

**From:** [REDACTED]  
**To:** [Morecambe Offshore Wind Project](#)  
**Subject:** Application by Morecambe Offshore Windfarm Limited for an Order granting Development Consent for the proposed Morecambe Offshore Windfarm Project: Generation Assets (PINS Ref. EN010121) [ES-CLOUD\_UK.FID12927445]  
**Date:** 03 September 2025 20:35:05  
**Attachments:** [BAE - Agreed Requirements for Morecambe \[Clean\].pdf](#)  
[BAE - Agreed Requirements for Morecambe \[Track Changes\].pdf](#)  
**Importance:** High

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Dear Sir / Madam,

We write further to the Secretary of State's request for information dated 21 August 2025.

As you will be aware, we are instructed to act on behalf of BAE Systems – specifically, BAE Systems (Operations) Limited in respect of Warton Aerodrome and BAE Systems Marine Limited in respect of Walney Aerodrome. The Secretary of State's request for information (item 17) is directed to BAE Systems (Operations) Limited only. However, we would like to take this opportunity to update the Secretary of State on the status of commercial agreements concerning the mitigation solutions for both Aerodromes, as well as the position reached regarding agreement of the wording of the various BAE-related Requirements – namely: Requirement 6 (Walney Aerodrome Air Traffic Services ("ATS")), Requirement 7 (Warton Aerodrome ATS) and Requirement 8 (Warton Aerodrome Primary Surveillance Radar) included in the Applicant's draft Development Consent Order ("dDCO") [REP6-002].

BAE Systems have agreed a joint statement with the Applicant in respect of the matters subject of the Secretary of State's 21 August letter. We refer the Secretary of State to the Applicant's response document in which the joint statement is set out in full.

With regard to Requirements 6, 7 and 8, recent discussions have taken place between the Applicant and BAE Systems in order to make certain amendments / updates to the requirement wording. An agreement has been reached in respect of the wording of all three Requirements. We attach a copy of the agreed wording – a clean version and a track change copy showing the updates made to the requirement wording included in the Applicant's dDCO at Deadline 6 [REP6-002]. Should the Secretary of State decide to grant development consent for the Morecambe Offshore Windfarm Project, we ask that he include Requirements 6, 7 and 8 in the form attached in the final (as made) DCO.

Kind regards.

[REDACTED] | Legal Director | Planning and Infrastructure Consenting | Eversheds Sutherland

[REDACTED]

T: [REDACTED]

M: [REDACTED]

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## **Operation of Walney Aerodrome (Air Traffic Services)**

6.—(1) No part of any wind turbine generator or any offshore substation platform shall be erected as part of the authorised development until the Secretary of State has, having consulted with the CAA and the operator—

- (a) approved an ATS mitigation scheme; and
- (b) confirmed that it is satisfied that the approved ATS mitigation scheme has been implemented by the operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (4)(a)).

(2) For the purposes of this requirement—

- (a) “approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a);
- (b) “ATS mitigation scheme” means a scheme which is designed to prevent or remove any adverse impacts arising from the authorised development on the operation of Walney Aerodrome, including but not limited to—
  - (i) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis—
    - (aa) national sovereign defence capabilities;
    - (bb) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
    - (cc) any other operational requirements which are identified by the operator; and
  - (ii) the Aerodrome’s IFP, MSA and VHF communication systems; and
- (c) “operator” means BAE Systems Marine Limited (incorporated in England and Wales with company number 00229770, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000(a) to provide air traffic services at Walney Aerodrome or any organisation employed by BAE Systems Marine Limited to provide an air traffic service at Walney Aerodrome.

(3) The approved ATS mitigation scheme must remain in place and be complied with for the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10).

(4) The undertaker shall be solely responsible for the costs of—

- (a) implementing the approved ATS mitigation scheme prior to the erection of any part of any wind turbine generator or any offshore substation platform forming part of the authorised development;
- (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and
- (c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Walney Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement

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(a) 2000 c. 38.

10), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.

### **Operation of Warton Aerodrome (Air Traffic Services)**

7.—(1) No part of any wind turbine generator or any offshore substation platform shall be erected as part of the authorised development until the Secretary of State has, having consulted with the CAA and operator—

- (a) approved an ATS mitigation scheme; and
- (b) confirmed that it is satisfied that the approved ATS mitigation scheme has been implemented by the operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (4)(a)).

