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Who's who in local aviation?

Introduction

Aviation is a reserved matter, and as such Westminster takes the lead in issuing policy directions and formulating strategy. The international nature of the aviation industry does, however, mean that there are few areas, apart from airport development, in which the United Kingdom (UK) is free or can effectively make policy in isolation from other countries. Most new aviation legislation now originates at the European Union (EU) level; and in the air traffic management field, through EUROCONTROL, the European Organisation for the Safety of Air Navigation.

The aim of this paper is to outline the roles and relationships of relevant bodies at the UK and Northern Ireland level that have responsibilities with regards to aviation.¹ The relevant bodies which will be considered are the Department for Transport (DfT), the Civil Aviation Authority (CAA), the Department for Regional Development (DRD) and the Department of the Environment (DoE).

The role of the Department for Transport

The Department for Transport's (DfT) role, in terms of aviation is to take the lead on primary and secondary UK legislation, formulate policy, draft most legislation and support the passage of this legislation through Parliament. (For some pieces of

¹ This is summarised in Figure One (page 4)

secondary legislation, particularly on safety, it is the Civil Aviation Authority (CAA) that does much of the preparatory work, including drafting). The DfT also leads UK negotiations on air transport in the EU and in other international forums.²

The DfT develops the CAA's statutory framework (subject to Parliamentary approval), which outlines the Authority's roles and responsibilities. As the CAA's sponsor, DfT monitors how it fulfils its responsibilities set out under the framework. The Secretary of State can initiate changes to the statutory framework and appoints members to the Board. The Secretary of State may also supplement the CAA's statutory framework by issuing directions or guidance.

Main Functions of the Civil Aviation Authority

The Civil Aviation Authority is the UK's aviation regulator. The CAA is classified as a Public Corporation and its powers are conferred by Act of Parliament.³ As such, the CAA must produce an annual report for the Secretary of State, which is laid before Parliament. The main functions of the CAA are:

- safety regulation of civil aviation in the UK;
- determining policy for the use of airspace;
- economic regulation of designated airports and en route air traffic services;
- licensing of airlines in relation to their finances;
- licensing of air travel organisers; and
- provision of independent policy advice on aviation to Government

The CAA works within a regulatory framework which includes international standards set by the International Civil Aviation Organisation, European and UK legislation. The main legislation that defines the CAA's role is set out below.

The Civil Aviation Act 1982 gives the CAA a role in:

- licensing air transport
- licensing the provision of accommodation in aircraft (air travel organisers' licensing)
- licensing and operating aerodromes
- providing air navigation services and
- providing assistance and information to the Secretary of State.

Many of the CAA's functions and duties, especially for safety, are prescribed in secondary legislation made as Air Navigation Orders under section 60 of the Civil Aviation Act 1982. *The Airports Act 1986 Part IV* sets out the CAA's role for the economic regulation of airports; *The Transport Act 2000 Part 1* sets out the CAA's role in regulating air traffic services (other than safety) and the CAA's air navigation

² (DfT) Department for Transport (2008) "Report of the strategic review of the CAA" [online] available from: <http://tiny.cc/bodzi>

³ (DfT) Department for Transport – "Sponsorship statement for the Civil Aviation Authority" [online] available from: <http://tiny.cc/g7qbg>

functions; and *The Civil Aviation Act 2006* section 8 gives the CAA responsibility for the health of people on board aircraft.

DoE and Safeguarding

This paper looks at the CAAs role of licensing aerodromes. The CAA issues an operating license to the Airports in Northern Ireland and then regulates these. Being a licensee the airport operators are required to comply with safety standards specified by the CAA, one of which is safeguarding. Safeguarding was previously carried out by the CAA, in consultation with local planning authorities, (which for Northern Ireland is the DoE) but this duty now lies with the respective aerodrome licensees.

When the aerodrome licensee and the DoE have agreed a safeguarding area, the CAA will then approve it; this will usually be represented on a map. Effectively it is often an area of approximately 15 miles around the aerodrome where planning must be strictly controlled. The DoE, when considering an application for planning permission within this area has to consider if there will be any issues with regards to safety of the aerodrome, for example, the height of the building. If these problems cannot be mitigated or eliminated then the DoE would have to refuse planning permission on the grounds of safety. The CAA carry out inspections of these safeguarding areas regularly and aerodromes found to be non-compliant face losing their license. Licensing of aerodromes, reflects international best practice and is taken from the Standards and Recommended Practices of Annex 14 Volume I, Aerodrome Design and Operations, to the Convention on International Civil Aviation (Chicago 1944).

DRD and Control Over Land

This request was made in the context of the DRD proposals to make two Control over Land Orders (COLO), for the City of Derry Airport and Belfast International Airport. The full titles of these two Statutory Rules are:

- The Belfast International Airport (Control Over Land) Order (Northern Ireland) 20**;
- and
- The City of Derry Airport (Control Over Land) Order (Northern Ireland) 20**

These orders can be made under powers conferred by Article 8 of the Airports (Northern Ireland) Order 1994. It allows the DRD, on the grounds of safety, to:

- Prohibit the erection of any buildings or structures or of buildings or structures within the area;
- Call for the total or partial demolition of any building or structure within the area;
- Restrict the height of trees on any land within the area, or require any tree be cut down or reduced in height;
- Extinguish any private right of way over land within the area;

- Restrict the installation of cables, mains, sewers, pipes, wires or other apparatus on, under, over or across any land within the area;
- Extinguish any subsisting right to installing or maintaining any such apparatus on, under, over or across any land within the area after a certain date; and
- Require that, before the expiration of such period that any such apparatus shall be removed from any land within the area.

