

Request for Comment under the Town and Country Planning Act 1990 and the Town and Country Planning (Scotland) Act 1997

There is currently a high demand for CAA comment on wind turbine applications which can exceed the capacity of the available resource to respond to requests within the timescales required by Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

Whilst the CAA recommends all aerodrome operators/license holders develop associated safeguarding maps and lodge such maps with local planning authorities, the CAA additionally encourages councils/planning authorities to undertake relevant consultation with known local aerodromes regardless of status or the existence of any aerodrome/council safeguarding agreement, including local emergency service Air Support Units (e.g. Police Helicopter or Air Ambulance). Such units may operate in the area of concern and could be affected by the introduction of tall obstacles. For example Police helicopters are permitted to operate down to 75 feet and will routinely follow main roads and motorways during their operations. Both the Police and Air Ambulance may need to land anywhere but will also have specifically designated landing sites.

In terms of charting, there is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts*. Further guidance is provided below:

- a. **Structures with a maximum height of 300 ft. (91.4m) above ground level or higher.** Such structures should be reported to the Defence Geographic Centre (DGC) which maintains the UK's database of tall structures (the Digital Vertical Obstruction File) at least 10 weeks prior to the start of construction. The point of contact is Nigel Whittle (0208 818 2702, [mail to dvof@mod.uk](mailto:dvof@mod.uk)). The DGC will require the accurate location of the turbines/meteorological masts, accurate maximum heights, the lighting status of the turbines and / or meteorological masts and the estimated start / end dates for construction together with the estimate of when the turbines are scheduled to be removed. In addition, the developer should also provide the maximum height of any construction equipment required to build the turbines. In order to ensure that aviation stakeholders are aware of the turbines and / or meteorological masts while aviation charts are in the process of being updated, developments should be notified through the means of a **Notice to Airmen** (NOTAM). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk / 0207 453 6599); providing the same information as required by the DGC at least 14 days prior to the start of construction.
- b. **Structures with a maximum height below 300 ft. (91.4m) above ground level.** On behalf of other non-regulatory aviation stakeholders, and in the interest of Aviation Safety, the CAA also requests that any feature/structure 70 ft (21.3m) in height, or greater, above ground level is also reported to the Defence Geographic Centre (DGC) to allow for the appropriate notification to the relevant aviation communities. It should be noted that NOTAMs would not routinely be

required for structures under 300 ft (91.4m) unless specifically requested by an aviation stakeholder.

Any structure of 150 metres* or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request, particularly if the request falls under Section 47 of the Aviation Act.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

Should the Council still have a specific query about a particular aspect of this application the CAA will help in the clarification of aviation matters and regulatory requirements. Site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

The CAA Policy and Guidance on Wind Turbines is contained in the CAP 764, which can be obtained from the CAA Website at the following address: [CAP 764](#). In addition, the CAA, through the Airspace and Safety Initiative Windfarm Working Group, have published the following [Guidance for Planning Authorities](#).

Should you have any further questions please do not hesitate to contact me.

Yours Sincerely,

Mark Deakin

Surveillance Policy
Airspace, ATM & Aerodromes
Civil Aviation Authority

Tel: 020 7453 6534

Follow us on Twitter: @UK_CAA

Please consider the environment. Think before printing this email.

