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# Safeguarding, Aerodromes, Technical Sites and Military Explosives Storage Areas

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## Introduction

1. In connection with the transfer by the Civil Aviation Authority, as the regulator, of primary responsibility for the official safeguarding of civil aerodromes and technical sites from itself to the operators of the aerodromes and the technical sites, it has been decided to cancel the Town and Country Planning (Aerodromes and Technical Sites) Direction 1992, which was issued with Department of the Environment Circular 2/92 (Welsh Office Circular 5/92) and to issue in its place an updated Direction.

2. The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is reproduced at Annex 1 of this Circular and which comes into effect on 10 February 2003, applies to military explosives storage areas in addition to aerodromes and technical sites.

3. Annex 2 of the Circular provides details of the system of safeguarding; Annex 3 lists the civil aerodromes which are officially safeguarded; and Annex 4 lists the local planning authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued. A list of these civil en-route technical sites can be obtained from the NATS Group Property Department. A list of the currently safeguarded military aerodromes, technical sites and explosives storage areas can be obtained from Defence Estates.

4 Department of the Environment Circular 2/92 (Welsh Office Circular 5/92) is cancelled with effect from 10 February 2003.

5. Enquiries about this Circular should be addressed to:

Planning Division 5D, Office of the Deputy Prime Minister, Eland House, Bressenden Place, London SW1E 5DU ([safeguarding@odpm.gsi.gov.uk](mailto:safeguarding@odpm.gsi.gov.uk)),

Civil Aviation Division, Department for Transport, Zone 1/22 Great Minster House, 76 Marsham Street, London SW1P 4DR ([cad4@dft.gsi.gov.uk](mailto:cad4@dft.gsi.gov.uk)) or to

Planning Division 3(b), National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ ([ceri.litherland@wales.gsi.gov.uk](mailto:ceri.litherland@wales.gsi.gov.uk)).

Requests for paper copies of safeguarding maps should be addressed to Aerodrome Standards Department, Civil Aviation Authority, 2W Aviation House, South Area, Gatwick Airport, West Sussex RH6 0YR ([safeguarding@srg.caa.co.uk](mailto:safeguarding@srg.caa.co.uk)).

M ASH, Deputy Director, Planning, Office of the Deputy Prime Minister

I C MCBRAYNE, Head of Civil Aviation Division, Department for Transport

K POWELL, Head of Planning Division, National Assembly for Wales

Addressed to:

The Chief Executives of:

County Councils in England  
District Councils in England  
Unitary Authorities in England and Wales  
London Borough Councils  
Council of the Isles of Scilly

The Town Clerk, City of London  
The National Park Officer, National Park Authorities in England and Wales  
The Chief Planning Officer, The Broads Authority

## **Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002**

The First Secretary of State as respects England and the National Assembly for Wales as respects Wales, in exercise of the powers conferred on them by articles 10(3), 14(1), 20(4) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 <sup>1</sup> and all other powers enabling them in that behalf, hereby direct as follows:

1. This Direction may be cited as the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 and shall come into force on 10 February 2003.
2. This Direction applies to England and Wales.
3. In this Direction-

"aerodrome" means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or climbing vertically, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales, the Civil Aviation Authority or the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated;

"consultee" means-

- (a) in relation to a safeguarding map certified by the Civil Aviation Authority, the owner or operator of the aerodrome or technical site identified on that map; or
- (b) in relation to a safeguarding map certified by the Secretary of State for Defence, the Secretary of State for Defence;

"military explosives storage area" means any area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, particulars of which have been furnished by the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated;

"safeguarding map" means-

(a) a map issued for the purpose of this Direction and certified by the Civil Aviation Authority to be the safeguarding map for the aerodrome or technical site; or

(b) a map issued for the purpose of this Direction and certified by the Secretary of State for Defence to be the safeguarding map for the aerodrome, technical site or military explosives storage area; and

"technical site" means-

(a) any area within which is sited or is proposed to be sited equipment operated by or on behalf of NATS Holdings Limited, any of its subsidiaries or such other person who holds a licence under Chapter I of Part I of the Transport Act 2000 <sup>2</sup> for the provision of air traffic services, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales or the Civil Aviation Authority to the local planning authority or authorities for the area in which it is situated; or

(b) any area within which is sited or is proposed to be sited equipment operated by or on behalf of the Secretary of State for Defence for the provision of air traffic services, particulars of which have been furnished by the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated.

