

Department of Energy Security & Net Zero
3-8 Whitehall Place
London
SW1A 2AW

Name:	FAO [REDACTED]
Department:	Energy Infrastructure Planning Delivery
Planning Inspectorate Reference:	EN010136
Applicant's Reference:	S_RFI1_01 (F01)

2025-07-03

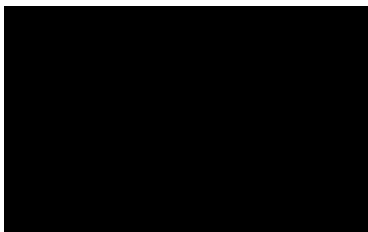
Subject: Morgan Offshore Wind Project: Generation Assets – Application for Development Consent Order, Planning Inspectorate reference EN010136

Dear Sir

Morgan Offshore Wind Limited (the Applicant) writes in response to the Secretary of State's letter dated 19 June 2025 requesting information from a number of parties including the Applicant. Please find enclosed the Applicant's response.

The Applicant notes that the Examining Authority did not consult on a draft DCO during the examination. A number of interested parties requested DCO changes at Deadline 7, including drafting that had not been previously requested or discussed during the course of the examination. If there are any substantive changes proposed to the DCO within the Examiners' recommendation, or based on submissions at Deadline 7, then the Applicant considers it essential as a matter of procedural fairness that it be afforded an opportunity to comment on those submissions or amendments. The Applicant would request that if any consultation on proposed amendments is deemed necessary, then it takes place in an expedient manner to afford all parties sufficient time to make their submissions within the determination period.

Yours faithfully,



Morgan Consents Lead

**Morgan Offshore
Wind Farm**

Security classification: Public



**THE APPLICANT’S RESPONSE TO THE SECRETARY OF STATE’S
LETTER DATED 19 JUNE 2025
CONSULTATION 1**

Latest revision						
Reason for issue	Author	Date	Checker	Date	Approver	Date
Submission to the Secretary of State	Morgan Offshore Wind Limited	03.07.2025	Morgan Offshore Wind Limited	03.07.2025	Morgan Offshore Wind Limited	03.07.2025
This document is copyright and shall not be reproduced without the permission of Morgan Offshore Wind Limited			Document number			Revision code
			MRCNS-J3303-JVW-10268			F01

Document revision history

Revision code	Reason for issue	Author	Date	Checked	Date	Approved	Date
F01	Submission to the Secretary of State	Morgan Offshore Wind Limited	03.07.2025	Morgan Offshore Wind Limited	03.07.2025	Morgan Offshore Wind Limited	03.07.2025

Contents

1	Response to the Secretary of State Consultation 1 (Letter dated 19 June 2025)	5
1.1	Introduction	5
2	Cumulative Effects Assessment	6
2.1	Introduction	6
2.2	Response	6
3	Wake effects.....	7
3.1	Introduction	7
3.2	Response	7
4	Commercial negotiations and agreements	12
4.1	Introduction	12
4.2	Response	12
4.2.1	Isle of Man Steam Packet Company (IoMSPC)	12
4.2.2	NATS	13
4.2.3	Ronaldsway Airport.....	14
4.2.4	Blackpool Airport	14
4.2.5	BAE Systems	15
4.2.6	DIO	21
5	Updates in respect of HRA matters	25
5.1	Introduction	25
5.2	Response	25
6	Deemed Marine Licence.....	27
6.1	Introduction	27
6.2	Response	27
	Appendix A Mona submission to Secretary of State 30 June 2025	28

Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets will be located.
Morgan Offshore Wind Project Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
National Policy Statement	Planning documents that provide the primary basis for making decisions on development consent order applications for 'nationally significant infrastructure projects' (NSIPs).
Secretary of State for the Department for Energy Security and Net Zero (DESNZ)	The decision maker with regards to the application for development consent for the Morgan Offshore Wind Project: Generation Assets.
UK Clean Power Action Plan 2030	The action plan setting out the pathway to a clean power system, including what the Government will do to support and accelerate delivery of the new infrastructure.

Acronyms

Acronym	Description
AEoI	Adverse effect on integrity
ALARP	As Low As Reasonably Practicable
ATS	Air Traffic Services
CAA	Civil Aviation Authority
CEA	Cumulative Effects Assessment
DCO	Development Consent Order
DF	Direction Finding
dML	Deemed Marine Licence
GHG	Greenhouse Gas
HRA	Habitats Regulations Assessment
IFP	Instrument Flight Procedures
IoMSPC	Isle of Man Steam Packet Company
IP	Interested Party
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency
MIC	Marine Infrastructure Consent

THE APPLICANT'S RESPONSE TO THE SECRETARY OF STATE'S
LETTER DATED 19 JUNE 2025
CONSULTATION 1

Acronym	Description
MGN654	Marine Guidance Note 654
MMO	Marine Management Organisation
MSA	Minimum Sector Altitude
MVOWFL	Moor Vannin Offshore Wind Farm Limited
NATS	NATS (En Route) plc
NPS	National Policy Statement
NRW (A)	Natural Resources Wales (Advisory)
PEIR	Preliminary Environmental Information Report
PSR	Primary Surveillance Radar
SPA	Special Protection Area
TCE	The Crown Estate
UHF	Ultra High frequency
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency

1 Response to the Secretary of State Consultation 1 (Letter dated 19 June 2025)

1.1 Introduction

1.1.1.1 On 19 June 2025, the Secretary of State published a letter requesting an update from the Applicant (Morgan Offshore Wind Limited) on the status of Cumulative Effects Assessment (CEA), wake effects, commercial negotiations and agreements, updates in respect of Habitats Regulations Assessment (HRA) matters and the deemed Marine Licence (dML).

1.1.1.2 The Applicant's responses to the Secretary of State's letter are provided in the following sections of this document:

- CEA (Section 2)
- Wake effects (Section 3)
- Commercial negotiations and agreements (Section 4) (and Appendix A)
- Updates in respect of HRA matters (Section 5)
- dML (Section 6).

2 Cumulative Effects Assessment

2.1 Introduction

2.1.1.1 Paragraph 3 of the Secretary of State's letter is in relation to cumulative effects assessment and is set out as follows:

3. *The Secretary of State notes that the application for Marine Infrastructure Consent for the Mooir Vannin Generation Project was due to be submitted in March 2025. The Secretary of State invites the Isle of Man Government and Mooir Vannin Offshore Wind Farm Limited to confirm whether any application has been made, and when any further environmental information relevant to the application may be made available. If further information is available now, the Applicant is requested to update the Cumulative Effects Assessment and In-combination assessment.*

2.2 Response

2.2.1.1 Since the close of examination, the Applicant has contacted the Isle of Man Government and Mooir Vannin Offshore Wind Farm Limited (MVOWFL) requesting an update on the status of the submission of the application for Marine Infrastructure Consent (MIC). The Applicant contacted MVOWFL on 17 March and 19 June 2025 but received no response from MVOWFL at that time.

2.2.1.2 On 28 April 2025, the Applicant was informed by the Isle of Man Government that the Mooir Vannin application was still under consideration for acceptance and the Applicant would be informed of any changes.

2.2.1.3 On 19 June 2025, the Isle of Man Government confirmed that there will be some amendments to the Marine Infrastructure Management Consenting Regulations and that MVOWFL intend to resubmit their application.

2.2.1.4 On 01 July 2025, MVOWFL confirmed that, following submission of the Application for MIC to the Department of Infrastructure on 12 March 2025, they were informed that updates to the Marine Infrastructure Regulations 2024 would be required to accept the Application. MVOWFL advised that these changes to the regulations are to be laid before Tynwald for approval by 17 July 2025. The Applicant understands that MVOWFL intend to then resubmit their consent Application on 28 July 2025 with the publication online being at the discretion of the Isle of Man Government.

2.2.1.5 Therefore, there continues to be no publicly available application documents to enable the Applicant to update its CEA and in-combination assessment.

