CREDAI - MCHI

Ref. No. MCHI/PRES/23-25/145
Date : 12/10/2023

To,
Ms. Rubina Ali
Joint Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhavan,
New Delhi.

Sub: **Request for meeting based on the recommendations of the committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports by the Ministry of Civil Aviation, Government of India vide letter file No. AV-24032/ 111/2020-AAI-MOCA Dated 21.03.2022**

Dear Madam Rubina Ali,

This is with reference to the subject matter of the permanent working group between the Stakeholders, MoCA, Airports Authority Of India, DGCA and Local Planning Authorities scheduled at AAI, CHQ – New Delhi on 22nd February 2023 but the same was canceled.

This meeting was scheduled as per the recommendation of the Committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports by the Ministry of Civil Aviation, Government of India vide letter file No. AV-24032/ 111/2020-AAI-MOCA Dated 21.03.2022 which was directed to AAI and DGCA to initiate appropriate steps as below:

"AAI, Airport Operators and Association of Developers and Local Planning Authority need to interact more often to understand and resolve the issues put up by them"

We appreciate the initiative taken by AAI WR in organizing a couple of meetings with the Stakeholders (Association of Developers and Local Planning Authority) as per the recommendations of the Committee on 20th January 2023 and 17th July 2023. However, most of the issues mentioned along with this letter require approval from AAI CHQ and hence could not be resolved at the AAI, Western Regional level.

We, therefore, request you to kindly call for a meeting of the Stakeholders along with representatives of AAI and DGCA on priority as the pending issues are causing a lot of hardships to the homeowners and huge financial and legal implications to the developers as RERA deadlines have to meet for the completion of each and every project and due to the lack of clarity on the pending issues (mentioned along with this letter), it is virtually impossible to complete the project on time.

We therefore request you to schedule a meeting of the permanent working group on priority between the Stakeholders, MoCA, Airports Authority Of India, DGCA, and Local Planning Authorities at AAI, CHQ – New Delhi.

Thanking you in anticipation.

Yours sincerely,
For CREDAI-MCHI

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President

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POINTS TO BE TAKEN UP WITH AAI / MOCA

Sr No	Pending Issue	Current Status	Stakeholders request	Recommendation by Expert Committee (Fali Major Committee 2021-22)
1.	Validity of NOC prior to GSR 751(E) from 8 to 12 years.	Draft of the Gazette – GSR 496(E) was published by MoCA on 10th July 2023.	Awaiting the final Gazette for extending the validity of NOCs prior to GSR 751(E) from 8 years to 12 years.	**Recommendation No. 13 – Validity of NOC (Refer Para 9.54 – 9.60)** Extending the validity of NOC for a maximum period of twelve years with the provision of obtaining commencement certificate during the initial validity period of eight years for NOC issued under SO 84 (E) would require a clarification from the Ministry of Civil Aviation end require an amendment to GSR 751 (E). It is recommended that MoCA needs to examine Rule 9A of GSR 770 (E), Rule 16 of GSR 751 (E) and SO 84 (E) for removing the discrepancies in the validity period of NOC's issued under these Rules.
2.	Automatic Extension of the validity period of 9 months (Deemed extension as per ATMC 7of 2020)	This provision of 9 months extension has been withdrawn from September 2022.	Request to grant 9 months extension to all NOCs valid before 24.03.2020 (the start of the pandemic)	
3.	Conduct of Aeronautical Study Without Insisting on the Demolition of the Building **(As a one-time solution to resolve the pending legal**	In case of any violation of building height, a demolition procedure is initiated. Aeronautical study or CNS study is not permitted for such	**As per Rule 15 – Procedure in case of violations,** the cases of violations where the height of any existing building, structure, or tree on any land **within the limits specified in Rule 4 exceeds the height specified in Schedule I and**	**Recommendation No. 11 – Conduct of Aeronautical Study without Insisting on Demolition of Building (Refer Para 9.43-9.46)** There cannot be a general recommendation for the conduct of aeronautical study without insisting on the demolition of buildings for all the