4. A local planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or military explosives storage area for which a safeguarding map has been furnished to the authority, shall, to the extent specified on such a safeguarding map in relation to particular parts shown thereon, consult the consultee.

5. For the purpose of consultation under this Direction the local planning authority shall furnish to the consultee a copy of the application for permission for the development in question together with copies of any submitted plans showing the location with a Grid Reference (to at least 6 figures each of Eastings and Northings) and the elevation of the site (to an accuracy of 0.25 metres above Ordnance Datum), together with particulars of the layout, dimensions and heights of buildings or works to which the application relates, and shall furnish such further information as is necessary to enable them to consider the application.

6. Subject to paragraph 7, a local planning authority which have given information to the consultee in accordance with paragraph 5 in respect of an application for planning permission to develop land within the area covered by a safeguarding map shall not grant planning permission for the development before the expiry of a period of 21 days beginning with the date advised in writing by the consultee as the date of receipt of the information.

7. If a local planning authority propose to grant permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or military explosives storage area, or to grant permission subject to conditions, contrary to the advice of the consultee, they shall notify-

(a) both the Civil Aviation Authority and the consultee; or

(b) the Secretary of State for Defence

as the case may be.

8. Where a local planning authority are required to notify in accordance with paragraph 7 they shall as soon as practicable send to those required to be notified the following information-

(a) a copy of the application (including any accompanying plans or drawings);

(b) a copy of the advice from the consultee about the proposed development;

(c) a statement providing sufficient information to demonstrate that, in reaching a decision on the application, they have assessed the application in the light of the guidance in Annex 2 of ODPM Circular 1/2003 (NAFW Circular 1/2003) Joint Circular from the Office of the Deputy Prime Minister, the Department for Transport and the National Assembly for Wales; and

(d) a statement of reasons for proposing to grant planning permission, or to grant permission subject to conditions, contrary to the advice of the consultee.

9. Subject to paragraph 10, where a local planning authority have provided notification in accordance with paragraph 7, they shall not grant planning permission for the development before the expiry of a period of 28 days from the date or, where there are two consultees, the last of the dates advised in writing by the consultee as the date of receipt of the information specified in paragraph 8.

10. If, before the expiry of the 28 day period mentioned in paragraph 9, the First Secretary of State or the National Assembly for Wales has notified the local planning authority that it is not intended to issue a Direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may proceed to determine that application.

11. Any safeguarding map under the authority of the Town and Country Planning (Aerodromes) Direction 1949, the Town and Country Planning (Aerodromes) Direction 1966, the Town and Country Planning (Aerodromes) Direction 1972, the Town and Country Planning (Aerodromes) Direction 1981 or the Town and Country Planning (Aerodromes and Technical Sites) Direction 1992 shall remain in force as if it was a safeguarding map which had been issued under this Direction until such time as it is withdrawn-

(a) in the case of a map issued in relation to a military aerodrome or technical site, by the First Secretary of State or the National Assembly for Wales as the case may be; or

(b) in the case of a map issued in relation to a civil aerodrome or technical site, by the Civil Aviation Authority.

12. The Town and Country Planning (Aerodromes and Technical Sites) Direction 1992 is cancelled by this Direction, save that it shall continue to apply to any application for planning permission to develop land which was made and not determined before this Direction comes into force.

Signed by authority of  
the First Secretary of State  
17 December 2002

M ASH  
An Assistant Secretary in the Office of  
the Deputy Prime Minister

Signed by authority of  
the Assembly Minister for the Environment  
20 December 2002

K POWELL  
A Head of Division in the National  
Assembly for Wales

<sup>1</sup> S.I. 1995/419, to which there are amendments not relevant to this Direction. The functions of the Secretary of State under sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4) and 333(7) of, and paragraphs 5,6,7(6), and 8(6) of Schedule 1 to, the Town and Country Planning Act 1990 (c.8), in so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by S.I. 2000/253.

<sup>2</sup> 2000 c.38

## **Annex 2: Arrangements for Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas**

### **International and National Aviation Background**

1. Civil aerodromes are licensed in order to ensure that certain types of flights, essentially those for the transport of fare-paying passengers and those for flying training, use only those aerodromes which provide a range of facilities in accordance with internationally agreed safety criteria. These criteria are set out in Annex 14 to the Convention on International Civil Aviation 1944 (The Chicago Convention). The Civil Aviation Authority has developed its own licensing guidance document, Civil Aviation Publication (CAP) 168, Licensing of Aerodromes, which amplifies Annex 14 to the Convention.

2. In domestic legislation civil aerodromes are licensed under an Air Navigation Order made under section 60 of the Civil Aviation Act 1982. The Civil Aviation Authority is responsible under the Air Navigation Order for being satisfied that a licensed aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and its surroundings. This is a continuing responsibility, which it discharges by means of regular audits, by placing obligations on the licensee to inform it when material changes take place and by ensuring that proposed developments are assessed. In addition a requirement is placed on the licensee to take all reasonable steps to ensure that the aerodrome and its surrounding airspace are safe at all times for use by aircraft.

### **Officially Safeguarded Civil or Military Aerodromes and Technical Sites**

3. Certain civil aerodromes, selected on the basis of their importance to the national air transport system, are therefore officially safeguarded, in order to ensure that their operation and development are not inhibited by buildings, structures, erections or works which infringe protected surfaces, obscure runway approach lights or have the potential to impair the performance of aerodrome navigation aids, radio aids or telecommunication systems; by lighting which has the potential to distract pilots; or by developments

which have the potential to increase the number of birds or the bird hazard risk. A similar official safeguarding system applies to certain military aerodromes, selected on the basis of their strategic importance. In order to determine the safety implications of a planning application for a development within the approach, take-off or circuit areas of an aerodrome, a safeguarding process is established with all the relevant local planning authorities. Because the safety of aircraft in United Kingdom airspace is often dependent on ground-based navigation and radio aids, certain civil technical sites currently owned by NATS Holdings Ltd or its subsidiaries and certain military technical sites owned by the Secretary of State for Defence are also officially safeguarded under a similar process.

4. A list of the currently officially safeguarded civil aerodromes referred to in the previous paragraph is set out in Annex 3. A list of the local planning authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued is set out in Annex 4. A list of the currently safeguarded civil technical sites can be obtained from the NATS Group Property Department at One Kemble Street, London WC2B 4AP. A list of the currently safeguarded military aerodromes, technical sites and explosives storage areas can be obtained from Defence Estates at the address given in [paragraph 35](#).

## **Safeguarding Maps: Buildings, Structures, Erections and Works**

5. A site-specific safeguarding map is centred on the safeguarded aerodrome or technical site and shows colour-coded areas which in total equate to the extent of the safeguarded area. In the case of civil aerodromes the colour-coded areas are principally derived from a series of protected surfaces above and around the aerodrome which are defined in Annex 14 to the Chicago Convention and the Civil Aviation Authority's licensing guidance document CAP168. Their purpose is to indicate to a local planning authority those types of development upon which consultation is required. It is required if the height of any building, structure, erection or works would, as a result of the development, exceed the level indicated on the map for the relevant colour-coded area, in cases where the local planning authority are considering an application for full or outline planning permission, an application for the amendment of an outline planning permission, an application for the renewal of a planning permission or an application for the removal or modification of conditions imposed on a previous planning permission. The requirements for such consultation are described in the legend on the safeguarding map.

6. The importance of the consultation which the safeguarding process involves does not in practice relate solely to the height of buildings, structures, erections or works. Aerodrome operators employ a variety of navigational aids, radio aids and telecommunication systems in order to facilitate air traffic control and aircraft movements. In addition, at night or in low visibility conditions such as fog, pilots rely on approach and runway lighting to align themselves with the runway and to touch down at the correct point. A building or structure can, because of its size, shape, location or construction materials, act as a reflector or diffractor of the radio signals on which navigational aids, radio aids and telecommunication systems depend, while almost any development in the vicinity of these aids and systems has the potential to interfere with them. The colour coding on the safeguarding map is therefore designed to ensure that local planning authorities consult the relevant consultee on any proposed development in the vicinity of an aerodrome which has the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems. In addition the lighting elements of a development have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths. Any safeguarding assessment will therefore need to consider the impact of lighting proposals. Road lighting is referred to in more detail in [paragraph 12](#).