3 Wake effects

3.1 Introduction

3.1.1.1 Paragraphs 4 and 5 of the Secretary of State's letter are in relation to wake effects and are set out as follows:

4. *The Secretary of State notes the positions of the Applicant and Interested Parties ("IPs"), in particular Ørsted IPs, in relation to wake effects. The Secretary of State also notes the policy in paragraphs 2.8.197 and 2.8.200 of NPS EN-3, as well as the specific policy on wake effects set out in the draft NPS EN-3 which was recently consulted upon. Those policies state that an assessment of the potential effects of the proposed development on existing or permitted infrastructure or activities should be carried out by the applicant, that all reasonable steps should be taken to minimise impacts, that an applicant should show they have made reasonable efforts to work collaboratively with those who may be impacted, prior to the submission of an application, and that appropriate mitigation should be included in any application and ideally agreed between relevant parties.*
5. *The Secretary of State requests that the Applicant provides, without prejudice, a proposal to secure:*
 - a. *the provision of an assessment (if the assessment contained in the Wood Thilsted Report is not agreed); and*
 - b. *further consideration of means to minimise any assessed impacts, including opportunities to work with impacted windfarms to achieve this.*

3.2 Response

3.2.1.1 The Applicant notes the transitional arrangements and in relation to the draft National Policy Statement (NPS) EN-3 state (Applicant emphasis added):

3.2.1.2 *While the review of the energy NPSs is undertaken, the current suite of NPSs remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the Planning Act 2008. The Secretary of State has decided that for any application accepted for examination before amending the energy NPSs, the current suite of energy NPS, published in 2024, should have effect. **The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the publication of the final amended energy NPSs.** However, any emerging draft energy NPSs (or those amended but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each development consent order application.*

3.2.1.3 Given these transitional provisions make it clear that the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as the Morgan Generation Assets) must be determined in accordance with the extant 2024 NPSs, which do not include a requirement for a wake assessment to be carried out, and the

fact that the Secretary of State's consultation on the revisions to EN-3 has just closed, the Applicant does not consider it appropriate for any weight to be placed on the proposed revisions to EN-3 at this time.

- 3.2.1.4 Notwithstanding the above, the Applicant has (through its examination process) engaged with the Ørsted IPs with regard to the potential impact of wake effects on their projects and the potential for mitigation of these impacts. The Applicant has consistently explained why it is not possible for it to undertake a robust wake effects assessment at this stage of the process, including in response to the wake impact assessment provided by the Ørsted IPs, performed by Wood Thilsted (REP5-014) and those points remain valid. This consideration of the inability for robust assessment at this stage, and the limited (and ultimately net-negative) availability of mitigation options, is also made by other offshore wind farm applicants in recent submissions to examinations (see Dogger Bank South Offshore Wind Farms (EN010125 REP4-099)).
- 3.2.1.5 However, and as part of a collaborative approach to this matter, the Applicant undertook a "Calculation of the net effects on Greenhouse Gas (GHG) emissions" (the final version of which is presented at REP6-063) as recommended by the Ørsted IPs initially during the examination, using the information set out within the Wood Thilsted report to consider the impact of options to reduce inter-project wake effects on the overall level of carbon reduction achieved by the schemes in question.
- 3.2.1.6 The outcome of this process has demonstrated that wake effects between the Morgan Generation Assets and the existing operational Ørsted projects are substantially mitigated by the distance between them, and that any further project mitigation will have a proportionately negative effect on overall carbon reduction from the new offshore wind generation. This is set out in detail in REP6-063, which demonstrates that additional spatial layout-based mitigations would have a negligible benefit to the Ørsted projects yet would lead to substantial lost production to the Morgan Generation Assets due to increased internal wake losses, causing an overall negative effect on carbon reduction. Therefore, to seek to impose further mitigation on the Applicant for a matter that the draft NPS EN-3 cites (in paragraph 2.8.316) as having limited planning weight would be an entirely disproportionate outcome, for what is an unavoidable residual effect of the development of new renewable generating capacity over 7.5 km away.
- 3.2.1.7 The Applicant's conclusion regarding the availability and effectiveness of mitigation has been endorsed by submissions made in other offshore wind examinations such as Dogger Bank South Offshore Wind Farms (EN010125 REP4-099) which concluded (following a review of the standard suite of potential measures as considered within the Morgan Generation Assets examination) that *"...there is no current technology or approach that can be applied to mitigate the wakes of one wind farm on another which does not result in a significant overall loss of generation"*.
- 3.2.1.8 The Applicant considers that the Secretary of State has an inter-array wake effects assessment (in the form of the Wood Thilsted report) before it, albeit an assessment subject to a large uncertainty that cannot be considered robust

or accurate for the reasons set out in REP6-014, and that the Applicant has considered this through the "Calculation of the net effects on GHG emissions" (REP6-063) despite there being no policy requirement to do so.

- 3.2.1.9 Further, the Applicant considers it has demonstrated all reasonable steps have been taken to minimise, as far as reasonably possible, the impact of wake effects from the Morgan Generation Assets at this stage of the consenting and design process. This has been achieved through mitigating the siting of the project to ensure that its closest boundary was pulled back as far as reasonably practicable from the Ørsted IP assets within the constraints of The Crown Estate (TCE) lease area (as detailed in REP6-014), whilst retaining its ability to achieve maximum energy generation. Furthermore, the Applicant has also committed to ensuring the minimum separation distances between turbines is as large as practically possible (with such minimum separation distances being beyond that of any existing consent), which will reduce the level of internal wakes thereby reducing any potential knock-on external effect for any surrounding asset. Finally, the Applicant considers that it has sought to address concerns raised by Ørsted IPs through the examination process in a constructive manner, whilst recognising the differences in the interpretation of planning policy and the limitations of what can be robustly achieved at this stage of the development process.
- 3.2.1.10 The Applicant recognises that (despite the mitigation commitments) there will be residual wake effects from the Morgan Array on Ørsted IP assets (as is (and/or will be) the case for all built and planned offshore wind farms around the UK). Recognising the absence of current NPS policy in relation to wake effects, and the proposed additions to EN-3 which seek to address this absence the Applicant would note that the revisions to EN-3 (paragraph 2.8.316) make clear that:
- 3.2.1.11 *... there is no expectation that wake effects can be wholly removed between developments, or that inter-project compensation arrangements are a necessary means to mitigate the impact of wake effects, although developers may opt to take such approaches outside of the planning process.*

Without prejudice proposal

- 3.2.1.12 The Applicant reviewed and provided comment on the technical merits of the Wood Thilsted Report in REP5-014, noting the limitations of undertaking any wake impact assessment at this stage.
- 3.2.1.13 As explained above, the Applicant considers that there is no policy requirement under the extant NPSs to consider wake effects. Notwithstanding, the Secretary of State has sufficient information to establish the significant net carbon reduction benefit strongly supports the urgent need for the Morgan Generation Assets as new renewable energy generating capacity and its status as critical national priority infrastructure as well as its contribution to the UK's Clean Power 2030 Action Plan objectives (which are to "sprint" to the reduction of carbon intensity generation through the rapid delivery of new clean energy capacity by 2030).

