

**From:** [REDACTED]  
**Sent:** 10 March 2025 23:21  
**To:** Morgan Offshore Wind Project  
**Cc:** Grange, Samantha  
**Subject:** Morgan Offshore Wind Project: Generation Assets [Ref. EN010136] - Deadline 7: Update from BAE Systems [Unique Reference: 20048868]  
**Attachments:** BAE Systems - dDCO Requirements [10.03.25].pdf  
**Importance:** High

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Dear Sir/Madam,

As you will be aware, we are instructed to act on behalf of BAE Systems in connection with the application for development consent made in respect of the Morgan Offshore Wind Project: Generation Assets.

We write further to our client's Closing Statement – submitted at Deadline 6 – and to the Examining Authority's Rule 17 letter dated 3 March 2025. Whilst a request for further information was not specifically directed to BAE Systems within the Rule 17 letter, we nevertheless thought it might be helpful to provide the Examining Authority with an update on the outstanding matters to which our client's Closing Statement refers.

1. Matter 1: the position remains as stated in our client's Closing Statement – the NATS and Osprey Reports are outstanding and the timetable for their delivery remains indicative only.
2. Matter 2: again, the position remains as stated in our client's Closing Statement – the technical and operational assessments being carried out in respect of the Applicant's mitigation proposal for the PSR at Warton Aerodrome are ongoing and the viability of this proposal remains to be demonstrated and confirmed.
3. Matter 3: the Applicant has provided comments on the draft DCO requirement wording which our client submitted at Deadline 6; their mark-up was received on 7 March 2025. Whilst some positive progress has been made, there remain some key points on which the parties are apart. Accordingly, the DCO requirements concerning air traffic services at both Walney and Warton Aerodromes and the PSR at Warton Aerodrome continue to be the subject of discussion.

We turn now to AR 3.1 of the Examining Authority's Rule 17 letter:

- (a) Regarding requirements 5 and 6, see above – agreement is still to be reached. The current version of our client's preferred wording (which is provided on a 'without prejudice' basis) is attached. We have had regard to the Applicant's mark-up received on 7 March 2025 and have accepted their proposed amendments where agreed. For ease, the wording which remains the subject of discussion, and in respect of which we are seeking the Applicant's agreement, is highlighted yellow.

The Examining Authority will note the reference to the offshore substation platforms (OSPs) in sub-paragraph (1) of the draft requirement concerning air traffic services at both Walney and Warton Aerodromes. The Applicant is insisting upon the deletion of this wording on the basis that the draft DCO provides maximum design parameters for the OSPs with which the undertaker is required to comply. Furthermore, we understand that the Applicant is proposing to submit evidence at Deadline 7 that there will be no 'line of sight' (LoS) / visibility of the OSPs and so no potential for interference from this specific element of the authorised development with VHF transmissions at either Aerodrome. We're told that this

evidence will be in the form of LoS images and a formal report. The Applicant shared a handful of LoS images with our client on 7 March 2025, however, we were informed that the accompanying report was not to hand and its delivery for our client's review remains outstanding. The Examining Authority will appreciate the limited assistance offered by LoS images absent a detailed narrative explaining what those images show and a fully reasoned and technical justification of the Applicant's position. In order for this particular matter to be progressed, our client requires sight of all of the evidence upon which the Applicant is seeking to rely.

- (b) In order to address AR 3.1(b), we understand that the Applicant is proposing to submit a 'high level activity programme', with an indicative target date for achievement of each of the key tasks identified within the Aviation and Radar Mitigation summary note which the Applicant submitted at Deadline 6 [document ref. S\_D6\_38]. The Applicant's aim is to demonstrate that the resolution of our client's Matters 1-3 is feasible within the statutory timeframe for the Secretary of State to make their decision – this has been the Applicant's starting point and the approach one of 'retrofitting' in order to deliver a particular outcome. As a consequence, the programme is contrived, at best aspirational and limited in terms of the reliance which can be placed upon it. In reality, significant resources and third party input will be required to be drawn upon in respect of a number of the activities referred to in the programme and achievement of the various milestones identified will have to be kept under constant review (and regular updates provided to the Examining Authority and to the Secretary of State, as required).
- (c) We have no visibility of what the Applicant is proposing to say in response to AR 3.1(c). However, we take this opportunity to draw the Examining Authority's attention to the consultation requirements referred to in the draft DCO requirements, namely: (i) consultation with the MoD and the 'Operator' (being the relevant BAE Systems entity, as defined) with regard to approval (and implementation) of the radar mitigation scheme for the PSR at Warton Aerodrome; and (ii) consultation with the CAA and the 'Operator' with regard to approval (and implementation) of the ATS mitigation schemes for both Walney and Warton Aerodromes.

We should be grateful for confirmation that the above submissions will be accepted and taken into account by the Examining Authority.

Please acknowledge safe receipt.

Kind regards.

[REDACTED]

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[REDACTED]

**DRAFT DCO REQUIREMENT WORDING: PSR RADAR AT WARTON AERODROME**

- (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 in writing by the Secretary of State, in consultation with the MoD 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) “**MoD**” 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 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 MoD 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 MoD and the Operator, has confirmed in writing that he/she 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 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 MoD or the Operator (or both);
- (5) The undertaker shall, at its sole cost–

Commented [ES1]: BAE addition: wording added for clarity.

