

(2) Before such authorization is granted, it shall be ascertained whether the planned establishment complies with requirements of the area (Raumordnung), regional planning (Landesplanung) and urban development. If the land under consideration is unsuitable or if facts justify the assumption that public safety or order may be endangered, the authorization shall be denied. If such facts appear at a later time, such authorization may be revoked.

(3) Authorization for an airdrome serving for general traffic shall also be denied when the establishment and operation of the airdrome for which authorization is requested would be unduly detrimental to the public interest.

(4) The authorization shall be amended or modified when this becomes necessary in view of the results of the planning proceedings (Planfeststellungsverfahren) (Articles 8 to 10). Modification of the authorization shall also be required when a substantial enlargement or modification of establishment or operation of the airport is considered.

Article 7

(1) The authorizing authority may permit the applicant to undertake preliminary work necessary for the preparation of his application (Article 6) when an examination shows presumptively that the conditions for granting the authorization are fulfilled.

(2) The duration of such permission should not exceed two years. Such permission conveys no right to a granting of the authorization as provided for in Article 6.

(3) The officials of the authorizing authority may enter upon property affected by the authorization even without the consent of the titleholder, or survey such property and undertake other preparatory work necessary for a final decision concerning suitability of the land. They shall not be entitled to enter inhabited buildings.

(4) The authorizing authority may impose conditions on the preparatory work. If from such preparatory work considerable damage may be expected, the authorizing authority shall order deposit of a bond by the applicant.

(5) When the preparatory work causes damages the applicant shall immediately upon the occurrence of such damage, pay full compensation in money therefor or, if the injured person so requests, restore the former condition. Cases of litigation concerning the kind and amount of compensation shall be decided by the regular courts.

Article 8

(1) Airdromes and landing areas with limited clearance restrictions according to Article 17 may be established, and established ones may be modified, only when the plan has been approved according to Article 10.

(2) In the case of a modification or an enlargement of inconsiderable extent approval of the plan (Planfeststellung) may be omitted. Cases of inconsiderable extent shall be deemed to exist in particular when the rights of other persons are not affected or when the persons concerned are known or may become known without formal proceedings and agreements have been reached with the persons concerned.