



For and on behalf of  
**BAE Systems**  
Interested Party Reference No.  
**20053944**

## COMMENTS ON EXAMINATION PROCEDURE

**BAE Systems, Warton Aerodrome, Mill Lane, Warton**

**Prepared by  
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April 2025



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## **1.0 INTRODUCTION**

1.1 This document is submitted on behalf of BAE Systems and provides comment on the procedure for the Examination, as set out in the Examination Authority's (ExA) Rule 6 Letter, dated 28 March 2025.

1.2 BAE Systems provides comment on the following:

- The Principal Issues to be considered through the Examination
- The Agenda for Issue Specific Hearing 1
- The need for a further Aviation-related Issue Specific Hearing

1.3 Details are provided below.

## **2.0 PRINCIPAL ISSUES**

### **Aviation Issues**

2.1 BAE Systems welcomes Aviation impacts being considered as a Principal Issue. As set out in its Relevant Representation, BAE Systems has serious concerns over the potential for certain elements of the proposed development to impact on the safety of operations at Warton Aerodrome. This includes increased bird strike risk from the potential increased number of larger bird species that could be attracted to the area surrounding the Aerodrome due to the proposed ecology mitigation areas and benefits sites; impacts on communication, navigation, and surveillance systems; and the impact of built development, particularly tall structures, on safe flight operations.

2.2 In light of the above, BAE Systems requests that the Examination considers the following potential impacts and the need for further assessments and mitigation from the Applicants under the Aviation Principal Issue:

- The potential for increased bird strike risk to aircraft operating in and out of Warton Aerodrome and flying generally in the area in from the proposed ecological mitigation areas and benefit sites. This should include consideration of further assessments needed from the Applicant to fully assess potential bird strike risk and identify suitable mitigation measures, if possible, or alternatives to the current proposals.
- Potential impacts on aircraft manoeuvring from above ground-built development, including impacts on Obstacle Limitation Surfaces, Instrument Flight Procedures, and communication, navigation, and surveillance aids. This should include

consideration of the need for a Safeguarding Assessment to be undertaken by the Applicant and any necessary mitigation measures.

- The need for the inclusion of suitably worded Requirements and/or Protective Provisions in the draft Development Consent Order to secure mitigation in respect of the above-mentioned impacts and to ensure that built development, including tall construction equipment, does not impact on the safe manoeuvring of aircraft.

### **Ecology Issues**

2.3 Ecology (offshore and onshore) has been identified as a Principal Issue. A number of points are identified under that Principal Issue heading in the Rule 6 Letter. BAE Systems requests that the following point is added under that heading:

- The need for the ecological / biodiversity benefit sites

2.4 As the ExA will have seen from BAE Systems' Relevant Representation, the ecological mitigation and benefit sites have the potential to increase the risk of bird strike to aircraft operating in and out of Warton Aerodrome. The Applicant is proposing the introduction of a number of ecological / biodiversity benefit sites. These sites are not necessary to mitigate the impact of the proposed development on ecology / biodiversity (which the Applicant acknowledges) but are to provide "added benefit" to ecology / biodiversity. There is no statutory requirement mandating this provision (such as under legislation concerning Biodiversity Net Gain). The need for these sites and the biodiversity related benefits they will give rise to are required to be considered against the impacts that increased bird strike risk could have on aircraft, including the potential for aviation accidents and loss of life, through the Examination.

2.5 It is imperative that the Examination scrutinises the function, purpose, and suitability of the ecological / biodiversity benefit sites, as well as Applicant's site selection process and the rationale and criteria applied which has led to their inclusion in the proposed development. The interrogation of these matter could occur as part of the examination of the Ecology Principal Issue and/or the Aviation Principal Issue and/or the General Matters Principal Issue (see below), or a combination thereof.

### **General Matters**

2.6 The General Matters Principal Issue includes issues relating to site selection and alternatives. In relation to these issues, the Rule 6 Letter mentions site selection and alternatives for the proposed landfall site, cable route, and substation sites. Given the

potential significant implications that the ecology mitigation and benefit sites could have for increasing bird strike risk, BAE Systems considers that the site selection process and alternatives for the ecological mitigation and benefit sites should also be considered under the General Matters Principal Issue.

### **3.0 AGENDA FOR ISSUE SPECIFIC HEARING 1**

3.1 Linked to the comments above on the Principal Issues to be considered through the Examination, BAE Systems has the following comments to make on the agenda for Issue Specific Hearing 1:

- Item 4: Site Selection and Alternatives – the site selection process and potential alternatives for the ecological mitigation and biodiversity benefit sites should be considered under Item 4. Given that the provision of the biodiversity benefit sites is not a mandatory requirement, and their potential to increase bird strike risk, the consideration of reasonable alternatives should include nil provision.
- Item 6: Scope and content of the applicant's assessments – Aviation impacts are to be considered under this agenda item. BAE Systems has raised concerns in its Relevant Representation in respect of the scope of the Applicant's assessments to identify the potential impacts of the proposed development on aviation. BAE Systems would welcome the opportunity to discuss these concerns and the deficiencies in the Applicant's assessments in detail.

### **4.0 ADDITIONAL ISSUE SPECIFIC HEARING**

4.1 The ExA's Rule 9 Letter asked the Applicant to provide a timetable and scope for further assessments needed to identify risks to aviation, the deadline for which was 21 March 2025. A substantive response from the Applicant was not provided by that deadline, rather a brief response stating that the Applicant will provide a scope and timescale following further discussions with BAE Systems (and Blackpool Airport). Whilst an initial discussion has taken place with the Applicants, no agreement of the scope of the assessments needed or timescales for the Applicant producing those assessments has been agreed.

4.2 It is therefore considered highly unlikely that the Applicant will have undertaken these assessments before the date of Issue Specific Hearing 1. BAE Systems therefore considers that a further Issue Specific Hearing will be required later in the Examination period to discuss the findings of these further assessments and the likely impacts arising, the implications for the proposed development (i.e. the potential for design changes), and any mitigation measures required to be secured through the Development Consent Order.

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