

Transfer of responsibility for Public Safety Zones – Scoping Paper

Aims

- To develop a strategy for transferring all accountability and responsibilities for Public Safety Zones (PSZs) to the CAA.
- To ensure there are effective links between Airports Policy Division within DfT and Safety Regulation Group within the CAA to develop proposals on how best to take forward the review and administration of PSZs.
- To agree who is best placed to take on the work and identify options for further devolution of responsibility where appropriate.

Objectives

- To agree a scope for the work, including identifying the policy, legal and financial issues relating to PSZs that need to be resolved before a recommendation can be made
- To delay any further reviews of PSZs (apart from those which are already underway or specific ad hoc requests) pending a decision on policy responsibility.
- To agree a timetable including milestone and risks for taking forward the work
- To secure agreement on policy responsibility for day to day work and review of PSZs.
- To agree next steps for taking work forward.
- To identify a solution by end Q2 08/09 and subject to that proceed to implement as soon as possible.

Background

1. A 2005 internal DfT review into the boundaries between DfT and the CAA concluded that CAA have more relevant expertise in this area, and that it would be more appropriate for the purposes of DfT's role in the planning process. The recommendation was that the work be transferred to CAA - and that this could happen before any wider review of the CAA - except for designated airports (Heathrow, Gatwick, Stansted), responsibility for which would stay with DfT because of their wider policy significance.
2. The Department's response was that it would not be appropriate to treat airports differently in Public Safety Zone terms and that responsibility for all UK airports should rest with the same organisation. DfT Director of Aviation David McMillan and the CAA's Sir Roy McNulty agreed in principle for responsibility for all PSZs to transfer to CAA subject to any transition issues being resolved.

Policy Background

3. PSZs are areas of land at the ends of the runways at the busiest airports, 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. 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 PSZs and that, over time, the number should be reduced as circumstances allow.
4. The PSZ system was introduced nationally in 1958 after an air crash at Manchester in the previous year and following a study of aircraft crashes over the previous 11 years.

5. PSZs are designed to maintain within the planning system a means of deterring inappropriate development in areas of very high risk close to aerodromes. This policy was confirmed in the 2003 Future of Air Transport White Paper. The White Paper made clear that the government remained committed to that objective “not to increase the number of people living, working or congregating in Public Safety Zones and, over time, to see the number reduced”. The ATWP also made clear that “where necessary, airport operators were expected to offer to buy property which lies wholly or partly within those parts of the zones where the risk is greatest”. The Government’s commitment to PSZs was reaffirmed in the 2006 Future of Air Transport Progress Report.

Policy Administration

6. Responsibility for formulating PSZ policy and guidelines for their administration is currently with the Department for Transport although the system was previously administered by the CAA who had responsibility between 1981 and 2000. The CAA agreed to take responsibility for administering the policy on the understanding that it could revert to the Central Government civil service function at any time.
7. Currently the Secretary of State undertakes this non-statutory work via his or her general duties (amongst others) under section 1(1) (c) of the Civil Aviation Act 1982 (the Act). This enables him or her to enact measures that are aimed at ensuring the safe and efficient use of civil aircraft. Work involves advising local planning authorities on applications, responding to queries from Solicitors and members of the public, issuing maps, and overseeing the revision of existing and new PSZs.
8. The DfT circular 1/2002 Control of Development in Airport Public Safety Zones¹ provides the statutory guidance to Local planning authorities in England to enable them to decide on planning applications and consider road proposals affecting land within PSZs. Guidance to the Devolved Administrations is issued by the relevant planning authorities. Others involved in the administration of PSZs include, NATS and airport authorities².

