

CIRCULAR FROM
THE DEPARTMENT FOR BUSINESS INNOVATION AND SKILLS

SAFEGUARDING METEOROLOGICAL TECHNICAL SITES

As a result of the transfer of responsibility for the Meteorological Office ('Met Office') from the Secretary of State for Defence to the Secretary of State for Business, Innovation and Skills it is necessary to issue a direction which deals with the safeguarding of certain sites operated by the Met Office in England.

The Town and Country Planning (Safeguarded Meteorological Sites) (England) Direction 2014 which is reproduced at Annex 1 of this Circular and which comes into force on [] 2014 applies to meteorological technical sites such as weather radar or satellite reception installations. Annex 2 of the Circular provides details of the arrangements for safeguarding activities. A list of currently safeguarded meteorological technical sites can be obtained from the Met Office or online at: <http://www.metoffice.gov.uk/learning/library/publications/safeguarding>.

Enquiries about this circular should be addressed to:

Property Management – Safeguarding
Met Office
Fitzroy Road
Exeter
Devon
EX1 3PB.

[Signatory text]

Addressed to:

The Chief Executives of:

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

The Town Clerk, City of London

The National Park Officer, National Park Authorities in England

The Chief Planning Officer, The Broads Authority

ANNEX1

THE TOWN AND COUNTRY PLANNING (SAFEGUARDED METEOROLOGICAL SITES) (ENGLAND) DIRECTION 2014

The Secretary of State for Business, Innovation and Skills in exercise of the powers conferred on him by articles 16(4), 25(1), 29(6) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) hereby directs as follows:

1. This Direction may be cited as the Town and Country Planning (Safeguarded Meteorological Sites) (England) Direction 2014.
2. This Direction applies to England.
3. In this Direction:

“the Met Office” means the Secretary of State for Business, Innovation and Skills acting through that part of the Department for Business, Innovation and Skills known as the Meteorological Office;

“meteorological technical site” means a site, particulars of which have been furnished by the Met Office to the local planning authority or authorities for the area in which it is situated, where radio technical equipment is, or is proposed to be, operated for the purposes of acquiring or receiving information about meteorological conditions;

“radio technical equipment” means infrastructure utilising electromagnetic radiation including:

- (a) meteorological and wind profiling radars; or
- (b) other meteorological systems making use of radio frequencies for the purposes of radio communications and remote sensing such as:
 - (i) satellite reception facilities; or
 - (ii) radiosondes.

“safeguarding map” means, subject to paragraph 12, a map issued for the purposes of this Direction and certified by the Met Office as being the safeguarding map for the meteorological technical site to which it relates.

4. A local planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of a meteorological technical site 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 Met Office.
5. For the purpose of consultation under this Direction the local planning authority shall furnish to the Met Office 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 the Met Office to consider the application.
6. Subject to paragraph 7, a local planning authority which have given information to the Met Office 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 Met Office as the date of receipt of the information.
 7. If a local planning authority proposes to grant permission for the development of land forming the site of or in the neighbourhood of a meteorological technical site or to grant permission subject to conditions, contrary to the advice of the Met Office, they shall notify the Met Office of that fact.
 8. Where a local planning authority are required to notify in accordance with paragraph 7, they shall as soon as practicable send to the Met Office the following information:
 - (a) a copy of the application (including any accompanying plans or drawings);
 - (b) a copy of the advice from the Met Office 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 circular dated [] issued by the Secretary of State for Business, Innovation and Skills; and
 - (d) a statement of reasons for proposing to grant planning permission or to grant planning permission subject to conditions, contrary to the advice of the Met Office.
 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 28 days from the date advised in writing by the Met Office 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, notice has been given by the Secretary of State for Communities and Local Government that there is no intention 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. Subject to paragraph 12, the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002 ('the 2002 Direction') is cancelled by this Direction to the extent that it applies to meteorological technical sites in England, 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.

12. Any safeguarding map issued pursuant to the 2002 direction which identifies a meteorological technical site, shall be treated as if it were a safeguarding map which had been issued under this Direction until that map is withdrawn by notice in writing by the Met Office.

Signed by the Secretary of State for Business, Innovation and Skills
23 September 2014

A handwritten signature in black ink, appearing to be 'J. C. al.', written in a cursive style.

