

**INSIGHT**  
**JUL 2018**

# Safely landed?

Is the current aerodrome safeguarding  
process fit for purpose?



**LICHFIELDS**

**LICHFIELDS**

**Lichfields is the  
pre-eminent planning  
and development  
consultancy in the UK**

**We've been helping create great places  
for over 50 years.**

# Executive summary



Lichfields has reviewed the local plans of all of the local planning authorities (LPAs) in England with a civil licenced aerodrome to see how well (or indeed if) each aerodrome is appropriately safeguarded. The research has identified a flawed system with evident gaps in policy, meaning not all aerodromes are appropriately protected. A review and update of national advice and how this is implemented at a local level is required.

Safeguarding is critical for aviation. It is a mechanism to ensure aerodromes can continue to operate in a safe environment, uninhibited from development that may pose a safety risk to its day to day operations. This, in turn, ensures the safety of aircraft and its passengers as well as the safety of people living and working nearby.

The civil aviation and planning regimes set out a system to meet this safety objective; it is a complex system that often gives rise to uncertainty as to its application. Under the civil aviation regime all licenced aerodromes must ensure that the aerodrome and its airspace are safe for use by aircraft. Yet only a select few are officially safeguarded under the planning regime and they benefit from Statutory Direction. But it is unclear how this arbitrary group of officially safeguarded aerodromes has been identified. The remaining licenced aerodromes can only seek voluntary protection and this is at the discretion of the local planning authority (LPA).

92 local plans, relating to 82 corresponding aerodromes, have been reviewed. Our research has identified that only 50% of licenced aerodromes are protected in some way under the planning regime – with either an official or voluntary safeguarding status.

Of the select few that are officially safeguarded under the planning regime, not all have safeguarding policy in place within that local plan, despite the requirement to do so. In fact, worryingly 32% of officially safeguarded aerodromes do not have a safeguarding policy in place.

More positively, 13 ‘not officially safeguarded’ aerodromes have secured voluntary safeguarding with their LPAs and have policies in place in their local plan, indicating that these authorities and the aerodromes concerned understand the importance and value of safeguarding.

The national safeguarding Circulars are outdated and no longer meet their intended use. Since adoption, the policy environment has changed significantly, particularly with the introduction of localism (2011), a new National Planning Policy Framework (2012), a new Aviation Policy Framework (2013), an Industrial Strategy (2017) and Brexit. The aviation industry continues to experience growth and play an important part in the UK economy. These factors all give greater weight to the need to protect an aerodrome’s ability to carry out safe and efficient operations. Government, with LPAs and aerodrome operators, could take safeguarding policy further with a review and update to Circulars 1/2003 and 1/2010.

Many of the LPAs reviewed are yet to adopt post-NPPF local plans, meaning that the current safeguarding policy – if there is one in the first place – could be more than 10 years old and will be likely not to reflect the current position of the aerodrome and its operational status. But these deficiencies do create an opportunity for aerodrome operators to seek to incorporate safeguarding policy in reviewed and emerging local plans – it’s important for the industry to act on this now.

# Key figures

850

active aerodromes in the UK

82

aerodromes in England are licenced and legally must take all reasonable measures to ensure safety

50%

of these licenced aerodromes are not safeguarded by the Planning regime, either officially or voluntary

2/3

of licenced aerodromes are not officially safeguarded

32%

of officially safeguarded aerodromes do not have safeguarding policy in place within its Local Plan

13

licenced aerodromes that do not benefit from official safeguarding have voluntary 'non-official' safeguarding in place

15

years anniversary – the age of the current safeguarding guidance, DfT Circular I/2003

# O1 Introduction

Safety is of course fundamental to the aviation industry. Aerodromes, which are hubs for a wide range of aviation activity, must be able to operate within a safe environment. But how well is this requirement to safeguard operations and protect people living and working near aerodromes being applied when proposals come forward for new development?

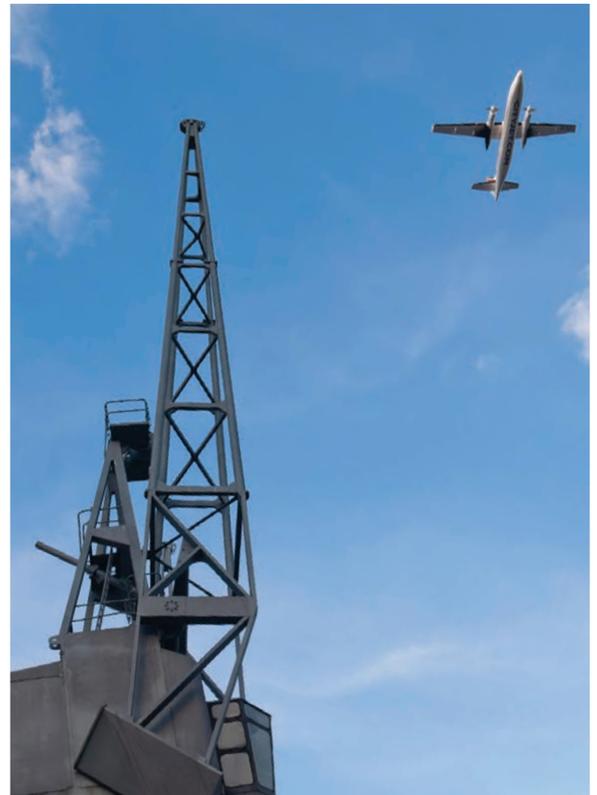
From our work advising aerodromes, local authorities and developers on schemes at or close to aerodromes, we are familiar with the complexities of the land use planning safeguarding process, and the policies that might be put in place to meet this safety objective – both in terms of how they should be applied and the issues that arise in their application.

**This Lichfields Insight explores whether the current development management aerodrome safeguarding system is fit for purpose. Are there appropriate planning policies in place at a national level (via planning Directions and Circulars) and are these requirements being implemented, as they should or could be, at a local level (via local plans), or are there policy 'gaps'?**

The focus of this Insight is the civil safeguarding regime set out in the England and Wales DfT Circulars: 01/2003<sup>1</sup> and 01/2010.<sup>2</sup> We have reviewed the local plans for civil licenced aerodromes in England.

92 local plans, relating to 82 corresponding civil licenced aerodromes,<sup>3</sup> have been reviewed.

The term 'aerodrome', applied throughout this document, can be interchangeable for 'airfield', 'airport', or 'heliport'.



