



# Public Safety Zones: Proposed Circular

## The basic policy objective

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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 take-off or landing. The core 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.

## Risk contour

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2. The implementation of Public Safety Zone policy at civil airports is based on the level of risk to people on the ground around airports. The extent of risk contours is based upon aircraft accident data. The 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 based on data supplied from airports on traffic forecasts for the next 15 years. 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. The resultant shape of the Public Safety Zones is that of an elongated isosceles triangle. 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. The Public Safety Zones will need to be redefined if a runway is extended or if a landing threshold is moved or there is an increase in Air Traffic Movements (ATMs) on the runway.
3. 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 public safety benefits from preventing any new or replacement development, or change of use, which would result in an increase in the numbers of people residing or working 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.

## Risk appraisal

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4. 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 to public safety 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

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5. 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 the Secretary of State 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.
6. 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, providing that any such applications can demonstrate a compelling case in the public interest.

## Establishment of public safety zones

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7. Public Safety Zones have been established at all the airports with above 18,000 air traffic movements a year. They comprise an outer boundary which is the 1 in 100,000 risk contour and an inner, higher risk zone, based on the 1 in 10,000 risk contour. The length of the 1:100,000 risk contour for an aerodrome with less than 45,000

ATMs per year has been set at 1,000m from the landing threshold. This was in line with the ICAO approach area for an instrument runway. For an aerodrome with greater than 45,000 ATMs, the PSZ follows the same lateral plan but extends to 1,500m. Regardless of ATMs, the 1:10,000 risk contour has been set at 500m from the landing threshold.

8. The standardised shape that replaces the risk-based model profile has been defined using the latest data on accidents shown to be located outside the aerodrome boundary.

## Role of local planning authorities

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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 determining the use of land 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

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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 dwelling houses, 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

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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 dwelling 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 dwelling 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:

- i. long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);
  - ii. 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 consent 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;
  - iii. development of a kind likely to introduce very few or no people on to a site on a regular basis. Examples might include unmanned structures, engineering operations, buildings housing plant or machinery, agricultural buildings and operations, buildings and structures in domestic curtilage incidental to the principal dwelling, and buildings for storage purposes ancillary to existing industrial development;
  - iv. public open space, in cases where there is a reasonable expectation of low intensity use, such as car boot sales. 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;
  - v. golf courses, but not clubhouses; and
  - vi. allotments.
12. Paragraphs 5 to 6 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

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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 consult the Aviation Safety team in the Department for Transport, which may be able to advise on whether the proposed land use is broadly consistent with the Public Safety Zone policy.

## Conditions

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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. In doing so they should take into account the qualifying criteria for conditions, set out in the National Planning Policy Framework.

## Transitional arrangements

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15. Planning permissions are valid for three years or other specified 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 determined any reserved matters or other detailed consent required.

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 detailed consent on Public Safety Zone grounds when, provided that such an approval 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

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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 Planning Act 2008 and 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) (England) Order 2015 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

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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

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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

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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, issued by the owner of the site or property to the Local Planning Authority 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) (England) Order 2015 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) Airports subject to Part V of the Airports Act 1986

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 but for the need to secure the safe and efficient operation of the airport, prevent persons or buildings from being struck by aircraft using the airport, or the need to secure the safe and efficient operation of apparatus which is owned by the airport operator and provided for the purpose of assisting air traffic control or as an aid to air navigation. 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) 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

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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**

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22. Local plans should identify 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 this Circular. The extent of Public Safety Zones and any 1 in 10,000 individual risk contours should be indicated on local plan maps.

## **Military aerodromes**

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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.