## **Aerodrome Safeguarding Maps: "Birdstrike" Hazard**

7. Birdstrikes are one of the major controllable hazards to aviation. Common birds have caused catastrophic accidents to all types of aircraft. Most birdstrikes occur on or near aerodromes but, because birds are very mobile, features far beyond an aerodrome boundary may increase the hazard. If a man-made development provides feeding, roosting or breeding opportunities, or shelter and security, it may, depending on the siting of the development and the species which it attracts, increase the number of birds visiting or overflying an aerodrome or the number of birds in the airspace used by aircraft. Gulls and starlings congregate in very large overnight roosts and travel long distances daily, while waterfowl are large and often fly in close formation. There is only limited scope for taking action on aerodromes to counter these hazards, and safeguarding may be the only effective means of reducing the risk to aircraft in flight.

8. The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect are: facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes, which attract a variety of species, including gulls, starlings, lapwings and corvids; the creation or modification of areas of water such as reservoirs, lakes, ponds, wetlands and marshes, which attract gulls and waterfowl; nature reserves and bird sanctuaries; and sewage disposal and treatment plant and outfalls, which can attract gulls and other species. Planting trees and bushes normally creates a bird hazard only when it takes place relatively near to an aerodrome, but a potential starling roost site further away from an aerodrome can create a hazard. Mineral extraction and quarrying can also create a bird hazard because, although these processes do not in themselves attract birds, the sites are commonly used for landfill or the creation of wetland.

9. In order to protect aerodromes against these hazards, safeguarding maps include, in addition to the requirements related to the height of buildings and structures, a dotted circle, with a 13 kilometre radius in the case of civil aerodromes and an eight mile (about 12.87 kilometre) radius in the case of military aerodromes, centred on the safeguarded aerodrome reference point to indicate the area within which developments likely to attract birds require similar consultation. Local planning authorities are required to consult the relevant consultee before granting planning permission for any development within the relevant radius of an officially safeguarded civil or military aerodrome which is likely to attract birds. Whether or not a development is likely to attract birds will depend on a number of factors. A local planning authority will need to consider not only the individual potential bird attractant features of a proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or parts of it, more attractive to birds or create a hazard such as bird flightlines across aircraft flightpaths.

## **Aerodrome Safeguarding Maps: Other Aviation Uses**

10. In order to protect aerodromes against the hazards which would arise from other aviation uses, the 13 kilometre or eight mile radius dotted circle referred to in paragraph 9 is also relevant to these uses. Local planning authorities are required to consult the relevant consultee before granting any application connected with an aviation use within a 13 kilometre radius of an officially safeguarded civil aerodrome or within an eight mile radius of an officially safeguarded military aerodrome. Examples of applications connected with an aviation use include applications for development at an existing aerodrome and applications for the use of a site other than an aerodrome for the purposes of flight or as a drop zone for parachuting. Article 129 of the Air Navigation Order 2000 defines flight.

## **Roads and Railways Near Safeguarded Aerodromes**

11. Road and rail vehicles are potential obstructions to aircraft. The internationally agreed safety criteria recognise this by considering a road to be a mobile obstruction of 4.8 metres and a railway to be a mobile obstruction of 5.4 metres. The Civil Aviation Authority has adopted these provisions as part of its safeguarding practice. If a road or a railway forms part of a planning application, the local planning authority should regard it as development of a height of 4.8 or 5.4 metres, as the case may be, and consult in accordance with the colour coding on the safeguarding map. Lighting columns and other street furniture, and signal gantries and power lines, should also be the subject of consultation appropriate to their height, in accordance with the colour coding on the safeguarding maps. In the case of safeguarded military aerodromes local planning authorities are asked to consult the Secretary of State for Defence about any proposal to build a new road, or to upgrade an existing road, which is planned to run within 300 metres of the perimeter of the aerodrome. The extension of this provision to a wider area in the case of military aerodromes takes into account the presence of explosives storage areas on certain military aerodromes.

12. Local planning authorities should pay particular attention to the intensity and alignment of road lighting, which is a matter of concern over much more than the areas close to the ends of a runway. The intensity of lighting can distract pilots by causing glare in the direction of an approaching aircraft while, when viewed from the air, a road lighting scheme which makes a pattern similar to an approach or runway lighting pattern can confuse pilots who use those lights when landing at night or in foggy conditions. British Standard 5489, Part 8, states that the area within which a road lighting scheme may affect the safe use of an aerodrome is 4.8 kilometres beyond the aerodrome boundary. Local planning authorities should take account of the possibility that road lighting can be a safeguarding issue within this area.

