DfT Circular 01/2010
Department for Transport
Great Minster House, 76 Marsham Street, London SW1P 4DR

5 March 2010

CONTROL OF DEVELOPMENT IN AIRPORT PUBLIC SAFETY ZONES

1. This Circular updates DfT Circular 1/2002 to take account of the shift of day-to-day administrative responsibilities for implementing Public Safety Zone (PSZ) policy from the Department for Transport to the Civil Aviation Authority (CAA). The PSZ policy itself and the guidance to local planning authorities contained in the Annex to this Circular remain the same.

2. Following an internal DfT review, it has been concluded that the administration of PSZ policy will be carried out by the CAA. The CAA has, therefore, taken over responsibility for the implementation of new PSZs and the review and update of existing PSZs, as instructed by DfT.

3. DfT Circular 1/2002 is hereby withdrawn.

4. Enquiries about this Circular should be addressed to:

   Airports Policy Division
   Department for Transport
   1/24 Great Minster House
   76 Marsham Street
   London SW1P 4DR

   or to psz@dft.gsi.gov.uk.

Enquiries regarding existing PSZs, including requests for paper copies of Public Safety Zone maps and, where applicable, the 1 in 10,000 individual risk contours in digital format, should be addressed to:

Aerodrome Standards
Civil Aviation Authority
Aviation House 2W
Gatwick Airport South
West Sussex RH6 0YR

or to psz@caa.co.uk.

John Parkinson, Divisional Manager

Addressed to:

The Chief Planning Officers in England

ANNEX

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, 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 takeoff 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 Public Safety Zones and that, over time, the number should be reduced as circumstances allow.

INDIVIDUAL RISK CONTOUR MODELLLNG

2. 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.

3. The 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. 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. Third party individual risk contours around airports will 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

4. 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 would, however, outweigh the safety benefits of doing so, and the Secretary of State is therefore not proposing that course.

5. Although the boundaries of the Public Safety Zones correspond essentially to the 1 in 100,000 individual risk contours, the level of risk in some areas within the Zones may be much higher. The Secretary of State 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 airports, the 1 in 10,000 individual risk contour extends beyond the airport boundary and includes occupied property. In other cases there is no occupied development within the areas concerned, or the areas concerned are contained wholly within airport boundaries.

PURCHASE OF PROPERTY BY AIRPORT OPERATORS

6. 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 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.

7. The Secretary of State will expect all such offers to be kept open indefinitely. If an owner wishes to sell a property, the airport operator should apply the Compensation Code. Airport operators will be expected to demolish any buildings purchased and to clear the land. The Secretary of State will be prepared to consider applications for compulsory purchase orders by airport operators with powers under section 59 of the Airports Act 1986.

ESTABLISHMENT OF PUBLIC SAFETY ZONES

8. Public Safety Zones have been established at all the airports for which modelling work produced 1 in 100,000 individual risk contours of a sufficient size to justify doing so. PSZs 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.

ROLE OF LOCAL PLANNING AUTHORITIES

9. This Circular contains guidance to local planning authorities to enable them to decide planning applications and consider road proposals affecting land within Public Safety Zones. Local planning authorities need not carry out risk assessments in considering individual planning applications for sites within Public Safety Zones: the principle of constrained cost–benefit analysis underlies the specific guidance contained in paragraphs 10 to 12 below. Nor will it normally be necessary for them 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 10 to 12 indicates whether or not particular types of development are acceptable.

GENERAL PRESUMPTION AGAINST DEVELOPMENT WITHIN PUBLIC SAFETY ZONES

10. 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 dwellinghouses, mobile homes, caravan sites or other residential buildings should be permitted. Nor should new or replacement non-residential development be permitted. Exceptions to this general presumption are set out in paragraphs 11 and 12.

DEVELOPMENT PERMISSIBLE WITHIN PUBLIC SAFETY ZONES

11. 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:

    (i) an extension or alteration to a dwellinghouse 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';

    (ii) 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; or

    (iii) 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 acceptable within a Public Safety Zone. Examples of these might include:

(iv) long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);

(v) 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, should not be permitted. In granting planning permission for a warehouse, a local planning authority should seek to attach conditions which would prevent the future intensification of the use of the site and limit the number of employees present;

(vi) 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 curtilege incidental to dwellinghouse use, and buildings for storage purposes ancillary to existing industrial development;

(vii) public open space, in cases where there is a reasonable expectation of low intensity use. Attractions such as children's playgrounds should not be established in such locations. Nor should playing fields or sports grounds be established within Public Safety Zones, as these are likely to attract significant numbers of people on a regular basis;

(viii) golf courses, but not clubhouses; and

(ix) allotments.

12. Paragraphs 5 to 7 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 should not be expected to live or have their workplaces within such areas. Consequently very few uses will be acceptable within this risk contour. But certain forms of development which involve a very low density of people coming and going may be acceptable within it. Examples of these might include:

(i) long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);

(ii) 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

(iii) golf courses, but not clubhouses.

