



# Defence Infrastructure Organisation

Ministry of Defence  
Safeguarding Department  
DIO Head Office  
St George's House  
Whittington  
Lichfield  
Staffordshire WS14 9PY

DIO Ref. 10054567

Mobile: [REDACTED]

E-mail: [REDACTED]@mod.gov.uk

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

7<sup>th</sup> April 2025

Dear Sir/Madam,

**Re: Morecambe Offshore Windfarm Generation Assets**

I write to provide the Defence Infrastructure Organisation's (DIO), on behalf of the Ministry of Defence (MOD), response to the Examining Authority's third round of written questions. DIO have been specifically asked to provide a response to question 3DCO1.

3DCO1	The Applicant CAA DIO	<p><b>Requirement 3 – Aviation Safety</b></p> <p><u>To the CAA and DIO</u></p> <p>a) In response to Action Point 26 <a href="#">[REP4-061]</a> the applicant has provided a note as to the applicability of the Air Navigation Order 2016 to the application site, sited as it is outside territorial waters. The CAA and DIO are asked for their views as to the geographical extent of relevant provisions (articles 222 and 223) of the Air Navigation Order 2016.</p> <p>As the parties will be aware, s120 of the PA2008 allows for a DCO to include provision applying and/ or modifying a statutory provision which relates to any matter for which provision may be made in the DCO.</p> <p><u>To the CAA, DIO and the applicant</u></p>
-------	-----------------------------	--

		<p>b) If either the CAA or DIO takes the view that the geographical extent of the Air Navigation Order does not extend to the application site, should it be applied by express provision in the dDCO?</p> <p>The applicant is asked to liaise with the CAA and DIO in this regard.</p> <p>c) If the answer to (b) is yes, could the applicant consider whether, in addition to the current requirement 3 in Schedule 2, an additional article may be required to expressly apply relevant provisions of the Air Navigation Order (with modifications if necessary) to the dDCO.</p> <p>The applicant may find precedent provisions, for example article 22 of the Norfolk Boreas Offshore Wind Farm Order 2021, of use in drafting.</p>
--	--	--

The MOD previously advised that the proposed development falls within Low Flying Area 17 (LFA 17) and will affect military low flying training activities conducted in this area. To overcome this impact, it will therefore be necessary for the Wind Turbine Generators to be fitted with appropriate aviation warning lighting to maintain the safety of military air traffic. The applicant has addressed this through the inclusion of Requirement 3 Aviation Safety at Schedule 2 of the draft DCO. As the applicant has stated, the Requirement wording is the standard wording the MOD would propose, and the MOD has already agreed to the draft wording of Requirement 3 in relation to the Morecambe Offshore Wind Farm.

With regards to the geographical extent of the Air Navigation Order (ANO), it would be for the Civil Aviation Authority (CAA) to confirm its definition of article 223 (b) - *which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea*.

The MOD's requirement for aviation lighting on wind turbine generators is usually exceeded by the CAA's statutory requirements i.e. the ANO. The MOD would therefore defer to the CAA's application of ANO lighting requirements to fulfil the MOD's lighting requirements. However, should the CAA confirm that the ANO provisions do not apply to this application site due to it being beyond the limits of the territorial sea, and there is therefore no CAA lighting requirement, there would still be an MOD lighting requirement due to the application site falling within LFA 17. This will need to be addressed via an aviation safety Requirement within the DCO.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours Sincerely

[Redacted Signature]

[Redacted Name]

Senior Safeguarding Manager