3.2.1.14 The Applicant is aware of the wake effects requirement that was included within the Awel y Môr Development Consent Order (DCO) to address concerns raised by Rhyl Flats Offshore Wind Farm in the examination process. The Applicant is also aware that there was no consultation in respect of the wording of this requirement prior to the Secretary of State's decision. The Applicant has therefore provided the following 'without prejudice' requirement in response to the Secretary of State's request:

- (1) No part of any wind turbine generator may be erected as part of the authorised development until either:
 - a) a wake effects plan has been submitted to and approved by the Secretary of State; or
 - b) the undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the existing Ørsted offshore wind farms.*
- (2) The wake effects plan provided in accordance with paragraph (1)(a) must include details of the reasonable steps that have been taken by the undertaker to minimise wake effects on the existing Ørsted offshore wind farms whilst maximising the capacity of the authorised development within the identified technical, environmental and other constraints of the authorised development.*
- (3) Where paragraph (1)(a) applies the design plan submitted to the licencing authority under condition 20 (1) (a) of Schedule 3 and Schedule 4 of this order must be in accordance with any approved wake effects plan.*

For the purposes of this requirement 'the existing Ørsted offshore wind farms' means:

- (1) Barrow Offshore Wind Farm*
- (2) Burbo Bank Extension*
- (3) Walney Extension*
- (4) West of Duddon Sands*
- (5) Walney Offshore Windfarm*
- (6) Burbo Bank*

3.2.1.15 In order that any approved wake effects plan is accommodated within the wind turbine design plan which must be submitted to the licencing authority for approval under the dML at Schedules 3 and 4 of the dDCO, the amendment identified in red below would also be required to the current wording of condition 20.

Amendment to condition 20(1)(a):

Pre-construction plans and documentation

20.-(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO (in consultation with Trinity House, the MCA and UKHO as appropriate)-

(a) a design plan at a scale of between 1:25,000 and 1:50,000 in accordance with the layout principles, including detailed representation on the most suitably scaled admiralty chart, to be approved in writing by the MMO in consultation with Trinity House and the MCA setting out proposed details of the authorised scheme, including the:

(i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore substation platform;

(ii) the proposed layout of all wind turbine generators (which shall provide for two lines of orientation and otherwise be in accordance with the recommendations for layout contained in MGN654 and its annexes) and offshore substation platforms, including grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore substation platform subject to up to 55 metre micro-siting in any direction unless otherwise agreed in writing with the MMO in consultation with the MCA and Trinity House;

(iii) proposed layout of all cables;

(iv) location and specification of all other aspects of the authorised scheme; and

(v) any archaeological exclusion zones or micro-siting requirements identified pursuant to condition 20(2)(d) or relating to any benthic habitats of conservation, ecological or economic importance constituting reef habitats or principal importance as listed under Section 41 of the Natural Environment and Rural Communities Act 2006;

to ensure conformity with the description of Work No. 1 and compliance with conditions 10, 11 and 12 and any wake effects plan approved by the Secretary of State in accordance with requirement [x].

4 Commercial negotiations and agreements

4.1 Introduction

- 4.1.1.1 Paragraphs 6 to 12 of the Secretary of State's letter are in relation to commercial negotiations and agreements and are set out below for each respective stakeholder.

4.2 Response

4.2.1 Isle of Man Steam Packet Company (IoMSPC)

6. The Applicant and Isle of Man Steam Packet Company should provide an update on the status of their Ferry Mitigation Agreement negotiations. If agreement has not been reached, updates should include details of whether an agreement is expected, and if so when agreement is expected.

- 4.2.1.1 As reported at the end of examination, the Parties executed a Non-Disclosure Agreement and draft Heads of Terms for the ferry mitigation agreement has been under consideration by the Steam Packet Company's board of directors since November 2024. The discussions are ongoing and have not yet concluded.
- 4.2.1.2 The Applicant contacted the IoMSPC on 18 February, 4 March and 2 April 2025 seeking an update. On each occasion the response to the Applicant was that there is no update, and the agreement is still being considered by the IoMSPC board, and that they will contact the Applicant when they have more information.
- 4.2.1.3 During March 2025, the Applicant also initiated engagement at a senior level within IoMSPC and with the Isle of Man Government, but did not receive any further responses from IoMSPC until June 2025. There has been some progress made through June 2025, and the Applicant and IoMSPC are continuing discussions on the terms of a commercial agreement.
- 4.2.1.4 Whilst the Applicant will continue to engage with IoMSPC on this matter, as previously set out, the Applicant does not consider a commercial agreement to be necessary to comply with relevant planning policy. The Applicant has demonstrated through its assessment that impacts on shipping and navigation are as low as reasonably practicable (ALARP), and the residual moderate adverse effect concluded for adverse weather routing only, following the reductions made to the Morgan Array Area to mitigate potential effects on safety of navigation and minimise route diversions, is considerably outweighed in the planning balance by the benefits of the Morgan Generation Assets.
- 4.2.1.5 Expanding on this point, NPS EN-3 recognises that *"it is inevitable that there will an impact on navigation in and around the area of the site"* (Paragraph 2.8.178). Direct and adverse weather routes of ferries and commercial routes within the eastern Irish Sea are extensive and cover most of the available seaspace. Therefore, there is no location within the eastern Irish Sea where an offshore wind farm could be constructed that would avoid all impacts on lifeline ferries or strategic routes.

- 4.2.1.6 The Morgan Generation Assets has therefore sought to minimise where possible the extent of these impacts in line with NPS EN-3 paragraph 2.8.328. This includes alterations to the Morgan Array Area following statutory consultation on the Preliminary Environmental Information Report (PEIR) (Volume 4, Annex 7.1: Navigational Risk Assessment (F4.7.1 F02, REP6-041)) and Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (F1.4 F01, APP-011)), which reduced the deviations required for the IoMSPC (and other vessels) to pass around the Morgan Array Area. Therefore, the Applicant has acted entirely in accordance with NPS EN-3 to minimise as far as possible impacts on the IoMSPC (and other shipping) routes. The residual deviations should also be considered in the context of the substantial benefits of the Morgan Generation Assets on the urgent need for decarbonisation and reduction of greenhouse gases, as set out in the Planning Statement (J2, F01, APP-074) and the Clean Power Action Plan 2030.
- 4.2.1.7 Therefore, the Applicant has demonstrated that the application accords with NPS EN-3 paragraphs 2.8.328 and 2.8.329 and considers that, to the extent there is a residual adverse commercial impact, it is considerably outweighed by the benefits that the Morgan Generation Assets affords.
- 4.2.1.8 The Applicant is prioritising engagement with IoMSPC on the commercial agreement and would like to reach an agreement in the near future. The Applicant considers that this should not hinder the determination of this application. The Applicant considers that these discussions to reach agreement may extend post-consent.

4.2.2 NATS

- 4.2.2.1 NATS (En Route) plc ("NATS") and the Applicant have discussed point 7 of the Secretary of State's request for information dated 19 June 2025. Point 7 states:
- 7. The Applicant and NATS should provide an update on the status of their commercial agreements. NATS should confirm if it can now remove its objection.*
- 4.2.2.2 As a preliminary point, it is noted that NATS did not object to the application. In its relevant representation (RR-025) NATS identified that it had concerns about impacts on its radar infrastructure from the Morgan Generation Assets, which it had discussed with the Applicant pre-application.
- 4.2.2.3 NATS and the Applicant have had a productive dialogue throughout the application on a suitable requirement to include within the DCO. The parties also agreed the need for a commercial agreement that will form the basis for a mitigation solution, and ultimately the discharge of the DCO requirement. The DCO requirement that secures mitigation for the Lowther Hill and St. Anne's Primary Surveillance Radar (PSR) was agreed during the examination process and follows the precedent on other project such as the Awel y Môr Offshore Wind Farm Order 2023.
- 4.2.2.4 NATS and the Applicant continue to engage on the terms of a suitable commercial agreement. A final engrossment of the commercial agreement has been agreed between the Parties, and the Applicant expects to enter into the commercial agreement shortly. The Applicant expects to be able to provide the

Secretary of State with an update to confirm execution of the commercial agreement with NATS soon.

4.2.3 Ronaldsway Airport

4.2.3.1 Ronaldsway Airport and the Applicant have discussed point 8 of the Secretary of State's request for information dated 19 June 2025 and have agreed the below joint statement. Point 8 states:

8. The Applicant and Ronaldsway Airport should provide an update on the status of their commercial agreements.

4.2.3.2 The Isle of Man Airport (Ronaldsway Airport) and the Applicant have engaged throughout the application on the detail of the application and the need to include a suitable requirement within the DCO that secures mitigation for potential impacts. The DCO requirement that secures mitigation for air traffic services at Isle of Man Airport was agreed during the examination process.

