

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

W.P.No.9669/2008-Hon'ble High Court orders Dated 21.10.2008
– Rules relates to Regulation of Buildings and Development activities in the vicinity of Airports, Defense establishments and Air Force Stations – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms.No. 249

Dated: 16.03.2009

Read the following:

1. G.O.Ms.No.86 MA&UD (M) Dept., Dated 03.03.2006
2. G.O.Ms.No.678 MA&UD (M) Dept., Dated 07.09.2007
3. G.O.Ms.No.302 MA&UD (M) Dept., Dated 15.04.2008
4. G.O.Ms.No.569 MA&UD (M) Dept., Dated 23.08.2008
5. From A.P. High Court Orders Dated 21.10.2008 in W.P.No.9669/2008
6. From the Airport Director, Airport Authority of India, Hyderabad Airport, Hyderabad, Lr.No.AAi/HY/ATS-58/NOC-1/2008/12265-72, 13981 Dated 23.10.2008 & 11.12.2008
7. From the Wing Commander, 408, Air Force Station, Hakimpet, Secunderabad, Lr.No.HAK/2502/1/Wks, Dated 01.01.2009
8. From the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, Lr.No.9285/MP2/ Plg./H/2007, Dated 30.11.2008

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ORDER:

In the G.O. 1st read above, Government have issued orders under Rule 5 (d), the restrictions of building activity in vicinity of certain areas i.e. Airports, Defense establishments and Air Force Stations as follows:

"For building activity within the restricted zone near the airport or within 500 meters distance from the boundary of defense areas / military establishments, necessary clearance from the concerned Airport authority / Defense authority / shall be obtained. For sites located within the Air funnel zone, prior clearance from the airport authority shall be obtained".

2. A Writ Petition No.9669/2008 has been filed before Hon'ble High Court, wherein the petitioner challenged the above provision which was imposed to obtain NOC from Airforce Authority, for his site located in the vicinity of Hakimpet Airforce Station as per G.O.Ms.No.86, MA Dated 03.03.2006.

P.t.O.

3. The High Court after hearing the arguments and made the following order dated 21.10.2008.

"The Present case brings out the requirement for the State to take a policy decision with regard to safe distance for allowing human habitations to come near about aviation zones. Particularly when the State Government is interested in securing huge investments in the aviation sector, it would be appropriate that a policy decision is taken to create a safe aviation zone to avoid the frequent menace of bird hits to the aviation sector. It is a matter of common knowledge that the menace of bird hit is considered to be a risk factor by the aviation sector. Where human habitations are allowed to come, the left over food particles invariably attract huge sized birds for feeding them on. Therefore, it is considered that appropriate distance should be maintained as a safe distance so that the human habitations shall not be permitted to come up there around".

It is, therefore, only appropriate that a policy decision in this regard is taken and announced at the earliest.

4. In obedience of the Hon'ble High Court orders, Government have examined the matter in consultation with Airport Authority of India, Airforce Station, Hakimpet, Secunderabad and Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad and reviewed the orders issued by the Government vide G.O.Ms.No.86 MA&UD (M) Dept., Dated 03.03.2006, G.O.Ms.No.678 MA&UD (M1) Dept., Dated 07.09.2007, G.O.Ms.No.302 MA&UD (M1) Dept., Dated 15-04-2008 and G.O.Ms.No.569 MA&UD (M1) Dept., Dated 23-08-2008 in light of the Notifications issued by the Government of India and Airport Authority of India regarding restrictions of Building Activity in vicinity of certain areas i.e. Airports, Defense establishments and Air Force Stations and maintaining of safe distance from the Airport operations and also in the light of the Hon'ble High Court orders and it was felt that the regulations should be more stringent, comprehensive and elaborate. Accordingly, as per directions of the Hon'ble High Court, Government have decided to evolve a policy on rules relates to Regulation of Buildings and Development activities in the vicinity of Airports, Defense establishments and Air Force Stations.

5. Government after careful examination of the matter keeping in view the directions of Hon'ble High Court in W.P.No.9669/2008 Dated 21.10.2008 and the reports submitted by the Airport Authority of India, Airforce Station, Hakimpet, Secunderabad and Metropolitan Commissioner, Metropolitan Development Authority, Hyderabad, hereby issue rules relates to "Regulation of Buildings and Development activities in the vicinity of Airforce, Defense establishments and Airport Stations

in the State" appended to this order in partial modification of the rules issued vide G.O.Ms.No.86 MA&UD (M1) Dept., Dated 03.03.2006, G.O.Ms.No.678 MA&UD (M1) Dept., Dated 09.07.2007, G.O.Ms.No.302 MA&UD (M1) Dept., Dated 15-04-2008 and G.O.Ms.No.569 MA&UD (M1) Dept., Dated 23-08-2008 and further amendments issued in the matter from time to time.

6. The Commissioners of all Municipal Corporations and Municipalities and Vice Chairman of all Urban Development Authorities / Metropolitan Commissioner, Hyderabad Metropolitan Development Authority are instructed to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. C.V.S.K. SARMA,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Printing, Stationary & Stores Purchase, Hyderabad (with a request to publish in the next issue of A.P. Gazette and send 200 copies to Government).

All the Municipal Commissioners in the State (through Commissioner & Director of Municipal Administration, A.P. Hyderabad).

The Commissioner & Director of Municipal Administration, A.P. Hyderabad.