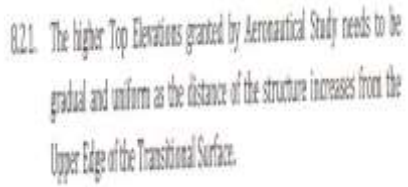
	issues of previous cases)	cases without demolition.	**Schedule II** or any other violation arising out of non-compliance of the provisions of these rules shall be dealt in accordance with the provisions of the Aircraft (Demolition of Obstructions caused by Buildings and Trees, etc.,) Rules, 1994. **The Conduct of Aeronautical Study and CNS simulation Study is part of Schedule II, Para 5 and hence demolition procedure should be enforced only after the** conduct of aeronautical study "**to determine that the existing building would not adversely affect the safety (or) significantly affect the regularity of operations of aeroplanes as per para 5, Schedule II of GSR 751 E provisions objectively Height Restrictions for Safeguarding of Aircraft Operations) Rules 2015.** **Further, the verification process of WGS coordinates, and site elevation are well in place in Mumbai, and there will be the least possibility for violation of the building in the future.**	cases where there are violations. This will result in the creation of obstacles around the airport impacting the safe operations at the airport and non-compliance of regulations by the builders. **It is recommended that for those cases where there has been violation by the applicant prior to the publication of GSR 770 (E) dated17.12.2020,** **Appellate Committee / MoCA may take a decision to conduct aeronautical study, after obtaining legal opinion on the subject given the Hon'ble Supreme Court rulings.**

			Hence, request to conduct the aeronautical study, and in case after the aeronautical study / CNS study, the maximum permissible elevation is less than the prevailing height – demolition action can be initiated/taken.	
4.	Restrictions due to CNS Criteria in particular HF Transmitter (Tx) and receiver (Rx)	Limitations of heights granted due HF Transmitter (Tx) and receiver (Rx) have been implied as per GSR 770(E)	This is affecting the building heights of a very large area of Juhu and Dahisar. AAI and MCGM to work closely on this and resolve the HF Transmitter and Receiver issue as per the recommendations.	**Recommendation No. 4 – Restrictions due to CNS Criteria in particular HF Transmitter (Tx) & Receiver (Refer Para 8.3.1 -8.3.28)** It is recommended that HF Tx and Rx System should be re-located outside the main city areas of Mumbai, Chennai, Kolkata so that height restrictions are not imposed on buildings located in main city areas and the quality of HF signals is also not affected. In respect of Mumbai, the Commissioner of MCGM has committed to allocate required land which meets operational requirements to re-locate HF TX and RX Systems from its present location. This needs to be followed up by the competent authority.
5.	Shielding benefit with respect to existing Building, deletion of shielding principle not applicable in IHS upto 2500 mtrs. and Revisit of	Presently, the Shielding benefit is applicable only in the case of natural terrain.	1.As per ICAO Annex 4 – Aeronautical charts – 5.6 – Accuracy and Resolution: the order of accuracy aeronautical data (Terrain and Obstacle data) shall be as specified in Annex 15, Appendix 8:	**Recommendation No. 10 – Shielding benefit with respect to existing Buildings (Refer Para 9.38-9.41)** Presently, shielding benefit is applicable only in the case of natural terrain. It is recommended that AAI carry out a detailed study in extending benefit

	application of Contour of Shuttle Radar Topographic Mission (SRTM – USA) data with a vertical tolerance of 16m	Shielding benefit is not applicable in IHS upto 2500 mtrs The current free SRTM data used for deriving shielding benefit calculation has a vertical tolerance of 16m, which is considered very high to determine shielding benefits	Table A8-2 Terrain data numerical requirements: • Area 1 Outside TMA OR 45 KM (Vertical Accuracy – 30m) • Area 2 (TMA OR 45 KM (Vertical Accuracy – 3m) • Area 3 (RUNWAY STRIP) (Vertical Accuracy – 0.5m) • Area 4 (RUNWAY END AREA – 120X900M (Vertical Accuracy – 1m). 2.OLS Survey by Aerodrome Operator (MIAL) provided validated data for calculating NOCAS (OLS/CNS/PAN-OPS), including terrain data used in OLS analysis for obstacle infringement. 3.Tolerance of 16m value is being applied for the 10m Contour chart. 4. Applying SRTM 16m vertical Tolerance (Subtraction) is a non-standard practice and contradiction to existing regulation of accuracy requirements and NOCAS procedure and OLS & Terrain Data. Awaiting implementation of all points on Shielding Benefit	in respect of buildings or any other man-made structure as is being done in many other countries. **Recommendation No. 9 – Contour of SRTM with 16m Tolerance (Refer Para 9.36-9.37)** The survey section of AAI needs to explore the possibility of obtaining more accurate contour data of terrain. **The current free SRTM data used for deriving shielding benefit calculation has a vertical tolerance of 16m, which is considered very high for determining shielding benefits. It is recommended that a state-of-the-art system be introduced for greater accuracy.**