4.2.3.3 Ronaldsway Airport and the Applicant agree that it will be necessary to enter into a commercial agreement post-consent. That agreement will be informed by technical information based on the detailed design of the Morgan Generation Assets. The Applicant met with Ronaldsway Airport on 16 May 2025 to discuss the commercial agreement with a subsequent in person meeting scheduled in July to discuss terms of such agreement in further detail. Ronaldsway Airport and the Applicant agree that the current requirement 8 provides suitable legal security for any necessary mitigation and a commercial agreement being finalised and entered into post-consent.

4.2.4 Blackpool Airport

4.2.4.1 Blackpool Airport and the Applicant have discussed point 9 of the Secretary of State's request for information dated 19 June 2025 and have agreed the below joint statement. Point 9 states:

9. The Applicant and Blackpool Airport should provide an update on the status of their commercial agreements and whether agreement has been reached on the wording of Requirement 9 in the Applicant's draft Development Consent Order.

4.2.4.2 Blackpool Airport and the Applicant have continued engagement post-examination on the necessary requirement to address Blackpool Airport's representations to the application.

4.2.4.3 Having reviewed Line of Sight assessment provided by the Applicant on 08 May 2025, Blackpool Airport can confirm that the wording of Requirement 9 of the Applicant's draft Development Consent Order is now agreed. The agreed wording is as set out in the Deadline 7 version of the dDCO – copied below for reference.

"Operation of Blackpool Airport

9.-(1) No part of any wind turbine generator shall be erected as part of the authorised development until the Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing that either—

(a) appropriate mitigation will be implemented and maintained throughout the lifetime of the authorised development; and

(b) appropriate arrangements have been put in place with the operator to ensure that such appropriate mitigation is so implemented and maintained.

(2) For the purposes of this requirement—

***“appropriate mitigation”** means measures to prevent or remove any adverse impacts which the authorised development will have on the ability of the operator to provide safe airport operational and air traffic services (including but not limited to any adverse impacts on instrument flight procedures, minimum sector altitudes, and very high frequency radio and direction finding communication systems) for Blackpool Airport;*

***“approved mitigation”** means the appropriate mitigation agreed with the operator and confirmed by the Secretary of State in accordance with sub-paragraph (1); and*

***“operator”** means Blackpool Airport Operations Limited (incorporated in England and Wales with company number 09307995 and whose registered office is Number One Bickerstaffe Square, Talbot Road, Blackpool, FY1 3AH), 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 for Blackpool Airport; and*

***“VHF”** means very high frequency.*

(3) The undertaker shall thereafter comply with all obligations contained within the approved appropriate mitigation for the life of the authorised development.”

4.2.4.4 Blackpool Airport’s Five-Year Review of its Instrument Flight Procedures process is ongoing. The final detail of any necessary mitigation, and the associated commercial agreement that secures it, will need to take account of the results of that review.

4.2.4.5 Blackpool Airport and the Applicant agree that it will be necessary to enter into a commercial agreement post-consent. The Applicant issued a draft commercial agreement to Blackpool Airport in November 2024 and received written feedback on the commercial agreement through April 2025 which is currently under review. Blackpool Airport and the Applicant agree that requirement 9 (as drafted above) provides suitable legal security for any necessary mitigation. To confirm, the parties are aligned that the commercial agreement can be finalised and entered into post-consent.

4.2.5 BAE Systems

4.2.5.1 The timeline presented in Appendix A of REP7-004 is no longer accurate in reflecting the intended progress following the close of examination.

4.2.5.2 The Applicant has set out below the current status of its discussions with BAE Systems Marine Limited and BAE Systems Operations Limited. As a preliminary point, the Applicant would note that whilst the commercial agreements and the wording of the relevant DCO requirement(s) are linked, the Applicant considers that they represent two stages in a process to delivery of mitigation. The requirement provides the legal security for any necessary mitigation being put in place. The commercial agreement is the mechanism through which the parties agree the detail of that mitigation and how it will be implemented for the lifetime of the development. For the purpose of determining the DCO application, the Applicant’s position is that the requirements set out below are suitable to ensure the necessary mitigation is secured. The requirements are

based on well-established industry precedent, are robust in their terms, and ensure that key stakeholders (i.e. the operator/Civil Aviation Authority/Ministry of Defence as appropriate) are consulted by the Secretary of State at the appropriate times, and before the requirement is discharged. The Applicant considers that the subsequent commercial agreement can be entered into post-consent, and this is entirely standard industry practice. This has been accepted by other airport operators (see Isle of Man (Ronaldsway) Airport, Blackpool Airport responses above).

BAE Systems Marine Limited Walney Aerodrome

10. Noting the timeline set out in Appendix A of REP7-004, the Applicant and BAE Systems Marine Limited Walney Aerodrome should provide an update on the status of their commercial agreements and whether agreement has been reached on the wording of Requirement 7 in the Applicant's draft Development Consent Order.

- 4.2.5.3 A draft commercial agreement was issued to BAE Systems Marine Limited related to mitigation required at BAE Walney Aerodrome on 09 December 2024 and the Applicant has not received any feedback on it from BAE Systems. As noted above, the Applicant considers that this agreement can be finalised with BAE Systems post consent.
- 4.2.5.4 Discussion on the wording of Requirement 7 in the Applicant's draft DCO is ongoing. The Applicant has included updated preferred wording below. This has evolved following the close of the Morgan Generation Assets examination, as the Applicant and the Mona Offshore Wind Project have continued to engage with BAE Systems on its terms. The Applicant and BAE Systems are not agreed, but are continuing to engage on final points of difference.
- 4.2.5.5 The Applicant would highlight that following a meeting with BAE Systems on 01 July, which was held jointly with the Applicant of the Mona Offshore Wind Project, progress is being made and are hopeful to reach alignment soon.
- 4.2.5.6 The Applicant would direct the Secretary of State to the following EN010137 submissions for the Mona Offshore Wind Project for further information on the progression to reach agreement with BAE Systems which is applicable to both Applicants:
- 12 May 2025 Letter from Secretary of State (Consultation 1) (in relation to PSR)
 - 23 May 2025 Applicant's Response
 - 23 May 2025 Response from the Defence Infrastructure Organisation (DIO)
 - 29 May 2025 Letter from Secretary of State (Consultation 2)
 - 12 June 2025 Applicant's Response (Applicant comments on DIO response to Secretary of State Consultation 2)
 - 12 June 2025 Response from BAE Systems (PSR & Air Traffic Services (ATS) requirements)
 - 30 May 2025 Letter from Secretary of State (Consultation 3)
 - 23 June 2025 Applicant's Response (Section 1.5)

- 23 June 2025 Response from BAE Systems
- 25 June 2025 Letter from Secretary of State (Consultation 5)
- 30 June 2025 Applicant's Response (Applicant response to Secretary of State regarding PSR & ATS requirements).

4.2.5.7 In response to BAE Systems' request for harmonisation across the projects, the Applicant has included BAE Systems' latest drafting for Mona Offshore Wind Project (23 June) with additional preferred drafting for Requirement 7 as set out below and under consideration by BAE Systems (latest changes shown in Track Changes). The Applicant considers that this drafting could be included in any DCO granted for the Morgan Generation Assets and would adequately secure any mitigation required.