ANNEX 2: ARRANGEMENTS FOR SAFEGUARDING METEOROLOGICAL SITES

National and International background

1. Meteorological and climatological services in the United Kingdom are provided to the general public and government partners through the Public Weather Service (PWS)¹. The Met Office is the responsible body for delivery of PWS forecasts and warnings, in particular the National Severe Weather Warning Service (NSWWS), the aim of which is to prompt mitigating action in respect of the risks posed to the protection of life, property and basic infrastructure in the United Kingdom by hazardous weather events. Critical meteorological information is provided to a range of key stakeholders, including:

- (a) category 1 emergency responders² and other government bodies including the Environment Agency, the Cabinet Office and the emergency services;
- (b) aviation safety stakeholders including air traffic management and airlines. The Met Office is designated as the Meteorological Air Navigation Service Provider (ANSP) to the UK Met Authority by the Civil Aviation Authority (CAA);
- (c) other transport stakeholders including the Maritime & Coastguard Agency and the Highways Agency;
- (d) defence customers, including aviation and tactical decision making services to the armed forces in the UK and overseas; and
- (e) industry & other sectors of the economy including utilities, insurance, health and retail business.

2. Meteorological and climatological services are dependent on use of key radio installations for remote sensing and communications, as operated on meteorological technical sites around the UK. These include meteorological radars (such as contribute to the UK Weather Radar Network) and relevant data transmission and telecommunication facilities. The weather radar network, in particular, is a joint venture of the Met Office and the Environment Agency in England and is a key component of the Environment Agency's flood detection, forecasting and warning services.

3. The Met Office is also required to meet the UK's international obligations under the convention of the World Meteorological Organisation (WMO), the UN specialised agency for meteorology and climatology, in respect of cooperation and data exchange. The Met Office is further mandated by the International Civil Aviation Organisation

¹ The Public Weather Service Customer Group (PWSCG) is responsible for specifying the requirements of the Public Weather Service (PWS) on behalf of the public and public sector users of PWS outputs. The PWSCG is composed of: the Cabinet Office; the emergency services; the Environment Agency; the Highways Agency; the Local Government Association; and the devolved administrations; with observers including: the Civil Aviation Authority, the Maritime & Coastguard Agency, MOD and BIS.

² As defined in the Civil Contingencies Act (2004). The Act states that Category 1 responders must have regard to the Met Office's duty to warn the public and provide information and advice, if an emergency is likely to occur or has taken place. Statutory Instruments 2005 No. 2042, which support the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005, establish the Met Office as the authority to warn and inform the public of the UK on weather related matters.

(ICAO) to provide global en-route flight information as one of two World Aviation Forecast Centres (WAFC London) and is a Volcanic Ash Advisory Centre (VAAC London) for the North East Atlantic region. Data obtained from and communicated via UK meteorological technical sites is essential to meeting these commitments.

Officially Safeguarded Meteorological Technical Sites

4. As an important part of the national infrastructure, certain meteorological technical sites operated by the Met Office for and on behalf of the Secretary of State for Business Innovation and Skills are therefore officially safeguarded, in order to ensure that their operation and development are not inhibited by buildings, structures, erections or works which have the potential to impair the performance of meteorological aids or other radio telecommunication systems. In order to determine the impact on a meteorological site of a planning application for a development within a safeguarded zone, a safeguarding process is established with all the relevant local planning authorities. A list of the currently safeguarded technical sites for meteorological activities can be obtained from the Met Office for and on behalf of the Secretary of State for Business Innovation and Skills at Property Management (Safeguarding), Met Office, Fitzroy Road, Exeter, Devon, EX1 3PB³.

Safeguarding Maps: Buildings, Structures, Erections and Works

5. A site-specific safeguarding map is centred on the safeguarded meteorological technical site and shows colour-coded areas which in total equate to the extent of the safeguarded area. 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 renewal of a planning permission or an application to the removal or modification of conditions imposed on a previous planning permission. The requirements for 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. 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 meteorological 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 within a safeguarded zone which has the potential to interfere with the operation of its meteorological aids and telecommunication systems.

³All currently safeguarded sites are also listed at: <http://www.metoffice.gov.uk/learning/library/publications/safeguarding>

Wind Turbine Development

7. The issue of safeguarding maps recognises the fact that the construction of wind turbines within the United Kingdom as part of a renewable energy policy can create certain problems for meteorological use of radio, particularly with respect to meteorological radar. Wind turbines can affect signals radiated from and received by these 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 the *Met Office guidelines for wind farm developers: meteorological radar and other technical sites used for meteorology*⁴ (April 2012).

Safeguarding Procedure

8. Safeguarding maps for meteorological sites are certified by the Secretary of State for Business, Innovation and Skills. 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.

