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Planning Inspectorate Reference:	EN010136
Applicant's Reference:	S_RfI2_01 (F01)

31 July 2025

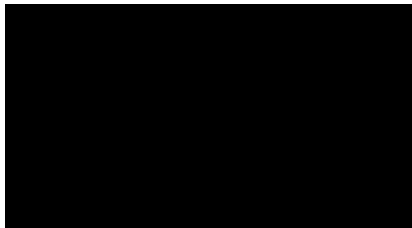
**Subject: Morgan Offshore Wind Project: Generation Assets – Application for Development Consent Order, Planning Inspectorate reference EN010136**

Dear Sir

Morgan Offshore Wind Limited (the Applicant) writes in response to the Secretary of State's letter dated 18 July 2025 requesting comment (Consultation 2) from the Applicant on the information provided in response to his information request of 19 June 2025.

Please find attached our response to the submissions of interested parties.

Yours faithfully,



Morgan Consents Lead

**Morgan Offshore  
Wind Farm**

Security classification: Public



**THE APPLICANT’S RESPONSE TO THE SECRETARY OF STATE’S  
LETTER DATED 18 JULY 2025  
CONSULTATION 2**

Latest revision						
Reason for issue	Author	Date	Checker	Date	Approver	Date
Submission to the Secretary of State	Morgan Offshore Wind Limited	31.07.2025	Morgan Offshore Wind Limited	31.07.2025	Morgan Offshore Wind Limited	31.07.2025
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# **1 Applicant's Submission in Response to the Secretary of State's Letter 18 July 2025**

## **1.1 Introduction**

1.1.1.1 Responses to the Secretary of State's letter (Consultation 1) requesting updates from the Applicant (Morgan Offshore Wind Limited) and interested parties were published on 3 July 2025.

1.1.1.2 On 18 July 2025, the Secretary of State published a letter (Consultation 2) requesting information from the Applicant and others. The Applicant's responses to the letter are provided in the following sections of this document:

- Joint Nature Conservation Committee (Section 3)
- Natural England (Section 4)
- Natural Resource Wales (Section 5)
- Marine Management Organisation (Section 6)
- NATS (Section 7)
- Isle of Man Territorial Sea Committee (Section 8)
- Isle of Man Steam Packet Company (Section 9)
- Mooir Vannin Offshore Windfarm Limited (Section 10)
- Defence Infrastructure Organisation (Section 11)
- BAE Systems (Marine) Limited and BAE Systems (Operations) Limited (Section 12)

## **2 Wake Effects**

- 2.1.1.1 Within its response (at section 3) to the Secretary of State's previous consultation letter, the Applicant set out its position on the questions of the Secretary of State relating to wake effects. The Applicant's position broadly aligned with its submissions during the Examination and as set out in its Closing Statement (paragraph 6.1). The Applicant also set out a 'without prejudice' requirement, as requested by the Secretary of State.
- 2.1.1.2 Since the Applicant's response to the Secretary of State's Consultation 1, the Mona Offshore Wind Farm Order 2025 has been granted. The Applicant acknowledges the Secretary of State's decision on that application relating to wake loss matters (as detailed at paragraphs 4.61 - 4.89 of the Secretary of State decision letter), which ultimately concluded that a requirement (requirement 29) should be included in the Mona DCO, as made, to secure approval of a wake effects plan or alternative mitigation agreed with the Orsted IPs.
- 2.1.1.3 Following the close of the Examination, the Applicant and the Orsted IPs have continued to negotiate terms of an agreement that would address the matters raised and that (i) allows each of the Orsted IPs to withdraw its objection to the Morgan Generation Assets and (ii) provides mitigation of identified wake effects on the various offshore wind farms.
- 2.1.1.4 Agreement has now been reached between the parties and each of the Orsted IPs has withdrawn its objection to the Morgan Generation Assets application.
- 2.1.1.5 In light of agreement being reached and those objections being withdrawn, the Applicant submits that the Secretary of State can conclude: (i) the Applicant has met the NPS EN-3 requirements with respect to wake effects, (ii) there are no residual significant effects on the Orsted IPs, and (iii) it is unnecessary to include any wake effects requirement in the DCO for the Morgan Generation Assets, as suitable mitigation has already been agreed.
- 2.1.1.6 The Applicant notes that the Orsted IPs have agreed the above summary provided in relation to wake effects.

