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Dear Jenny,

3 /October 2017

I would like to thank you for your thorough scrutiny of the Space Industry Bill and I am writing to address the questions that you raised on the land powers in the Bill during Lords Committee on 18 October.

You requested an explanation of what constitutes a 'small area' of land, and land that is 'in the vicinity of' a spaceport. The phrase 'in the vicinity of' is used but not defined in other legislation, including most recently in the Bus Services Act 2017.

A 'small area of land' is not defined or used in legislation. In terms of what is intended by reference to the small area of land which may need to be restricted for reasons of safety, we are looking to examples of international best practice, from launching nations with more experience of launching small spacecraft. The United States and New Zealand have both launched small launch vehicles, similar to those that are likely to be launched from the UK. The United States Federal Aviation Authority has devised regulations which set a launch site boundary at a 2.2km radius from the launch point. This means in total, a circular area 4.4km wide is temporarily restricted.

For their recent RocketLabs launch, New Zealand implemented the same 4.4km wide exclusion zone. They have restricted use of roads in this area for 6 hours before launch. This has largely extended over sea areas, where Notices to Mariners have been issued. These have also been in place for 6 hours preceding launch.

Under the Acquisition of Land Act 1990, there are compulsory purchase rights and powers to acquire rights over land which have been enabled through other pieces of legislation. An example is the Water Industry Act 1961 which gives the Secretary of State power to authorise water companies to compulsorily purchase any land they require in connection with carrying out their functions. That Act also gives water companies the right to do certain things on other people's land, like lay pipes, without even the need for an

order of the Secretary of State. The powers under the Space Industry Bill instead allow the Secretary of State to make orders which create limited rights for specified purposes. The Bill does not give spaceport or range control operators powers to acquire land, or for the Secretary of State to do so on their behalf.

I attach further information on how the land powers as currently drafted in the Bill work as an annex and hope this provides assurance that the Government is taking a proportionate approach with mechanisms for both challenge and compensation. However, I am reflecting on whether it would be appropriate to make any changes.

I am copying this letter to other peers who spoke during Lords Committee and I will place a copy in the library of both Houses.

A handwritten signature in black ink, appearing to be 'Sugg', written in a cursive style.

BARONESS SUGG CBE

Land Powers Factsheet

Clause 38

The power in clause 38 allows for the creation of orders granting powers to obtain rights over land in order to ensure the safe operation of a spaceport. For example, access to the spaceport site or the installation or maintenance of apparatus necessary for range control services or surveillance. However, we expect this power to be exceptional as in the vast majority of cases operators will be able to successfully negotiate with private landowners on a commercial basis. Due to the limited number of sites suitable for spaceflight operations in the UK, this power remains necessary to ensure operators are not 'held to ransom' and that the UK is able to benefit from this growing industry.

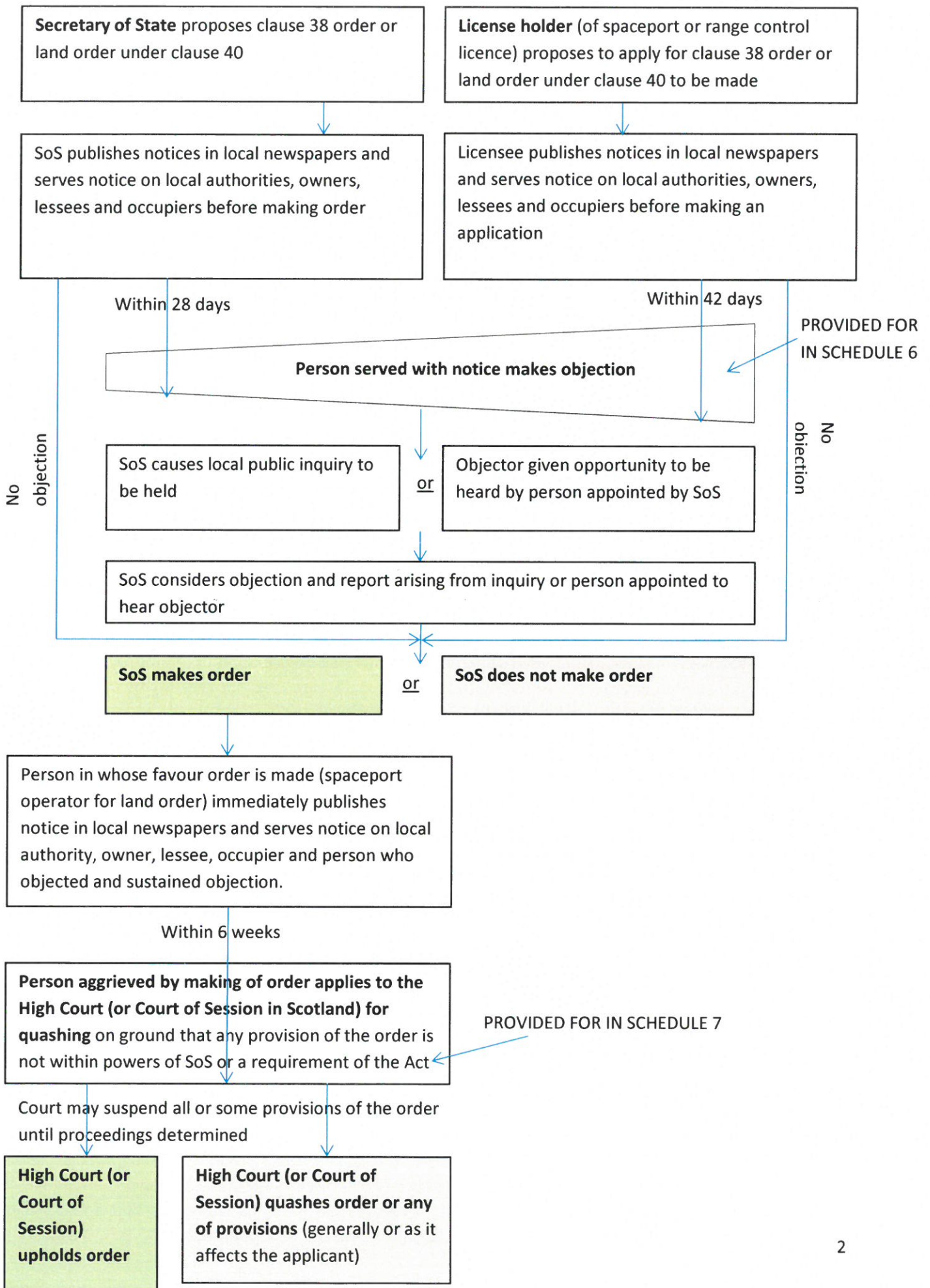
Clause 40

This clause allows for the making of orders which restrict the use of land for safety reasons during times of launch and landing. This power is essential for ensuring public safety and minimising risk associated with spaceflight activities. The restrictions which can be enacted by orders made under clause 40 are temporary and are only likely to last for a matter of hours.

Safety is our highest priority. The busiest airports in the UK have permanent Public Safety Zones at the ends of their runways, within which certain planning restrictions apply. This is in order to restrict the number of people exposed to higher risk areas. Such permanent restrictions would be disproportionate for spaceports, given how infrequently spaceflight operations will take place, but it is vital that there are alternative, more appropriate provisions in place. It is therefore necessary that around times of launch and landing the Secretary of State is able to make orders which temporarily restrict access to the land surrounding a spaceport site to minimise any risk to the public. This approach will protect the public from this relatively risky technology without having a disproportionate impact on local property owners, residents or businesses.

Clause 42 – Challenge of orders

This clause specifies how orders may be challenged. As well as the early opportunity to challenge an order by an objection under Schedule 6, the Bill provides for the quashing of an order, under Schedule 7 (see overleaf). An application for quashing must be made within 6 weeks publication of the notice that an order has been made. It is in the interests of all parties to have legal certainty within a short time, so that spaceflight activities may proceed and launch dates may be set without undue delay. Such certainty is an important factor in attracting operators to launch from the UK. It is also important that affected persons are given plenty of time to make any arrangements they need to make, such as finding alternative land for an activity. This is an integral part of the planning system; similar provisions are relied upon to provide certainty and finality in relation to orders and decisions made under the Town and Country Planning Act 1990.



Clause 43 - Compensation

Provisions for claiming compensation are set out in Schedule 8 (given effect by clause 43). The schedule allows for people to claim compensation should the value of their land be diminished due to an order under clause 38 or 40. It also provides that when land has been damaged in the exercise of a power under clause 38 or due to a survey under clause 41, just compensation must be paid by the person in whose favour the order was made. This will most likely be the spaceport or range operator.

This schedule also allows a person to seek compensation from the operator of a spaceport when they sustain damage because they have been disturbed in their use of land or water as a result of a clause 40 order restricting the use of land.

Decisions about any disputes over compensation will be taken in the Upper Tribunal in England and Wales, and in the Lands Tribunals for Scotland and for Northern Ireland respectively.