(2) For the purposes of this requirement—

- (a) “approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a);
- (b) “ATS mitigation scheme” means a scheme which is designed to prevent or remove any adverse impacts arising from the authorised development on the operation of Warton Aerodrome, including but not limited to—
  - (i) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis—
    - (aa) national sovereign defence capabilities;
    - (bb) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
    - (cc) any other operational requirements which are identified by the operator; and
  - (ii) the Aerodrome’s IFP, MSA, DF, UHF and VHF communication systems; and
- (c) “operator” means BAE Systems (Operations) Limited (incorporated in England and Wales with company number 01996687, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000(a) to provide air traffic services at Warton Aerodrome or any organisation employed by BAE Systems (Operations) Limited to provide an air traffic service at Warton Aerodrome.

(3) The approved ATS mitigation scheme must remain in place and be complied with for the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10).

(4) The undertaker shall be solely responsible for the costs of—

- (a) implementing the approved ATS mitigation scheme prior to the erection of any part of any wind turbine generator or any offshore substation platform forming part of the authorised development;
- (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and
- (c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Warton Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned

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(a) 2000 c. 38.

in accordance with the decommissioning programme approved pursuant to requirement 10), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.

### **Warton Aerodrome Primary Surveillance Radar**

8.—(1) No part of any wind turbine generator shall be erected as part of the authorised development until a radar mitigation scheme has been submitted to and approved by the Secretary of State, in consultation with the Ministry of Defence and the operator.

(2) For the purposes of this requirement—

- (a) “approved radar mitigation scheme” means the radar mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1);
- (b) “Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire WS14 9PY or any successor body;
- (c) “operator” means BAE Systems (Operations) Limited (incorporated in England and Wales with company number 01996687, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000<sup>(a)</sup> to provide air traffic services at Warton Aerodrome or any organisation employed by BAE Systems (Operations) Limited to provide an air traffic service at Warton Aerodrome;
- (d) “PSR” means the primary surveillance radar at Warton Aerodrome or any upgrade thereto or replacement thereof;
- (e) “PSR air traffic control operations” means the air traffic control operations, including both civil and military aircraft operations, of the Ministry of Defence or the operator (or both) which are reliant upon the PSR; and
- (f) “radar mitigation scheme” means a scheme designed to prevent or remove any adverse impacts arising from the authorised development upon the operation of the PSR or the PSR air traffic control operations.

(3) No wind turbine generator erected as part of the authorised development shall be permitted to rotate its rotor blades about its horizontal axis other than for the purpose of testing the proposed mitigation solution identified in the approved radar mitigation scheme until the Secretary of State, following consultation with the Ministry of Defence and the operator, has confirmed that it is satisfied that—

- (a) the proposed mitigation solution has been subject to technical and operational assessment and, in particular, has undergone ‘in-situ’ testing in line with the requirements of (and for the time period(s) specified in) the approved radar mitigation scheme;
- (b) the performance criteria required to be met by the proposed mitigation solution, as specified in the approved radar mitigation scheme, have been met; and
- (c) the approved radar mitigation scheme has been implemented by the operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (5)(a)).

(4) The approved radar mitigation scheme must remain in place and be complied with for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both).

(5) The undertaker shall be solely responsible for the costs of—

- (a) implementing the approved radar mitigation scheme prior to any wind turbine generator erected as part of the authorised development being permitted to rotate its rotor blades about its horizontal axis;

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(a) 2000 c. 38.

- (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved radar mitigation scheme for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both); and
- (c) in the event of any amendment being made to the authorised development which gives rise to new or different adverse impacts to those identified in the environmental statement on the operation of the PSR or the PSR air traffic control operations working with the Ministry of Defence and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.

## Operation of Walney Aerodrome (Air Traffic Services)

6.—(1) No part of any wind turbine generator or any offshore substation platform shall be erected as part of the authorised development until the Secretary of State has, having consulted with the CAA and the operator—

- (a) ~~an ATS mitigation scheme has been submitted to and approved by the Secretary of State, in consultation with the CAA and the operator;~~an ATS mitigation scheme; and
- (b) ~~the Secretary of State, following consultation with the CAA and the operator, has~~ confirmed that it is satisfied that the approved ATS mitigation scheme has been implemented by the operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (4)(a)).