			despite clear recommendations by various stakeholders over the past 5 years.	
6.	Revisit the implemented calculation method with respect to the 5 NM buffer applied around the lower MSA vide GSR770(E) regulations.	A buffer of 5 NM calculation has been applied around the sector of Lower Minimum Altitude as per GSR 770(E).	Revisiting the NOCAS calculation on account of the introduction of the buffer of 5 Nautical miles applied around the sector of lower Minimum Sector Altitude by GSR 770 (E) was forwarded to AAI by MCHI-CREDAI & NAREDCO with the details of study and requested "with the implementation of Rules 2020 - GSR770(E), we find the calculation change and the lower altitude MSA calculated angle is applied for even the buffer area, different than the GSR 751E principle". **As per our understanding, as per GSR751 and GSR 770(E) with 5 NM protection rules, the Sector height for a specific distance may be calculated/considered and the least of the calculation may be applied for the issue of NOC height.** The reply of AAI, HQ Point No 2. "It may also be noted that calculations done in the NOCAS system for the 5NM Buffer zone with respect to Radar criteria are as per GSR 770(E)	

			regulations. Hence, the review of the 5NM buffer criteria as published in GSR 770 (E) is not within the purview of AAI To be discussed" The review of GSR 770 (E), 5NM buffer criteria is not requested, whereas sought for the review to revisit the calculation/interpretation of the above regulation implemented interpreted formula in the NOCAS software. Therefore, requested to re-consider the implemented /applied method and calculation of the 5NM buffer regulation as per request and GSR751 (E) & GSR 770 (E) principle.	
7.	RNP AR Approach for RWY 32 of Mumbai airport	RNP – AR procedure is airline-specific and requires authorization from DGCA. This procedure has been in the draft stage since 2017 and has not yet been implemented for airline use. Protection of the RNP – AR Runway 32 surface limits	AAI to re-consider implementation in consultation with DGCA	

		the surrounding Urban development, therefore the same needs to be withdrawn.		
8.	Calculation of distance of particular site under OLS guidelines dated 26-Mar-2015 and aeronautical study guidelines dated 3-Jul-2020	The calculation of distance in Perpendicular /radial along the transitional surface end surface is not in consonance with the ICAO methodology. The consequence of the newly implemented formula is a non–uniform/gradual within the IHS and Conical surfaces. **Hence, it contradicts the decision of the Appellate & Expert Committee consensus view of "gradual and uniform as the distance of the object from the Airport Runway End increases" for**	The newly implemented method amended the appellate and expert committee objective reference point of the airport runway end to the Upper Edge of the transitional surface. **ADSAC 05/2020 Par 8.2.1 states that "**The higher Top Elevations granted by Aeronautical Study needs to be gradual and uniform as the distance of the structure increases from the **Upper Edge of the Transitional Surface**  8.2.1. The higher Top Elevations granted by Aeronautical Study needs to be gradual and uniform as the distance of the structure increases from the Upper Edge of the Transitional Surface. To review the methodology in a holistic manner, to meet the objective of the Appellate & Expert Committee Consensus view of 26th March 2015.	

		the study to arrive at one specific cap for penetration height.		
9.	To validate such NOCs where the projects have received full Commencement Certificate (CC), the Construction of project building/s is/are partial or completion stage, and the NOC validity of 12 years is completed, in order to support to completion of the project with the same NOC received elevation and receipt of Occupation Certificate.	Local airport operators insist on a valid NOC during the verification of building height for the Occupation certificate. The demand for a New NOC leads to turmoil and uncertainty **when a new NOC is awarded a lower height than the original NOC**. **Reasons for uncertainty** At the end of 12 years, many buildings are in the last stage of completing the requirements for an Occupation Certificate, NOC expires due to unavoidable situations such as:	The exiting maximum NOC validity period of 12 years (Initial 8 + Four **(4) years extendable)** for the buildings were the industry request of 2017 and the same has been accepted and made similar to the existed regulations for structures such as masts, chimneys, and towers validity period of **twelve (12) years.** In any case, while granting NOCs, buildings are considered permanent structures and therefore, their existence for a perpetual duration is taken into consideration without impacting the safety and efficiency of aircraft operations. Hence, it does not matter whether the such proposed building is completed within the stipulated duration. Therefore, the Savings clause is to be amended suitably to ensure that as long as Applicant/Developer has	