Technical Issues

9. There are currently 32³ airports with PSZs in the UK with another 2 proposed at Coventry and Blackpool subject to issues relating to Coventry’s planning appeal and confirmation from Blackpool as to their traffic forecasts and plans for dealing with risk to buildings near the airport. Reviews have historically been carried out on a 7 year cycle, although there are no particular policy reasons for this. The next reviews after this current cycle are scheduled to be conducted in 2017. A workflow diagram setting out the process for conducting reviews is at Annex A. NATS rerun the model.
10. Whilst the next review is not scheduled until 2017, the introduction of new aircraft, and changes on operation (e.g. mixed mode at Heathrow) could lead to individual airports undertaking reviews of their PSZs within a shorter cycle.
11. NATS are responsible (under contract to the Department) for operating and designing the risk contours that predict the size and shape of PSZs. This is done using the Department’s risk contour modelling and is based on data supplied from airports on

¹ <http://www.dft.gov.uk/pgr/aviation/safety/controlofdevelopmentinairpor2984>

² See Annex B – roles and responsibilities

³ See annex C – list of airports

forecasts for the next 15 years. Current PSZs are based upon risk contours modelled to 2015. To determine which airports should have PSZs, the Department considers CAA Statistics on Air Traffic Movements as well as drawing on background knowledge of the types of activities at individual airports.

12. The current policy is that PSZs should be established at those airports which are shown to average more than 1,500 ATM's a month and are likely in due course to exceed 2,500 ATM's a month. In order to allow a reasonable period of stability after their introduction, the PSZs 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 growth in traffic at all airports means that the number of PSZs has increased significantly and will continue to increase unless the limits are refined. This could be considered as part of any future review of PSZ policy.
13. The NATS PSZ model was last updated in January 2008, but is refreshed on a rolling basis to take account of changes in aircraft fleet. The model takes account of the crash frequency of individual aircraft, the crash location in relation to the runway and consequences of the crash.
14. The UK (NATS) model is well respected and is under consideration by the Australian CAA. There is no standard harmonisation of PSZs in the EU, however the UK would be keen to encourage the UK model to be adopted. A Literature review⁴ conducted by NATS in 2007 compared PSZs in three countries to determine whether any new approaches should be implemented in the UK. The report concluded that third party risk models should be continually monitored with the aim of encouraging continuous improvement in the field of PSZ risk management.

NATS Contract

15. NATS is the Department's technical adviser for third party risk assessment in the vicinity of civil airports and design of PSZs and their work for the Department is subject to independent peer review. They are very familiar with this work having developed (under contract with DfT) the methodology and model which underpins current PSZ policy. A new contract was agreed last year, running to 2012, and covers four areas - model maintenance (update), risk assessments, provision of technical advice and support, provision of evidence to planning inquiries. The former two elements have an estimated total cost of £183k; the latter two are provided on a 'call-off' basis. Of this work the model maintenance element has been signed-off by the Department.
16. DfT procurement has confirmed that providing all parties agree, DfT's current contract with NATS can be transferred to another organisation.

Legislative considerations

17. Section 1 of the Civil Aviation Act 1982 places certain functions on the Secretary of State including measures for "the promotion of safety and efficiency" of civil aviation and civil aircraft - of which PSZ policy is one element. However, while this policy has been in place now some 50 years, no specific statutory provision has been enacted. The statutory provisions covering PSZs is set out at annex D.
18. Advice from DfT legal is that the CAA could be required to undertake PSZ work if an Air Navigation Order (ANO) provides. Anything designed to prevent aircraft

⁴ NATS Third Party Risk Model Summary - OA 07 13 March 2007

endangering persons or property (other than persons or property carried within an aircraft) is a function of the CAA. So, whilst the SofS can delegate these functions to others, it is unclear whether powers exist for the SofS to delegate his responsibility for PSZs to any other body.

19. At the time of the last Civil Aviation Act in 2006, the department considered putting PSZs on a specific statutory basis, however due to limited time and the need to consult on any provisions in the Bill the legislation was dropped. It was also considered that the existing provisions were sufficient to continue with the system as operated.
20. In line with standard best practice, it is expected that changes to PSZs, and to any departmental guidance (e.g. circulars) should only be introduced after a consultation (notification) period

Financial issues

Charging

21. The Department does not charge for administering PSZ policy and has no current plans to do so. However, should a decision be taken to transfer policy responsibility to the CAA, it would be required to recover those costs under as the Secretary of State requires that the CAA's costs are met entirely from its charges on those whom it regulates.
22. Should a decision be taken to transfer responsibility to the CAA, The Civil Aviation Act 1982 provides the powers necessary for CAA to recover its costs. there are a number of options for this recovery:-
 - by grant from the Secretary of State, s.12(1);
 - by the CAA from the airport operators, through a scheme of charges, s.11(1) – this is subject to consultation with the Secretary of State.
 - by the CAA from the Secretary of State, s.16 ("section 16 advice")
 - the Secretary of State by regulation specifying payment to the CAA (or others) s.11(3).

Modelling costs

23. The Department has a budget of £100k to do modelling work, however this has historically been under spent. NATS estimates that the costs of reviewing individual airports PSZs is in the region of £2k however the maps are drawn up by the Department at no extra cost. There is scope to recover costs of producing maps from airport operators but careful consideration will be needed on the implications of making such a change.

Administration Costs

24. Previous scoping by DfT showed that a total of 1.5 FTEs were needed to handle PSZ work, in addition to the budget of £100,000 pa for the modeling work from NATS. However the number of FTEs was based on the 17 that had PSZs. However, whilst the number of PSZs has roughly doubled, recent analysis based on the type of work

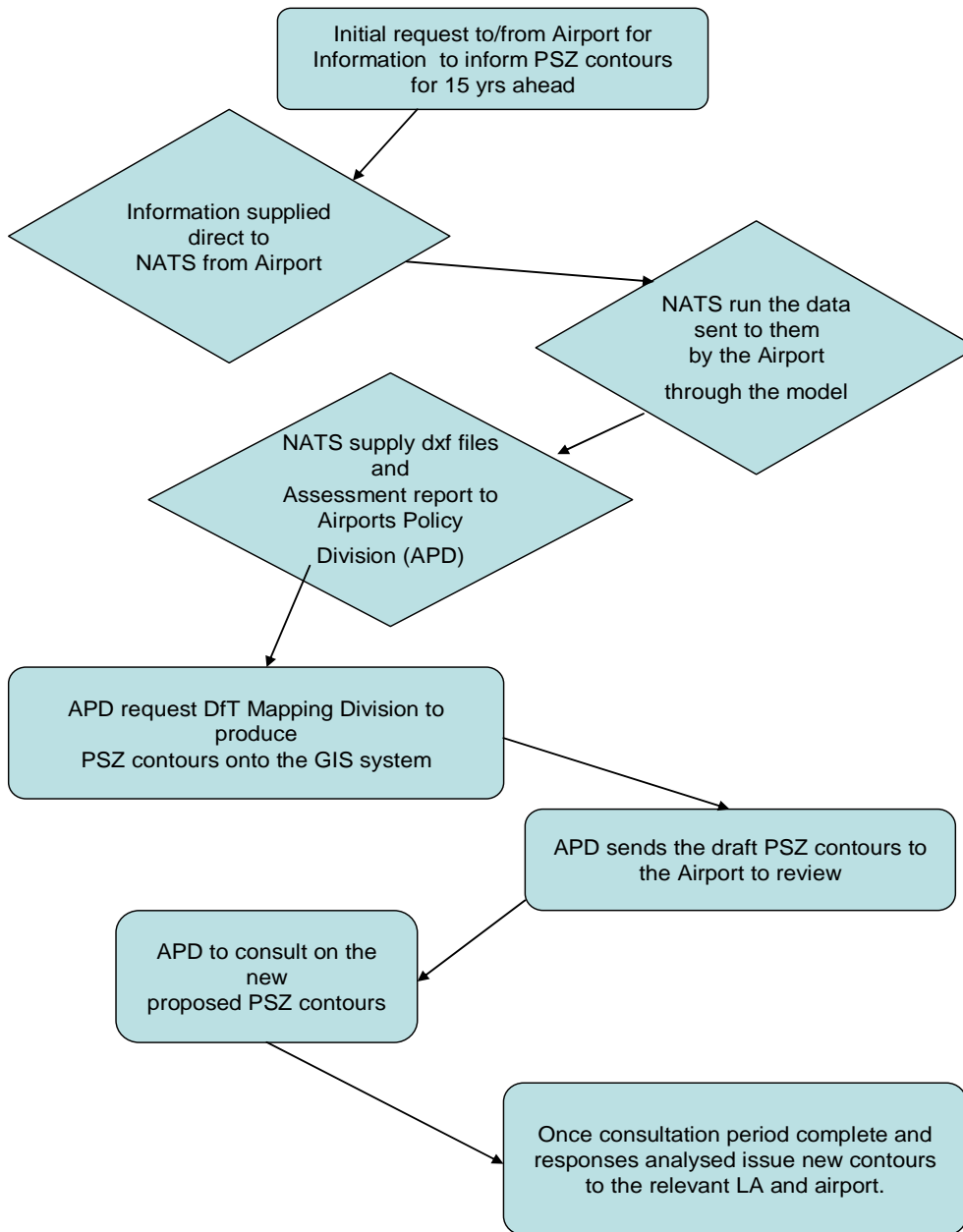
that will be needed to administer PSZs⁵ indicates that this figure is broadly accurate. This is mainly because correspondence levels and queries have reduced significantly since the introduction of statutory guidance and Local Development Frameworks by planning authorities.

