



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

COMMENTS ON DOCUMENTS SUBMITTED AT DEADLINE 3

Morgan and Morecambe Offshore Wind Farms Transmission Assets DCO Examination

Prepared by
DLP Planning Ltd
Liverpool

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1.0 INTRODUCTION

1.1 This Statement sets out BAE Systems' comments on submissions made by the Applicants and other Interest Parties at Deadline 3, including the following documents:

- Outline Wildlife Hazard Management Plan (ref: REP3-065)
- Outline Ecological Management Plan (ref: REP3-022)
- Outline Code of Construction Practice (ref: REP3-019)
- Baseline Bird Technical Report (ref: REP3-060)
- Applicant's Response to Examining Authority's Written Questions (ExQ1) (ref: REP3-056)
- Natural England's Responses to the Examining Authority's Written Questions (ref: REP3-089)
- The Applicant's Response to IP Submissions Received at Deadline 2 (ref: REP3-052)

1.2 BAE Systems also has commented on the drafting of the Draft Development Consent Order (dDCO) submitted at Deadline 3 (ref: REP3-009). These comments are provided in a separate document titled "*Suggested Changes to Draft Development Consent Order*", also submitted at Deadline 4.

2.0 OUTLINE WILDLIFE HAZARD MANAGEMENT PLAN

2.1 BAE Systems welcomes the submission of an Outline Wildlife Hazard Management Plan (oWHMP). It is considered that this is an important

step in identifying potential bird strike risk arising from the proposed development. The oWHMP is only an initial first step, however. The document sets out indicative details of the proposed Ecological Mitigation Areas and Biodiversity Benefit Sites and high level details of how habitats at these sites could be managed to minimise bird attraction. The oWHMP is informed by the existing baseline bird environment in the area. BAE Systems considers that the next necessary step is undertaking an assessment of how the proposed development would alter that baseline environment and change bird numbers, concentrations, and migration patterns, as well as the potential to attract new species into the area. Mitigation measures in the oWHMP need to be based on an understanding of how the baseline is likely to change and should be sufficient to appropriately manage those changes.

- 2.2 BAE Systems has discussed the oWHMP with the Defence Infrastructure Organisation (DIO), which represents the Ministry of Defence (MOD) in the Examination. The DIO is reviewing the oWHMP. BAE Systems will provide more detailed comments on the oWHMP once the DIO has concluded its review (either at Deadline 5 or an earlier date, subject to acceptance by the Examining Authority (ExA)) and will look to discuss these comments with the Applicants at the earliest opportunity. Notwithstanding this, Table 1 provides BAE Systems' initial comments on the oWHMP submitted at Deadline 3 (ref: REP3-065).