© Lenscap / Alamy Stock Photo

## Contents

01	<b>Introduction</b>	1
02	<b>Safeguarding is a critical issue for aviation</b>	2
03	<b>What is the the safeguarding framework?</b>	4
04	<b>The safeguarding planning process in England</b>	6
05	<b>How well does the Circular work in practice?</b>	8
06	<b>Is the Circular being applied to development plans?</b>	10
07	<b>Future for safeguarding</b>	12

<sup>1</sup> DfT ODPM: The town and country planning (safeguarded aerodromes, technical sites and military explosive storage areas) direction 2002

<sup>2</sup> DfT: Control of development in airport Public Safety Zones

<sup>3</sup> Source: CAA

# O2

## Safeguarding is a critical issue for aviation

Safeguarding is a mechanism for aerodromes to ensure safe and efficient operations, that is the safety of an aerodrome's operation as well as the safety of people living and working nearby.

Aerodromes play a central role in the delivery of sustainable development at a local and national level by providing jobs, movement of people, and inward investment. It's important that they can sustain their operations (safely and efficiently) to deliver on these benefits. It's also vital that any proposed development, which could give rise to the creation of obstacles and hazards both at and neighbouring an aerodrome (and impacting an aerodrome's ability to carry out its operation) is carefully regulated.

Awareness of this safeguarding regime, by all stakeholders, is essential to ensure that it is being implemented as it should and meets the needs of all end users such as aerodrome operators and passengers, 3rd party developers, and local communities.

### Who is responsible for carrying out safeguarding?

- Safeguarding is a national matter and cross-regulation issue – drawing on both the civil aviation and planning regimes
- Ultimately, each aerodrome is responsible for ensuring its own safe and efficient operations, as well as being vigilant in preventing inappropriate development
- Other aeronautical stakeholders may also have an interest in protecting their own assets from potential obstructions or inappropriate development
- As local policy makers and decision-takers of new development, local planning authorities have an important role to play in this safeguarding process

### Development posing a risk to aerodrome safety

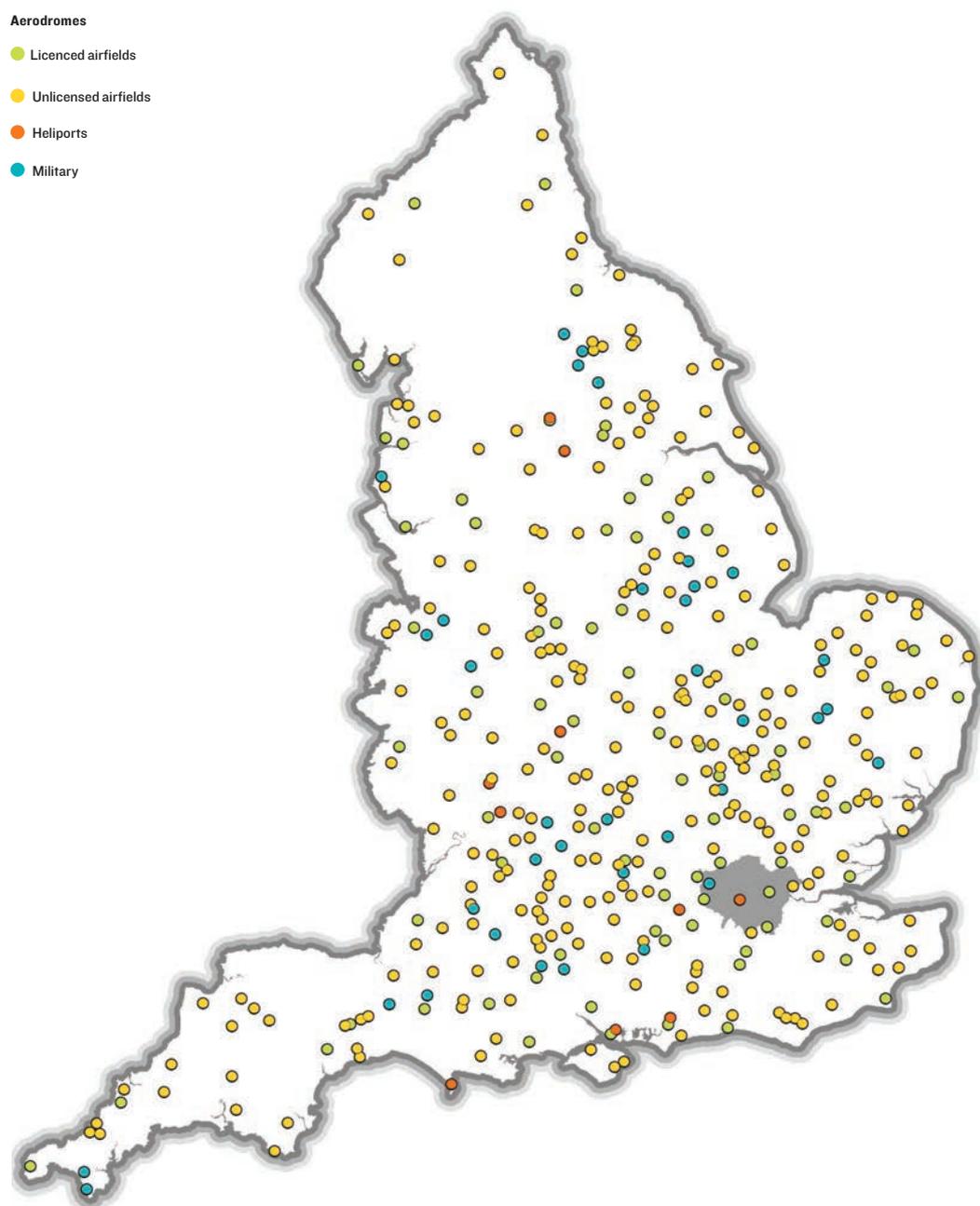
- Penetration of safeguarded airspace by the height of a proposed building, structure, erections or construction works such as a communications mast
- Proposed road or railway as a mobile obstruction or being in proximity to an aerodrome's explosive storage areas
- Man-made development resulting in an increase or change in bird activity, such as landscaping, mineral extraction, waste disposal, or a waterbody
- Other nearby civil aerodromes or aviation uses
- Reflection or refraction of radio signals caused by a proposed building or structure
- Use of building materials resulting in glint and glare impact for pilots or air traffic control
- Wind turbine development
- Lighting such as lasers or light canons causing a distraction or confusion for pilots or Air Traffic Control
- People living, working or congregating within a Public Safety Zone (PSZ)
- Development encroaching into areas safeguarded for further aerodrome facilities

## Maps

There are over 850 active aerodromes in the UK serving a spectrum of activity and varying demand, all framed by a complex regulatory

environment to meet this aeronautical safety objective (Figure 1).

