

STATUTORY INSTRUMENTS

S.I. No. 215 of 2005

IRISH AVIATION AUTHORITY

(OBSTACLES TO AIRCRAFT IN FLIGHT) ORDER, 2005

PUBLISHED BY THE STATIONERY OFFICE
DUBLIN

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IRISH AVIATION AUTHORITY**(OBSTACLES TO AIRCRAFT IN FLIGHT) ORDER, 2005****S.I. No. 215 of 2005**

The Irish Aviation Authority in pursuance of sections 5, 58, 59 and 60 of the Irish Aviation Authority Act 1993 (No. 29 of 1993) as amended, hereby orders as follows:

Short Title and Commencement

1. This Order may be cited as the “Obstacles to Aircraft in Flight Order, 2005” and shall come into operation on the first day of May, 2005. The Irish Aviation Authority (Obstacles to Aircraft in Flight Order, 2002 (S.I. No. 14 of 2002) and the Irish Aviation Authority (Obstacles to Aircraft in Flight) (Amendment) Order, 2002 (S.I. No. 591 of 2002) are hereby revoked.

2. Definitions

“AIP Ireland” means the Aeronautical Information Publication for Ireland required by Annex 15 to the Chicago Convention to be published by each ICAO member state providing various aeronautical data;

“the Authority” means the Irish Aviation Authority;

“the Act” means the Irish Aviation Authority Act (1993), No. 29 of 1993 as amended;

“aerodrome” has the meaning ascribed to it in the Act;

“aerodrome licensee” means the person responsible for a licensed aerodrome to whom the licence for that aerodrome has been issued;

“aerodrome reference point” means the designated geographic location of an aerodrome and is a point near the initial or planned geometric centre of the aerodrome;

“aeronautical study” means a safety analysis associated with the operation of aircraft;

“Annex 4” means Annex 4 to the Chicago Convention as referenced in the Schedule to the Act and available as indicated in the Schedule to this Order;

“Annex 14” means Annex 14 to the Chicago Convention as referenced in the Schedule to the Act and available as indicated in the Schedule to this Order;

“the Convention” means the Chicago Convention;

“en-route obstacle” means an object outside the airspace defined by aerodrome obstacle limitation surfaces, extending to a height of 90 metres or more above ground or water surface level at the site of the object, thereby having significance for the en-route operation of aircraft;

“instrument runway” means a runway intended for the operation of aircraft using instrument approach procedures;

“licensed aerodrome” means an aerodrome in respect of which a licence under the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2000 is in force;

“navigable airspace” means, for the purposes of this Order, airspace above the territory of the State which is available for the flight of aircraft;

“obstacle” means any fixed (whether temporary or permanent) or mobile object or a part thereof that extends above a defined surface intended to protect aircraft in flight or exceeds a specific height above ground or water surface level;

“obstacle clearance” means, in relation to an obstacle in the vicinity of an aerodrome, the lowest height or altitude above the elevation of the relevant runway threshold or the aerodrome elevation, as applicable, used in establishing compliance with the appropriate clearance criteria above an obstacle for an aircraft in flight;

“obstacle limitation surfaces” means a series of imaginary surfaces in space, the dimensions and gradients of which are provided in Annex 14, which define the limits to which objects may project vertically into the airspace surrounding an aerodrome so as to permit aircraft to be operated safely. These surfaces are defined in Chapter 4 of Annex 14;

“obstacle protection surface” means an inclined plane preceding a runway served by a visual approach slope indicator system as defined in Chapter 5 of Annex 14;

“potential en route air navigation obstacle” means an object extending to a height of 45m above ground or water surface level at the site of the object and which thereby may have significance for the en-route operation of aircraft;

“precision approach runway” means an instrument runway served by an instrument landing system;

“reference code number” means a number assigned as part of an aerodrome reference code delineating the runway length range in accordance with the criteria of Chapter 1 of Annex 14;

“safeguarding map” means a map prepared by or on behalf of an aerodrome licensee showing the obstacle limitation surfaces for each runway or proposed runway of a particular aerodrome or proposed aerodrome or in respect of those surfaces for any development proposed to an existing runway or aerodrome for the purposes of safeguarding the aerodrome against developments which would have an adverse effect for aircraft operations;

“take-off flight path area” means a quadrilateral area on the surface of the earth lying directly below and symmetrically disposed about the take-off flight path from a runway.

3. Applicability

This Order shall apply to existing and proposed manmade objects of permanent or temporary construction or alteration and apparatus of a permanent or temporary nature or any alteration thereto, objects of natural growth and terrain. The standards shall apply to the use of navigable airspace by aircraft and to existing or proposed air navigation facilities, licensed aerodromes, air traffic services routes including approach and departure routes to and from instrument and other runways.