Table 1: Comments on oWHMP

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
1.1.1.2	Whilst 'designing-out' hazards (e.g. not having them within the 13 km wildlife hazard zone around the airports) would be	BAE Systems is unsure why the Biodiversity Benefit Sites need to be provided as close to <i>"the source of impact as</i>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
	<p>the preferred option for BAE and Blackpool Airport, when considering the requirements from Natural England to deliver mitigation and biodiversity benefit as close to the source of impact as possible, this Outline Wildlife Hazard Management Plan demonstrates that with commitments made by the Applicants to monitor and manage hazards that the proposed works can proceed without increasing bird strike risk.....</p>	<p><i>possible</i>". Whilst it is understood that there may be a requirement from Natural England for the Ecological Mitigation Sites to be located as close as possible to the source of impact as possible, the Biodiversity Benefit Site at Lea Marsh is not mitigating any impact and therefore there should not be any locational requirements from an ecological perspective. The site is providing new, additional habitat, the benefits of which will arise regardless of its location.</p> <p>There is no statutory requirement for biodiversity net gain to be provided for developments approved under The Planning Act 2008. Reference was made numerous times during ISH2 by both the Applicants and Interested Parties to the statutory biodiversity net gain (BNG) metric, with comments made that the biodiversity score of the site using that metric would decrease the further away from the current Order limits the biodiversity benefit site is located. Given that there</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		<p>is no statutory BNG requirement for the proposed development, the statutory BNG metric is not of relevance. As the proposed biodiversity benefit site is providing new habitat and not mitigation, its benefits for ecology / biodiversity would arise no matter where it is located.</p> <p>Given that there is no requirement for BNG, or indeed any need for the biodiversity benefit sites to be provided at all, there is no reason why the biodiversity benefit site could not be located outside of Warton Aerodrome's 13 km wildlife hazard safeguarding zone, where potential harm to aviation operations from an increased bird strike risk is likely to be lower.</p> <p>Whilst it is acknowledged that Natural England may have requirements for mitigation (in terms of the Ecological Mitigation Areas) to be provided as close as possible to where harm may be caused, BAE Systems considers that</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		<p>the requirement to mitigate ecological harm needs to be balanced against any potential aviation harm that may arise from increased bird strike risk. The extent to which the location of the Ecological Mitigation Areas reduces ecological harm therefore needs to be balanced against the aviation harm that may arise from their proposed location. If it is possible to relocate the Ecological Mitigation Areas further away from Warton Aerodrome to areas that may reduce bird strike risk and also providing an adequate level of ecological mitigation (even if that is less than ideal mitigation), then that should be explored because avoiding an increased aviation risk, given the potential worse case implications of a loss of life, would outweigh any ecological harm.</p> <p>As set out in Section 4.0 of BAE Systems Deadline 3 Written Representations (ref: REP3-074), this was not</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		explored in the Site Selection of Ecological Mitigation and Benefit Areas statement submitted by the Applicants at Deadline 2 (ref: REP2-046).
1.1.2.1any additional mitigation measures required as a consequence of the Transmission Assets, would be adopted and incorporate in [Blackpool Airport's and Warton Aerodrome's] existing Wildlife Attractant Habitat Risk Assessment and Management Plans following the identification of any additional potential bird strike risk above the current level already identified..... Should either airport prefer not to adopt the monitoring and management of the additional hazards into their existing Wildlife Attractant Habitats Ris Assessment and Management Plans, the Applicants will retain responsibility for managing any additional hazards associated with the Transmission Assets.	Further discussion is needed with the Applicants on how any additional mitigation measures which are identified as being required are implemented on an ongoing basis. The logistical and cost implications of incorporating additional mitigation into Warton Aerodrome's existing Wildlife Hazard Management Plan need to be fully understood and, dependant on the type and nature of the mitigation required, there will need to be a discussion and an agreement reached over who will assume responsibility for the delivery of the mitigation.

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
1.2.1.1	<p>.....bespoke detailed Wildlife Hazard Management Plan(s) will be prepared for and agreed with Blackpool Airport and BAE (on behalf of Warton Aerodrome) as part of the detailed EMP prior to the commencement of the relevant stage of works and will follow the principles established in this Outline Wildlife Hazard Management Plan. The detailed Wildlife Hazard Management Plan will require approval by the relevant planning authority following consultation with relevant stakeholders. Blackpool Airport and BAE Systems (on behalf of Warton Aerodrome) are named consultees. The Applicants and all appointed contractors will be responsible for the implementation of the detailed Wildlife Hazard Management Plan.</p>	<p>As set out in BAE Systems' Deadline 4 submission "<i>Suggested Changes to Draft Development Consent Order</i>", BAE Systems supports the Applicant's intention to consult with BAE Systems on the detailed Wildlife Hazard Management Plan, which will be secured through Requirement 12 of the dDCO. However, it is also essential that the Ministry of Defence (MOD) is a named consultee.</p> <p>Warton Aerodrome is licenced by the Civil Aviation Authority (CAA) in relation to civil aircraft operations. It is BAE Systems' responsibility to ensure that operations at Warton Aerodrome comply with its CAA licence. This includes demonstrating to the CAA that wildlife hazard risks can be managed. Consultation and agreement with BAE Systems on the Wildlife Hazard Management Plan will give the necessary assurance to BAE Systems that it can continue to comply with its CAA licence.</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		<p>Separate to this, Warton Aerodrome is safeguarded from a military / defence perspective by the MOD. It is the responsibility of the MOD to ensure that military and defence operations can take place safely at the Aerodrome.</p> <p>Therefore, Requirement 12 of the dDCO must also include a mechanism for ensuring that the MOD's approval of the measures secured by the Wildlife Hazard Management Plan is obtained.</p>
1.3.1.1	<p>It is not possible to determine how the works will impact the wildlife strike risk at an airport with any degree of certainty. This is because a) it cannot be certain which species and how many individuals will be attracted to a development, b) it is not known with certainty how the wildlife attracted to the development will behave....., and c) it is not known with certainty how a development will influence the behaviour of existing hazardous wildlife near an aerodrome,</p>	<p>BAE Systems does not accept this position and contends that should the Applicants maintain this position, they will 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).</p> <p>In proposing the Ecological Mitigation Sites, the Applicants will need to demonstrate to Natural England (and other stakeholders) that the Ecological Mitigation Sites are</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
	with in a way that might increase or, indeed, reduce the risk.	appropriately located and that the sites would have sufficient carrying capacity for the intended species that mitigation is being provided for. They will therefore need to be fully cognisant of the potential for the chosen sites to attract certain species. This information will provide a useful starting point for assessing potential changes to bird numbers, concentrations, and movement patterns. BAE Systems would also have expected the Applicants to review best practice guidance and case studies/examples of similar developments to identify the most likely wildlife attractant scenarios.
1.3.1.2	The wildlife attractant habitat risk assessment will be updated post consent during detailed design.	Given the comments above on paragraph 1.3.1.1, because a wildlife attractant habitat risk assessment would be indicative and based on some assumptions, BAE Systems agrees that it is essential that the wildlife attractant habitat risk assessment is updated as an integral part of the detailed

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		<p>design process for the substation sites, Ecological Mitigation Areas and Biodiversity Benefit Sites. It will be important that the wildlife attractant habitat risk assessment informs the final design of the proposed development, not the other way round (i.e. the final design of sites should be influenced by the findings of the wildlife attractant habitat risk assessment with the design incorporating measures that will reduce any significant wildlife attractant risk which the risk assessment identifies).</p> <p>As stated above, it is essential that BAE Systems and the MOD are engaged with by the Applicants in relation to the scoping of the wildlife habitat risk assessment and the detailed design proposals for the Ecological Mitigation Areas and Biodiversity Benefit Sites.</p>
1.3.3.1	The Baseline Bird Technical Report sets out the species at risk of collision with aircraft within the 13 km wildlife hazard	BAE Systems has reviewed the Baseline Bird Technical Report and confirmed to the Applicants on 6 August 2025

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
	management area. These species are set out in Table 1.1..... and have been agreed with Blackpool Airport. The Applicants await comment from BAE following a requested submitted on 29 th May 2025.	<p>that the species included in that document include those that BAE Systems currently monitor at Warton Aerodrome. BAE Systems would also expect the Applicants to consider the potential for the proposed development to attract any new bird species to the area that may pose a bird strike risk.</p> <p>BAE Systems has confirmed this statement in its Deadline 4 submission "<i>Response to ISH2 and ISH3 Action Points</i>" in response to ISH2 Action Point 11.</p>
Table 1.2	General comment on content of Table 1.2	Table 1.2 identifies potential habitat creation proposals / features that may constitute wildlife / bird attractants. BAE Systems understands that Table 1.2 will be updated following the wildlife attractant habitat risk assessment to contain more details of the habitat features proposed. Table 1.2 should also consider the potential for habitat features to indirectly attract birds. For example, otter holts are proposed at Lea Marsh Biological Heritage Site. Increases in otter

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		<p>habitat could indirectly increase bird numbers as birds forage on fish carcasses left by otters. Currently, Table 1.2 states that no mitigation would be necessary at this site. This needs to be reconsidered.</p> <p>The Wildlife Habitat Management Plan and wildlife habitat attractant risk assessment also need to consider how the ecology / biodiversity sites, any additional landscaping, and earthworks in combination could affect bird numbers, concentrations, and movement patterns in the area.</p> <p>Table 1.2 identifies that BAE Systems would be consulted on the design of some of the ecological mitigation and biodiversity benefit sites, although not all of them. BAE Systems does have concerns over the bird attractant risk for all of the Ecological Mitigation Areas and Biodiversity Benefit Sites. Designs for all the sites will therefore need to be developed in consultation with BAE Systems and the MOD</p>

Paragraph Reference	Content (emphasis added)	BAE Systems' Comments
		(for the reasons stated in comments on oWHMP paragraph 1.2.1.1).

3.0 OUTLINE ECOLOGICAL MANAGEMENT PLAN

- 3.1 The DIO's review of the latest Examination documents includes the Outline Ecological Management Plan (oEMP). BAE Systems reserves its position in respect of the oEMP pending the completion of the DIO's review.
- 3.2 As a general comment, because the oWHMP is currently an appendix to the oEMP, it is important that both documents align. It needs to be clear in the oEMP that the purpose of the document is to provide measures to mitigate ecological impacts, whilst also avoiding aviation impacts. The document should consider whether there could be any conflicts between management proposals for wildlife benefit and management proposals to avoid aviation impacts. Any such conflicts need to be clearly identified in the oEMP, so that discussions can take place between the Applicants and the relevant Interested Parties (including BAE Systems and the MOD) in relation to how such conflicts can be resolved and appropriately managed in the final / detailed versions of the Ecological Management Plan and the Wildlife Hazard Management Plan.

4.0 OUTLINE CODE OF CONSTRUCTION PRACTICE

- 4.1 CAA Publications 738 (CAP738) and 109611 (CAP109611) require notification to be provided to aerodrome operators of any intention to use tall construction equipment / plant, including cranes, with heights of 10m or more above ground level within the 6 km technical safeguarding zone around an aerodrome at least 40 working days before the erection of the equipment / plant. There may also be a need for aircraft safety lighting to be installed on any tall construction equipment / plant.
- 4.2 BAE Systems considers that this information should be included in the Outline Code of Construction Practice. That will ensure that the undertakers are aware of this requirement ahead of the construction of the proposed works taking place. BAE Systems therefore considers that Requirement 8 of the dDCO specifically requires to the Code of Construction Practice to include a mechanism for the undertakers to seek the prior approval of BAE Systems to the use of tall construction plant / machinery. Alternatively, this could be included in a Construction Environmental Management Plan (CEMP) or similar. If this is to be the case a new Requirement would be needed in the DCO to secure the submission and approval of a CEMP (or similar) to the local planning authority before development commences, and that Requirements should also specifically require secure prior approval of BAE Systems.

5.0 BASELINE BIRD TECHNICAL REPORT

- 5.1 As stated in response to paragraph 1.3.3.1 of the oWHMP in Table 1 of this Statement, BAE Systems confirmed to the Applicants on 6 August 2025 that the species included in Baseline Bird Technical Report include those that BAE Systems currently monitor at Warton Aerodrome. BAE Systems would also expect the Applicants to consider the potential for the proposed development to attract any new bird species to the area that may pose a bird strike risk.

5.2 BAE Systems has confirmed this statement in its Deadline 4 submission “*Response to ISH2 and ISH3 Action Points*” in response to ISH2 Action Point 11.

6.0 APPLICANT’S RESPONSE TO EXAMINING AUTHORITY’S WRITTEN QUESTIONS (EXQ1)

6.1 Table 2 provides BAE Systems’ comments on the Applicant’s responses to the ExA’s Written Questions issued on 17 June 2025 (EXQ1).

Question	Applicant’s Response	BAE Systems’ Comments
Q4.1.3	The Applicants understood that they cannot undertake a specific bird strike risk assessment that would satisfy the requirements of BAE Systems. This is primarily because the risk assessment is outwith the Applicant’s control.	During previous submissions to the Examination (both written and oral), the Applicants have maintained that there would be no change in bird numbers, concentrations, or movements as a result of the proposed development. BAE Systems has requested evidence to demonstrate this. The Applicants are now proposing to undertake a wildlife habitats attractant assessment as part of the oWHMP. Subject to the comments in Section 2.0 of this Statement, further review of the oWHMP by the DIO, and further discussions with the Applicants, BAE Systems considers the principle of such an assessment is a necessary and critical first step in understanding how the proposed development has the potential to alter the baseline

Question	Applicant's Response	BAE Systems' Comments
		<p>bird environment. BAE Systems is unable to accept the Applicants' statement in paragraph 1.3.1.1 of the oWHMP that it cannot determine how the proposed development would impact bird strike risk with any degree of certainty.</p>
Q4.1.6	<p>The new pond creation areas at Moss Side and the Morgan Onshore Substation are intended as mitigation for the loss of existing ponds; therefore, there will be no net gain in standing water, but rather a redistribution with the 13 km safeguarding radius of the Warton Aerodrome. Additionally, these ponds aim to mitigate impacts on aquatic invertebrates and will be designed and managed to discourage the colonisation by flocking waterbirds.</p>	<p>The wildlife habitats attractant risk assessment will need to consider if the relocation of the ponds to a different area would impact on the number of birds or their movement patterns around the area as these factors can all impact on bird strike risk. This is the case for all of the proposed habitats.</p> <p>As set out in the DIO's letter referred to Q4.1.6 (ref REP1-075), specific design considerations also need to be considered, including the size and shape of ponds, gradients of pond edges / slopes, and marginal vegetation. As referred to by the DIO, information on such features will be needed to ascertain wildlife attractant risks.</p>

Question	Applicant's Response	BAE Systems' Comments
Q6.1.15	<p>The mitigation areas were proposed as close as possible to where a significant effect is predicted and in proximity to areas where the target species have been recorded, in order to ensure maximum effectiveness of the relevant mitigation or biodiversity area.</p>	<p>As referred to in response to paragraph 1.1.1.2 of the oWHMP in Table 1 above, whilst we understand that it may be desirable from an ecological perspective for the Ecological Mitigation Areas to be provided as close as possible to where harm may be caused (noting that Natural England's response to this question refers to mitigation being applied as close as possible as a general rule, implying this is not a definitive requirement), BAE Systems consider that the requirements to mitigate ecological harm needs to be balanced against any potential aviation harm that may arise from increased bird strike risk. The extent to which the location of the Ecological Mitigation Areas reduces ecological harm therefore needs to be balanced against the aviation harm that may arise from their proposed location. If it is possible to relocate the Ecological Mitigation Areas further away from Warton Aerodrome to areas that may reduce bird strike risk and also providing an adequate level of ecological mitigation (even if that is less than ideal mitigation), then that should be</p>

Question	Applicant's Response	BAE Systems' Comments
		<p>explored because avoiding an increased aviation risk, given the potential worse case implications of a loss of life, would outweigh any ecological harm.</p> <p>We refer to BAE Systems comments on paragraph 1.1.1.2 of the oWHMP in Table 1 in relation to the biodiversity benefit areas. There is no locational requirement for these sites from an ecological perspective given that they are not mitigating any impacts and there is no statutory BNG requirement. It is therefore theoretically possible to locate these sites outside of Warton Aerodrome's 13 km wildlife safeguarding zone without reducing their biodiversity benefits. This has not been explored in the site selection process for the biodiversity benefit areas.</p>
Q6.2.3	An initial Wildlife Hazard Management Plan has been submitted at Deadline 3 which will form part of the Outline Ecological Management Plan. This outlines the mitigation proposed to mitigate the potential bird hazards identified in	The Applicants' belief requires a solid evidential basis. Any conclusions reached with regard to aviation safety are required to be tested through the proposed wildlife habitat attractant risk assessment and ongoing consultation with