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⁵ resource breakdown – see annex E

PSZ Flow Chart



Roles and Responsibilities

Roles and Responsibilities

DfT - responsibility for overall policy, issuing guidance and for, working with them to review existing PSZs as well as dealing with enquiries from planning authorities and airports about the policy

NATS - NATS are operating and designing the risk contour models which predict the size of PSZs and for producing the maps. They have no other role in PSZ policy. .

Local Planning Authorities – interpret guidance and approve or reject planning applications on that basis

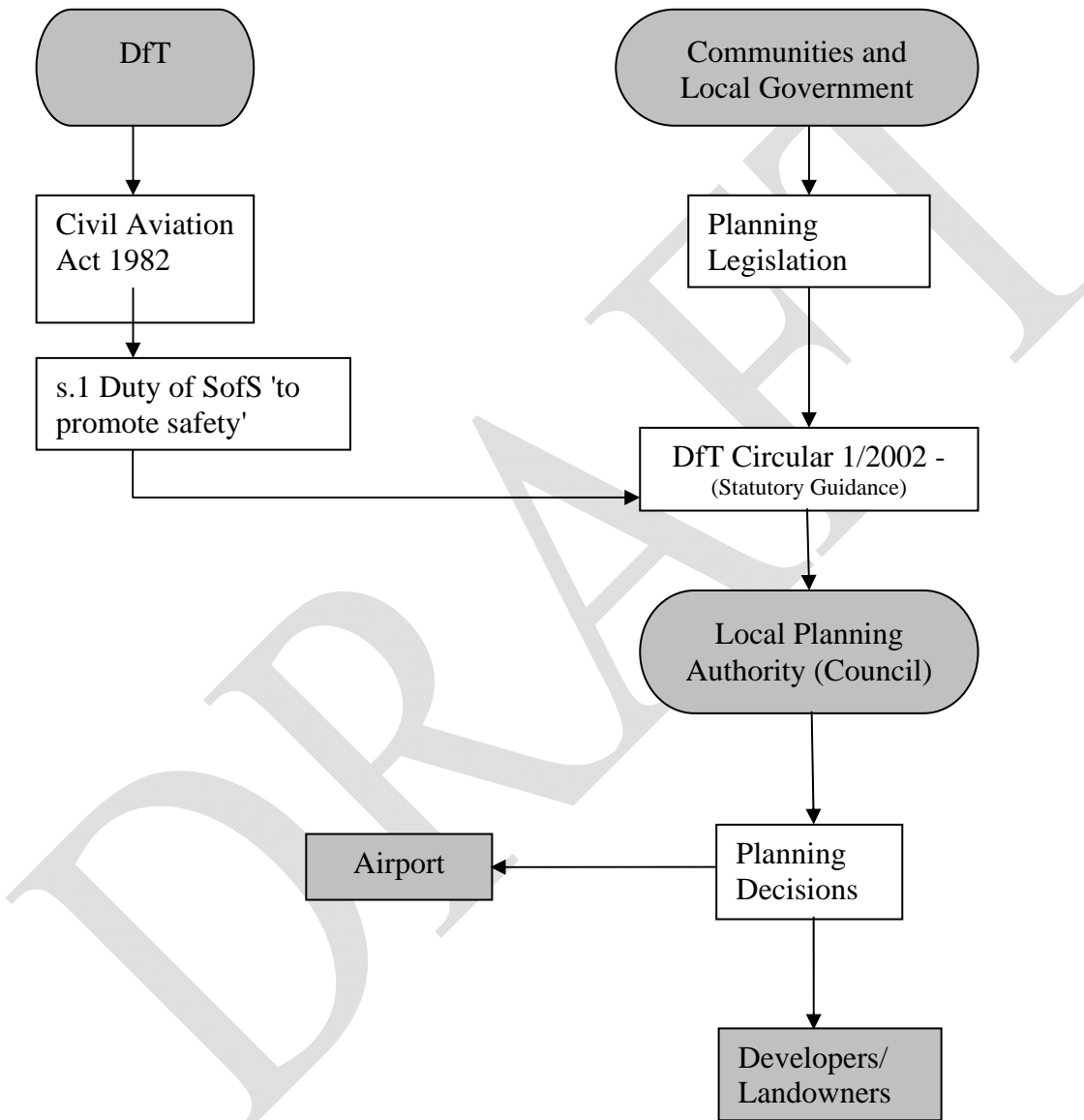
Airports Authorities – use DfT guidance, responsible for conducting consultations on new PSZs as well as making sure that changes to masterplans are reflected in PSZs.