		• The revision/amendment/changes of Development Control Regulations (DCR) and CRZ regulations modify the status of the plot and the process of obtaining respective clearances/NOC (Environment/CRZ clearance, High Rise NOC, Ground Water clearance etc.,) delays the project considerably. • DCR of Mumbai underwent a total change and the permissions for the building took further time as per the revised regulations published in 2019. The DCPR	substantially completed the construction of the building with a statutory AAI NOC for the project/buildings and the full commencement certificate is granted by the local municipal body **within the validity of the AAI NOC**, such NOC's cases should be considered under the SAVINGS clause by the local airport operator for the site visit for verification of height for the grant of an occupation certificate by the local authorities.	

		was to be published in 2014 but published in November 2018, due to this, there was no clarity in the rules and FSI working and a lot of plots were stuck for development within that span of four years. • City like Mumbai, amidst the cluster of residential areas, there are time restrictions too for executing work. • Covid 19 - Pandemic delayed many projects • Legal issues arise due to many factors, especially in Mumbai city where every sq		

		feet is important and typical disputes arise out of competition, partner separation, inherent complexity within the Govt initiatives projects like SRA (Slum Rehabilitation), re – developments, etc., • the above facts, which are beyond the developer's purview, it's a challenge and almost impossible to complete the bigger project (comprising many high-rise towers) to complete within the 12 years period.		

		Hence, as expressed above, there is no guarantee for earlier obtained NOC height if applied afresh. This uncertainty of lesser height to the building at a project completion stage leads to chaos is not an acceptable situation and is unjustified. Sometimes, it may also lead to the demolition of a constructed building with a genuine NOC. **Such delay and resultant damages are beyond the scope of the developer.**		
10.	Conduct of aeronautical study for projects in Navi Mumbai	The aeronautical study has not yet started for plots falling under the Navi Mumbai airport region resulting in a heavy loss for developers due to a lack of	To initiate aeronautical study for plots in Navi Mumbai at the earliest	**Recommendation No. 14 Resolving Building NOC issue of Navi Mumbai airport (NMIAL) (Refer Para 9.61 – 9.63)** It is recommended that AAI, CIDCO and NMIAL needs to expedite the finalization of location/height of Nav-aids viz., ASR Radar and DVOR of Navi Mumbai International Airport. It is also recommended that MoCA needs to

		clarity on the permissible height and planning for their project.		expedite the constitution of a committee to address these issues.
11.	Uploading of Revised NOCs and Revalidated on the NOCAS website.	Revised NOCs and Revalidated NOCs are sent by speed post from the respective Regional office. A few of them are returned back due to a change of address or the office being closed.	Awaiting implementation from AAI, WR & AAI, CHQ.	
12.	Displaced threshold issue	Case-by-case review is required to be done by the Airport Operator	AAI/DGCA to initiate a review by the Airport Operator in accordance with the **G.S.R. 465(E)** (Height Restrictions for Safeguarding of Aircraft Operations, Amendment Rules, 2022) and implement it at the earliest	**Recommendation No.2 Displaced Threshold (Refer Para 8.1.14- 8.1.23)** Wherever a threshold is displaced due to obstacles of a permanent nature, the airport operator in consultation with the regular will determine the reference point of approach surface either from the extremities, or the displaced threshold, on a case to case basis in consonance with OCAO Annex 14 OLS provisions. Necessary amendments to Para 1.3.1.4 of Schedule II of GSR 751 (E) are recommended.
13.	Enhanced interface with MoD for consistency in the grant of building heights	Several anomalies (CCZM, validity, aeronautical study, etc.,) in the MoD process for grant of building heights	A joint working group is to be constituted in order to streamline/automate the implementation of various regulations	

14.	Withdrawal of SRE criteria for Runway 14 in Mumbai	This limitation is in force from around 2017 onwards Only.	The Surveillance radar **may be** used to provide primary navigation guidance within the operational coverage of the radar. As the Precision ILS category 1 and VOR approach is available as Primary navigation guidance in Mumbai Runway 14, the SRE restriction may be withdrawn for NOCAS calculation.	