Effectively these COLO are a further safety measure for aerodromes that can be applied retrospectively as and when they are needed. Whereas safeguarding is a part of the requirement to hold an aerodrome licence and can prevent future development it does not include any powers that would allow the licensee to demand for example trees or structures to be cut or taken down by a land owner within the safeguarding area. It has been indicated⁴ that very often such orders are not necessary as the aerodrome can come to an arrangement with affected property owners. However, the wording of the legislation is such that if the aerodrome licensee feels its ability to operate safely is inhibited it can call for the Order to be made.

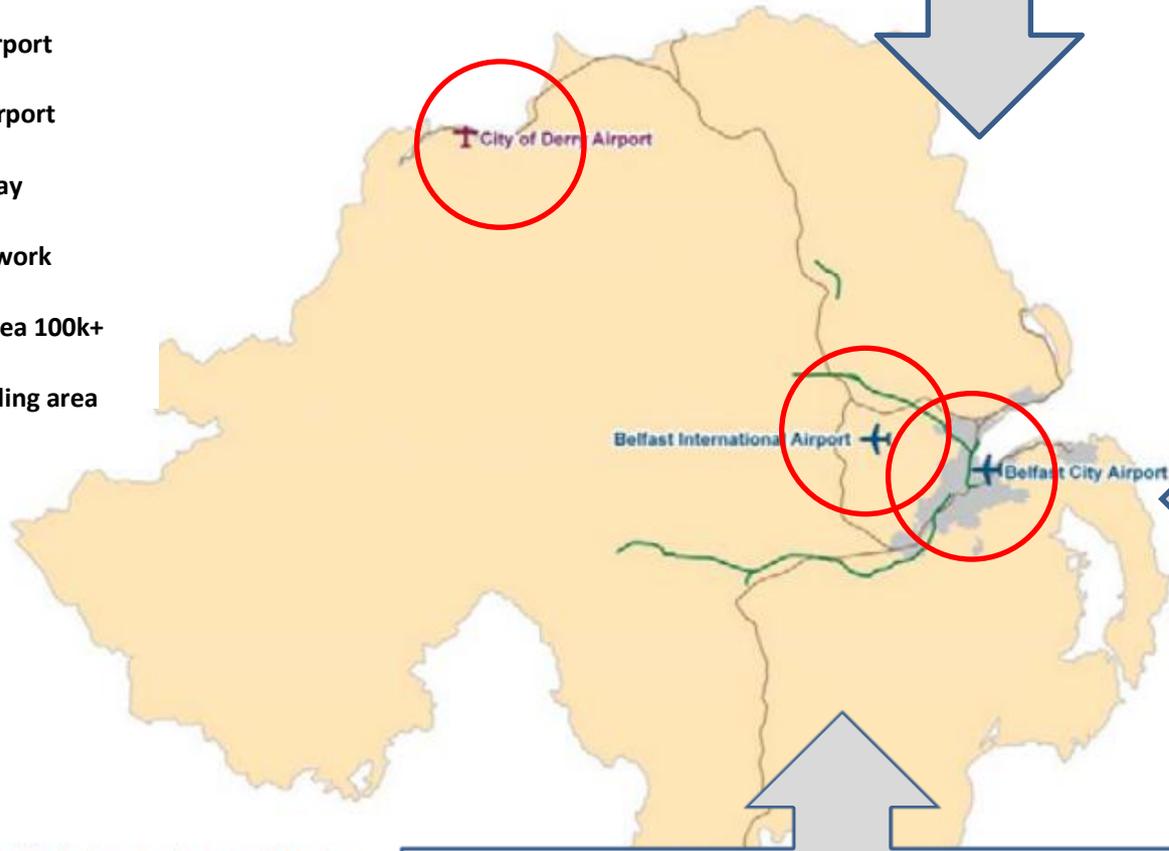
Figure One: Map of Northern Ireland Licensed Airports and details of responsible parties

⁴ SL1 – To Departmental Committee Clerk - Regional Development

Responsibility for Aviation in Northern Ireland

KEY

-  Major Airport
-  Minor Airport
-  Motorway
-  Rail Network
-  Urban Area 100k+
-  Safeguarding area



*Major airports are defined as those airports where specific major developments were supported in the White Paper or which are forecast to handle 20,000 air transport movements annually by 2030. Minor airports shown are non-master-plan airports that were referred to in the White Paper.

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Aviation policy is a reserved matter. Therefore the UK Govt. strategic framework (Air Transport White Paper) for the dev capacity over next 30 years. The strategy itself does not aut particular development, It is for airport owners and operato proposals through the local planning system; The DfT spons independent regulator for aviation across the UK. The CAA p regulates the Airports in Northern Ireland

The DRD has responsibility for land use planning through the RDS as well as for planning and developing surface access to ai that recognises the strategic importance the have for the local economy. The DRD also has powers conferred under the Airpo (Northern Ireland) Order to ensure safe and efficient operatio airports. DoE has the responsibility of controlling planning with safeguarded areas around the airports