Figure 1: Active aerodromes in England



Source: Various including NATS, CAA, The Airport Guides, Bing Maps; Lichfields analysis

# 03 What is the safeguarding framework?

The legal basis for aerodrome safeguarding is contained within town planning and civil aviation regulation, policy and publications. There is some overlap in purpose between the two regimes, however in practice they exist in parallel, resulting in a complex system and giving rise to uncertainty of how aerodromes could and should be safeguarded.

## Civil aviation regime

With respect to aviation, safeguarding means the process of checking proposed development to assess whether it may give rise to any risk to the safe and efficient use of an aerodrome and the wider airspace. Requirements are prescribed in the Civil Aviation Act, its enacting Air Navigation Order (ANO) and supporting Civil Aviation Authority (CAA) guidance. The ANO makes it an offence to act 'recklessly or negligently in a manner likely to endanger aircraft'. If an aerodrome requires a licence to operate (not all do) then it must take all reasonable steps to ensure the aerodrome and its airspace are safe for use by aircraft – and demonstrate such with regular audits by the CAA. The CAA no longer safeguards any aerodromes – this means all aerodromes, licenced and unlicensed are ultimately responsible for their own safeguarding.

## Planning regime

In planning law safeguarding means to safeguard an established landuse. The National Planning Policy Framework (NPPF) makes clear that authorities in preparing development plans should protect critical infrastructure including aerodromes. The Aviation Policy Framework 2013 (APF) (soon to be replaced) also sets out why safeguarding is required; noting that land outside existing aerodromes that may be required for aerodrome development in the future needs to be protected against incompatible development, that certain aerodrome operators should maintain safeguarding maps, as well as the need for PSZ. Both documents are supported by Statutory DfT Circulars.

The focus of this Insight is the safeguarding regime set out in the England and Wales DfT Circulars: 01/2003 and 01/2010 (the former which marked its 15 year anniversary in early 2018) and how well this works in practice for civil aerodromes across England.<sup>4</sup>

Figure 2: The safeguarding framework



<sup>4</sup> Circular 01/2003 covers both civil and military aerodromes, technical sites and military explosive storage areas

Source: Lichfields analysis

## Not all aerodromes are safeguarded under the planning regime

Importantly, with respect for the need for safety, all aerodromes are equal – from the UK's Hub aerodrome to small grass strip airfields. However, the degree of support that is available from legislation varies greatly.

Under the terms of a licence, CAA civil licenced aerodromes are required to take all reasonable measures to ensure the aerodrome and its airspace are safe for use by aircraft. However, when it comes to land use planning, only a small portion of these aerodromes are safeguarded under Statutory Direction – identified as 'officially safeguarded' – and subject to a process of consultation between a LPA and aeronautical consultees.<sup>5</sup>

This means that not all licenced aerodromes benefit from the planning safeguarding regime, despite the wider requirement to ensure safe operations. In planning terms, safeguarding is only mandatory for a select few. It is an exclusive procedure, providing protection for a small number of aerodromes.

How is this arbitrary group of officially safeguarded aerodromes identified? The Government's position is that certain civil aerodromes, selected based on their importance to the national air transport system, are officially safeguarded, to ensure that their operation and development are not inhibited. Originally this comprised facilities that were developed under financial support from Her Majesty's Treasury. It is unknown whether this remains the single criteria for current guidance – and if so whether it is an appropriate measure of an aerodrome's importance and need for safeguarding protection.

In addition, not all officially safeguarded aerodromes are identified as the UK's busiest, meaning not all officially safeguarded aerodromes benefit from having a PSZ in place – protecting land at either end of an aerodrome's runway. Again, it is not clear what level of traffic qualifies as 'UK's busiest aerodromes'.

For not officially safeguarded or unlicensed aerodromes, Government and the CAA advise that these aerodromes should seek the same

safeguards - but this can only be on a voluntary basis by way of a privately agreed consultation with the LPA. This is called 'unofficial' safeguarding and is not obligatory under Statutory Direction.

Regardless of status, it is the responsibility of the aerodrome to ensure the LPA is aware of the need for appropriate safeguarding and associated measures. Are aerodromes, officially safeguarded or otherwise, aware of this? And are they seeking protection measured via the DfT Circular and its Direction, and the need to secure safeguarding policy provisions in its local plan?

### Case study

London Lydd (London Ashford) Airport and Cambridge Airport both have comparable traffic activity to Humberside Airport, Carlisle Airport and Durham Tees Valley Airport – yet Lydd and Cambridge<sup>6</sup> are not officially safeguarded civil aerodromes.<sup>7</sup>

Gloucestershire Airport and Shoreham (Brighton City) Airport operate the highest volumes of non-commercial air traffic in the country yet neither of these airports are officially safeguarded civil aerodromes.<sup>8</sup>

### Case study

The General Aviation Awareness Council (GAAC) has identified the lack of clarity of safeguarding to be an issue for the industry, noting that in some cases, local authorities have resisted accepting non-official safeguarding. In one instance a council rejected an application for a safeguarding zone around an aerodrome, and instead offered a 'constraint maps' agreement. Other local authorities have also resisted safeguarding due to the perceived bureaucracy required.

<sup>5</sup> An aeronautical consultee may include: the aerodrome operator, NATS En-Route PLC (NERL), the Ministry of Defence (MoD), and the CAA

<sup>6</sup> Cambridge Airport is both CAA licenced and MoD approved, and subject to audit from both regulators. While the airport is MoD safeguarded, it is not a civil officially safeguarded aerodrome under Circular 1/2003

