

PSZ Public Safety Zones

This is my 3rd submission concerning Public Safety Zones and even at this late stage it is good that the Examining Inspectors are as concerned as I am about the lack of PSZ's included as part of a "worst case Scenario" in RSP's ES. I note that the ExA has now tabled questions on PSZ's and I feel that should now be dealt with as a matter of urgency seeing as we are approaching the end of the 6 months. In my opinion this should have been dealt with 5 months ago however it is never too late when it comes to protecting the public.

Stone Hill Park responded at DL7 with a series of questions totally refuting RSP's dismissal of PSZ's as not required and it is good that the DfT totally agree with SHP's comments.

RSP Forecasts	Cargo ATMs	PAX ATMs	General Aviation ATMs	Total ATMs	Monthly ATMs
Year1	0	0	0	0	0
Year2	5252	0	5840	11092	924
Year3	5804	4932	5840	16576	1381
Year4	9700	5024	5840	20564	1714
Year5	9936	5064	5840	20840	1737
Year 16	14678	8160	5840	28678	2390
Year 17	15265	8428	5840	29533	2461
Year 18	15875	8707	5840	30422	2535
Year 19	16510	8997	5840	31347	2612
Year 20	17171	9289	5840	32300	2692

Fig 1

Clearly using Dr Dixon's forecasts in the Azimuth report 1500 ATM's will be exceeded in the 3rd year of operation (notwithstanding these forecasts are more akin to a wish list and have already been shown as unviable) and 2500 ATM's by year 18. According to RSP there isn't a need for a PSZ because:

"Guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced. The Applicant's forecast is for 26,468 ATMs by year 20 and 5,840 general aviation movements (which are not technically ATMs but still affect the decision to create a PSZ), and the Noise Mitigation Plan contains a cap of 26,468 ATMs and 38,000 general aviation movements. It is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20."

Clearly this is a nonsense because PSZ's are mandatory if 2500 ATM's per month would be exceeded and clearly from the forecasts that would happen after 16 years of operation assuming the forecasts are actually possible and a DCO should model the "worst case scenario" which RSP's ES doesn't do.

Clearly also the Department for Transport doesn't agree with RSP's assertions either as the email chain at Appendix 1 demonstrates.

SHP stated at DL7:

"SHP consider the Applicant's answers to be a clear demonstration of its unreasonable behaviour, which is requiring SHP to incur wasted and unnecessary expense in being forced to providing evidence to the examination to counter the Applicant's assertions."

i. The Applicant's comment that "[i]t is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20" shows a lack of understanding of the requirements for PSZs.

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- SHP has provided detailed submissions on this matter including;
- SHP's comments on the Applicant's responses to Examining Authorities Written Questions OP.1.7 and OP.1.8 [REP4-067];
- SHP's Written Summary of oral submissions put at the Need and Operations Hearing [REP5-029];
- SHP's response to the ExA's second written questions [REP6-053].

In summary, these submissions explained that PSZs would be required to be put in place just after the third year of operations (i.e. Year 4 of the forecasts). This is shown in the table below (Fig 1), which is based on the Applicant's forecasts (including the 5,840 general aviation movement).

Therefore, based on paragraph 3 of the relevant Guidance which states that "[T]he Public Safety Zones are based upon risk contours modelled looking fifteen years ahead, in order to allow a reasonable period of stability after their introduction"

PSZs will need to be applied from year 4 of the Applicant's forecasts (or very soon thereafter).

Whilst the Applicant accepts that "if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced", the Applicant bizarrely then asserts that the PSZs will actually only need to be applied 15 years later. This is patently ridiculous given the clarity in the Guidance that PSZs are based on **forward looking** forecasts.

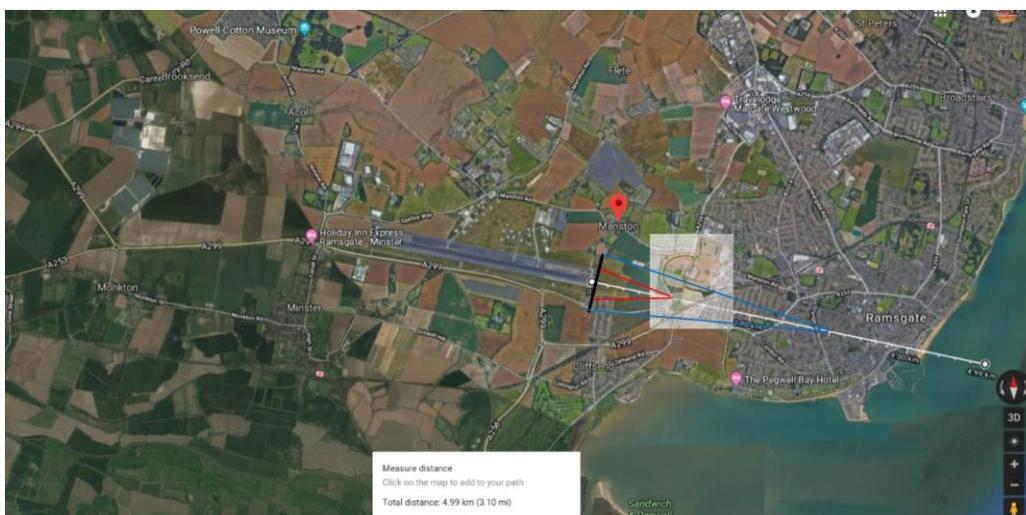
It is apparent that the Applicant has had not sought advice from the relevant bodies. Had it done so (as SHP did), then it would have known the correct interpretation of PSZs policy.