## **Other Civil Aerodromes**

13. Operators of licensed aerodromes which are not officially safeguarded, and operators of unlicensed aerodromes and sites for other aviation activities (for example gliding or parachuting) should take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. One method, recommended by the Civil Aviation Authority to aerodrome licensees, is to lodge a non-official safeguarding map with the local planning authority or authorities. Local planning authorities are asked to respond sympathetically to requests for non-official safeguarding. The general advice in this Annex is applicable to non-officially as well as to officially safeguarded aerodromes, but the requirements of the Direction at Annex 1 will not apply. The Civil Aviation Authority is prepared to offer advice on the preparation of a non-official safeguarding map at the request of any aerodrome operator or local planning authority.

## **Technical Sites**

14. All airport-related technical sites are located within the areas of the respective aerodrome safeguarding maps. In the case of an officially safeguarded civil en-route technical site that lies within an area which is also covered by aerodrome safeguarding requirements, a local planning authority need to refer both to an aerodrome and to a technical site safeguarding map and to carry out separate consultations as required by those maps. Where a military technical site is located on a military aerodrome the safeguarding criteria

are included on the aerodrome safeguarding map. A single site-specific map is issued for each of the other military technical sites, showing colour-coded areas which in total equate to the extent of the safeguarded area and indicating which types of planning application are to be the subject of consultation.

## **Wind Turbine Development**

15. The safeguarding requirements for the civil aerodromes listed at Annex 3 and for officially safeguarded civil en-route technical sites are completed by separate maps showing circles with a 30 kilometre radius centred on the aerodrome reference point or technical site to indicate the area within which a proposed wind turbine development requires consultation. The issue of these maps recognises the fact that the introduction of wind powered generator turbines within the United Kingdom as part of an alternative energy policy can create certain problems for aviation. In addition to their potential for presenting a physical obstacle to air navigation, wind generator turbines can affect signals radiated from and received by aeronautical systems. The rotating blades create electromagnetic disturbance, which can degrade the performance of these systems and cause incorrect information to be received. The amount of interference depends on the number of wind turbines, on a wind turbine's size, construction materials and location and on the shape of its blades. Local planning authorities, consultees, developers and others may wish to refer to Wind Energy and Aviation Interests - Interim Guidelines, published by the Department of Trade and Industry in 2002 ([http://www.dti.gov.uk/renewables/renew\\_6.1j.htm](http://www.dti.gov.uk/renewables/renew_6.1j.htm)).

## **Officially Safeguarded Military Explosives Storage Areas**

16. The Secretary of State for Defence safeguards military explosives storage areas. The safeguarding criteria for many of these areas are included on military aerodrome safeguarding maps. Site-specific explosives safeguarding plans have been issued for other sites where military explosives are stored or handled. These plans show the areas adjacent to a Potential Explosion Site where restrictions are imposed: within a yellow arc people may not remain for long periods of time, while within a purple arc new buildings which might be of vulnerable construction may not be built. There has hitherto been no general Direction as for aerodromes and technical sites but the Direction at Annex 1 now incorporates a general Direction in respect of military explosives storage areas; explosives safeguarding plans are to be treated as safeguarding maps.

17. These arrangements should not be confused with the arrangements for consulting the Health and Safety Executive about proposals for development around licensed explosives factories and magazines. Local planning authorities were advised of these consultation arrangements in a letter of 12 October 2000 from the Explosives Inspectorate of the Health and Safety Executive.

## **Safeguarding Procedure**

18. Safeguarding maps for civil aerodromes and technical sites are certified by the Civil Aviation Authority. Safeguarding maps for military aerodromes, technical sites and explosives storage areas are certified by the Secretary of State for Defence. A safeguarding map is issued to each local planning authority within the area indicated on the map. The requirements for consultation are described in the legend on the safeguarding map. In respect of any officially safeguarded civil aerodrome or civil en-route technical site, there will be two safeguarding maps. But as the maps relating to wind turbine development cover larger areas than the general aerodrome safeguarding maps and larger areas than some of the

general technical site safeguarding maps, some local planning authorities will need to consult civil aerodrome or technical site operators only in connection with proposed wind turbine development.

19. It is recognised as good practice for applicants to initiate technical consultations before submitting planning applications, and it is open to them to send details of a proposed development direct to a statutory consultee. Local planning authorities which are themselves consulted before a planning application is submitted should encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8 to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.