REFERENCE TO THE DEPARTMENT

13. A local planning authority may exceptionally receive 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. The authority may wish to refer such applications to Airports Policy Division in the Department for Transport, which may be able to advise on whether the proposed development is consistent with the general thrust of Public Safety Zone policy.

CONDITIONS

14. Local planning authorities should consider the use of suitably-worded conditions in appropriate cases in order to limit the number of people who might be expected to be present on site at any time.

TRANSITIONAL ARRANGEMENTS

15. Planning permissions are valid for five years or for a specified alternative period, and local planning authorities 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, local planning authorities 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 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 should be considered in the light of the specific guidance contained in paragraphs 10 to 12 above.

DEVELOPMENT NOT REQUIRING PLANNING PERMISSION

16. Public Safety Zone policy has full effect only when an application for planning permission is made. But local planning authorities should also have regard to Public Safety Zone policy when considering and commenting on proposed development for which they are not the determining authority, such as Crown development, overhead lines, some forms of permitted development and orders made under the Transport and Works Act 1992.

17. Where the exercise of permitted development rights would encourage more people on to land within a Public Safety Zone, the local planning authority should consider whether an Article 4 direction, made under the Town and Country Planning (General Permitted Development) Order 1995 in order to require a planning application, 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

18. 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 mainline 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, the Secretary of State does not consider it 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 should 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 should therefore be considered on their merits. Proposals for major roads and motorways should 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

19. Local planning authorities whose areas include a Public Safety Zone or part of a Zone should ensure that the associated restrictions on development are entered in the Register of Local Land Charges.

PURCHASE NOTICES AND COMPENSATION PAYABLE BY LOCAL PLANNING AUTHORITIES

20. The refusal of planning permission on Public Safety Zone policy grounds does not carry with it an automatic entitlement to compensation. But there may be a right to compensation under a purchase notice if a site or property is incapable of being put to any alternative beneficial use as a result of it being within a Public Safety Zone. Where permission for development is refused, or conditions are imposed, a local planning authority may have to acquire the site under the purchase notice provisions in sections 137–144 of the Town and Country Planning Act 1990, or pay compensation under section 144 (2) of that Act. Similarly, if planning permission is revoked or modified, or if permitted development rights are withdrawn by a direction under Article 4 of the Town and Country (General Permitted Development) Order 1995 and planning permission is refused or granted subject to conditions, a local planning authority may incur expenditure under sections 107, 108 or 279 of the 1990 Act. In these circumstances, if the action which gives rise to a compensation claim has been taken solely on Public Safety Zone policy grounds, the following arrangements apply:

    (a) local authority or privately owned airports subject to Part V of the Airports Act 1986

Any airport in respect of which a permission to levy charges is in force under Part IV of the Airports Act 1986, or in respect of which there is a pending application for such permission (subject to certain exclusions), is subject to Part V of the Act. Section 61 of the 1986 Act provides for the local planning authority to recover from the airport operator compensation which the authority has become liable to pay. This provision applies if the compensation liability results from a planning decision which would not have been taken, or from an order under section 97 of the Town and Country Planning Act 1990 which would not have been made, other than to prevent persons or buildings from being struck by aircraft using the airport. Section 61 of the 1986 Act also provides for the purchase of land by the operators of airports subject to Part V of that Act where a purchase notice is served.

(b) local authority or privately owned airports not subject to Part V of the Airports Act 1986

Where a local authority or privately owned airport is not subject to Part V of the Airports Act 1986, section 61 does not apply. Local planning authorities may wish to seek specific deeds of indemnity from the owners of any such airports against liability under the purchase notice and compensation provisions of the Town and Country Planning Act 1990, so that the airport owners will be the bodies to whom any land acquired under a purchase notice will normally be conveyed.

PUBLIC SAFETY ZONE MAPS

21. Printed copies of maps showing the Public Safety Zones and, where applicable, the 1 in 10,000 individual risk contours, will be sent to the local planning authorities whose areas are affected by them. Additional copies will be available for sale from the CAA. The boundaries of the Public Safety Zones and any 1 in 10,000 individual risk contours are available from the CAA, free of charge, in digital format.

INCORPORATION OF PUBLIC SAFETY ZONES INTO DEVELOPMENT PLANS

22. Regional Spatial Strategies and Local Development Frameworks should include a policy stating that Public Safety Zones have been established for a particular airport and that there is a general presumption against most kinds of new development and against certain changes of use and extensions to existing properties within the Zones, as described in DfT Circular 1/2010. The extent of Public Safety Zones and any 1 in 10,000 individual risk contours should be indicated on proposals maps accompanying regional spatial strategies and local development frameworks.

MILITARY AERODROMES

23. The Ministry of Defence is responsible for Public Safety Zone matters at military aerodromes, although there are no such Zones currently in use at these sites.

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