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## SAFEGUARDING OF AERODROMES, TECHNICAL SITES AND MILITARY EXPLOSIVES STORAGE AREAS

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circular



SCOTTISH EXECUTIVE  
Development Department

## **Scottish Planning Series**

### **PLANNING CIRCULAR 2 2003**

# **Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas: The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003**

This Circular supersedes DHS Circular 75/1951 and SDD Circular 16/1982

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## PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
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This Circular summarises the Scottish Ministers' understanding of the general effect of the relevant primary or secondary legislation although the summaries do not carry statutory authority in themselves and legal advice should always be taken in case of doubt.

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## INTRODUCTION

1. The Department for Transport (DfT) has transferred responsibility for the official safeguarding of civil aerodromes and technical sites by the Civil Aviation Authority to the operators of aerodromes and technical sites. The Scottish Executive has agreed that a revised Direction and guidance is therefore necessary. The revised Circular also applies to military explosives storage areas in addition to military aerodromes and military technical sites. The revised direction and guidance has been prepared in consultation with DfT and is contained in the Annexes to this Circular.
2. The Town and Country Planning (Technical Sites) (Scotland) Direction 1951, which was issued with Department of Health for Scotland Circular 75/1951, and the Town and Country Planning (Aerodromes) (Scotland) Direction 1982, which was issued with Scottish Development Department Circular 16/1982 will be cancelled once, the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003, which is reproduced at Annex 1 of this Circular comes into effect on 10 February 2003.
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 planning authority areas containing civil en-route technical sites for which separate 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. Annexes 2, 3 and 4 come into effect on 10 February 2003.
4. Department of Health for Scotland Circular 75/1951 and Scottish Development Department Circular 16/1982 will be cancelled on 10 February 2003.

## FURTHER COPIES AND ENQUIRIES

5. Enquiries about this Circular may be addressed to Alistair Prior, Scottish Executive Development Department, Planning 1, Area 2H-42, Victoria Quay, Edinburgh, EH6 6QQ (telephone 0131 244 7064). Further copies of the Circular are available tel (0131) 244 7066 or; e-mail [planningdivision@scotland.gsi.gov.uk](mailto:planningdivision@scotland.gsi.gov.uk) or; from the Scottish Executive website at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning). 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 or e-mailed to [safeguarding@srg.caa.co.uk](mailto:safeguarding@srg.caa.co.uk).



## ANNEX 1

### THE TOWN AND COUNTRY PLANNING (SAFEGUARDED AERODROMES, TECHNICAL SITES AND MILITARY EXPLOSIVES STORAGE AREAS) (SCOTLAND) DIRECTION 2003

The Scottish Ministers, in exercise of the powers conferred on them by Articles 15(2), 17, 22(3) and 32(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992, as amended, and all other powers enabling them in that behalf, hereby direct as follows:

1. 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 Scottish Ministers, the Civil Aviation Authority or the Secretary of State for Defence to the 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 the safeguarding 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 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 for the provision of air traffic services, particulars of which have been furnished by the Scottish Ministers or the Civil Aviation Authority to the 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 planning authority or authorities for the area in which it is situated.

2. A 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.
3. For the purpose of consultation under this Direction the 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 height 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.
4. Subject to paragraph 5, a planning authority which has given information to the consultee in accordance with paragraph 3, 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.
5. If a planning authority proposes 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, against the advice of the consultee, or not to attach conditions which the consultee has advised, or to attach conditions which the consultee has advised against, it shall notify the Scottish Ministers, and in addition:
  - (a) both the Civil Aviation Authority and the consultee; or
  - (b) the Secretary of State for Defenceas the case may be.

6. Where a planning authority is required to notify in accordance with paragraph 5 it 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 any environmental statement prepared in terms of the Environmental Impact Assessment (Scotland) Regulations 1999;
  - (c) copies of all representations about the application received by the planning authority together with an alphabetical list of the names and addresses of those who have made representations and details of the planning authority's comments thereon. Where "pro-forma" representations are received only one copy example need be submitted, but all names and addresses must be incorporated into the alphabetical list. Copies of petitions should be submitted, but only the organiser or first named should be included in the alphabetical list of names and addresses;.
  - (d) a copy of any report on the application prepared by an officer of the planning authority;
  - (e) unless contained in a report supplied pursuant to sub-paragraph (d), a statement providing sufficient information to demonstrate that, in reaching a decision on the application, the planning authority has assessed the application in the light of the guidance in Annex 2 of SEDD Circular 2/2003;
  - (f) a statement of the issues involved in the decision and copies of any views expressed on the application submitted by any government department, local authority or statutory body consulted by the planning authority in connection with the application together with details of the planning authority's comments thereon; and
  - (g) a statement of reasons for proposing to grant planning permission against the advice of a consultee in respect of the matters identified in paragraph 5 of this Direction.
7. Subject to paragraph 8, where a planning authority have provided notification in accordance with paragraph 6, it shall not grant planning permission for the development before the expiry of a period of 28 days beginning with the date notified to it by the Scottish Ministers as the date of receipt by them of the information.
8. The Scottish Ministers may, during the said period of 28 days referred to in paragraph 7, notify the planning authority in writing that an earlier date shall be substituted for the date of expiry of that period.