20. Consultees may face particular difficulty in providing advice in respect of outline planning applications, because they are likely to need to examine specific proposals on matters such as siting, design (including height) and external appearance before they can advise on whether the proposed development might compromise the safe operation of the aerodrome or interfere with the navigation aid. In considering outline planning applications local planning authorities should therefore take account of the importance to consultees of what could otherwise be reserved matters. Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 provides that, where a local planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters, they must notify the applicant within one month of receiving the application that they are unable to determine the application unless further specific details are submitted. If the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

21. More generally, a similar provision exists in Article 4 of the Town and Country Planning (Applications) Regulations 1988, whereby the local planning authority may direct an applicant in writing to supply any further information, plans and drawings that may be necessary to determine the application. As it may be necessary for the consultee to have further information in order to consider the effect of a proposed development on the aerodrome, technical site or military explosives storage area concerned, it is important that the local planning authority consult the representative of the consultee at the earliest possible stage. As in the case of outline planning applications, if the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

22. The operators of safeguarded aerodromes, technical sites and military explosives storage areas are likely to need to examine specific proposals in respect of matters such as siting, design (including height) and external appearance when local planning authorities consider applications for approval of reserved matters. Although these are not applications for planning permission, and are therefore not covered by the Direction at Annex 1, local planning authorities should as a matter of good practice consult the relevant consultees in accordance with the colour-coding on the safeguarding maps when they receive such applications, and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.

23. Appeals against enforcement notices are also outside the scope of the Direction at Annex 1, as they are not planning applications to a local planning authority. But where an appeal has been made against a breach of planning control alleged in an enforcement notice, local planning authorities should have regard to the possibility that the operation of a safeguarded aerodrome, technical site or military explosives storage area may be adversely affected by the alleged breach, even if the aerodrome, technical site or military explosives storage area is not in the immediate locality of the site to which the enforcement notice relates. They should therefore as a matter of good practice give notice of such appeals in accordance with the requirements for consultation described in the legend on the safeguarding map, whether the appeal is to be determined following written representations or whether a hearing or local inquiry is to be held.

24. But the fact that a proposed development is of a height which makes consultation necessary does not automatically mean that it will infringe a protected surface. Planning permission should therefore not be refused simply because a proposal is one requiring consultation. Nor is it necessary for new buildings to be automatically restricted to certain maximum heights in safeguarded areas: the consultee will consider whether, due to the location or the nature of a proposed development, it is necessary to advise against it or to seek restrictions on its height or design because of a conflict with a protected surface.

25. If a local planning authority propose to grant planning permission contrary to advice given on behalf of the consultee for a civil aerodrome or technical site, or not to attach conditions which that consultee has requested, or to attach conditions which the consultee has advised against, it will be necessary for the relevant safety regulator to assess the planning application and the consultee's advice and to identify any possible solutions. In such circumstances the local planning authority are therefore required to notify the Civil Aviation Authority as well as the consultee. If a local planning authority propose to grant planning permission contrary to the advice of the Secretary of State for Defence as the consultee for a military aerodrome, technical site or explosives storage area, or not to attach conditions which that consultee has requested, or to attach conditions which that consultee has advised against, they are required to notify the Secretary of State for Defence again. The Civil Aviation Authority or the Secretary of State for Defence may wish to request the First Secretary of State or the National Assembly for Wales to call in the planning application and determine it.

## **Official Searches**

26. Local planning authorities whose areas include an officially or non-officially safeguarded area or part of such an area should ensure that the associated restrictions on development are entered in the Register of Local Land Charges.

## **Purchase Notices and Compensation Payable by Local Planning Authorities**

27. Where permission for development is refused, or conditions are imposed, or a planning permission is revoked or modified on advice from the relevant consultee for a safeguarded civil aerodrome or technical site or from the Secretary of State for Defence, a local planning authority may have to acquire the site under the purchase notice provisions in sections 137-144 of the Town and Country Planning Act 1990, or pay compensation under section 144(2) of that Act. Similarly, where planning permission is revoked or modified, or where permitted development rights are withdrawn by a Direction under Article 4 of the

Town and Country Planning (General Permitted Development) Order 1995 and planning permission subsequently sought is refused or granted subject to conditions, a local planning authority may incur expenditure under sections 107, 108 or 279 of the 1990 Act. In these circumstances, if the action which gives rise to a compensation claim has been taken solely because of advice given by the relevant consultee for a safeguarded aerodrome or technical site, or by the Secretary of State for Defence, the following arrangements apply:

**(a) military aerodromes, technical sites and explosives storage areas**

Provided that its agreement is obtained before any claim is settled, the Secretary of State for Defence will indemnify the local planning authority against the expenditure incurred, on condition that, in the case of acquisition following service of a purchase notice, the authority confirm the validity of the notice and state that in their view the land has become incapable of reasonably beneficial use, and convey the land to the Secretary of State. If the local planning authority wish to retain the land, or part of it, specific arrangements can be made between the Secretary of State and the local planning authority. In the case of revocation or modification of planning permission, the undertaking to indemnify will not in general apply if the local planning authority have failed to consult the Secretary of State at the appropriate time, as required by the safeguarding Direction.

**(b) civil technical sites and Civil Aviation Authority aerodromes**

Section 53 of the Civil Aviation Act 1982, as amended by paragraph 11 of Schedule 4 to the Transport Act 2000, provides for the local planning authority to recover from the technical site consultee or the Civil Aviation Authority compensation payable by the local planning authority, if the liability to pay compensation is attributable either to a planning decision which would not have been taken, or to an order which would not have been made, but for the need to secure the safe and efficient operation of the respective technical site or aerodrome. The section also applies the provisions under which the technical site consultee or the Civil Aviation Authority may have to acquire a site where a purchase notice is served. There are currently no Civil Aviation Authority aerodromes.

**(c) local authority or privately owned airports subject to Part V of the Airports Act 1986**

Any airport in respect of which a permission to levy charges is in force under Part IV of the Airports Act 1986, or in respect of which there is a pending application for such permission (subject to certain exclusions), and any airport owned and managed by any subsidiary of the Civil Aviation Authority, is subject to Part V of the Act. Section 61 of the 1986 Act provides for the local planning authority to recover from the airport operator compensation which the authority have become liable to pay. This provision applies if the compensation liability results either from a planning decision which would not have been taken, or from an order which would not have been made, other than to secure the safe and efficient operation of the airport, the protection of persons or buildings from aircraft using the airport, or the safe and efficient operation of air traffic control or air navigation apparatus. Section 61 also applies the provisions under which the operator of an airport subject to Part V of the 1986 Act may have to acquire a site where a purchase notice is served.

### **(d) local authority or privately owned aerodromes not subject to Part V of the Airports Act 1986**

Where a local authority or privately owned aerodrome is not subject to Part V of the Airports Act 1986, section 61 of the Act does not apply. A local planning authority may wish to seek a specific deed of indemnity from the owner of any such aerodrome against liability under the purchase notice and compensation provisions of the Town and Country Planning Act 1990, so that the aerodrome owner will be the body to whom any land acquired under a purchase notice will normally be conveyed.

### **Incorporation of Safeguarded Areas into Development Plans**

28. Local plans and unitary development plans should include a policy stating that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of safeguarded areas should be indicated on proposals maps accompanying local plans and unitary development plans. A plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.

### **Unauthorised Development**

29. In the interests of safety local planning authorities are asked to advise the relevant consultee of any unauthorised development in safeguarded areas of which they become aware and for which consultation with the Civil Aviation Authority or the relevant consultee would have been required. DOE Circular 10/97 and Welsh Office Circular 24/97 outline the powers available to local planning authorities to enforce planning control. Policy on the use of these powers is set out in Planning Policy Guidance Note 18: Enforcing Development Control. Local planning authorities should consider carefully the appropriate action they should take in relation to any breach of planning control, taking into account any views expressed by the relevant consultee.

### **High Structures**

30. The Civil Aviation Authority is responsible for recording all air navigation obstacles in the United Kingdom. This record is essential for air safety. Full details of obstacles, that is any building or works extending 91.4 metres or more above ground level, are published for pilots' information and noted on aeronautical maps and charts. Article 109A of the Air Navigation Order 2000 requires the person in charge of any en-route obstacle which extends 150 metres or more above ground level and which is not in the vicinity of a licensed aerodrome to ensure that it is fitted with warning lights and to ensure that they are displayed.

