Explanatory Memorandum To

The City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011

S.R. 2011 No. 69

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011 which is laid before the Northern Ireland Assembly. The Order revokes and replaces the Eglinton Airport (Control Over Land) Order (Northern Ireland) 1989.

1.2. The Statutory Rule is made under powers conferred by Article 8 of the Airports Order (Northern Ireland) 1994 and is subject to negative resolution procedure before the Assembly.

2. **Purpose**

2.1. The purpose and extent of this Order is to specify areas of land to be subject to control by direction made by the Department.

3. Background

3.1. This Order specifies the areas of land which are subject to control by directions made by the Department. Whilst the Order would enable the Department to direct that existing buildings, structures or trees be reduced in height or removed or that a private right of way be extinguished, the Department would issue directions only where it is satisfied that it is necessary to do so to ensure the safety of aircraft using the airport. Where a Direction would be given for prohibiting the erection of a building or structures, or where such building or structures may be made subject to conditions the Order provides for an appeal against such a refusal or conditions to the Planning Appeals Commission.

3.2. In considering any application by City of Derry Airport for a direction, the Department would take advice from the Civil Aviation Authority (CAA). Where it is satisfied that a safety case is made, the Department would not proceed to give a direction until

satisfied that the airport had exhausted all other avenues of negotiation with the landowner/occupier to remove the safety risk.

4. Consultation

4.1. The Department has completed an extensive consultation exercise in relation to the Statutory Rule. A range of stakeholders responded to the consultation. The Airport authority has also responded to the issues raised and the Department has facilitated meetings with the main stakeholders and with the airport authority. The Department has formally responded to all of the consultees.

5. Equality Impact

5.1. As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals

6. Regulatory Impact

6.1. The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

7. Financial Implications

7.1. There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications arising.

10. Parity or Replicatory Measure

10.1. Not applicable to this Statutory Rule.

11. Additional Information

11.1 The Provisions of the Order are as follows -

Under Article 8 of the Airports (Northern Ireland) Order 1994 an airport operator may, request the Department to make an Order for control over land in relation to the safe and efficient operation of an airport.

Article 3 specifies the areas of land which are subject to such control and which may be subject to directions made by the Department. These areas of land are identified by means of a map marked “City of Derry Airport – Specified Areas of Land”, signed and sealed with reference to this Order. The map is available for inspection at any reasonable hour at the office of the Department for Regional Development, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB. A less detailed map indicating the specified areas of land is attached to this memorandum

Article 4 provides the authorisation for the Department to give directions in relation to the specified areas of land for any of the purposes set out in Article 8(3) of the Airports (Northern Ireland) Order 1994.

Article 5 confers a right of appeal on any person who is aggrieved by a decision of the Department to refuse consent under paragraph (3)(a) of Article 8 of the 1994 Order or to give its consent subject to conditions.

Article 6 provides for the bringing of buildings etc. into conformity with the directions. This empowers the Department to authorise any person to carry out work to bring any structure, building, tree or apparatus within the specified areas into conformity with the requirements of the direction and gives a person so authorised power to enter into land for those purposes.

Article 7 provides for the revocation of the Eglinton Airport (Control Over Land) Order (Northern Ireland) 1989.

11.2. The airport operator shall pay compensation to any person under Schedule 3 to the Airports (Northern Ireland) Order 1994, as a consequence of the coming into operation of a direction.

Department for Regional Development

GENERAL MAP

City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011

Specified area of land subject to control delineated by the blue line