The Commissioner & Special Officer, Greater Hyderabad Municipal Corporation (GHMC), Hyderabad.

The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Hyderabad.

The Director of Town & Country Planning, Hyderabad.

The Director, Begumpet Airport, Begumpet, Secunderabad.

The Airport Director, Airport Authority of India, Hyderabad Airport, Hyderabad.

The Director Rajiv Gandhi International Airport, Shamshabad, Ranga Reddy District.

The Wing Commander, 408, Air Force Station, Hakimpet, Secunderabad.

Copy to:

The PS to Special Secretary to CM / M (MA)/ Prl. Secretary / Secretary (MA&UD).

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER

RULES RELATES TO REGULATION OF BUILDINGS AND DEVELOPMENT ACTIVITIES IN THE VICINITY OF AIRPORTS, DEFENSE ESTABLISHMENTS AND AIR FORCE STATIONS

I. AIRPORT RESTRICTIONS:

1. Regulation of height of buildings/structures located in vicinity of airports:

(a) In respect of sites located:

- within 20 km radius from the boundary of civil and military aerodromes
- in air funnel zone of civil and military aerodrome as defined by the concerned authorities.

The building heights and other parameters shall be regulated as per the stipulations of the Airport Authority of India as notified in Gazette of India Extraordinary (S.O.1589) dated 30-06-2008 and as amended from time to time by Ministry of Civil Aviation, Government of India.

(b) All high-rise buildings in the following restricted zones shall be allowed with prior clearance from the Airport Authority and shall be regulated by their rules/requirements for giving No Objection Certificates.

- Within 2 km radius of the International Airport site
- Within 1 km from the periphery of the Defense Areas

(c) Irrespective of their distance from the aerodrome, even beyond 22km limit from the aerodrome reference point, no radio masts or similar installation exceeding 152 mt in height shall be erected except with the prior clearance from Civil Aviation Authorities.

(d) In respect of any land located within 1000 meters from the boundary of a military airport, no residential or commercial activity is allowed except with prior necessary clearance from the concerned Airport Authority for giving its clearance with regard to building height permissible and safe distance to be maintained between the building and boundary of the aerodrome.

2. Environmental restrictions:

With a view to ensuring proper airfield environment and mitigating bird-strike menace in the vicinity of airports on one hand, and noise level problems on the other hand, the following restrictions on development activities shall apply within 20 km radius of any aerodrome:

- (a) No chimneys or smoke producing factories shall be constructed within a radius of 8 km from the Airport Reference Point.
- (b) Slaughter house, abattoir, Butcheries, meat shops and solid waste disposal sites and other areas for activities like depositing of garbage which may encourage collection of high flying birds, like eagles and hawks, shall not be permitted within 10 km from the Airport Reference Point.

- (c) Fruit bearing trees, which attract birds shall not be planted within 10 km from the Airport Reference Point.
- (d) Within a 5 km radius of the aerodrome reference point, every structure/ installation/ building shall be so designed as to meet the pigeon/bird proofing requirements of the Civil Aviation Authorities. Such requirement may stipulate the prohibition of any cavity, niche, or other opening on the exterior of such building/ installation/ structure so as to prevent the nesting and habitation of pigeon or other birds.
- (e) Activities and uses /Buildings constructed within the Air funnel area, the transitional surface area and the Obstacle limitation surface of the proposed Airport wherever permissible, after due clearance from the Airport authorities wherever applicable and shall take into account the noise levels problems while designing and construction of buildings located in such areas. The provisions of the National Building Code shall be applicable with regard to insulation, soundproofing, and other measures to be taken for reduction of noise, etc.
- (f) In case any structure or building is declared as dangerous structure/building in the vicinity of the Airport, it shall be liable for dismantling without prior notice.

II. Restrictions on building activity/development activity and installations in vicinity of military establishments:

- (a) In respect of sites located within 1000 meters from the boundary of defense establishments, defense units, defense laboratories and Firing range other than stationed military units (Army / Navy / Airforce) which may comprise of military quarters, administrative buildings, parade grounds etc and residential areas of cantonment prior clearance from the concerned defense Authority/Station Authority shall be obtained before applying for permission for any building activity, development to any residential layout or colony or any such development activity. The defense Authority/Station Authority is required to give it's clearance with regard to building height permissible and safe distance to be maintained between the building and boundary of such defense establishment.
- (b) No High Rise buildings or Apartment Complex shall be permissible with 500 meters from the boundary of any such military establishment unless the said safety distance is specifically stated otherwise by the concerned authority.

III. Restrictions on building activity/development activity and installations in vicinity of Airforce Stations:

- (a) No building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of Air Force Stations as specified by Ministry of Defense in Gazette of India dated 03-03-2007 and as amended from time to time.
- (b) The restrictions imposed by Airport Authority of India as notified in Gazette of India Extraordinary (S.O.1589) dated 30-06-2008 and as amended from time to time by Ministry of Civil Aviation, Government of India shall apply to the Indian Air Force Aerodromes.

(c) In respect of sites located within 1000 meters from the boundary of Air Force Station, prior clearance from the concerned Air Force Authority shall be obtained before applying for permission for any building activity, development to any residential layout or colony or any such development activity. The defense Authority/Station Authority is required to give it's clearance with regard to building height permissible and safe distance to be maintained between the building and boundary of the military establishment

**Dr. C.V.S.K. SARMA,
PRINCIPAL SECRETARY TO GOVERNMENT**