OPERATION OF WALNEY 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–*

(a) the Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing the need for and scope of any ATS mitigation scheme to be submitted by the undertaker in accordance with sub-paragraph(1)(b), including whether any ATS mitigation scheme provides mitigation measures for any or all of Walney Aerodrome's IFP, MSA, and VHF communication systems;

(ab) an ATS mitigation scheme based on the scope confirmed by the Secretary of State in accordance with sub-paragraph (1)(a) has been submitted to and approved in writing by the Secretary of State, in consultation with the CAA and the operator; and

(bc) 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 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–*

“approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(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–*
 - (a) *national sovereign defence capabilities;*
 - (b) *safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and*
 - (c) *any other operational requirements which are identified by the operator; and*
- ii. *the Aerodrome's IFP, MSA and VHF communication systems;*

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“IFP” means instrument flight procedures;

“MSA” means minimum sector altitude;

“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; and

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

BAE Systems Operations Limited Warton Aerodrome

11. Noting the timeline set out in Appendix A of REP7-004, the Applicant and BAE Systems Operations Limited Warton Aerodrome should provide an update on the status of their commercial agreements and whether agreement has been reached on the wording of Requirement 5 in the Applicant's draft Development Consent Order.

4.2.5.8 As set out in the Introduction section above, the Applicant notes that whilst the commercial agreement and the wording of the relevant DCO requirement are linked, they represent two stages in a process to delivery of mitigation.

4.2.5.9 A draft agreement for BAE Systems Operations Limited, which will cover ATS and PSR mitigation has not yet been issued, as the PSR mitigation solution has

not been confirmed by BAE Systems and therefore is not yet fully understood by the Applicant. As for BAE Systems Marine Limited, the Applicant considers that a commercial agreement can be entered into post consent, and this is entirely standard industry practice, and it will be aligned with Walney for the ATS. The Applicant has had a preliminary meeting with BAE Systems Operations Limited regarding progressing a commercial agreement related to mitigation required at BAE Warton Aerodrome through June 2025 and the Applicant considers that this agreement can be finalised with BAE Systems post consent.

- 4.2.5.10 Discussion on the wording of Requirement 5 in the Applicant's draft DCO is ongoing. The Applicant has included updated preferred wording below. This has evolved following the end of examination and the Applicant and the Mona Offshore Wind Project have continued to engage with BAE Systems on its terms. The Applicant and BAE Systems are not agreed, but are continuing to engage on final points of difference.
- 4.2.5.11 The Applicant would note that following a meeting with BAE Systems on 01 July, which was held jointly with the Applicant of the Mona Offshore Wind Project, progress is being made and the parties are hopeful to reach alignment soon.
- 4.2.5.12 The Applicant would direct the Secretary of State to the following EN010137 submissions for the Mona Offshore Wind Project for further information on the progression to reach agreement with BAE Systems which is applicable to both Applicant's:
- 12 May 2025 Letter from Secretary of State (Consultation 1) (PSR)
 - 23 May 2025 Applicant's Response
 - 23 May 2025 Response from DIO
 - 29 May 2025 Letter from Secretary of State (Consultation 2)
 - 12 June 2025 Applicant's Response (Applicant comments on DIO response to Secretary of State Consultation 2)
 - 12 June 2025 Response from BAE Systems (PSR & ATS requirements)
 - 30 May 2025 Letter from Secretary of State (Consultation 3)
 - 23 June 2025 Applicant's Response (Section 1.5)
 - 23 June 2025 Response from BAE Systems
 - 25 June 2025 Letter from Secretary of State (Consultation 5)
 - 30 June 2025 Applicant's Response (Applicant response to Secretary of State regarding PSR & ATS requirements)
- 4.2.5.13 In response to BAE Systems' request for harmonisation across the projects, the Applicant has included BAE Systems' latest drafting for the Mona Offshore Wind project (23 June) with additional preferred drafting for Requirement 5 as set out below and under consideration by BAE Systems (latest changes shown in Track Changes). The Applicant considers that this drafting could be included in any DCO granted for the Morgan Generation Assets and would adequately secure any mitigation required.

OPERATION OF WARTON AERODROME (AIR TRAFFIC SERVICES)

5 (1) No part of any wind turbine generator or any offshore substation platform shall be erected as part of the authorised development until–

(a) the Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing the need for and scope of any ATS mitigation scheme to be submitted by the undertaker in accordance with sub-paragraph(1)(b), including whether any ATS mitigation scheme provides mitigation measures for any or all of Warton Aerodrome's IFP, MSA, DF, VHF and UHF communication systems;

(ab) an ATS mitigation scheme based on the scope confirmed by the Secretary of State in accordance with sub-paragraph (1)(a) has been submitted to and approved in writing by the Secretary of State, in consultation with the CAA and the operator; and

(bc) 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 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–

“approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(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–
 - a. national sovereign defence capabilities;
 - b. safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
 - c. any other operational requirements which are identified by the operator; and
- ii. the Aerodrome's IFP, MSA, DF, VHF and UHF communication systems;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“DF” mean direction finding;

“IFP” means instrument flight procedures;

“MSA” means minimum sector altitude;

“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; and

“UHF” means ultra high frequency;

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

4.2.6 DIO

12. The Applicant and DIO should provide an update on whether agreement has been reached on the wording of Requirement 6 in the Applicant's draft Development Consent Order. DIO should confirm if it can now remove its objection.

4.2.6.1 The Applicant met with the DIO on 15 May 2025. As Warton Aerodrome is a BAE Systems asset, the DIO cannot agree the requirement drafting without BAE Systems' input. Further engagements with DIO and BAE Systems have since taken place to discuss the wording of Requirement 6.

4.2.6.2 At Deadline 5 the Applicant proposed a simple requirement (5) for Warton ATS based on precedent and in line with Ronaldsway and Blackpool Airports (REP5-017). However, in an effort to agree the requirement with BAE Systems, the Applicant sought to accommodate BAE drafting where possible, and made a number of changes to the Applicant's draft DCO to address precision and clarity of the requirement. At Deadline 6, requirement (6) for Warton Aerodrome PSR was introduced (REP6-017) and it was updated again at Deadline 7 (REP7-007) following further BAE drafting requests.

4.2.6.3 BAE Systems' final submission at Deadline 7 (REP7-018), set out that they did not agree with the changes made by the Applicant. The Applicant notes that the final submission made by BAE Systems to the Morecambe project

- examination (EN010121, REP6-069) argued the need for a shutdown / cessation clause in the Morecambe requirement for Warton Aerodrome's PSR.
- 4.2.6.4 The Applicant highlights that BAE Systems did not raise the need for a shutdown / cessation clause in their final submission in the Morgan Generation Assets examination, which included its without prejudice wording for Requirement 6 (REP7-018).
- 4.2.6.5 The Applicant has been monitoring progress on the Mona Offshore Wind Project and the submissions made by both parties and the DIO. The Applicant notes BAE Systems submission (23 June¹) to the Mona Offshore Wind Project in response to Secretary of State Letter Consultation 3, where they provided additional commentary on the PSR requirement drafting.
- 4.2.6.6 In an effort to align the requirement wording, the Applicant will adopt the updated drafting agreed between Mona and BAE Systems for paragraphs 1 – 5 inclusive. The Applicant, however, fundamentally disagrees with BAE Systems on the need for inclusion of a cessation clause within the requirement.
- 4.2.6.7 The Applicant met with BAE and DIO (most recently 01 July 2025) to discuss the latest submission and to seek resolution of outstanding matters.
- 4.2.6.8 The Applicant refers the Secretary of State to the latest position set out by the Mona Offshore Wind Project on 30 June 2025 in response to Consultation 5 (included in Appendix A) and will provide further updates once they are available.
- 4.2.6.9 In summary, the Applicant in the spirit of compromise will accept the drafting provided by BAE Systems to the Secretary of State on 23 June 2025 for the Mona Offshore Wind Project pertaining to Requirement 6 other than sub-paragraph (6). For the reasons set out in the 30 June 2025 Mona submission to the Secretary of State (included in Appendix A), sub-paragraph (6) should not be included.

Warton Aerodrome Primary Surveillance Radar

6 (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 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 to provide*

¹ [EN010137-002285-BAE Systems - 23 June 2025.pdf](#)

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 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 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 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;

(b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure 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 by 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.