<sup>7</sup> Source: CAA data 2017

<sup>8</sup> Source: CAA data 2017

# 04 The safeguarding planning process in England<sup>9</sup>

- 1. Government officially safeguards 28 civil aerodromes in England:** These aerodromes benefit from a Statutory Direction, which means they have statutory consultee status and benefit from the guidance contained within Circular 1/2003.
- 2. Officially safeguarded aerodromes submit safeguarding map and policy representations to its LPA:** Guidance requires all officially safeguarded aerodromes to prepare and maintain safeguarding maps (certified by the CAA) and that an up to date copy should be deposited with the LPA (see Figures 3 and 4). Safeguarding maps should be supported by local plan safeguarding policy, addressing matters prescribed in the Circular such as why an area has been safeguarded. The policy should state that promoting safeguarding areas into development plans is neither the responsibility nor the proposal of the LPA. A safeguarding map is issued to each local planning authority within the area indicated on the map.
- 3. All other aerodromes may seek voluntary safeguarding status:** All other civil aerodromes that are not officially safeguarded may also choose to prepare and maintain safeguarding maps, submit to the LPA and seek inclusion of safeguarding policy within a local plan. However, this is at the discretion of the LPA. The Guidance states that LPAs are asked to respond sympathetically to requests officially safeguarding. Whilst the general advice in Circular 1/2003 is applicable to no-officially as well as officially safeguarded aerodromes – however the Direction to safeguard and status as statutory consultee does not extend to not officially safeguarded aerodrome.
- 4. Cross-boundary issues:** In some instances, an aerodrome may cross two LPA boundaries; in this case both local plans should be considered.
- 5. Safeguarding process is established with all the relevant local planning authorities:** Safeguarding and its process of consultation are intended to assist the LPA in making decisions in response to local development proposals. If the LPA has local plan safeguarding policy and a safeguarding map in place, the issues become explicit and therefore assessed accordingly. To determine the safety implications of a planning application for a development within the approach, take-off or circuit areas of an aerodrome, a safeguarding process should be established with all the relevant local planning authorities. The CAA recommend that not officially safeguarded aerodromes should take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities.
- 6. When development proposals come forward:** If development contained within a planning application is in an area included within the “safeguarding map”, the LPA or developer would consult with the aerodrome and other key aeronautical stakeholders i.e. all who are responsible for assessing such proposals and responding back to the LPA.
- 7. Recourse if not properly considered:** There is recourse if due consideration is not given to aeronautical impact. The CAA could remove an aerodrome’s licence if it deems that safe and efficient operations have been jeopardised. Equally, the Secretary of State could intervene in the planning process if directed by the CAA by calling in an application for his or her own consideration.

<sup>9</sup> This explanation sets out the safeguarding planning process in England and with respect to civil aerodromes

## What does this all mean?

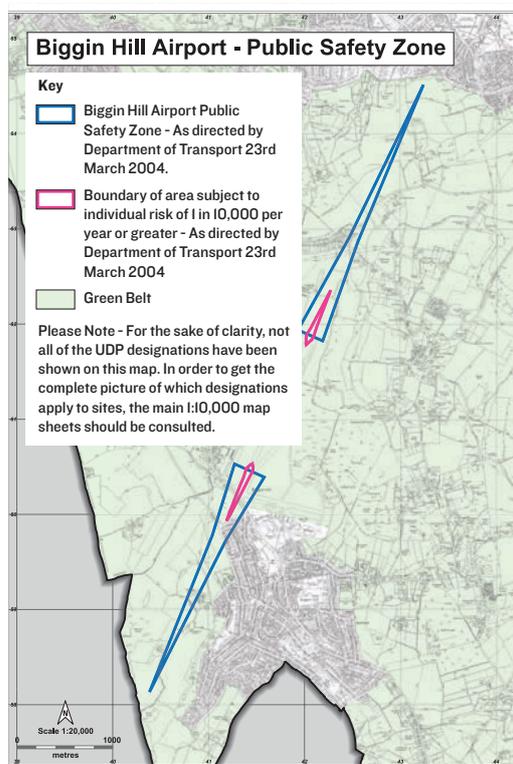
The aerodrome operator is responsible for the administration of the safeguarding process. However, the onus is also on the LPA, along with the developer and other stakeholders, to ensure that proposed development accords with policy, guidance and the relevant stakeholders are consulted.

It's important for an aerodrome operator to seek the inclusion of safeguarding policy into a local plan – regardless of whether an aerodrome is officially safeguarded or not. Where a PSZ has been confirmed this should be expressed on the Proposals Map.

This exercise should be led by the aerodrome operator and supported by the LPA. The aerodrome operator should also seek a consultation procedure be put in place between the LPA and aeronautical consultees.

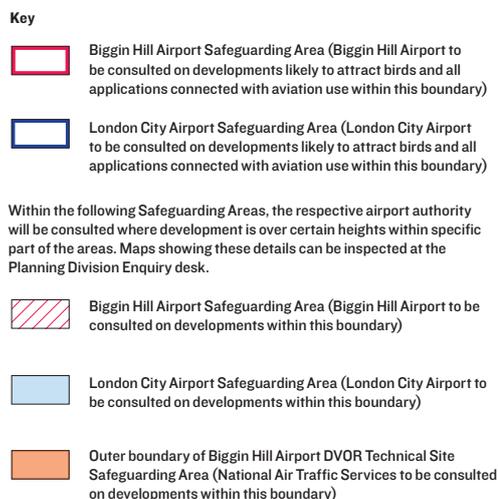
When development proposals come forward: the aerodrome operator should monitor development proposals that may trigger safeguarding criteria, developers should seek comment from the aeronautical consultees, and the LPA should consult the aeronautical consultees in accordance with the guidance in 1/2003 and CAA CAP 738.

Figure 3: Example of a PSZ map

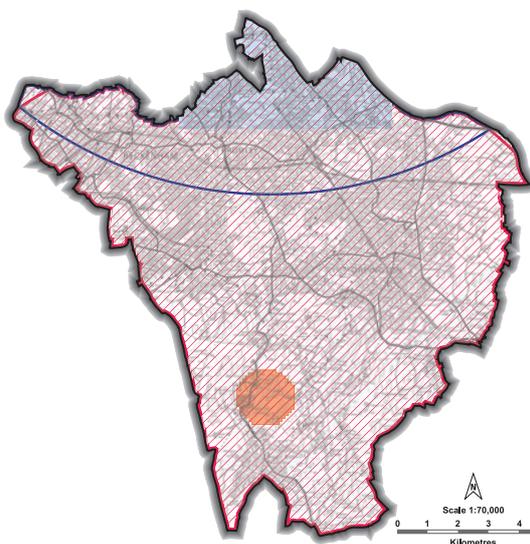


Source: London Borough of Bromley

Figure 4: Example of an airport and technical sites safeguarding map



Please Note - These maps are for indicative purpose only, official safeguarding maps are held by the council for public inspection.



Source: London Borough of Bromley

# 05 How well does the Circular work in practice?

## Not all aerodromes are officially safeguarded

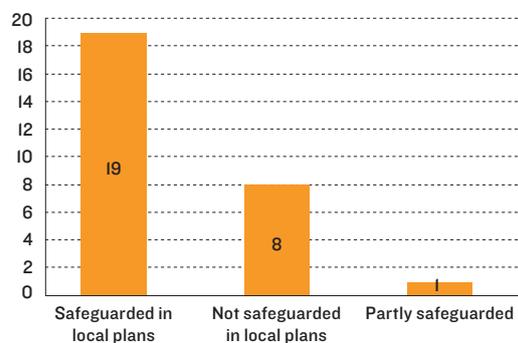
There are 82 aerodromes in England that hold a CAA (or EASA equivalent) licence. The terms of a licence are to ensure safe and efficient operations.

Only 28 (34%) of these licenced aerodromes have officially safeguarded status under the Government's aerodrome safeguarding system – DfT 1/2003 – providing an aerodrome with protection under the planning regime. These aerodromes benefit from Statutory Direction consultation and the need to include safeguarding policy and CAA approved maps.

## Not all officially safeguarded aerodromes have safeguarding policy in place within its local plan – despite the requirement to do so

All 28 officially safeguarded aerodromes should have safeguarding provision in place within a local plan – a national requirement. But this is not the case. Our research has identified that only 19 of the 28 officially safeguarded aerodromes have safeguarding measures in place via a local plan, meaning there are nine officially safeguarded aerodromes with no local plan safeguarding policy in place at all.

Figure 5: Officially safeguarded airports that are safeguarded in local plans

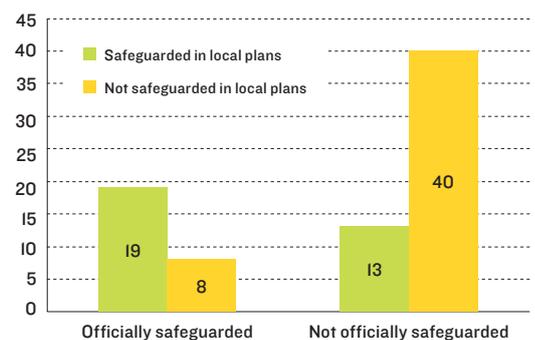


Source: Lichfields analysis

## However, some 'not officially safeguarded' aerodromes (CAA licenced aerodromes) have voluntary safeguarding policy in place in their local plan<sup>10</sup>

More positively, 13 aerodromes without official safeguarding status have sought voluntary safeguarding provision via its local plan. However, the majority of not officially safeguarded aerodromes do not have safeguarding policies in place.

Figure 6: Officially and not-officially safeguarded airports with safeguarding (or no safeguarding) in local plans



Source: Lichfields analysis

## What about the remaining CAA licenced aerodrome?

All 82 of the CAA licenced aerodromes in England must carry out safeguarding, however only 32 of these licenced aerodromes have safeguarding measures in place via a local plan (19 licenced and officially safeguarded plus 13 licenced and voluntarily safeguarded).

This means that 41 licenced aerodromes have no protection in place, despite the requirement to take all reasonable measures to ensure the aerodrome and its airspace are safe for use by aircraft – in accordance with the terms of its licence.

<sup>10</sup> "Operators of licenced aerodromes which are not officially safeguarded, and operators of unlicenced aerodromes and sites for other aviation activities (for example gliding or parachuting) should take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities."

The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (ODPM DfT Circular 1/2002)

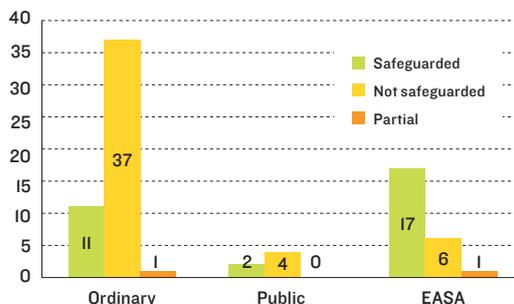
## The type of CAA licence does makes a difference

The research considered whether it was more likely for safeguarding policy to be in place for certain types of CAA licences. It is more likely for EASA certified aerodromes to be safeguarded. EASA aerodromes are typically the larger civil aerodromes operating commercial air transport. Only a third of Public licenced aerodromes are safeguarded and less than a quarter of Ordinary licenced aerodromes, which are typically smaller General Aviation (GA) facilities, are safeguarded.

## Who are the 'busiest aerodromes' with (PSZ) in place

This study classified aerodromes with more than 10 million passengers per annum to be 'busiest aerodromes' however only 50% of these aerodromes have a PSZ in place. A PSZ will only be put in place if it meets thresholds of statistical risk, which in turn depends on the circumstances at the individual aerodrome.