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- (a) implement 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; and
- (b) thereafter maintain, **replace and upgrade**, 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 MoD 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 (over and above the impacts identified by the environmental statement) on the operation of the PSR or the PSR Air Traffic Control Operations, work with the MoD and the Operator in good faith to implement and to thereafter maintain 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 MoD or the Operator (or both)**.

**Commented [ES2]:** Applicant deletion rejected: further discussion between parties required.

**Commented [ES3]:** BAE amended wording: to align with sub-  
paras (4) and (5)(c).

**Commented [ES4]:** Applicant wording rejected: "*materially new or materially different adverse impacts*".

**BAE position:** this sub-para should cover any new or different adverse impacts which arise from an amendment to the authorised development - not just those adverse impacts which are material (there is no justification for the requirement wording to be qualified in this way).

**Commented [ES5]:** BAE addition: wording added for clarity.

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**DRAFT DCO REQUIREMENT WORDING: OPERATION OF WALNEY AERODROME  
(AIR TRAFFIC SERVICES)**

- (1) No part of any wind turbine generator and no part of any offshore substation platform shall be erected as part of the authorised development until–
- (a) an ATS Mitigation Scheme has been submitted to and approved in writing by the Secretary of State, in consultation with the CAA and the Operator; and
  - (b) the Secretary of State, following consultation with the CAA and the Operator, has confirmed in writing that he/she is satisfied that the Approved ATS Mitigation Scheme has been implemented by 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–
      - (1) national sovereign defence capabilities;
      - (2) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
      - (3) any other operational requirements which are identified by the Operator; and
    - (ii) the Aerodrome’s IFP, MSA and VHF communication systems.
  - (c) “**CAA**” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982.
  - (d) “**IFP**” means instrument flight procedures.
  - (e) “**MSA**” means minimum sector altitude.
  - (f) “**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 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.
  - (g) “**VHF**” means very high frequency.
- (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).
- (4) The undertaker shall, at its sole cost–
- (a) implement the Approved ATS Mitigation Scheme prior to the erection of any part of any wind turbine generator and any part of any offshore substation platform forming part of the authorised development;
  - (b) thereafter maintain, replace and upgrade, including without limitation resolving any failure (howsoever caused) of, the Approved ATS Mitigation Scheme throughout the lifetime of the

**Commented [ES6]:** Applicant deletion rejected: further discussion between parties required.

**BAE position:** we note that the draft DCO specifies max. parameters for the OSPs which must be complied with. However, we require further comfort that there will be no ‘line of sight’ (LoS). The Applicant’s position re no potential for interference with radio communications/VHF transmissions caused by the OSPs must be evidenced / clearly demonstrated.

Formal report (to provide narrative alongside LoS images) awaited from Applicant.

**Commented [ES7]:** BAE addition: wording added to make clear that the lifetime of the authorised development includes the decommissioning period.

Same point re sub-paras 4(b) and 4(c).

**Commented [ES8]:** See the above comment.

**Commented [ES9]:** See the above comment.

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authorised development (including the period during which the authorised development is being decommissioned); 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, work with the CAA and the Operator in good faith to implement and to thereafter maintain 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).

**Commented [ES10]:** See the above comment.

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**DRAFT DCO REQUIREMENT WORDING: OPERATION OF WARTON AERODROME  
(AIR TRAFFIC SERVICES)**

- (1) No part of any wind turbine generator and no part of any offshore substation platform shall be erected as part of the authorised development until–
- (a) an ATS Mitigation Scheme has been submitted to and approved in writing by the Secretary of State, in consultation with the CAA and the Operator; and
  - (b) the Secretary of State, following consultation with the CAA and the Operator, has confirmed in writing that he/she is satisfied that the Approved ATS Mitigation Scheme has been implemented by 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–
      - (1) national sovereign defence capabilities;
      - (2) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
      - (3) any other operational requirements which are identified by the Operator; and
    - (ii) the Aerodrome’s IFP, MSA, DF, VHF and UHF communication systems;
  - (c) “**CAA**” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;
  - (d) “**DF**” means direction finding;
  - (e) “**IFP**” means instrument flight procedures;
  - (f) “**MSA**” means minimum sector altitude;
  - (g) “**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 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;
  - (h) “**UHF**” means ultra high frequency; and
  - (i) “**VHF**” means very high frequency.
- (3) The Approved ATS Mitigation Scheme must remain in place and be complied with for the lifetime of the authorised development (including any period during which the authorised development is being decommissioned).
- (4) The undertaker shall, at its sole cost:

**Commented [ES11]:** See the above comments in respect of the ATS Requirement for Walney Aerodrome.



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- (a) implement the Approved ATS Mitigation Scheme prior to the erection of any part of any wind turbine generator and any part of any offshore substation platform forming part of the authorised development;
- (b) thereafter maintain, replace and upgrade, 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); 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, work with the CAA and the Operator in good faith to implement and to thereafter maintain 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).