### **3 Joint Nature Conservation Committee**

- 3.1.1.1 The Applicant notes the response from the Joint Nature Conservation Committee that confirms no change to the conclusions submitted at the close of Examination and that their conclusions remain the same of no adverse effect on integrity alone and in-combination with other plans and projects on any features of any European 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.

## **4 Natural England**

- 4.1.1.1 The Applicant notes the response from Natural England that confirms no change to the conclusions submitted at Deadline 6a and that their conclusions remain the same of no adverse effect on integrity alone and in-combination with other plans and projects on any features on any English European sites.



## **5 Natural Resource Wales**

- 5.1.1.1 The Applicant notes the response from Natural Resources Wales that confirms no change to its conclusions submitted at Deadline 6 and that their conclusions remain the same of no adverse effect on integrity alone and in-combination with other plans and projects on any features of any Welsh European sites.

## **6 Marine Management Organisation**

- 6.1.1.1 The Applicant notes the response of the Marine Management Organisation confirming that it is not proposing additional wording be included within the DML with an end date of the operational and maintenance phase.

## **7 NATS**

- 7.1.1.1 Further to the Applicant's submission (S\_RfI1\_01, 3 July 2025), the Applicant entered into an agreement with NATS (En Route) Plc, NATS (Services) Limited on 4 July 2025.
- 7.1.1.2 The Applicant welcomes the withdrawal of NERL's objection to the application and agreement with the requirement wording in the Morgan Offshore Wind Project: Generation Assets Development Consent Order.

## **8 Isle of Man Territorial Sea Committee**

- 8.1.1.1 The Applicant acknowledges the response from IoMTSC regarding the cumulative effects assessment (CEA) and the procedural update on Mooir Vannin Offshore Windfarm Limited (MVOFWL) application status. The Applicant has commented on the CEA in Section 10 below.
- 8.1.1.2 The Applicant thanks the IoMTSC for the update on Ronaldsway Airport which aligns with the Applicant's submission.

## **9 Isle of Man Steam Packet Company**

- 9.1.1.1 The Applicant and IoMSPC have continued to engage on the Ferry Mitigation Agreement over the last few weeks.
- 9.1.1.2 The Applicant is pleased to report that the Ferry Mitigation Agreement between The Isle of Man Steam Packet Company Limited and Morgan Offshore Wind Limited was signed on 29 July 2025.
- 9.1.1.3 The Applicant understands that as part of this agreement, IoMSPC have submitted a letter to the Secretary of State withdrawing their objection relating to matters arising as result of the construction, operation, maintenance and decommissioning of the Development Consent Order application.
- 9.1.1.4 At the close of the Examination, and following Mooir Vannin Offshore Wind Farm Limited reducing its boundary from the scoping boundary, the Applicant's position (as detailed in section 7 of its Closing Statement (REP6-014)) was that it had addressed and mitigated all potential shipping and navigation effects (including cumulative effects on navigational safety and cargo/tanker routes), with the exception of a potential residual adverse commercial impact on Stena Line and IoMSPC (both project alone and cumulatively in adverse weather conditions). Following completion of the agreements with both Stena Line and the IoMSPC, the Applicant considers that it has addressed and mitigated or compensated for all potential shipping and navigation effects as a result of the Morgan Generation Assets. As such, the Morgan Generation Assets would have no residual significant effects with respect to shipping and navigation matters.