5 Updates in respect of HRA matters

5.1 Introduction

5.1.1.1 Paragraph 13 of the Secretary of State's letter is in relation to updates in respect of HRA matters and is set out as follows:

*13. Noting that further HRA information was submitted by the Applicant and Appropriate Nature Conservation Bodies at Deadline 6 following publication of the Report on the Implications for European Sites, the Secretary of State invites the **Applicant, Natural England, NRW(A), the JNCC and the RSPB** to provide any final comments on that further information.*

5.2 Response

5.2.1.1 The Applicant confirms that the HRA information submitted at Deadline 6 has not altered any of the conclusions of the assessments which is that an adverse effect on the integrity (AEol) from the Morgan Generation Assets alone or in-combination with other plans and projects can be ruled out for all European sites.

5.2.1.2 Following the Secretary of State's request for information, the Applicant contacted Natural England, Natural Resources Wales Advisory (NRW (A)) and the Joint Nature Conservation Committee (JNCC) to seek confirmation that their positions remain unaltered from their submissions at Deadlines 5-7.

5.2.1.3 NRW (A) notified the Applicant that updated Condition Assessments were due to be published on 25 June 2025² for Welsh European Marine Sites relevant to the Morgan Generation Assets. The Applicant has reviewed the updated Condition Assessments and associated conservation advice³ and confirms that this information does not alter the conclusion presented in its Closing Statement (REP6-014). NRW (A) also confirmed to the Applicant via email on 26 June 2025 that these updates do not alter their advice regarding the overall HRA conclusions and their position remains as per their Deadline 6a submission (AS-012) that there will be no AEol, from the Morgan Generation Assets alone and in-combination with other plans and projects.

5.2.1.4 Natural England also confirmed to the Applicant via email on 26 June 2025 that its advice remains as per its Deadline 6a/7 submissions (AS-016 and REP7-017) that AEol can be ruled out for all English European Sites alone and in-combination with other plans and projects (REP5-079 and AS-016).

5.2.1.5 The Applicant sought confirmation from the JNCC on 26 June 2025 regarding their position on this matter. The JNCC confirmed to the Applicant via email on 30 June 2025 that there have been no changes to Condition Assessments and associated conservation advice for those European sites which the JNCC has sole or joint responsibility. Furthermore, the JNCC confirmed that it remains of the opinion that, based on the Applicant's assessments (REP6-034 and REP6-

066), AEol or in-combination can be ruled out for these sites including Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro Special Protection Area (SPA), Irish Sea Front SPA, Seas off St Kilda SPA, and Liverpool Bay/Bae Lerpwl SPA.

6 Deemed Marine Licence

6.1 Introduction

6.1.1.1 Paragraph 14 of the Secretary of State's letter is in relation to the deemed Marine Licence and is set out as follows:

*14. The **MMO** is invited to confirm whether it has reached a concluded position on the benefit of including an end date of the operational and maintenance phase within the DML, as it referred to in REP6-094, and if so, to propose draft wording to secure this in the DML.*

6.2 Response

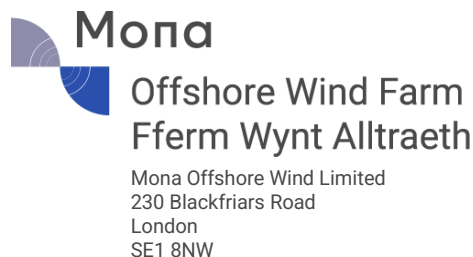
6.2.1.1 The Applicant notes this question is directed at the Marine Management Organisation (MMO) but wishes to draw attention to the MMO's Closing Statement (REP6-094), which states that *"the MMO is still discussing a position internally and understand that it is too late to raise it with the Applicant"*. The Applicant has had regular engagement with the MMO seeking any updates regarding their position and on 26 June 2025 sought confirmation of their position in light of the Secretary of State's request for information. The MMO has not raised this matter during the determination period and confirmed verbally in a meeting on 01 July 2025 that their position remains as per their Closing Statement (REP6-094). The MMO stated it would not be putting forward a recommendation or draft wording to include an end date for the operational and maintenance phase within the dMLs for the Morgan Generation Assets. The Applicant understands that the MMO intends to submit a response to this effect to the Secretary of State on 03 July 2025.

6.2.1.2 For the avoidance of doubt, the Applicant's final position remains that there is no reasonable basis on which to impose a time limit on the activities authorised by the dMLs. This was not the basis on which the Application was made, or the basis on which the EIA was undertaken. The MMO has not set out a detailed rationale that opposes this position.

Appendix A Mona submission to Secretary of State 30 June 2025

A.1 Mona Offshore Wind Limited submission to Secretary of State 30 June 2025, in response to Consultation 5 dated 25 June 2025

Department of Energy Security & Net Zero
3-8 Whitehall Place
London
SW1A 2AW



Name: FAO [REDACTED]
Department: Energy Infrastructure Planning Delivery
Planning Inspectorate EN010137
Reference:
Applicant's Reference: S_RFI5_01 (F01)

30-06-2025

Subject: Mona Offshore Wind Project – Application for Development Consent
Order Planning Inspectorate reference EN010117

Dear Sir

Mona Offshore Wind Limited (the Applicant) writes in response to the Secretary of State's letter (SoS's letter) dated 25 June requesting information (Consultation 5) from the Applicant. related to Primary Surveillance Radar (PSR) at Warton Aerodrome and Air Traffic Services ("ATS") at the Warton and Walney Aerodromes.

The Applicant's response is set out below.

The Applicant will be providing this response to BAE Systems and DIO today, in order to facilitate ongoing discussions.

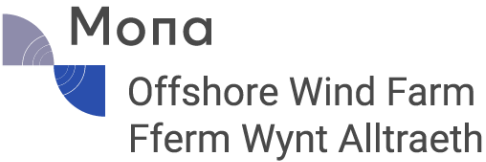
Yours faithfully,

[REDACTED]

Mona Consents Lead

Mona Offshore Wind Farm
Fferm Wynt Alltraeth

Security classification: Public



RESPONSE TO THE SECRETARY OF STATE
CONSULTATION 5
(LETTER DATED 25 JUNE 2025)

Latest revision						
Reason for issue	Author	Date	Checker	Date	Approver	Date
Submission to the Secretary of State	Mona Offshore Wind Project	30.06.2025	Mona Offshore Wind Project	30.06.2025	Mona Offshore Wind Project	30.06.2025

This document is copyright and shall not be reproduced without the permission of Mona Offshore Wind Limited	Document number		Revision code
	MOCNS-J3303-JVW-10589		F01

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

Document revision history

Revision code	Reason for issue	Author	Date	Checked	Date	Approved	Date
F01	Submission to the Secretary of State	Mona Offshore Wind Project	30.06.2025	Mona Offshore Wind Project	30.06.2025	Mona Offshore Wind Project	30.06.2025

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

Contents

1	RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)	5
1.1	Introduction	5
1.2	Response.....	5
1.2.2	ATS requirements for Warton and Walney Aerodromes.....	5
1.2.3	PSR Requirement for Warton Aerodrome.....	9

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Class G (Uncontrolled Airspace)	Airspace in which Air Traffic Control does not exercise any executive authority but may provide basic information services to aircraft in radio contact. In the UK, Class G airspace is uncontrolled. Aircraft operating in uncontrolled airspace may be in receipt of an ATS; however, within this classification of airspace, pilots are ultimately responsible for their own terrain and obstacle clearance.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Manual of Air Traffic Services (MATS)	Manual of Air Traffic Services for civil air traffic controllers in the UK. It contains procedures, instructions and information for air traffic services.
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
Mona Offshore Wind Project Boundary	The area containing all aspects of the Mona Offshore Wind Project, both offshore and onshore.
Offshore Substation Platform (OSP)	The offshore substation platforms located within the Mona Array Area will transform the electricity generated by the wind turbines to a higher voltage allowing the power to be efficiently transmitted to shore.
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

Acronyms

Acronym	Description
AIP	Aeronautical Information Publication
AMSL	Above Mean Sea Level
ARA	Advisory Radar Area
ATC	Air Traffic Control
ATS	Air Traffic Services
CAA	Civil Aviation Authority
CNS	Communications, Navigation and Surveillance
DCO	Development Consent Order
DF	Direction Finding
FID	Final Investment Decision
ICAO	International Civil Aviation Organisation
IFP	Instrument Flight Procedures
MATS	Manual of Air Traffic Services
MSA	Minimum Sector Altitude
NESO	National Energy System Operator
OSPs	Offshore Substation Platforms
OWF	Offshore Wind Farm
PSR	Primary Surveillance Radar
SSR	Secondary Surveillance Radar
UHF	Ultra High Frequency
VHF	Very High Frequency

1 RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

1.1 Introduction

1.1.1.1 On 25 June 2025, the Secretary of State published a letter (the SoS's letter) requesting information from Mona Offshore Wind Ltd ('the Applicant') related to Primary Surveillance Radar (PSR) at Warton Aerodrome and Air Traffic Services ("ATS") at the Warton and Walney Aerodromes.