9. If on the expiry of the period of 28 days, or such other date as has been notified to them, the planning authority has not received from the Scottish Ministers:
  - (a) a Direction under section 46 of the Town and Country Planning (Scotland) Act 1997 requiring the application to be referred to them instead of being dealt with by the authority, or
  - (b) a Direction under Article 17 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 further restricting the granting of planning permission,the planning authority may proceed to determine the application.
10. The Town and Country Planning (Technical Sites) (Scotland) Direction 1951 and the Town and Country Planning (Aerodromes) Direction 1982 are superseded by this Direction, save that they 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.
11. Any safeguarding map under the authority of the Town and Country Planning (Airfields) (Scotland) Direction 1950, the Town and Country Planning (Technical Sites) (Scotland) Direction 1951, the Town and Country Planning (Aerodromes) (Scotland) Direction 1968, the Town and Country Planning (Aerodromes) (Scotland) Direction 1973 or the Town and Country Planning (Aerodromes) (Scotland) Direction 1982 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 Scottish Ministers; or
  - (b) in the case of a map issued in relation to a civil aerodrome or technical site, by the Civil Aviation Authority.
12. This Direction may be cited as the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 and shall come into force on 10 February 2003.

## **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 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 planning authority areas



containing civil en-route technical sites for which separate official safeguarding maps has 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 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 planning authority is considering an application for 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 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 bird types, 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 a range of bird types including gulls. 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 may subsequently be 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 (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. 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 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 that 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. 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 (or, in the case of roads, a proposal to which the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 apply) the 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, planning authorities should 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. 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. Planning authorities should take account of the possibility that road lighting can be a safeguarding issue within this area. The requirements to consult on, and the guidance for, roads projects in this paragraph and paragraph 11 also apply to the Scottish Executive as the highway authority for motorways and trunk roads.

### **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 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 planning authority or authorities. 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 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 planning authority needs 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 plan 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. Planning authorities, statutory consultees, developers and others may wish to refer to the interim guidelines, *Wind Energy*



*and Aviation Interests – Interim Guidelines*, published by the Department of Trade and Industry in 2002. ([www.dti.gov.uk/renewable/pdf/wind\\_energy.pdf](http://www.dti.gov.uk/renewable/pdf/wind_energy.pdf))

### **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 military aerodromes and technical sites but 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. 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. The Civil Aviation Authority certifies safeguarding maps for civil aerodromes and technical sites. Safeguarding maps for military aerodromes, technical sites and explosives storage areas are certified and issued by the Secretary of State for Defence. A safeguarding map is issued to each 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 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. When planning authorities are consulted before a planning application is submitted they should encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for 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. Outline planning applications may present particular difficulties for consultees in

providing advice because they are likely to require information on matters such as siting, design (including height), external appearance and type of construction before they can advise on whether the proposed development might compromise the safe operation of the aerodrome or interfere with the navigation aid. The Scottish Ministers expect planning authorities in considering outline planning applications, to take account of the importance to consultees of what could otherwise be reserved matters. Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 provides that, where a planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters (siting, design, access etc), 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 13 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (as amended) whereby the 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 planning authority consults 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), external appearance and type of construction when planning authorities consider applications for approval of reserved matters stemming from the granting of outline planning permission. Although these are not applications for planning permission, and are therefore not covered by the Direction at Annex 1, 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 planning authority. But where an appeal has been made against a breach of planning control alleged in an enforcement notice, 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.

24. The fact that a proposed development is of a height that 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. Where a planning authority proposes 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 Civil Aviation Authority as the relevant safety regulator to assess the planning application and the consultee's advice and to identify any possible solutions. In such circumstances the planning authority is therefore required to notify the Civil Aviation Authority as well as the consultee. If a planning authority proposes 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 further notify the Secretary of State for Defence. The Civil Aviation Authority or the Secretary of State for Defence may wish to request the Scottish Ministers to call in the planning application and to determine it themselves. In order to allow sufficient time for this consideration to take place without unduly extending the timescale for reaching a decision on the planning application, the planning authority is required to notify the Scottish Ministers simultaneously with its notification to the other consultee or consultees.

#### **OFFICIAL SEARCHES**

26. Planning authorities whose areas include an officially or non-officially safeguarded area or part of such an area are encouraged to ensure that the associated restrictions on development are entered in the register of applications established under section 36 of the Town and Country Planning (Scotland) Act 1997, while making clear on the face of the register that its inclusion is not a statutory requirement.

#### **PURCHASE NOTICES AND COMPENSATION PAYABLE BY 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 planning authority may have to acquire the site under the purchase notice provisions in sections 88-95 of the Town and Country Planning Act (Scotland) 1997, or pay compensation under section 95(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) (Scotland) Order 1992 and planning permission sought is refused or granted subject to conditions, a planning authority may incur expenditure under sections 76, 77 or 232 of the 1997 Act. In these circumstances, if the action, which gives rise to a compensation claim, has been taken solely because of advice given by the representative of a safeguarded aerodrome or technical site, or by the Secretary of State for Defence, the following arrangements apply:

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

Provided that the Secretary of State for Defence's agreement is obtained before any claim is settled, the Secretary of State for Defence will indemnify the planning authority against the expenditure incurred, on condition that, in the case of acquisition following service of a purchase notice, the authority confirms the validity of the notice and states that in its view the land has become incapable of reasonably beneficial use, and conveys the land to the Secretary of State. If the planning authority wishes to retain the land, or part of it, specific arrangements can be made between the Secretary of State and the planning authority. In the case of revocation or modification of planning permission, the undertaking to indemnify will not in general apply if the planning authority has 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 planning authority to recover from the relevant person, compensation payable by the 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;

- (i) to secure the safe and efficient operation of the aerodrome; or
- (ii) to prevent persons or buildings from being struck by aircraft using such an aerodrome; or
- (iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.

In a case to which paragraph 27b(i) and (ii) applies, the relevant person is defined as the Civil Aviation Authority. In a case to which paragraph 27b(iii) applies, the relevant person is the licence holder. Section 53 of the Civil Aviation Act (as amended) also applies the provisions under which the relevant person may have to acquire a site where a purchase notice is served. There are currently no Civil Aviation Authority aerodromes.

(c) Highlands and Islands Airports, 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 Part V of the 1986 Act provides for the planning authority to recover from the airport operator compensation which the authority has 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 provides for the purchase of land by the operators of airports 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. There are currently no officially safeguarded aerodromes in this category that are subject to a safeguarding Direction. In the event that any such aerodrome is officially safeguarded, the planning authority may wish to seek a specific deed of indemnity against liability under the purchase notice and compensation provisions of the Town and Country Planning (Scotland) Act 1997 from the aerodrome owner, 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 should indicate 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 the safeguarded areas should be indicated on local plan proposals maps or in an annex to the local plan. A plan should state why an area has been officially safeguarded and that it is neither the responsibility nor the proposal of the planning authority.

### UNAUTHORISED DEVELOPMENT

29. In the interests of safety, planning authorities are asked to advise the relevant consultee of any alleged breach of planning control 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 had the relevant application for planning permission been submitted. SODD Circular 4/1999: *Planning Enforcement* outlines the powers available to planning authorities to enforce planning control and sets out the Scottish Executive's policy on the use of these powers. 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. Planning authorities are asked to inform the Civil Aviation Authority about new development anywhere within the authority that 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 to 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, a 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. Planning authorities are also asked to supply similar information to the Civil Aviation Authority about obstacles not previously notified, and to notify the Civil Aviation Authority of any that no longer exist.



## **ELECTRICITY AND PIPELINES**

33. Where generating stations require planning permission, planning authorities should carry out consultation in accordance with the requirements described in the legend on the safeguarding map except for applications by electricity companies for the following developments which fall to be considered by the Scottish Ministers in terms of the Electricity Act 1989, namely:

- (a) overhead electricity lines;
- (b) significant generating stations with a capacity in excess of 50MW;
- (c) a generating station that is land based, wholly or mainly driven by water and has a capacity in excess of 1MW;

The procedure for the any developments described in Paragraph 33(a), (b) and (c) above is that when applying for consent a company also applies for a Direction under section 57 of the Town and Country Planning (Scotland) Act 1997 that planning permission shall be deemed to be granted. The Scottish Ministers will carry out necessary consultations referred to in SOED Circular 3/1991: *Electricity Generating Stations and Overhead Lines Permitted Development for Electricity Undertakings*. These consultations will continue to involve the Secretary of State for Defence or the Civil Aviation Authority where there is a need to do so.

34. The Scottish Ministers will also consult the Secretary of State for Defence and the Civil Aviation Authority, amongst others, on 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 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 (AS AT 27 JANUARY 2003)**

Aberdeen

Kirkwall

Benbecula

Prestwick

Edinburgh

Stornoway

Glasgow

Sumburgh

Inverness

Tiree

Islay

Wick

## **ANNEX 4**

### **PLANNING AUTHORITY AREAS CONTAINING CIVIL EN-ROUTE TECHNICAL SITES FOR WHICH SEPARATE OFFICIAL SAFEGUARDING MAPS HAVE BEEN ISSUED (AS AT 27 JANUARY 2003)**

Aberdeenshire

Angus

Argyll and Bute

Dumfries and Galloway

East Renfrewshire

Highland

Perth and Kinross

Renfrewshire

Scottish Borders

Shetland Islands

South Ayrshire

South Lanarkshire

Western Isles