31. Local planning authorities are asked to inform the Civil Aviation Authority about new development anywhere within their area which involves an obstacle, as soon as permission has been granted. The detailed information needed is:

(a) Position: an Ordnance Survey Grid reference, correct to at least six figures each of Eastings and Northings, so that the exact position may be plotted;

(b) Height: measured from the highest point of the building or works above ground level (where exact figures are not available, to the nearest 1.5 metres). The height above mean sea level should also be stated, if known;

(c) Description: a brief description of the nature of the obstacle, for example, church steeple or water tower. In a group of structures, the number and approximate height of those exceeding 91.4 metres should be given and the extent of ground covered by the group;

(d) Developer: state name and address of developer.

32. Local planning authorities are also asked to supply similar information to the Civil Aviation Authority about obstacles not previously notified, and to notify it of any which no longer exist.

## **Electricity and Pipelines**

33. Applications by electricity companies for overhead electricity lines and significant generating stations (with a capacity of 50 megawatts or more) are dealt with by the Secretary of State for Trade and Industry under the Electricity Act 1989. The procedure is that when applying for consent a company applies also for a Direction by the Secretary of State for Trade and Industry under section 90 of the Town and Country Planning Act 1990 that planning permission shall be deemed to be granted. The Secretary of State for Trade and Industry will carry out necessary consultations with the Secretary of State for Defence or the Civil Aviation Authority. Generating stations with a capacity of less than 50 megawatts require planning permission and local planning authorities should therefore carry out consultation in accordance with the requirements described in the legend on the safeguarding map. DOE Circular 14/90 (Welsh Office Circular 20/90, Department of Energy Circular 1/90) refers.

34. The Secretary of State for Trade and Industry will also consult the Secretary of State for Defence and the Civil Aviation Authority, amongst others, about the construction of cross-country pipelines over 16.093 kilometres in length. Local pipelines (16.093 kilometres or less), other than those built by licensed public gas transporters, require planning permission and local planning authorities should therefore carry out consultation in accordance with the requirements described in the legend on the safeguarding map. The Department of Trade and Industry's Guidance Notes on the Pipelines Act 1962 refer.

## **Correspondence**

35. Correspondence should be addressed:

(a) in the case of military aerodromes, technical sites and explosives storage areas, to:

The Head of Safeguarding  
Defence Estates  
Blakemore Drive  
Sutton Coldfield  
B75 7RL

(b) in the case of civil technical sites, to:

Navigation Services Section  
National Air Traffic Services Ltd  
Room NG1, Spectrum House  
Gatwick Airport South  
West Sussex RH6 0LG

(c) in the case of civil aerodromes, to the consultee at the address shown on the safeguarding map.

(d) in the case of the Civil Aviation Authority:

(i) in connection with civil aerodromes, to:

Aerodrome Standards Department  
Civil Aviation Authority  
2W Aviation House  
South Area  
Gatwick Airport  
West Sussex RH6 0YR

(ii) in connection with civil technical sites and the record of air navigation obstacles, to:

Directorate of Airspace Policy  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE

## **Annex 3: Officially Safeguarded Civil Aerodromes**

### **England**

Biggin Hill	London Gatwick
Birmingham	London Heathrow
Blackpool	London Stansted
Bournemouth	Luton
Bristol	Manchester
Carlisle	Newcastle
Coventry	Norwich
East Midlands	Oxford
Exeter	Penzance
Humberside	Plymouth
Leeds Bradford	Southampton
Liverpool	Southend
London City	Teesside

## **Wales**

Cardiff

## **Annex 4: Local Planning Authority Areas Containing Civil En-Route Technical Sites for which Separate Official Safeguarding Maps Have Been Issued**

### **England**

Allerdale	Mid Bedfordshire
Alnwick	Mole Valley
Bassetlaw	Newcastle upon Tyne
Bromley	North Cornwall
Calderdale	North Devon
Chichester	North Hertfordshire
Cotswold	North Norfolk
Crawley	Penwith
Dacorum	Preston
Daventry	Reigate and Banstead
Derbyshire Dales	Rugby
Dover	St. Edmundsbury
Ealing	Shepway
East Riding of Yorkshire	South Kesteven
Eastleigh	South Shropshire
Eden	Tandridge
Epping Forest	Tendring
Fylde	Torbay
Guildford	Uttlesford
Hillingdon	Vale Royal
Horsham	Warwick
Hounslow	Wealden
Isle of Wight	Welwyn Hatfield
Lewes	West Berkshire
Maidstone	West Lindsey
Manchester	Wirral
Melton	

## **Wales**

Caerphilly

Carmarthenshire

Pembrokeshire