## **10 Mooir Vannin Offshore Windfarm Limited**

- 10.1.1.1 The Applicant notes the response from MVOWFL, indicating that they intend to resubmit their application in late July 2025, once the amendments to the Marine Infrastructure (Consenting Process) Regulations 2024 are in force.
- 10.1.1.2 Until that application is resubmitted and duly been through a formal acceptance process, there are no materials available to all interested parties in the public domain to allow an update to be undertaken for the Cumulative Effects Assessment and In-combination Assessment. The Applicant understands from MVOWFL that acceptance and publication of the materials will be at the discretion of the Isle of Man Government.
- 10.1.1.3 The Planning Inspectorate advice on cumulative effects assessment<sup>1</sup> is clear that a main purpose of the Environmental Statement is to enable the examination necessary to inform decisions on the NSIP application, and that assessments should be proportionate and no longer than necessary to identify and assess likely significant cumulative effects. The Planning Inspectorate advice is also clear that it is reasonable to include an assessment 'cut-off date' for cumulative assessment in the Environmental Statement, whilst also recognising that where there are new 'other existing and/or approved projects' arising after the submission date, the Examining Authority may request additional information. The need for a 'cut-off' reflects the potential conflict between an applicant's right to have a decision taken within the prescribed timescales and the desirability of having the assessments reflect the most up-to-date information available.
- 10.1.1.4 The Applicant's cumulative assessments, including various assessment reviews submitted during the examination, consider in detail the potential significant effects of the Morgan Generation Assets together with 'other existing and/or approved projects', which includes the Mooir Vannin project. The Applicant has considered the Mooir Vannin project as far as reasonably practicable based on the level of information within the public domain (which remains unchanged at this point in time).
- 10.1.1.5 When the application documents for the Mooir Vannin project are published (the timescales for which are uncertain), it will not be a 'new' project that has not previously been considered. Whilst the application documents will contain more detail, the Applicant considers it highly unlikely that the project will be so materially different from the previous information that it will introduce the potential for new significant effects on the environment when considered cumulatively with the Morgan Generation Assets. The Applicant notes that, as part of its own application, MVOWFL will be required to undertake an environmental assessment, including the cumulative effects with other projects such as the Morgan Generation Assets. There is therefore no potential for an environmental assessment 'gap'. It is standard practice for projects at a later stage in the process to fully assess the cumulative impacts with projects that were in the planning system before.

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<sup>1</sup> [Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/nationally-significant-infrastructure-projects-advice-on-cumulative-effects-assessment.pdf)

- 10.1.1.6 In these circumstances, the Applicant considers that it would be unreasonable to defer determination of the Morgan Generation Assets application to require any update or review of the cumulative effects assessment to reflect that the Mooir Vannin application has been submitted.

## **11 Defence Infrastructure Organisation**

- 11.1.1.1 The Applicant notes that the Secretary of State granted consent to the Mona Offshore Wind Project on 4 July 2025. The Secretary of State's decision letter (paragraph 4.122) agreed with the Mona Offshore Wind Farm Applicant that the shutdown provision proposed by BAE Systems to be included within the Warton PSR requirement was unnecessary, and too blunt a tool to deal with the issue of radar mitigation failure.
- 11.1.1.2 The Applicant, DIO and BAE Systems agree that it is desirable to have consistency in DCO requirements between the Mona Offshore Wind Project and Morgan Generation Assets where they relate to the same matter. In order to be consistent with Mona, the Applicant and BAE Systems agree that there should be no inclusion of the cessation paragraph in any requirement within Morgan DCO for protection of the Warton PSR. All other drafting points were agreed between the parties, including some minor corrections to the Mona DCO as made, as shown in Appendix A in red text. The Morgan equivalent requirement is presented in Appendix B.
- 11.1.1.3 The Applicant and DIO discussed the Warton PSR requirement wording on 31 July. The DIO agrees with the drafting of Requirement 6 in Appendix B. The Applicant understands that DIO cannot remove their objection until the technical and operational assessments on the mitigation proposal (which was submitted by the Applicant to BAE Systems 24 February 2025) are concluded as viable, which is a matter for BAE Systems. The Applicant understands that there will be no change to this position by 8 August.