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List of Airports with PSZs

- Aberdeen
- Belfast City
- Belfast International
- Biggin Hill
- Birmingham
- *Blackpool (draft) **
- Bournemouth
- Bristol
- Cambridge
- Cardiff
- *Coventry (draft) **
- Durham (Tees Valley)
- Edinburgh
- Exeter
- Farnborough
- Glasgow
- Humberside
- Inverness
- Liverpool
- Leeds-Bradford
- London City
- London Gatwick
- London Heathrow
- London Luton
- London Stansted
- Newcastle
- Norwich
- Nottingham East Midlands
- Manchester
- Plymouth
- Prestwick (Glasgow)
- Sheffield City
- Southampton
- Southend

Legislative flow diagram



Estimated Resources required to administer PSZs**Administration costs**

Below is a breakdown of the estimated resource requirements for administering PSZ policy and casework once the review of airports is underway. This assumes that the same organisation is handling the policy / oversight function as well as the day to day casework and administration, so would need to be broken down if some aspects are devolved to other organisations.

Role 1: 50% of a full time Policy Manager (equivalent to DfT Grade 7)

- Project and risk management of review of existing PSZs and other cases arising (estimate 2 day per month).
- Meeting with airports to set out review requirements, carrying out consultation at each airport being reviewed and analysing responses (6 days in total).
- Challenge function, to both NATS and airports, with the latter to ensure that operators are aware of their obligations to third parties in cases where there are occupied buildings within the high risk contours (1 day).

Role 2: 100% of a full time Policy and Casework Officer (equivalent to DfT HEO/EO)

- Responding to enquiries from planning authorities, developers or airports about existing or potential PSZs or policy (currently 1 day per month spent on average);
- Liaising with airports and NATS to pass on or chase airport forecast data etc (2 days per month);
- Supporting the running of consultations and analysis of responses (12 days);
- Reporting on risks to senior management through risk register (1 day);
- Dealing with invoices from NATS (1 day).