



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

## **SUMMARY OF ORAL SUBMISSIONS MADE AT ISSUE SPECIFIC HEARINGS 2 AND 3**

**Morgan and Morecambe Offshore Wind Farms Transmission Assets DCO Examination**

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## 1.0 INTRODUCTION

- 1.1 This document provides a summary of the oral submissions made by those representing BAE Systems at Issue Specific Hearing 2 (on Tuesday 29 July 2025) relating to aviation and biodiversity net gain (BNG) matters and Issue Specific Hearing 3 (on Thursday 31 July 2025) relating to the draft Development Consent Order (dDCO) submitted by the Applicant's at Deadline 3 (ref: REP3-009). It also provides an update on progress with various matters that were outstanding at the date of the Issue Specific Hearings.
- 1.2 Further details of the matters / comments raised by BAE Systems during Issue Specific Hearings 2 and 3 are provided in BAE System's Deadline 4 submission "*Comments on Documents Submitted at Deadline 3*", "*Suggested Changes to Draft Development Consent Order*", and "*Response to ISH2 and ISH3 Action Points*", which this document should be read alongside.

## 2.0 SUMMARY OF ORAL SUBMISSIONS AT ISSUE SPECIFIC HEARING 2

### **Agenda Item 3: Aviation**

#### ***B) Update On and Consideration of Outstanding Issues Regarding BAE Warton Aerodrome***

- 2.1 There is still an area of disagreement between the Applicants and BAE Systems relating to the scope of the information and assessments necessary to identify potential risk to aircraft operating out of Warton Aerodrome from changes to bird strike risk arising from the Transmission Assets (the proposed development).
- 2.2 BAE Systems and the Applicants have been engaging in discussions regarding the baseline bird environment, with the Applicants producing a Baseline Bird Technical Report and an outline Wildlife Hazard Management Plan (oWHMP) (submitted to the Examination at Deadline 3 – ref: REP3-022 and ref: REP3-065). Furthermore, the Applicants have requested information held by BAE Systems on the baseline bird environment, including bird survey data and a copy of BAE Systems' existing Wildlife Hazard Management Plan for Warton Aerodrome. There are a number of sensitivities and security related restrictions currently preventing BAE Systems from sharing the majority of the information which the Applicants have requested. A Non-Disclosure Agreement (NDA) is required to be signed by both Applicants (Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited)

before the information can be provided.

- 2.3 At the time of Issue Specific Hearing 2 (ISH2) (on Tuesday 29 July 2025), BAE Systems had provided a draft NDA, in identical terms, to both Applicants. Comments on the draft had been received from Morgan Offshore Wind Limited (on Friday 25 July 2025) but were awaited from Morecambe Offshore Windfarm Limited. BAE Systems and the Applicants have been continuing to liaise on the NDAs. Positive progress has been made and it is anticipated that an NDA will be entered into between BAE Systems with each of the Applicants ahead of Deadline 5.
- 2.4 In the meantime, BAE Systems has written to the Applicants confirming that the species considered in the Baseline Bird Technical Report are those which BAE Systems monitors at Warton Aerodrome as species that pose a bird strike risk. It is understood that the Applicant's will now be in a position to undertake a wildlife attractant habitats risk assessment (having regard to the approach set out in the CAP 795 guidance) which will focus upon those elements of the proposed development with the potential to cause a change in abundance, distribution, or behaviour of birds within Warton Aerodrome's 13km safeguarding zone (including the environmental / ecological mitigation and biodiversity benefit areas, as well as the earthworks and construction activities associated with the proposed development).
- 2.5 BAE Systems welcomes the opportunity for further discussion with the Applicants regarding the assessment process, its scope, and primary inputs – in particular, hazard identification and risk evaluation (severity and likelihood of occurrence and acceptability of the consequent risk). This detail is currently missing from the Applicants' oWHMP.
- 2.6 At paragraph 1.3.1.1 of the oWHMP, the Applicants state that it is not possible to determine how the proposed development will impact the wildlife strike risk at an aerodrome with any degree of certainty due to there being a number of unknowns – the species of bird and numbers of individuals who will be attracted; how the wildlife which is attracted will behave; and how the proposed development will influence the behaviours of existing hazardous wildlife near an aerodrome, such that the wildlife strike risk might increase or reduce. BAE Systems does not accept this position. Moreover, BAE Systems contends that should the Applicants maintain this position, they will fall foul of (and be unable to demonstrate that proper regard has been had to) paragraph 5.5.4.1 of the Overarching National Policy

Statement for Energy (EN-1).

- 2.7 BAE Systems' position on bird strike risk is supported by the Ministry of Defence (MOD). The MOD is represented at the Examination by the Defence Infrastructure Organisation (DIO). In its submissions at Deadline 1 (ref: REP1-075), the DIO confirmed the MOD's objection to the proposed development given its proximity to Warton Aerodrome and the potential for the substations and environmental/ecological mitigation and biodiversity benefit areas to attract or support hazardous bird species within an area where aircraft are at critical stages of flight resulting in a reduction to aviation safety. The MOD has requested the submission of further information in respect of the environmental/ecological mitigation and biodiversity benefit areas, as well as consultee status in respect of a number of the Requirements included in the dDCO. At the time of writing, the MOD's objection to the proposed development remains in place.

### ***C) Similarities between Blackpool Airport and Warton Aerodrome Issues***

- 2.8 During ISH2, the Examining Authority (ExA) heard from representatives of both BAE Systems and Blackpool Airport who described the operational differences between the two aerodromes, including differences between the type of aircraft operating out of each aerodrome. Mr Kieran Merriman of BAE Systems also provided an overview of the specific challenges faced by Warton Aerodrome in respect of bird strike given its proximity to the Ribble Estuary SSSI, Ramsar and SAC, and recent increase in in bird numbers.
- 2.9 The ExA requested the submission of a written summary of the differences between Blackpool Airport and Warton Aerodrome at Deadline 4 (see ISH2 Action Point 10). This written summary is the subject of a separate submission.

## **Agenda Item 4: Onshore Ecology**

### ***C) BNG Strategy (Aviation Conflicts)***

- 2.10 As the ExA will be aware, BAE Systems has concerns over the Applicants' BNG strategy. Further details are contained in BAE Systems' Deadline 4 submission "*Comments on Documents Submitted at Deadline 3*". However, to summarise the oral submissions made on behalf of BAE Systems during ISH2, a clear conflict exists between the Applicant's BNG Strategy and the safeguarding of aviation interests.

- 2.11 As set out by BAE Systems in its Deadline 3 submissions (ref: REP3-073 and ref: REP3-074), it does not appear that the impact of the proposed development on aviation interests (and minimising the same) was afforded appropriate and proportionate weight in the site selection process for the environmental/ecological mitigation and biodiversity benefit areas. With regard to the Applicants' BNG strategy in particular, no attempt has been made to explain why the provision of the biodiversity benefit site at Lea Marsh Fields is being prioritised over the safeguarding of aviation interests in circumstances where there is no mandatory requirement to deliver BNG (or to have regard to the statutory biodiversity metric) as part of the proposed development.
- 2.12 At ISH2, the Applicants stated that, through application of the statutory biodiversity metric, the proposed development's BNG score is currently 60%. Accordingly, there would appear to be scope to locate the biodiversity benefit site further away from Warton Aerodrome (and potentially beyond the Aerodrome's 13km wildlife hazard safeguarding zone) and / or reducing the size of the site whilst still delivering 10% BNG (the statutory minimum requirement, notwithstanding that this statutory minimum doesn't apply to developments consented under the Planning Act 2008). However, there is no evidence before the ExA of the Applicants having considered this.
- 2.13 It is not known if reducing the size of the biodiversity benefit site and / or relocating it elsewhere (whether within or beyond Warton Aerodrome's 13km wildlife hazard safeguarding zone) would reduce the impact on the aerodrome particularly with regard to bird strike risk – despite the severity of the potential consequences in the event of a bird strike occurring, no consideration of reasonable alternatives or assessment of the consequent risk has been undertaken by the Applicants. It is BAE Systems' position that this seriously undermines the robustness and calls into question the appropriateness of the Applicants' BNG strategy.