## **12 BAE Systems (Marine) Limited and BAE Systems (Operations) Limited**

- 12.1.1.1 The Secretary of State's letter of 19 June 2025 (Consultation 1) requested, in addition to other matters, an update on discussions between the Applicant and BAE Systems. An update was submitted by the Applicant and BAE Systems on 3 July 2025.
- 12.1.1.2 Development consent for the Mona Offshore Wind Project was granted on 4 July 2025. The DCO, as granted, included requirements relating to primary surveillance radar (PSR) for Warton Aerodrome and air traffic services (ATS) for Walney and Warton Aerodromes (requirements 23, 27 and 28). The Applicant has engaged with BAE Systems (and DIO) following the Mona Offshore Wind Project DCO being granted.
- 12.1.1.3 The Applicant and BAE Systems both consider it desirable for there to be consistency between the DCO requirements for the Mona Offshore Wind Project and Morgan Generation Assets. However, there is a difference between the parties on whether or not they should be identical or in substantially the same form, with BAE Systems preferring some variation between the two projects. Both parties agree that the requirements relating to PSR for Warton Aerodrome should be identical, but there is a difference of opinion on the ATS requirements for Walney and Warton. In particular, the parties disagree on whether or not it is appropriate for any DCO granted for the Morgan Generation Assets to include a limb that would allow the Secretary of State to confirm that 'no mitigation' was required, after having consulted the operator and the Civil Aviation Authority.
- 12.1.1.4 The Applicant and BAE Systems have discussed this in detail and the Applicant does not consider it is possible to reach an agreed position. The Applicant's position is set out below. In summary, the Applicant's position is that the requirements should be the same as those included in the Mona Offshore Wind Farm Order 2025, subject to minor amendments as noted below.
- 12.1.1.5 Both parties have identified a number of minor typographical errors and corrections to the Mona Offshore Wind Farm Order 2025 requirement wording, as outlined in Appendix A. It is anticipated that the Applicant of the Mona Offshore Wind Project will apply in due course to the Secretary of State for a Correction Order to be granted.
- 12.1.1.6 Regarding the ATS requirements (5 and 7 of the Morgan Generation Assets draft DCO), the Applicant's position is that these should be the same as those included for the Mona Offshore Wind Project, including a "no mitigation" limb. It remains the case that further ongoing technical work is still to be completed to determine if and to what extent mitigation would be required (and in this regard Morgan Offshore Wind Project; Generation Assets, is no different to that of the Mona Offshore Wind Project). An update on the technical position is set out below. The Applicant considers that this ongoing technical work justifies the inclusion of the "no mitigation" limb.
- 12.1.1.7 BAE Systems confirmed to the Applicant on 25 July 2025 that they do not agree with the inclusion of a "no mitigation" limb for Morgan and will not change their

position on this matter. The Applicant expects BAE Systems to make a submission setting out their position in detail.

12.1.1.8 The ATS requirement covers potential mitigation relating to MSA/IFP and VHF/UHF/DF. The Applicant set out its position to BAE Systems on 18 July that it is appropriate and reasonable to include a 'no mitigation' limb in the ATS requirements (as per the Mona Offshore Wind Farm Order 2025), as summarised below:

