

BAE SYSTEMS – MORGAN dDCO REQUIREMENTS

Requirement 5

OPERATION OF WALNEY AERODROME (AIR TRAFFIC SERVICES)

- (1) No part of any wind turbine generator shall be erected as part of the authorised development until the Secretary of State has, having consulted with the CAA and the operator–
 - (a) approved in writing an ATS mitigation scheme; and
 - (b) 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) **“approved ATS mitigation scheme”** means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a).
 - (b) **“ATS mitigation scheme”** means a scheme which is designed to prevent or remove any adverse impacts arising from the authorised development on the operation of Walney Aerodrome, including but not limited to:
 - (i) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis–
 - (1) national sovereign defence capabilities;
 - (2) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and

- (3) any other operational requirements which are identified by the operator; and
- (ii) the Aerodrome's IFP, MSA and VHF communication systems;
- (c) "CAA" means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;
- (d) "IFP" means instrument flight procedures;
- (e) "MSA" means minimum sector altitude;
- (f) "operator" means BAE Systems Marine Limited (incorporated in England and Wales with company number 00229770, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services at Walney Aerodrome or any organisation employed by BAE Systems Marine Limited to provide an air traffic service at Walney Aerodrome; and
- (g) "VHF" means very high frequency.

Requirement 6

WARTON AERODROME PRIMARY SURVEILLANCE RADAR

- (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–

- (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.

Requirement 7

OPERATION OF WARTON AERODROME (AIR TRAFFIC SERVICES)

- (1) No part of any wind turbine generator shall be erected as part of the authorised development until the Secretary of State has, having consulted with the CAA and the operator–
 - (a) approved in writing an ATS mitigation scheme; and
 - (b) 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 any 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–
- (a) **“approved ATS mitigation scheme”** means the ATS mitigation scheme as approved by the Secretary of State in accordance with sub-paragraph (1)(a);
 - (b) **“ATS mitigation scheme”** means a scheme which is designed to prevent or remove any adverse impacts arising from the authorised development on the operation of Warton Aerodrome, including but not limited to:
 - (i) the Aerodrome’s ability to provide and deliver, on an uninterrupted basis–
 - (1) national sovereign defence capabilities;
 - (2) safe airport operational and air traffic services that are fit for purpose for both civil and military aircraft operations; and
 - (3) any other operational requirements which are identified by the operator; and
 - (ii) the Aerodrome’s IFP, MSA, DF, VHF and UHF communication systems;
 - (c) **“CAA”** means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;
 - (d) **“DF”** means direction finding;
 - (e) **“IFP”** means instrument flight procedures;
 - (f) **“MSA”** means minimum sector altitude;
 - (g) **“operator”** means BAE Systems (Operations) Limited (incorporated in England and Wales with company number 01996687, whose registered office is at Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX) or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services at Warton Aerodrome or any organisation employed by BAE Systems (Operations) Limited to provide an air traffic service at Warton Aerodrome;

- (h) “**UHF**” means ultra high frequency; and
- (i) “**VHF**” means very high frequency.