Figure 7: Licensing and safeguarding - how many aerodromes are safeguarded

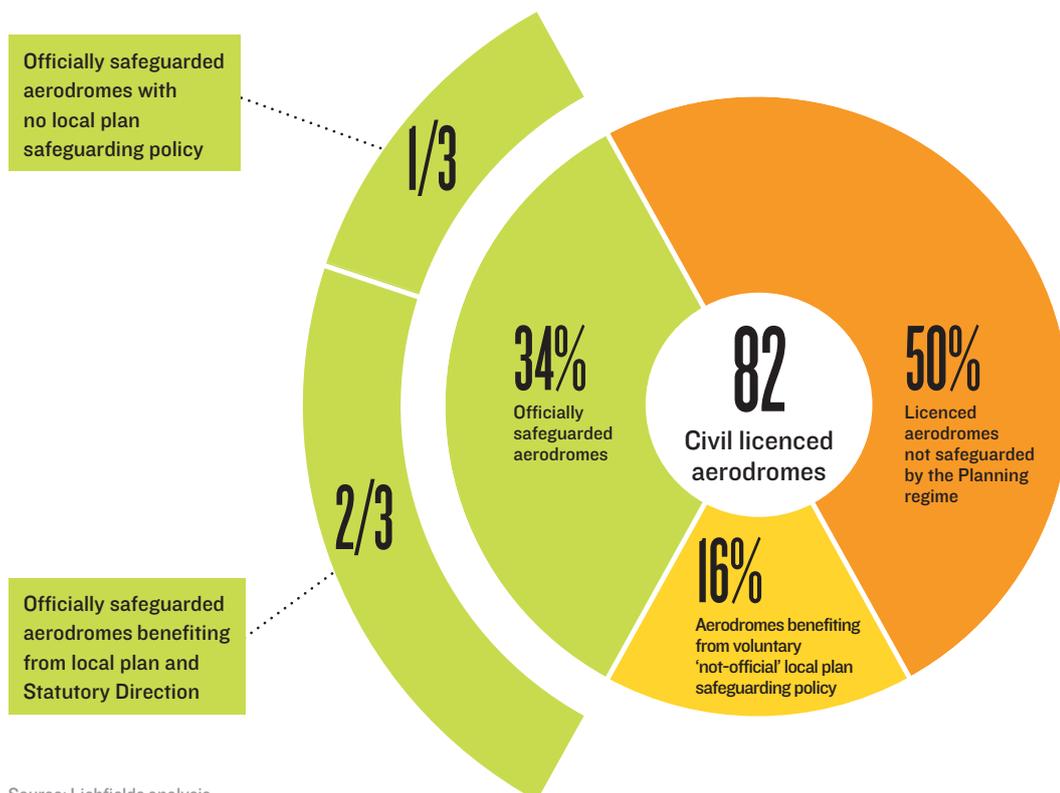


Source: Lichfields analysis

Aerodromes with more than one million passengers per annum could have the potential to be future 'busiest aerodromes' – yet only 56% of these aerodromes have a PSZ in place.

Only 10 officially safeguarded aerodromes have PSZs in place within a local plan.

Figure 8: How well does the Circular work in practice in England?



Source: Lichfields analysis

# 06

## Is the Circular being applied to development plans?

Local plans with an officially safeguarded aerodrome should include a policy stating that:

- officially safeguarded areas have been established for an aerodrome or technical site;
- that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site; and
- that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard.

The outer boundary of safeguarded areas should also be indicated on proposals maps accompanying local plans.

Finally, the plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.

Local planning authorities whose areas include an officially or not officially safeguarded area or part of such an area should ensure that the associated restrictions on development are entered in the Register of Local Land Charges.

### The DfT Circular

The DfT Circular is clear on how and why safeguarded areas should be incorporated into development plans. However, most local plans with an aerodrome do not reference the DfT Circular - only eight of the officially safeguarded aerodromes and only 10 of licenced aerodromes reference the DfT Circular in local plan policy.

Referring to the Circular within policy reinforces the need and status of safeguarding, making the issues explicit for all.

### CAA approved safeguarding map

A CAA approved safeguarding map will show development height limits, bird strike sensitive areas, sites of future aerodrome development, and airspace considerations. The requirements for such consultation are described in the legend on the safeguarding map.

The DfT Circular requires only the outer boundary of safeguarded areas for officially safeguarded aerodromes to be indicated on proposals maps. However, if the detail of the safeguarding map(s) are included within a Proposals Maps it would confirm that a safeguarding map has been accepted by the LPA and again it would reinforce the need and status of the safeguarding map, making the issues explicit.

Despite this, only 19 Local Plans reference either the existence of a safeguarding map, or one further, includes a safeguarding map within its Proposals Map.

Only 12 of the officially safeguarded aerodromes, where a safeguarding map is a legal requirement, have a map either explicitly referenced in local plan policy or included in the Proposals Map.

Even if a safeguarding map has been lodged with the LPA by the aerodrome operator does not mean that the LPA will always adhere to it, follow the guidance and notify the aerodrome of applications for development. The GAAC notes that one council reportedly 'lost' its safeguarding map.

### Air Navigation

The safety of aircraft in UK airspace is generally dependant on ground-based navigation and radio aid assets, some of which are owned by NATS Holdings Ltd. Aerodromes also have such assets located on-aerodrome. There is a Safeguarding procedure in place to protect the performance of aerodrome navigation aids, radio aid and telecommunication systems and to ensure development does not impair the performance of these assets – both on-route assets owned by NATS and assets owned by aerodromes. Circular 1/2003 identifies LPA areas containing civil en-route technical sites for which separate official safeguarding maps should be issued.

Of the aerodromes and local plans assessed:

- Only 10 of the 82 licenced have policy in place to protect air navigation assets.
- Only 8 of the 28 officially safeguarded aerodromes have policy in place to protect air navigation assets.

Of the LPAs assessed, 16 from the sample have additional requirements to protect NATS on-route air navigation assets. However only five of the 16 explicitly reference this statutory requirement, meaning the status of these air navigation assets and need to safeguard may not be understood.

### Bird Strike Hazard

Safeguarding is not just about height limitations for new development surrounding an aerodrome. Bird strikes are one of the major controllable hazards to aviation. Common birds have caused catastrophic accidents to all types of aircraft. Most bird strikes occur on or near aerodromes but, because birds are very mobile, features far beyond an aerodrome boundary may increase the hazard.

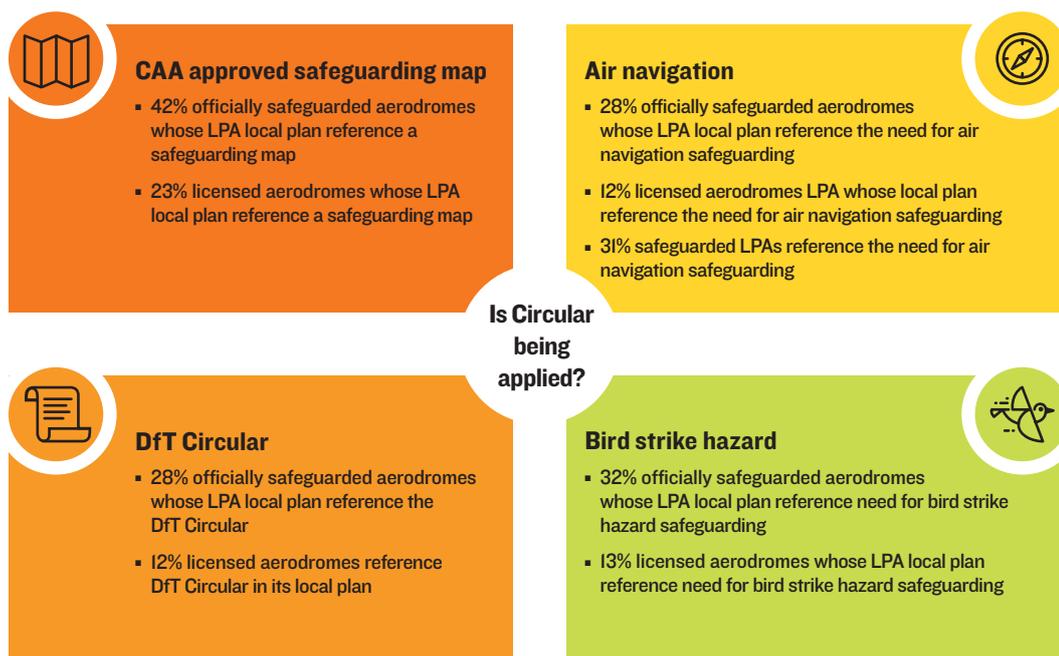
The most important development likely to give rise to bird hazards can include waste treatment plants, modifications to areas of water, nature reserves and bird sanctuaries, sewage disposal and treatment plans, major landscaping proposals, and mineral extraction and quarrying.

The guidance is clear that safeguarding maps should include a dotted circle, with a 13km radius surrounding the aerodrome. Supporting the map could be bird strike hazard policy and reference in the map key. An LPA would then consult the relevant consultee for any proposed development located within the relevant radius and development which is likely to attract birds.

The majority of local plans surveyed do not make explicit reference to managing bird strike hazards. Only 11 licenced aerodromes and 9 officially safeguarded aerodromes have bird strike hazard safeguarding policy in place.

If a LPA does not publish the safeguarding map as part of its suite of proposals maps then the 13km dotted safeguarding zone does not become publicly available and the issue is not sufficiently explicit.

Figure 9: Is the Circular being applied to development plans in England?



Source: Lichfields analysis

# 07 Future for safeguarding

This Lichfields Insight explores whether the current aerodrome safeguarding system is fit for purpose. Are there appropriate planning policies in place at a national level (via planning Directions and Circulars) and are these requirements being implemented at a local level (via local plans) – or are there policy ‘gaps’?

## Are the current national Circulars still relevant?

DfT Circular 1/2003 came into effect 15 years ago. Since then it has been updated only the once, in 2016, with an updated list of officially safeguarded aerodromes (three aerodromes were added to the list and two were removed). There has been no change to the guidance and statutory requirements set out in Circular describing how aerodromes should be protected. The Circular continues to benefit an arbitrary small group of aerodromes, rather than being open to any aerodrome seeking safeguards from development proposals.

DfT Circular 1/2010 came into effect eight years ago following the shift of day-to-day administrative responsibilities for implementing public safety zone (PSZ) policy from DfT to the CAA, and it has not been updated since.

The national Circulars are outdated and no longer meet their intended use. Since adoption, the policy environment has changed significantly, particularly with the introduction of localism (2011), a new National Planning Policy Framework (2012), a new Aviation Policy Framework (2013), an Industrial Strategy (2017) and Brexit. The aviation industry continues to experience growth and play an important part in the UK economy. These factors all give greater weight to the need to protect an aerodrome's ability to carry out safe and efficient operations.

## Has the NPPF helped or hindered aerodrome safeguarding?

The research considered of the local plans that have been updated to reflect the NPPF, has there been a noticeable change in incorporation of safeguarding policy i.e. has there been an improvement or decline in provisions

for safeguarding? There has been no significant change; in fact there has been a safeguarding improvement to only one local plan.

Many of the LPAs reviewed are yet to have adopted NPPF local plans, meaning the current safeguarding policy (or lack of it) could be more than 10 years old and will likely not reflect the current position of the aerodrome and its operational status. But this does create opportunity for aerodrome operators to seek to incorporate safeguarding policy in its local plan - now.

## Should all CAA licenced aerodromes be safeguarded?

Given the safeguarding requirement is so intrinsically linked to an aerodrome's ability to maintain its operating licence, the safeguarding measures in the Circulars and Statutory Direction should be available to all CAA licenced aerodromes. Safeguarding comes with a cost burden – for the aerodrome operator and the CAA, particularly for those smaller aerodromes where finances are already stretched. Currently, it is the responsibility of the aerodrome operator to prepare and lodge a safeguarding map with the LPA.<sup>11</sup> Because these maps are often not being applied as they should, an onus is then placed on the aerodrome operator to also monitor and review proposals that come forward contained with a planning application.<sup>12</sup> Should financial and resource support be made available to some aerodromes?

## Is national safeguarding policy being applied – as it should - at a local level?

Based on our research, the current system is not working. The national system is outdated and flawed and – significantly – not being implemented as intended at a local level.

The safeguarding Circulars make clear which aerodromes and local authorities must be safeguarded under the planning regime, what the safeguarding policy and corresponding map comprise, and who is responsible for its implementation, however:

<sup>11</sup> Only officially safeguarded aerodromes currently have to lodge a ‘CAA approved’ safeguarding map. The CAA does not have to approve others

<sup>12</sup> There is often a misunderstanding on the way safeguarding maps should be used. If prepared correctly and used properly, with supporting policy in places, the map tells the LPA where development may be permitted without referral to an aerodrome

- 66% of licenced aerodromes do not benefit from Statutory Direction safeguarding protection under the Planning regime.
- 32% of officially safeguarded aerodromes do not have safeguarding policy within its local plan.

When delving into the make-up of the safeguarding policy and corresponding map, it is evident that there is no consistency with how the requirements outlined in the Circulars are being applied.

Only 19 Local Plans reference either the existence of a safeguarding map, or one further, includes a CAA Safeguarding map within its Proposals Maps. If the details of the safeguarding map(s) are included within a Proposals Maps it would confirm that a safeguarding Map has been accepted by the LPA and it would reinforce the need and status of the safeguarding map – making the issues explicit.

## **Who is responsible for safeguarding and closing this policy gap?**

### **It's up to all stakeholders involved**

Are aerodromes aware of this safeguarding process and are they raising this issue as a priority with their LPA and other local partners? If LPAs are not carrying forward these safeguarding requirements through the introduction and application of local policy, why not? Are they aware of the regulatory framework in place and is this awareness enough?

Are aerodromes then being made aware of all relevant development that comes forward in planning applications? If not, why? Is a safeguarding protocol in place between the aerodrome and LPA to ensure applications do not fall through the gap?

Some of the aerodromes assessed cross LPA boundaries and safeguarding policy has not been applied in a consistent manner. Should the two local plans be developed in parallel with a common policy? Would more standardised

policy be appropriate to ensure the guidance and regulations are applied consistently or is there a need for it to be tailored to each aerodrome and its surrounds? As minimum, local planning authorities, aerodrome operators and aviation stakeholders should work more closely together to better manage the potential impact of developments near to aerodromes.

Aerodromes irrespective of size are responsible for safeguarding and need to step up their game. But it's not just the role of the aerodrome operator to make these issues explicit. The LPA should be aware of where the aerodromes are in their area, whether any CAA safeguarding maps are place, how the requirements are applied, and the risks to aerodromes and aviation that local development can create.

There should be an explicit reference to the circulars and safeguarding need in local plan policy to raise awareness of the safeguarding requirements. The safeguarding map and safeguarding policy should reflect the current environment. Policy shapes behaviour; if there is no policy in place there is a risk that the issue is not being considered when development proposals are assessed by the LPA. This may mean that LPA officers require training to understand aviation issues – and that this should be carried out under the guidance of the aerodrome operator.

For developers, initiating technical consultation with the LPA and aeronautical stakeholders before submitting a planning application is strongly recommended.

The aerodrome has an important role to play and should be promoting the need to include safeguarding policy in the local plan process and agree a safeguarding protocol with the LPA. Aerodromes must make representations and should be actively involved in the local plan process and as proposals for development come forward. Given the number of local plans that are currently not up-to-date, there is an opportunity for aerodrome operators to promote the inclusion of safeguarding. Once in place, the aerodrome should monitor planning applications and changes to local plans for any development that could give rise to aeronautical

impact, and then assess and comment on any applications once submitted to the LPA. Aviation industry organisations need to be brought together to understand what is going on and to press for the above changes.

### **Future safety pressures for the industry**

The aviation industry is at the cusp of major change with the advancement of Unmanned Air Systems (UAS) technology such as drones and flying cars. These new technologies will add to current safety pressures for aerodromes and airspace, as well as land neighbouring an aerodrome and land beneath active airspace. The CAA is developing a set of regulations, policy and guidelines in reaction to the demands from these technologies being placed on the industry. The planning regime is yet to take such action.

On the ground, the increase in intensification of urban areas will also add to safety pressures for aerodromes and airspace.

### **Time for a policy sea-change?**

Whether it is significant expansion of an aerodrome, a major development proposal neighbouring an aerodrome, or the cumulative effect of small incremental development proposals – there should be a clear, consistent and explicit framework for the assessment of impact on the safe and efficient operations of an aerodrome. National guidance and local policy should be aligned.

Whilst it is clear from our research that the current framework is lacking, there are new and emerging policies that could have a positive impact on ensuring an aerodrome's safe and efficient operations.

The impending UK Aviation Strategy White Paper, as it progresses during 2018/19, has already set out an overarching objective to achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and of a global, outward-looking Britain.

With the introduction of the new EIA Regulations in April 2017, assessment of the vulnerability of a proposal to risks of major accidents and/or disasters now forms part of the scope for assessment of EIA development – which will be relevant for development that may affect demonstrating safe and efficient operations at an aerodrome.

The proposed draft NPPF guidance could be clearer with respect to the expectation of a LPA and addressing the needs safeguarding matters.

### **A way forward**

Government, with the support from LPAs and aerodrome operators, could take safeguarding policy further with an update to Circulars 1/2003 and 1/2010, to:

- Reflect national policy and advice adopted since 2003 and 2010 and consider future challenges for the industry.
- Set out an alternative safeguarding route if a LPA does not have a NPPF adopted plan in place.
- Allow any CAA licence aerodromes to be identified as 'officially safeguarded' and for less busy UK aerodromes with ambitious growth plans to seek the protection of a PSZ.
- Provide clearer advice on what local plan safeguarding policy should comprise.
- Provide clearer advice on the potential consequence if an aerodrome's safety is compromised – identifying potential direct and indirect impacts.
- Greater safeguarding weight to aerodromes with voluntary safeguarding measures in place.
- Provide LPA officers with safeguarding training.
- Circulars or other advice should be updated to ensure all aerodromes have equal opportunity to be safeguarded along with clear advice to LPAs.

# The Lichfields perspective

What makes us different? We're not just independent but independent-minded. We're always prepared to take a view. But we always do that for the right reasons – we want to help our clients make the best possible decisions.

We have an energetic entrepreneurial culture that means we can respond quickly and intelligently to change, and our distinctive collaborative approach brings together all the different disciplines to work faster, smarter, and harder on our clients' behalf.

## Sharing our knowledge

We are a leading voice in the development industry, and no-one is better connected across the sector. We work closely with government and leading business and property organisations, sharing our knowledge and helping to shape policy for the future.

## Publishing market intelligence

We are at the forefront of market analysis and we track government policy and legislation so we can give fresh insight to our clients. Our Think Tank is a catalyst for industry-leading thinking on planning and development.

## Read more

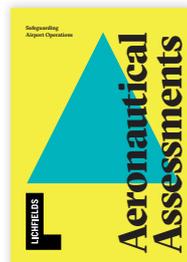
You can read more of our research and insight at [lichfields.uk](http://lichfields.uk)

## Creating bespoke products



### Flightpath

Delivering growth at airports



### Aeronautical Assessments

Safeguarding airport operations



### Economic Footprint

Measuring the economic impact of corporate activities



### Evaluate

Making the economic case for development

## Contacts

Speak to your local office or visit our website.

### Bristol

Andrew Cockett  
andrew.cockett@lichfields.uk  
0117 403 1980

### Cardiff

Gareth Williams  
gareth.williams@lichfields.uk  
029 2043 5880

### Edinburgh

Nicola Woodward  
nicola.woodward@lichfields.uk  
0131 285 0670

### Leeds

Justin Gartland  
justin.gartland@lichfields.uk  
0113 397 1397

### London

Tabitha Knowles  
tabitha.knowles@lichfields.uk  
020 7837 4477

### Manchester

Simon Pemberton  
simon.pemberton@lichfields.uk  
0161 837 6130

### Newcastle

Harvey Emms  
harvey.emms@lichfields.uk  
0191 261 5685

### Thames Valley

Daniel Lampard  
daniel.lampard@lichfields.uk  
0118 334 1920



Prepared in consultation with



#### Disclaimer

This publication has been written in general terms and cannot be relied on to cover specific situations. We recommend that you obtain professional advice before acting or refraining from acting on any of the contents of this publication. Lichfields accepts no duty of care or liability for any loss occasioned to any person acting or refraining from acting as a result of any material in this publication. Lichfields is the trading name of Nathaniel Lichfield & Partners Limited. Registered in England, no.2778116. Registered office: 14 Regent's Wharf, All Saints Street, London N1 9RL © Nathaniel Lichfield & Partners Ltd 2018. All rights reserved.