- **Warton MSA / IFP** – Sagentia/Osprey's IFP assessment undertaken for Morgan in the application process concluded that none of Warton's published IFPs would be impacted by Morgan. Warton raised concerns about potential impacts on future IFPs which are in design, but as far as the Applicant knows, no assessment has been undertaken, completed or shared with the Applicant for Warton. This justifies the inclusion of a no mitigation limb. If mitigation is required, the ATS requirement is drafted in a manner that this would then be included in the ATS mitigation scheme.
- **Warton VHF / UHF / DF** – Morgan commissioned NATS to undertake the relevant assessment (TOPA SG32594, March 2025) which was shared with BAE Systems. This suggested some minor potential impacts at altitudes below 2000ft. It is now necessary for Warton to undertake an operational assessment of those potential impacts. As the operational assessments have not been completed and the internal review of the reports or operational assessment have been shared with the Applicant, CAA or Secretary of State, it cannot be concluded that there is a detrimental impact on VHF / UHF / DF that requires mitigation. As the Applicant has set out previously, there is no documented evidence of offshore wind farms having a detrimental impact on VHF communications. Again, this justifies the inclusion of a no mitigation limb.
- **Walney MSA / IFP** – it is acknowledged that Sagentia/Osprey's IFP assessment undertaken for Morgan did identify a potential impact on MSA 25NM NDB(L) WL SW Sector, necessitating the increase in the MOCA from 1800ft to 2200ft. NATS (Walney's APDO) assessment agreed. This adjustment will need to be undertaken by Walney, funded by Morgan Offshore Wind Limited. The NATS assessment (dated 16 May 2025) also considered future as yet undesignated IFPs and identified a minor impact to the on-going conceptual RNP designs to RWY05, requiring an increase to the straight-in TAA via NL051 and IF/IAF to 2200ft. Given these are procedures in design, it would be anticipated that any impacts could be removed during the IFP design phase, as concluded by NATS. If further mitigation is required, this will be included in the ATS mitigation scheme. However, in the absence of mitigation being confirmed as necessary, it is justified to retain a no mitigation limb.
- **Walney VHF** - Morgan commissioned NATS to undertake the relevant assessment (TOPA SG32594, March 2025) which was shared with BAE Systems. This suggested some minor potential impacts at altitudes below 2500ft. It is now necessary for Walney to undertake an operational assessment of those potential impacts. As the operational assessments have not been completed and the internal review of the reports or

operational assessment have been shared with the Applicant, CAA, or Secretary of State, it cannot be concluded that there is a detrimental impact on VHF that requires mitigation. As noted above, this justifies retention of a no mitigation limb.

- 12.1.1.9 Inclusion of the 'no mitigation' limb within the ATS requirement is clearly the most pragmatic manner to deal with these ATS interactions. It ensures consistency with the Secretary of States approach to controlling this matter in the Mona DCO, and importantly, does not in any way weaken the position of BAE or increase the risk to their assets, whilst providing a clearly defined approval process in the instance that it is agreed that no further mitigation is required for any particular aspect.
- 12.1.1.10 Therefore, the Applicant's preferred updated requirement drafting for the equivalent Morgan Generation Assets DCO requirements are set out in Appendix B of this letter.
- 12.1.1.11 The Applicant confirms DIO's agreement with the final PSR requirement drafting, as detailed in Section 11.

## Appendix A

### A.1 Mona DCO as made, with corrections noted in red text

#### Warton Aerodrome Primary Surveillance Radar

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) 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 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 (4)(a)).

(3) 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).

(4) 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.

(5) For the purposes of this requirement--

“**approved** radar mitigation scheme” means the radar mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1);

“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;

“operator” means BAE Systems (Operations) Limited (incorporated in England and Wales with Company Number 01996687, whose registered office is 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;

“PSR” means the primary surveillance radar at Warton Aerodrome or any upgrade thereto or replacement thereof;

“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

“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.

### Operation of Walney Aerodrome (Air traffic services)

27.—(1) No part of any wind turbine generator shall be erected as part of the authorised development until—

- (a) the Secretary of State, having consulted with the operator and the CAA, confirms in writing that no mitigation is required in respect of the authorised development; or
- (b) the Secretary of State has, having consulted with the operator and the CAA—
  - (i) approved in writing an ATS mitigation scheme; and
  - (ii) confirmed in writing that he 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 (3)(a)).

(2) 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).

(3) 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 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.

(4) 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)(i);

“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:

- (a) the Aerodrome’s ability to provide and deliver on an uninterrupted basis—
  - (i) national sovereign defence capabilities;
  - (ii) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and

- (iii) any other operational requirements which are identified by the operator.
- (b) 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.

### Operation of Warton Aerodrome (Air traffic services)

28.—(1) No part of any wind turbine generator shall be erected as part of the authorised development until—

- (a) the Secretary of State, having consulted with the operator and the CAA, confirms in writing that no mitigation is required in respect of the authorised development; or
- (b) the Secretary of State has, having consulted with the operator and the CAA,—
  - (i) approved in writing an ATS mitigation scheme; and
  - (ii) confirmed in writing that he 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 (3)(a)).

(2) 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).

(3) 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 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 Warton Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned 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.

(4) 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)(i);

“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:

- (a) the Aerodrome's ability to provide and deliver on an uninterrupted basis—
  - (i) national sovereign defence capabilities;
  - (ii) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
  - (iii) any other operational requirements which are identified by the operator.
- (b) 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” means 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 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 other organisation employed by BAE Systems (Operations) Limited to provide an air traffic service at Warton Aerodrome;

“UHF” means ultra high frequency; and

“VHF” means very high frequency.

## Appendix B

### B.1 Morgan DCO requirements updated based on Mona made DCO with updated corrections

#### OPERATION OF WARTON AERODROME (AIR TRAFFIC SERVICES)

- 5 (1) No part of any wind turbine generator 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 (CAA), confirms in writing that no mitigation is required in respect of the authorised development; or
  - (b) the Secretary of State has, having consulted with the operator and the CAA—
    - (i) approved in writing an ATS mitigation scheme; and
    - (ii) confirmed in writing that he 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 (3)(a)).
- (2) 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).
- (3) 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 forming part of the authorised development;
  - (b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and
  - (c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Warton Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned 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) 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)(i),
- “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—
    - (i) national sovereign defence capabilities;
    - (ii) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
    - (iii) 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;

“UHF” means ultra high frequency; and

“VHF” means very high frequency.

## 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) 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 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 (4)(a)).

(3) 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).

(4) 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.

(5) For the purposes of this requirement--

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

“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;

“operator” means BAE Systems (Operations) Limited (incorporated in England and Wales with Company Number 01996687, whose registered office is 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; “PSR” means the primary surveillance radar at Warton Aerodrome or any upgrade thereto or replacement thereof;

“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

“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.

## **OPERATION OF WALNEY AERODROME (AIR TRAFFIC SERVICES)**

7 (1) No part of any wind turbine generator 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 (CAA), confirms in writing that no mitigation is required in respect of the authorised development; or

(b) the Secretary of State has, having consulted with the operator and the CAA—

(i) approved in writing an ATS mitigation scheme; and

(ii) confirmed in writing that he 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 (3)(a)).

(2) 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).

(3) 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 forming part of the authorised development;

(b) thereafter maintaining, repairing and replacing, including without limitation resolving any failure (howsoever caused) of, the approved ATS mitigation scheme throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10); and

(c) in the event of any amendment being made to the authorised development which gives rise to adverse impacts on the operation of Walney Aerodrome which are new or different to those identified by the environmental statement, working with the CAA and the operator in good faith to agree any additional mitigation measures required to prevent or remove such adverse impacts throughout the lifetime of the authorised development (including the period during which the authorised development is being decommissioned in accordance with the decommissioning programme approved pursuant to requirement 10), together with the costs of implementing and maintaining on an ongoing basis those additional mitigation measures

(4) For the purposes of this requirement—

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

“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:

(a) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis—

(i) national sovereign defence capabilities;

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

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

(b) 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.