4. Definition of an Obstacle

- (1) An existing object, including a mobile object, is and a future object would be, an obstacle to air navigation if it is of greater height than any of the following heights or surfaces:

- (a) A height of 45 metres above ground or water surface level at the site of the object or an object which otherwise constitutes an en-route obstacle or a potential en-route obstacle in accordance with this Order;
 - (b) A height within a runway approach area, a runway departure area or a circling approach area, which would result in the vertical distance between any point on the object and the established minimum instrument flight altitude or height as specified for the aerodrome concerned in the “AIP Ireland” within that area to be less than the required obstacle clearance. The analysis of the significance of such obstacles may have to be determined by an aeronautical study in accordance with subparagraph (4) of Article 5 of this Order;
 - (c) The surface of an obstacle limitation surface as defined in Chapter 4 of Annex 14 to the Convention;
 - (d) The surface of an obstacle protection surface as defined in Chapter 5 of Annex 14 to the Convention;
 - (e) An inclined plane surface, with a slope of either 1.2 per cent or 1.0 per cent, superimposed on a take-off flight path area and extending either to 10 kilometres or 12 kilometres respectively from the end of the runway concerned as specified in Chapter 3 of Annex 4.
- (2) The surfaces specified in paragraph (1) above may also be defined in relation to a specific aerodrome on a safeguarding map prepared by or on behalf of the aerodrome licensee and lodged with the local Authority responsible for planning in the vicinity of that aerodrome under the Planning and Development Act 2000.
 - (3) The dimensions, orientation and characteristics of these surfaces are defined in Annexes 4 and 14 to the Convention as appropriate in relation to runway size and use at the aerodrome concerned.

5. Reporting and Information in respect of Obstacles

- (1) A person shall not cause to be erected or constructed an object as defined in sub-paragraph (a) of paragraph (1) of Article 4 of this Order without first notifying the Authority in writing of that intended erection or construction at least thirty days prior to such erection or construction and shall provide such information in relation thereto to the Authority as may be requested under paragraph (3) of this Article.

(Note: This requirement is separate from any permission required to be obtained under the Planning and Development Act, 2000 in respect of the said erection or construction).

- (2) A person shall not cause to be erected or constructed any object as defined in Article 4 of this Order within a radius of 10 kilometres of a licensed aerodrome without first notifying the aerodrome licensee of that aerodrome in writing of that intended erection or construction at least thirty days prior to such erection or construction and shall, additionally and where requested, provide such information in relation thereto to the Authority as may be required under paragraph (3) of this Article.

(Note: This requirement is separate from any permission required to be obtained under the Planning and Development Act, 2000 in respect of the said erection or construction).

- (3) The Authority may require a person as specified in paragraphs (1) or (2) of this Article to make available to it information relating to an obstacle, including its geographic latitude and longitude, elevation and height.
- (4) The Authority may require the conduct of an aeronautical study for the purposes of subparagraph (b) of paragraph (1) of Article 4 of this Order or otherwise if it considers it necessary in a particular case.

6. Marking and Lighting of Obstacles

The Authority may require the marking and lighting of an obstacle defined in accordance with Article 4 of this Order in accordance with such instructions as the Authority may give in a particular case or by a direction under this Order to a person as specified in paragraphs (1) or (2) of Article 5 of this Order or to any other person or organisation as appropriate.

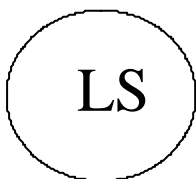
7. Directions

The Authority may give directions in relation to such matters to which the Order relates. Directions under this Order may be issued as Notices to Aerodrome Licensees, Aeronautical Information Circulars, by public notice or by private notice in writing sent by post or by electronic means to the organisation, person or persons affected.

8. Guidance Material

The Authority may from time to time publish or otherwise provide guidance documentation on the determination and classification of obstacles for the purposes of this Order.

**Given under the common seal of the Irish Aviation Authority this
25th day of April, 2005.**



Neil Branagan Director

Donal Downing Director

Schedule

1. Copies of Annexes 4 and 14 to the Chicago Convention may be obtained from:

International Civil Aviation Organisation
Document Sales Unit
999 University Street
Montreal, Quebec
Canada H3C 5H7

2. The postal address of the Authority is:

The Irish Aviation Authority

Aviation House
Hawkins Street
Dublin 2

EXPLANATORY NOTE

(This Note is not part of the Order and does not purport to be a legal interpretation)

This Order defines obstacles to aircraft in flight for the purpose of airspace protection in the State at and in the vicinity of aerodromes and elsewhere in the State and specifies reporting and information requirements with respect thereto.