### **3.0 SUMMARY OF ORAL SUBMISSIONS AT ISSUE SPECIFIC HEARING 3**

- 3.1 BAE Systems has provided detailed comments on the Applicants' dDCO submitted at Deadline 3 (ref: REP3-009) in its Deadline 4 submission "*Suggested Changes to Draft Development Consent Order*". In particular, this document includes suggested amendments to the wording of some of the Requirements included in the dDCO.
- 3.2 The main points raised on behalf of BAE Systems at ISH3 are summarised below.

#### **Requirement 4: Substation Works**

- 3.3 Requirement 4 sets out the details of the proposed development which are required to be submitted to and approved by the local planning authority (LPA) before development commences. Details of the lightning rods and any aviation safety lighting affixed thereto are not referenced in the Requirement. Given that the maximum height and location of lightning rods is not currently fixed and could have implications for the safety of manoeuvring aircraft and navigation, BAE Systems considers it essential that details of these structures are subject to the LPA's approval.
- 3.4 Furthermore, BAE Systems and the MOD (as requested by the DIO in its Deadline 1 submission (ref: REP-075)) require to be named consultees in respect of Requirement 4 and to be involved in the discharge of this Requirement.

#### **Requirement 5: Detailed Design Parameters Onshore**

- 3.5 BAE Systems has previously provided comment on Requirement 5 at Deadlines 1 and 2, requesting that the Requirement refers to the height of structures above ordnance datum (AOD) rather than above finished ground level (noting that the site of the proposed development contains sloping ground levels). A fixed reference point is required to undertake aviation safeguarding assessments, which is currently missing as finished ground levels are not currently specified in the dDCO.

#### **Requirements 6 and 7: Provision of Landscaping / Implementation and Maintenance of Landscaping**

- 3.6 In its Deadline 1 submissions (REP1-075), the DIO requested that the MOD be consulted on the final landscaping design of the relevant stage of the proposed development before it is approved by the LPA – noting the potential for landscaping measures to represent a bird attractant (and therefore strike) risk. BAE Systems reiterated this request at ISH3. Furthermore, BAE Systems also request consultee status in respect of Requirements 6 and 7.

#### **Requirement 8: Code of Construction Practice**

- 3.7 Civil Aviation Authority Publications 738 (CAP 738) and 109611 (CAP 109611) require notification to be provided to aerodrome operators of any intention to use tall construction equipment / plant, including cranes, with heights above 10m above ground level within the 6km technical safeguarding zone around the aerodrome 40 working days before the erection



of the equipment / plant. This requirement needs to be secured on the face of the DCO – either through the insertion of a provision into the Code of Construction Practice or the inclusion of an additional Requirement (to secure the submission and approval of a Construction Environmental Management Plan or similar).

#### **Requirement 12: Ecological Mitigation Plan**

- 3.8 BAE Systems welcomes its addition as a named consultee in respect of the approval of the detailed Wildlife Hazard Management Plan (see part (c) of Requirement 12). BAE Systems understands that the MOD is also requesting consultee status in respect of the approval of this management plan.
- 3.9 Further commentary on the subject of BAE Systems, and separately MOD, being a consultee in respect of discharge of the Requirements included in the dDCO is contained in BAE Systems' response to ISH3 Action Point 22.

#### **Schedule 12: Approval of Matters Specified in Requirements**

- 3.10 Fylde Council expressed concerns during ISH3 in respect of the timescales specified in the dDCO (Schedule 12) for consulting upon, requesting further information and discharging Requirements – the current proposed timescales are considered to be too short. BAE Systems concurs with Fylde Council's oral submissions on this matter and considers that the specified timescales should be increased.
- 3.11 Schedule 12 should also contain a mechanism whereby the LPA is able to request an extension of time for the determination of a Requirement discharge application / request.
- 3.12 Fylde Council has recently adopted a Local Development Order (LDO) relating to part of the site at Warton Aerodrome. The LDO specifies a 28 day period for the discharge of conditions and provides a mechanism that allows for the LPA to agree a longer period where necessary. BAE Systems would suggest that the timescales relating to the discharge of Requirements in the instant case are no shorter than those adopted in the LDO and that a similar extension of time provision is inserted into Schedule 12.

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