(2) For the purposes of this requirement—

- (a) “approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a);
- (b) “ATS mitigation scheme” means a scheme which is designed to prevent or remove any adverse impacts arising from the authorised development on the operation of Walney Aerodrome, including but not limited to—
  - (i) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis—
    - (aa) national sovereign defence capabilities;
    - (bb) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
    - (cc) any other operational requirements which are identified by the operator; and
  - (ii) the Aerodrome’s IFP, MSA and VHF communication systems; and
- (c) “operator” means BAE Systems Marine Limited (incorporated in England and Wales with company number 00229770, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000(a) to provide air traffic services at Walney Aerodrome or any organisation employed by BAE Systems Marine Limited to provide an air traffic service at Walney Aerodrome.

(3) The approved ATS mitigation scheme must remain in place and be complied with for the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10).

(4) The undertaker shall ~~at its sole cost~~be solely responsible for the costs of—

- (a) implementing the approved ATS mitigation scheme prior to the erection of any part of any wind turbine generator or any offshore substation platform forming part of the authorised development;
- (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and
- (c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Walney Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to ~~implement and thereafter maintain~~agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised

development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.

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- (b) ~~the Secretary of State, following consultation with the CAA and the operator, has confirmed that it is satisfied that the approved ATS mitigation scheme has been implemented by the~~ operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (4)(a)).

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- (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and
- (c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Warton Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the

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(a) 2000 c. 38.



operator in good faith to ~~implement and thereafter maintain~~<sup>agree</sup> any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.

### **Warton Aerodrome Primary Surveillance Radar**

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(2) For the purposes of this requirement—

- (a) “approved radar mitigation scheme” means the radar mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1);
- (b) “Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY or any successor body;
- (c) “operator” means BAE Systems (Operations) Limited (incorporated in England and Wales with company number 01996687, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000<sup>(a)</sup> to provide air traffic services at Warton Aerodrome or any organisation employed by BAE Systems (Operations) Limited to provide an air traffic service at Warton Aerodrome;
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- (e) “PSR air traffic control operations” means the air traffic control operations, including both civil and military aircraft operations, of the Ministry of Defence or the operator (or both) which are reliant upon the PSR; and
- (f) “radar mitigation scheme” means a scheme designed to prevent or remove any adverse impacts arising from the authorised development upon the operation of the PSR or the PSR air traffic control operations.

(3) No wind turbine generator erected as part of the authorised development shall be permitted to rotate its rotor blades about its horizontal axis other than for the purpose of testing the proposed mitigation solution identified in the approved radar mitigation scheme until the Secretary of State, following consultation with the Ministry of Defence and the operator, has confirmed that it is satisfied that—

- (a) the proposed mitigation solution has been subject to technical and operational assessment and, in particular, has undergone ‘in-situ’ testing in line with the requirements of (and for the time period(s) specified in) the approved radar mitigation scheme;
- (b) the performance criteria required to be met by the proposed mitigation solution, as specified in the approved radar mitigation scheme, have been met; and
- (c) the approved radar mitigation scheme has been implemented by the operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (5)(a)).

(4) The approved radar mitigation scheme must remain in place and be complied with for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both).

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(a) 2000 c. 38.

- (a) implement~~ing~~ the approved radar mitigation scheme prior to any wind turbine generator erected as part of the authorised development being permitted to rotate its rotor blades about its horizontal axis;
- (b) thereafter maintain~~ing~~, repair~~ing~~ and replac~~ing~~e, including without limitation resolving any failure (howsoever caused) of, the approved radar mitigation scheme for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both); and
- (c) in the event of any amendment being made to the authorised development which gives rise to new or different adverse impacts to those identified in the environmental statement on the operation of the PSR or the PSR air traffic control operations~~(or both)~~, work~~ing~~ with the Ministry of Defence and the operator in good faith to ~~implement and thereafter maintain~~agree any additional mitigation measures required to prevent or remove such adverse impacts for so long as any of the wind turbine generators erected as part of the authorised development are operational and provided that the PSR remains an operational requirement of the Ministry of Defence or the operator (or both), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures.