

STATES OF JERSEY



PROPOSED AIRPORT REDEVELOPMENT: REVIEW – COMMENTS

Presented to the States on 30th June 2020
by the Minister for Treasury and Resources

STATES GREFFE

COMMENTS

“Deputy R. Labey of St. Helier’s Proposition ([P.71/2020](#)) asks the Assembly –

- (a) to request the Minister for Treasury and Resources, as Shareholder Representative, to request Ports of Jersey to undertake and provide to the States Assembly a review of the scale, detail and viability of the £42 million scheme for the redevelopment of Jersey Airport in light of the changed aviation landscape caused by the worldwide Coronavirus pandemic;
- (b) to request the Minister for Treasury and Resources, as Shareholder Representative, to seek commitments from Ports of Jersey that no demolition of the original 1937 Terminal takes place until the outcome of such a review has been considered by the States Assembly; and that consideration will be given to the retention and incorporation of the 1937 building as part of any redevelopment;
- (c) to request the Minister for the Environment to instigate a review of the grant of a permit to demolish the 1937 Terminal.”

The Minister for Treasury and Resources opposes this Proposition.

“(a) to request the Minister for Treasury and Resources, as Shareholder Representative, to request Ports of Jersey to undertake and provide to the States Assembly a review of the scale, detail and viability of the £42 million scheme for the redevelopment of Jersey Airport in light of the changed aviation landscape caused by the worldwide Coronavirus pandemic;”

Notwithstanding the current change to the economic landscape, the aim of the current development plans are to ‘future proof’ the Airport for many years to come. It is an investment which should be assessed against the next 30 years rather than the short-term experience of a reduced number of flights.

Industry forecasts show the aviation industry growing back to close to pre-Covid levels over the next 18-24 months. A review of the proposed plans by international aviation specialists concluded that the plans for the new integrated terminal were the most effective way of meeting future needs of the Island and airlines.

The redevelopment of the terminal is being undertaken on essential safety grounds as there is a need for Jersey Airport to comply with the requirements of the aerodrome license, as set out within the [Air Navigation \(Jersey\) Law 2014](#), and the Civil Aviation Authority regulations.

The Director of Civil Aviation (“DCA”) has overall responsibility to ensure the safety of civil aviation in Jersey and its airspace. The DCA has provided clear instruction that the 1937 Building represents a hazardous obstacle which infringes the 1:7 Transitional Surface and prevents the proper separation of the Alpha taxiway from the runway.

The rationale for the decision to permit the demolition to proceed is clearly laid out in [MD-PE-2014-0024](#). Under the [Air and Sea Ports \(Incorporation\) \(Jersey\) Law 2015](#), the primary object of Ports of Jersey Limited is "...to provide or ensure the provision of safe, secure and efficient port operations for Jersey, whether by itself or by any other person acting as its subsidiary, agent, employee or sub-contractor." To allow the 1937 Building to remain in its current position directly contradicts this important legal responsibility.

The redevelopment of Jersey Airport is required to ensure the safe, secure and regulatory compliant operation of Jersey Airport. Ports of Jersey has confirmed that it considers the project to be financially viable.

Accordingly, the changed aviation landscape, because of COVID-19, is not an appropriate rationale for a review of the scale, detail and viability of the current scheme. It follows that COM cannot support this part of the proposition.

“(b) to request the Minister for Treasury and Resources, as Shareholder Representative, to seek commitments from Ports of Jersey that no demolition of the original 1937 Terminal takes place until the outcome of such a review has been considered by the States Assembly; and that consideration will be given to the retention and incorporation of the 1937 building as part of any redevelopment;”

On the basis that the review requested in part (a) is not supported, the Minister does not believe there is a requirement for her to seek such a commitment from the Ports of Jersey. However, the Assistant Minister for Treasury and Resources has written to the Chief Executive of Ports of Jersey requesting that any further work on the 1937 Building be halted until the outcome of the States debate on this proposition is known and the Minister for the Environment’s consultation with the DCA is completed. The Chief Executive has confirmed that no further work will take place at this time.

“(c) to request the Minister for the Environment to instigate a review of the grant of a permit to demolish the 1937 Terminal.”

The aviation sector is one of the most heavily regulated industries in the world.

Civil Aviation in Jersey is regulated by the Office of the DCA, created by the [Civil Aviation \(Jersey\) Law 2008](#). The DCA has overall responsibility to ensure the safety of civil aviation in Jersey and its airspace. The DCA is committed to meet the Annexes of the Chicago Convention 1944 as set by the International Civil Aviation Organisation (“ICAO”), the arm responsible for international air transport to ensure safety worldwide, which mandates that each of its 191- member States ensure separation of the regulator and the service provider, which for Jersey is the Ports of Jersey.

The DCA coordinates the regulatory oversight of civil aviation in Jersey with its sister agencies, the Civil Aviation Authority (“CAA”) in the UK and the European Aviation Safety Agency (“EASA”).

The determinations of the DCA are based on a detailed understanding of all aspects of UK and International regulations and how they should be applied at Jersey Airport.

Regular safety and security compliance audits are undertaken on behalf of the DCA by the CAA.

The DCA has provided written instruction on three separate occasions that the 1937 Building must be removed to ensure the safe operation of Jersey Airport under Civil Aviation Publication 168 'Licensing of Aerodromes'.

- In 2010, the DCA instructed that the 1937 Building, along with several other obstacles, needed to be removed. A programme of removing and repositioning obstacles has since taken place, commencing with the Aeroclub, the roundabout and roadway, in order to achieve compliance to the regulatory requirement for runway to taxiway separation. The 1937 Building and the old aviation hangar (Hangar 4) are the only remaining obstacles, both incorporated into the Airport redevelopment project
- In 2018, the DCA provided further instruction regarding the removal of the 1937 Building –
 - *“A previous DCA made it perfectly clear in his letter in 2010 and nothing has changed since then with regards to the safety effects on the aerodrome by this building.”*
- The Minister for the Environment recently wrote to the DCA asking if the Report written by ASAP commissioned by Save Jersey's Heritage altered in any way the advice provided by the DCA and used in the determination of the Planning Application. The DCA responded on the 19th June 2020 (attached at the **Appendix**) concluding that –
 - *‘if the obstacle remains, safety will continue and increasingly be compromised in the years ahead’.*

Planning permission for the demolition of the 1937 Building was granted in 2014. The internal demolition of the 1937 Building commenced in early 2018 and confirmation was provided by the Planning Department in October 2018 that the planning consent to demolish the building had been lawfully activated, further confirmed in writing by the Planning Department in March 2019 –

“I confirm that the department is satisfied that all of the relevant planning conditions forming part of the above-referenced application have been satisfactorily discharged. I also confirm that the development work which has been undertaken on site so far is in accordance with the approved plans and other documents; accordingly, we are content that the application has been lawfully implemented”.

Ports of Jersey has committed £6.6 million in the terminal redevelopment project to date.

Based on the repeated clear direction of the DCA, the regulator with overall responsibility for the safety of civil aviation in Jersey, including following review of the recent ASAP report, the request to instigate a review of the grant of a permit to demolish the 1937 Building is also not supported.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A, owing to the debate being earlier than anticipated and lack of time to discuss with Council of Minister's colleagues.

APPENDIX

Bailiwick of Jersey ◊ Bailiwick of Guernsey

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19th June 2020

Deputy John Young
Minister for the Environment
19-21 Broad Street
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By Email

Dear John,

For over ten years the runway/taxiway distance is one non-compliance that has been mitigated against by applying procedures which are becoming an unacceptable safety concern during Low Visibility Procedures (LVP)

With the evolution of new technology in both air and ground systems, we are likely to see increased traffic during days when LVP is in operation. The current mitigating procedures affect the ability of the airport to manage ground operations with inherent safety implications. This will continue to hinder the future growth of the airport and impact continued safety of operations.

I have held discussions with industry and taken into consideration new evidence on the current non-compliance and the future growth of the airport together with associated safety implications. It is unequivocal that new ground and airborne technology will increase the volume of traffic during days when LVP procedures are in action. The associated safety risks will increase and therefore the continued efficiency of airport operations will be compromised.

My view is that that the current non-compliances to international standards needs to be addressed and that the obstacle is a hinderance which not only affects safety today but will be increasingly so in the future. The continued development of the airport will reinforce the essential link to the future of the tourism industry on the island and the efficient operations of the airport in all weather conditions are fundamental to that success. My primary responsibility is that of safety and my view is that if the obstacle remains, safety will continue and increasingly be compromised in the years ahead.

Yours Sincerely,

Dominic Lazarus
Director Civil Aviation