1.1.1.2 Paragraphs 3 and 4 of the SoS's letter state:

3. In their letter dated 23 June 2025 BAE Systems provided their preferred requirements for the PSR at Warton Aerodrome and for the ATS at Warton and Walney Aerodromes.

4. The **Applicant** is requested to confirm that it has now reached agreement with the DIO and BAE Systems regarding the wording of these three requirements. If agreement has not been reached, the Applicant is requested to comment on the draft requirements provided by BAE Systems.

1.2 Response

1.2.1.1 The Applicant has sought to meet with BAE Systems and DIO to engage on the drafting of the Air Traffic Services (ATS) requirement for Warton and Walney Aerodromes and the Primary Surveillance Radar (PSR) requirement for Warton Aerodrome. Although DIO were available sooner, BAE Systems responded that they are not available to meet until Tuesday 1 July 2025. The Applicant has therefore provided comments on the proposed drafting for the three requirements set out in the BAE Systems submission of 23 June 2025. The Applicant would highlight to the Secretary of State that this drafting was not provided in advance of its submission to the Secretary of State and it was not provided with the opportunity to comment or discuss with BAE Systems.

1.2.1.2 The Applicant has therefore considered the BAE Systems' wording and has sought to accommodate and address its concerns wherever possible below. In doing so the Applicant has had due regard to the Guidance provided in the Planning Inspectorate's advice 'Content of a Development Consent Order required for Nationally Significant Infrastructure Projects': *Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.*

1.2.1.3 The Applicant will update Secretary of State following the meeting with BAE Systems on Tuesday 1 July.

1.2.2 ATS requirements for Warton and Walney Aerodromes

1.2.2.1 The Applicant's 23 June 2025 submission set out reasonable and policy-compliant requirements that could be included within the DCO to address the requests for ATS requirements by BAE Systems. The Applicant explained that these are drafted to be consistent with the requirements proposed and agreed for air traffic services at Liverpool John Lennon Airport (requirement 24) and Isle of Man Airport (requirement 26), which enables the requirement to be discharged if either (i) the Secretary of State confirms that no mitigation is required, or (ii) that appropriate mitigation will be

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

implemented and maintained for the lifetime of the Mona Offshore Wind Project. In each instance the Operator and Civil Aviation Authority (CAA) would be consulted. This drafting reflects the fact that BAE Systems has yet to complete its safeguarding assessment (the operational limb) to determine the extent, if any, of any detrimental impact on its operations due, in particular, to theoretical VHF communications interference.

- 1.2.2.2 However, to close out this matter, the Applicant is prepared to accept the ATS requirements for Warton and Walney Aerodromes proposed by BAE Systems, with one revision. As set out in their 23 June 2025 submission, BAE Systems are in still in the process of considering the NATS assessments from an operational perspective and state that *“It will be possible to engage further with the Applicant in respect of the specific mitigation solutions required to address the impacts identified once BAE Systems operational review has been concluded”*. In light of this, and the potential that mitigation may not be required, it is the Applicant’s position that it would be reasonable to revise sub-paragraph (1) of the BAE Systems proposed ATS requirements for Walney and Warton aerodromes to include an additional limb for *‘Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing that no mitigation is required in respect of the authorised development’* as set out below.
- 1.2.2.3 Additionally, the Applicant does not agree that sub-paragraph (1) for both Walney and Warton aerodromes should make reference to the Offshore Substation Platforms (OSPs). As set out in the Applicant’s 23 June 2025 response, the Applicant prepared line of sight assessments for Warton and Walney Aerodrome that demonstrate that the Mona Offshore Wind Project OSPs (whether a single larger or up to four smaller OSPs) are not expected to affect the communication, navigation and surveillance (CNS) equipment at Walney or Warton aerodromes. However, as the OSP(s) are installed prior to erection of wind turbine generators (WTGs), to allow for connection of WTGs to the OSP(s) and commencement of WTG commissioning activities, the requirement for any mitigation to be implemented prior to erection of OSPs adds unnecessary and significant risk to the programme for delivery of the Mona Offshore Wind Project.
- 1.2.2.4 With the inclusion of sub-paragraph (1)(a), and in an effort to close out this matter in a way that is agreeable to both parties, the Applicant is prepared to accept the inclusion of reference to OSPs in sub-paragraph (1) as set out below.

OPERATION OF WALNEY AERODROME (AIR TRAFFIC SERVICES)

X (1) No part of any wind turbine generator [or any offshore substation platform] shall be erected as part of the authorised development until–

(a) Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing that no mitigation is required in respect of the authorised development;
or

(ab) 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

(bc) 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 operator (the costs of which shall be the sole responsibility of the undertaker in accordance with sub-paragraph (4)(a)).

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

(2) For the purposes of this requirement–

“approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a).

“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–

(a) national sovereign defence capabilities;

(b) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and

(c) any other operational requirements which are identified by the operator; and

ii. the Aerodrome’s IFP, MSA and VHF communication systems;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“IFP” means instrument flight procedures;

“MSA” means minimum sector altitude;

“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; and

“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 in accordance with the decommissioning programme approved pursuant to requirement 20).

(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 20); 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

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

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

OPERATION OF WARTON AERODROME (AIR TRAFFIC SERVICES)

X (1) No part of any wind turbine generator [or any offshore substation platform] shall be erected as part of the authorised development until–

(a) Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing that no mitigation is required in respect of the authorised development; or

(ab) 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

(bc) 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 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–

“approved ATS mitigation scheme” means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a).

“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–*
 - a. national sovereign defence capabilities;*
 - b. safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and*
 - c. any other operational requirements which are identified by the operator; and*
- ii. the Aerodrome’s IFP, MSA, DF, VHF and UHF communication systems;*

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“DF” mean direction finding;

“IFP” means instrument flight procedures;

“MSA” means minimum sector altitude;

“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; and

“UHF” means ultra high frequency;

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

“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 in accordance with the decommissioning programme approved pursuant to requirement 20).

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

1.2.3 PSR Requirement for Warton Aerodrome

1.2.3.1 The Applicant’s position, as set out in its 23 May 2025 and 23 June 2025 submissions to Secretary of State, is that the current requirement 23 in the final draft DCO for Mona Offshore Wind Project is appropriate, but is willing to accept a requirement based on the requirement in Morgan Generation Assets and Morecambe Generation Assets with some revisions as set out in Table 1.1 of the Applicant’s 23 May 2025 submission. The Applicant notes that BAE Systems (23 June 2025) is prepared to accept the Applicant’s revisions “...which account for the fact that it will be the ‘operator’ (at the sole cost of the ‘undertaker’) who will implement the approved radar mitigation scheme”.