9. 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 the Secretary of State for Business Innovation and Skills acting through the Met Office. Local planning authorities which are themselves consulted before a planning application is submitted should encourage the applicant to consult the Secretary of State for Business Innovation and Skills acting through the Met Office if this has not already been done.

10. In considering outline planning applications local planning authorities should take account of the importance to the Secretary of State for Business, Innovation and Skills acting through the Met Office of what could otherwise be reserved matters. Article 4(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) 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 Secretary of State for Business Innovation and Skills acting through the Met Office is provided with all the information necessary to enable consideration of the effect of the proposed development on the meteorological technical site this will minimise the need for the Secretary of State for Business Innovation and Skills to advise against the proposal on a holding basis.

⁴ <http://www.metoffice.gov.uk/learning/library/publications/safeguarding>

11. More generally, under section 62(3) of the Town and Country Planning Act 1990, local planning authorities may require planning applications to include any particulars and supporting evidence they think necessary. As it may be necessary for the Secretary of State for Business Innovation and Skills to have further information in order to consider the effect of a proposed development on the meteorological site concerned, it is important that the local planning authority consult the Met Office at the earliest possible stage. As in the case of outline planning applications, if the Secretary of State for Business Innovation and Skills is provided with all the information necessary to enable it to consider the effect of the proposed development on the meteorological technical site, this will minimise the need for the Secretary of State for Business Innovation and Skills to advise against the proposal on a holding basis.

12. In relation to proposals that may have an impact on a safeguarded meteorological technical site, the Secretary of State for Business Innovation and Skills is 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 Secretary of State for Business Innovation and Skills in accordance with the colour-coding on the safeguarding maps when they receive such applications, and allow the Secretary of State for Business Innovation and Skills sufficient time to consider the implications for their operations before taking decisions on them.

13. 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 meteorological technical site may be adversely affected by the alleged breach, even if the meteorological technical site 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.

14. 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.

15. If a local planning authority propose to grant planning permission contrary to advice given by the Secretary of State for Business Innovation and Skills acting through the Met Office, or not to attach conditions which that consultee has requested, or to attach conditions which the Secretary of State for Business Innovation and Skills

has advised against, they are required to notify the Secretary of State for Business Innovation and Skills again. The Secretary of State for Business Innovation and Skills may wish to request the Secretary of State for Communities and Local Government to call in the planning application and determine it.

Official Searches

16. 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

17. Where permission for development is refused, or conditions are imposed, or a planning permission is revoked or modified on advice from the Secretary of State for Business, Innovation and Skills acting through the Met Office, 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 Secretary of State for Business, Innovation and Skills, the following arrangements apply:

18. Provided that its agreement is obtained before any claim is settled, the Secretary of State for Business Innovation and Skills 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 for Business Innovation and Skills. If the local planning authority wish to retain the land, or part of it, specific arrangements can be made between the Secretary of State for Business Innovation and Skills 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 has failed to consult the Secretary of State for Business Innovation and Skills at the appropriate time, as required by the safeguarding Direction.

Incorporation of Safeguarded Areas into Development Plans

19. Development plans should include a policy stating that officially safeguarded areas have been established for a particular meteorological technical site, that certain planning applications will be the subject of consultation with the Secretary of State for Business Innovation and Skills acting through the Met Office. The outer boundary of safeguarded areas should be indicated on proposals maps accompanying development plan documents. 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

20. Local planning authorities are asked to advise the Met Office of any unauthorised development in safeguarded areas of which they become aware and for which consultation would have been required. Policy on the use of enforcement powers is set out at paragraph 207 of the National Planning Policy Framework⁵. 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 Met Office.

Electricity

21. Certain applications for nationally significant infrastructure projects (NSIPs) by electricity companies for overhead electricity lines and significant generating stations are dealt with by either the Secretary of State for Energy and Climate Change or the Planning Inspectorate⁶. In these cases the Secretary of State for Energy and Climate Change or, as appropriate, the Planning Inspectorate should carry out the necessary consultations with the Met Office. As regards other energy projects requiring planning permission, local planning authorities should carry out consultation in accordance with the requirements described in the legend on the relevant safeguarding map.

Correspondence

22. Correspondence should be addressed to:

Property Management – Safeguarding
Met Office
Fitzroy Road
Exeter
Devon
EX1 3PB

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁶ Details are set out in “Consents and planning applications for national energy infrastructure projects – Guidance on regulations covering new power generating plants and wayleaves” issued by the Department of Energy and Climate Change which is available at: <https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects>