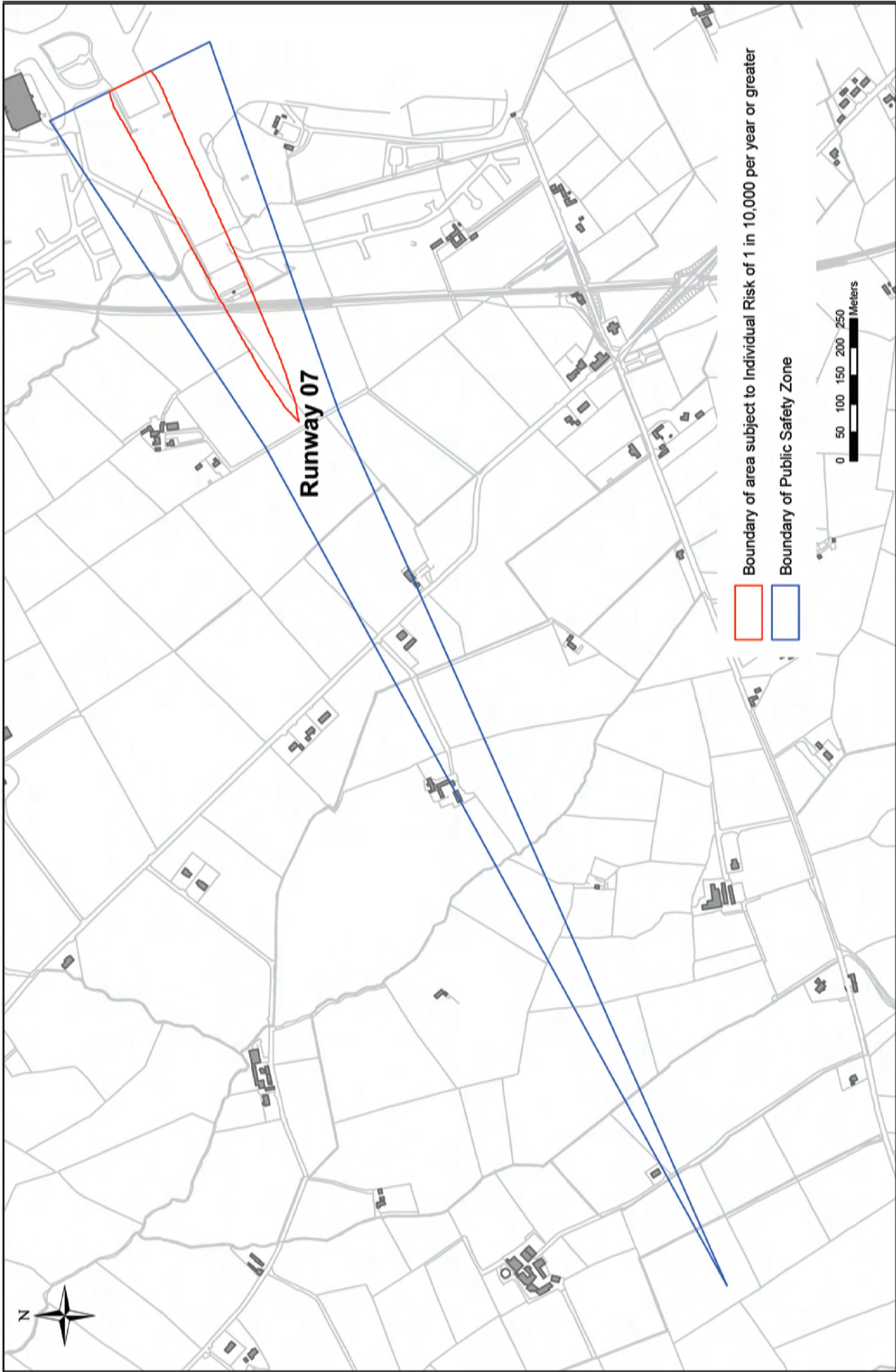
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**Belfast City Airport - Runway 22
Public Safety Zone**