1.2.3.2 The Applicant also notes that the revised requirement 23 included in the BAE Systems submission of 23 June 2025 has an amended sub-paragraph (6) regarding offshore wind farm (OWF) shutdown in an attempt to address concerns raised by the Applicant when it met with BAE Systems on 13 June 2025. The Applicant highlighted at that meeting that it is more appropriate to consider shutdown and cessation of the OWF as part of negotiations in respect of the post-consent mitigation agreement/commercial arrangements. BAE Systems state that “The revisions made to sub-paragraph (6) are intended to give effect to this – the Secretary of State will note that the amended wording establishes the principle of turbine shutdown in the event of mitigation failure, but leaves the detail (in the form of a shutdown protocol) for future negotiation and agreement between the parties as part of the approval process for the radar mitigation scheme”.

1.2.3.3 The Applicant is willing to accept the revised requirement 23 presented by BAE Systems in their 23 June 2025 submission, except for sub-paragraph 6. Despite the

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

detail of sub-paragraph now (6) being linked to the “approved mitigation scheme”, in the absence of the detail of the scheme being available, shutdown provisions on the face of the DCO would represent an unquantified risk to investors and lenders which could significantly impact the ability of Mona Offshore Wind Project to reach financial close or make a Final Investment Decision (FID). Furthermore, it could set a precedent for future offshore and onshore wind energy consents, undermining the Government strategy and targets for renewable energy. Such shutdown provisions could also cumulatively undermine Great Britain grid stability and would require careful co-ordination with NESO.

- 1.2.3.4 BAE Systems acknowledges that it will implement the mitigation scheme (at the Applicant’s cost), the performance criteria of which will be set by BAE Systems: this means BAE Systems selects and implements the “approved mitigation scheme”. Sub-paragraph (6) in effect absolves BAE Systems of any responsibility for selecting and implementing the mitigation scheme if “*in the event of any failure (howsoever caused)*”, the development’s turbines must be switched off and remain out of operation until the Applicant funds the remediation and BAE Systems carries out that remediation. This would shut down the turbines even if the failure was caused directly by BAE Systems’ actions. This is not reasonable and therefore fails to meet the test for a requirement.
- 1.2.3.5 Further, it is unclear from the drafting of sub-paragraph (6), in the absence of the detail of the “approved mitigation scheme”, whether BAE Systems would seek the turbine shutdown only when Warton aerodrome is operational and providing an air traffic service, currently being Mon-Thu 0730-1900 (0630-1800) and Fri 0730-1700 (0630-1600) – that is 55 hours per week or 2,886 hours per annum, amounting to 33% of the hours in a year – or whether BAE Systems would insist on the turbines remaining shutdown during non-operational hours, given BAE Systems’ repeated assertions that it provides on an uninterrupted basis “*national sovereign defence capabilities*” (while remaining a civil aerodrome).
- 1.2.3.6 This lack of certainty as to the reach of sub-paragraph (6), in the absence of the detail of the “approved mitigation scheme”, as well as its fundamental unreasonableness could be a significant barrier to the Applicant being able to take its FID (as stated above), as on the face of BAE Systems’ preferred requirement, the Applicant is afforded no certainty of generation even if it fully funds and supports BAE Systems’ selection and implementation of the “approved mitigation scheme”. It represents a misalignment in decision making incentives.
- 1.2.3.7 BAE Systems has repeatedly made clear to the Applicant that its prime consideration is to ensure that its aircraft test flight business is not impacted by Mona Offshore Wind Project. As the Applicant has noted below, Warton aerodrome’s safety of operations can be assured even during a PSR outage (whether a supplementary mitigation PSR or Warton’s main PSR which is expected also to have windfarm tolerance capabilities). The Secretary of State is being asked to prioritise BAE Systems’ commercial interests to the detriment of the Applicant’s, even though there is a compromise in the form of the DCO requirement without the shutdown provision in sub-paragraph (6) which is available.
- 1.2.3.8 With reference to the Applicant’s 23 May 2025 submission regarding alternative mitigation for failure of the “approved mitigation scheme” other than OWF shutdown, it is necessary to briefly outline what the Applicant understands, from public domain sources, to be BAE Systems’ operations at Warton Aerodrome. Warton Aerodrome is a major assembly and testing facility of BAE Systems Military Air & Information, assembling inter alia the Eurofighter Typhoon and Hawk. Extensive test flight activity is undertaken there, hence the existence of the Warton Advisory Radio Area (ARA)

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

which is located between FL95 (9,500ft above mean sea level (amsl)) and FL190 (19,000ft amsl). As the Aeronautical Information Publication (AIP) ENR 5.2 explains *“Test flight activity often requires the pilots to fly profiles which limit their ability to manoeuvre their aircraft in compliance with the Rules of the Air. Such flights will receive a radar service from Warton”* and goes on to advise pilots entering the area *“to call Warton on 129.530 MHz to obtain route information and information on test flight activity”*. However, in practice, all these trials aircraft and any seeking to transit the Warton ARA will be transponding, as transponder carriage and use is mandatory in UK airspace over FL100 (10,000ft amsl). This is important as it makes clear that the bulk of BAE Systems’ test traffic will be operating at altitudes which require transponder carriage, so that in the case of a PSR failure, the SSR returns should still be available to Warton controllers to fulfil their safety obligations in what is Class G, or uncontrolled, airspace. In uncontrolled airspace, any air traffic service is purely advisory and the ultimate responsibility for collision avoidance rests with the pilot. Further, the current advisory air traffic services provided in Class G airspace by ATC units such as Warton will be changing with the adoption of the ICAO Flight Information Service and Lower Airspace Service, as set out in the UK’s Airspace Modernisation Strategy (CAP1711).

- 1.2.3.9 BAE Systems suggested in their 23 June 2025 response that the provisions of Manual of Air Traffic Services (MATS) Part 1 were not applicable. BAE Systems, however, failed to note that the provision of an SSR only service during a PSR outage is permitted if authorised in the aerodrome’s MATS Part 2 (Section 1 Chapter 3 10B.1(1)). While the Applicant cited the example of Glasgow Airport, the MATS Part 2 of all significant commercial aerodromes will contain such a provision to permit SSR only service during a PSR outage as this enables the service provider to continue to provide a more efficient surveillance-based service rather than a procedural service while rectifying the PSR outage. The flying activity undertaken in the vicinity of Warton aerodrome is different to that at Glasgow or Heathrow airports, but all seek to ensure the most efficient and safe service in all circumstances.
- 1.2.3.10 The availability of SSR only services during any PSR outage is a key reason why the Applicant does not consider it appropriate for paragraph (6) as proposed by BAE Systems to be included in the DCO requirement. As the CAA’s guidance on Wind Turbines (CAP764, 6th edition, paragraph 1.21) makes clear, air navigation service providers need to *“be able to establish what **reasonable** measures may be put in place to mitigate the effect of a wind turbine development”* (Applicant’s emphasis). The Applicant submits that it is reasonable for Warton Aerodrome to obtain CAA approval in its MATS Part 2 to allow it to provide an SSR only service during an outage of any component of its PSR system. The Applicant would be very surprised if Warton aerodrome did not already have this authorisation in its MATS Part 2 to allow for its efficient management of its existing air traffic operations in the event of a PSR outage.
- 1.2.3.11 The reason the Applicant has made these points above is that should a shutdown clause be required as part of the “approved mitigation scheme”, it should take into account all existing available operational and technical mitigations (including the use of SSR-only) and any parameters for OWF shutdown should be strictly delineated and control the circumstances where shutdown is necessary for safety considerations. The requirement is not the appropriate place to detail this information, especially in light of the absence of the final detail of the “approved mitigation scheme” being available.
- 1.2.3.12 In summary, the Applicant in the spirit of compromise will accept the drafting provided by BAE Systems to the Secretary of State on 23 June 2025 pertaining to Requirement

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

23 other than sub-paragraph (6). For the reasons set out above, sub-paragraph (6) should not be included.

dDCO REQUIREMENT WORDING: WARTON AERODROME PSR

23 (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 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 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 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 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*

RESPONSE TO THE SECRETARY OF STATE CONSULTATION 5 (LETTER DATED 25 JUNE 2025)

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 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;

(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 by 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.