Quoting from the DfT's email

"As a **matter of policy**, the Department for Transport applies Public Safety Zones at aerodromes that have **more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements**. I am therefore happy to confirm that this is the criteria for assessing the requirement for PSZs for **new and enlarged airports**." Editor's bold

Further SHP state

"Whilst detailed modelling would be required to assess the 100,000 PSZ risk contour, at a minimum it would be expected to extend at least 2.5km from the end of the runway and would therefore cover a large part of Ramsgate, with consequences for those living there." Fig 3



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Editor's comment: Red 1:10000 blue 1: 100000 risk contour and including Manston Green superimposed on the contours.

As indicated above the ExA have now tabled questions for RSP to answer as follows:

“Public Safety Zones (PSZs)

The Applicant considers in their response to question OP.3.10 [REP7a-002] that PSZs would not need to be produced by year 4 of operation, stating that guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced, but noting that the guidance does not state how far ahead the 2,500 per month expectation should be. The answer goes on to state that it unlikely that a PSZ may need to be introduced before year 15, but it is possible by year 20.

*In their Deadline 7 responses, York Aviation on behalf of SHP [REP7-014] append an email from the Department for Transport (DfT) **Appendix 1** which states that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years. The email goes on to state that, as a matter of policy, the DfT applies PSZs at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2.500 movements, and that this criteria applies to PSZs for new and enlarged airports.*

TDC [REP7a-045] consider that the designation of a 1 in 100,000 PSZ would have significant implications for planning policy, with potentially two housing sites in the draft local plan affected by the PSZ, as well as the potential to affect a significant number of windfall sites provided for in the plan.

i. Given the submitted evidence are you still of the view that a PSZ would not be needed until years 15-20 of operation?

ii. If yes, provide evidence to counter that provided by the DfT.

iii. If you accept that a PSZ would be needed as a matter of policy once the Airport has more than 1,500 movements a month, consider how this should be addressed within the application and ES, including any assessment of scale, geographical coverage of the PSZ based on the proposed fleet mix and effects on consented and future developments within the PSZs.”

Assuming that RSP, at this late stage, continue to fudge this issue my concern is there will be no time to have PSZ's properly assessed by the examination and the subject will be put to one side as the onus will be on the recommendation and verdict due by the 9th January 2020.

I would expect that the cost of emptying any property within the risk assessed 1:10000 risk contour to be full costed prior to the granting of the DCO as per the DfT circular at appendix 2

*“The Secretary of State wishes to see the emptying of all occupied residential properties, and of all commercial and industrial properties occupied as normal all day workplaces, within the 1 in 10,000 individual risk contour. In cases where any part of a residential property falls within this contour he will expect the operator of an airport for which new Public Safety Zones have already been established **to make 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 he will expect such operators to make an 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*

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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 Circular, the Secretary of State will expect the operators to make such an offer, where applicable, within twelve months of the notification of the Public Safety Zones and the 1 in 10,000 individual risk contours."

And further that RSP fully cost the applicable consequences of implementing the 1:100000 risk contour especially where planning has already been granted and a PSZ hadn't been considered such as that at Manston Green

*"There should 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 should be permitted**. Nor should new or replacement non-residential development be permitted."*

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Appendix 1

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From: James Mills <James.Mills@CAA.gov.uk>
Sent: 01 October 2018 12:59
To: Jamie Macnamara
Subject: RE: Public Safety Zones

Dear Jamie,

Apologies for the delay in getting back to you,

You are correct to note that Public Safety Zones are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years or so, and that PSZs will be redefined if a runway is extended or if a landing threshold is moved.

As a matter of policy, the Department for Transport applies Public Safety Zones at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements. I am therefore happy to confirm that this is the criteria for assessing the requirement for PSZs for new and enlarged airports.

As noted in the DfT Circular 01/2010, the CAA has taken over responsibility for the implementation of new PSZs.

Kind Regards,
James

James Mills | Aviation Strategy & Consumers Division, Department for Transport
1/25 | [REDACTED]

From: Jamie Macnamara [mailto:jamie@CAA.gov.uk]
Sent: 01 October 2018 10:37
To: James Mills <James.Mills@CAA.gov.uk>
Subject: RE: Public Safety Zones

Dear James,

Apologies for chasing again, but is there any update on when you will be able to revert on the query regarding criteria for Public Safety Zones?

Many thanks
Jamie

From: James Mills [mailto:James.Mills@CAA.gov.uk]
Sent: 21 September 2018 10:58
To: Jamie Macnamara <jamie@CAA.gov.uk>
Subject: RE: Public Safety Zones

Dear Jamie,

Apologies for the delay in getting back to you – I should be able to have a response for you by next week.

Many apologies,
James

James Mills | Aviation Strategy & Consumers Division, Department for Transport
1/25 | [REDACTED]

Appendix 2

Planning and PSZ's

DfT Circular 01/2010

Department for Transport Great Minster House, 76 Marsham Street, London SW1P 4DR

Dated 5 March 2010