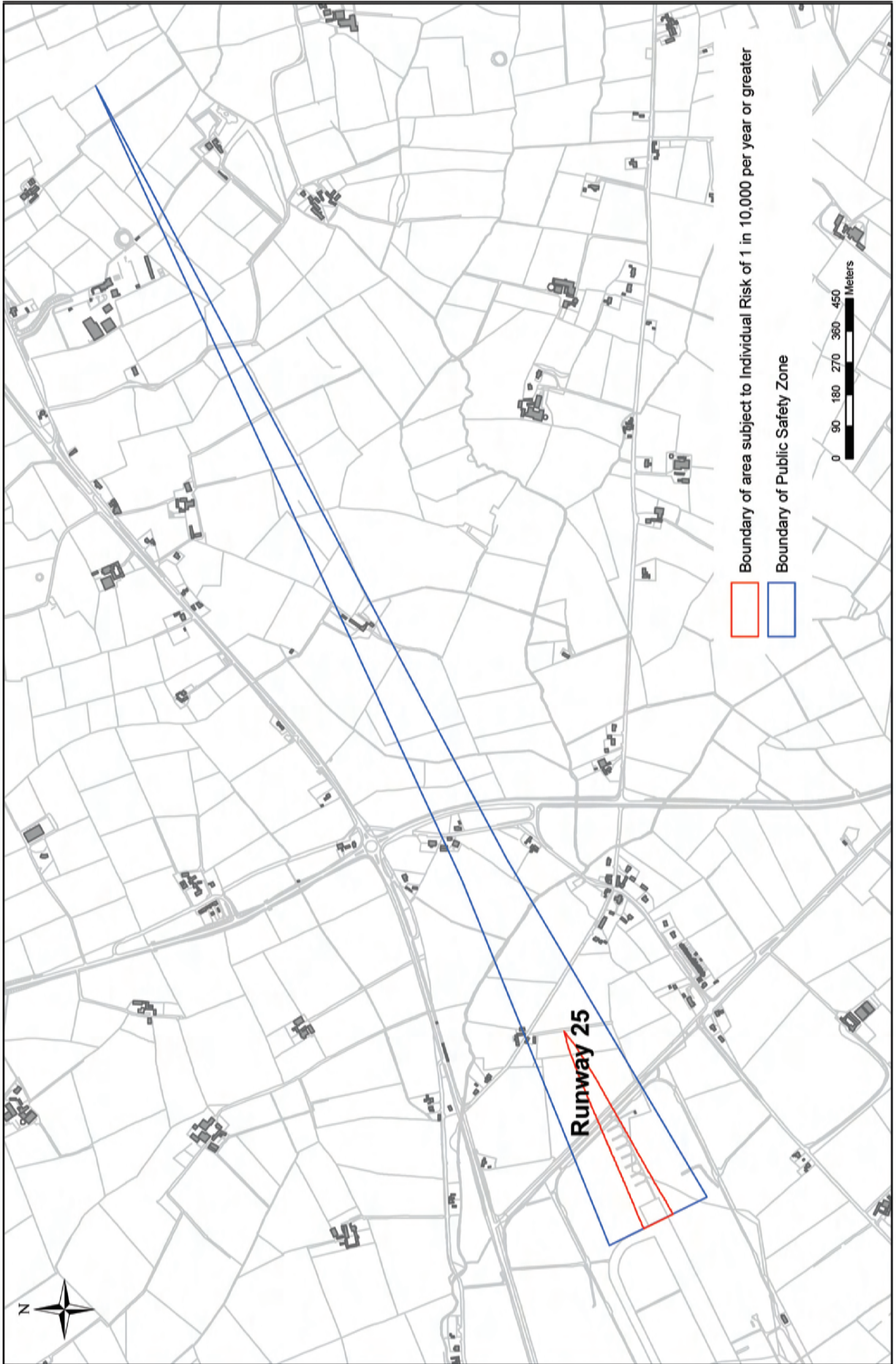
OSNI Permit No. 30010

**Belfast International Airport - Runway 07
Public Safety Zone**



OSNI Permit No. 30010

**Belfast International Airport - Runway 25
Public Safety Zone**



OSNI Permit No. 30010