Question	Applicant's Response	BAE Systems' Comments
	the Wildlife Hazard Risk Assessment. From this the Applicants believe that the mitigation areas, with careful management will not give rise to additional safety considerations for the airports.	BAE Systems and the MOD.
Q6.2.3	By including environmental mitigation and BNG strategy areas within the Order Limits, the Applicants retain control over the delivery of the strategy and have maximised the ability of the Applicants to deliver these works.	As previously stated, BAE Systems considers that it is not necessary for BNG to be provided because BNG is not a mandatory requirement for development consented through The Planning Act 2008. Consideration therefore needs to be given as part of the planning balance to whether avoiding the potential harm to aviation interests arising from the Applicants' BNG proposals (including the biodiversity benefit areas) would outweigh the biodiversity benefits of these sites, particularly in the context that paragraph 5.5.41 of National Policy Statement EN1 requires development to avoid increased risk to aviation operations, whereas there is no statutory or policy requirement to provide BNG.

7.0 NATURAL ENGLAND'S RESPONSES TO THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS

- 7.1 Natural England's response to ExQ1 Q6.2.3 makes reference to the Applicant's needing to re-run the BNG metric if the biodiversity benefit sites are relocated outside of the Order limits to "*secure the minimum 10% required*". BAE Systems questions this. The delivery of BNG isn't mandatory for NSIP projects. Accordingly, the minimum 10% BNG requirement doesn't apply..

8.0 THE APPLICANT'S RESPONSE TO IP SUBMISSIONS RECEIVED AT DEADLINE 2

- 8.1 Table 3 provides BAE Systems' comments on the Applicant's responses to BAE Systems written representations submitted at Deadline 2. The "reference" column in Table 3 cross-references to the respective row in Table 2.1 of the Applicants Response to IP Submission Received at Deadline 2 (ref: REP3-052).

Row in REP3-052	Applicant's Comments	BAE Systems' Response
REP2-052 052.5	The detailed Wildlife Hazard Management Plan will be agreed post consent, in consultation with BAE Systems.	As referred to previously, consultation is also required with the MOD in respect of its role in safeguarding Warton Aerodrome from a military / defence perspective.
REP2-052 052.5	The Applicants understood that the aerodromes would want to manage and incorporate additional hazards caused by the Transmission Assets into their existing plans.	BAE Systems has not confirmed whether it would prefer to incorporate mitigation measures into its existing Wildlife Hazard Management Plan or if the Applicants should be

Row in REP3-052	Applicant's Comments	BAE Systems' Response
		responsible for implementing additional mitigation measures and monitoring. This is a matter which requires further detailed discussion and which will ultimately be determined by a number of factors including the nature of the additional mitigation measures required, the practicalities of different parties undertaking those measures, the land access rights required, and the associated costs of the mitigation measures.
REP2-052 052.9	The Applicant's comments relate to the provision of details of heights Above Ordnance Datum (AOD) or above finished ground level for the substation sites.	As set out in BAE Systems Deadline 4 submission " <i>Suggested Changes to Draft Development Consent Order</i> ", BAE Systems needs a fixed reference point to undertake technical safeguarding assessments. Heights of structures at the substation sites therefore need to be provided as AOD given that finished ground levels are not fixed.

Row in REP3-052	Applicant's Comments	BAE Systems' Response
		BAE Systems will also need to be consulted on the final substation design to ensure that heights and locations of tall structures (such as lightning rods), which may change from indicative designs provided though the Examination, will not adversely impact aircraft safety or manoeuvring.
REP2-052 052.10	The Applicants confirm that proximity to the Warton Aerodrome and Blackpool Airport where factors considered during the site selection process and that alternative sites were discounted due to potential impacts on the airports.	This is not clear from the Site Selection of Ecological Mitigation and Benefit Areas statement submitted by the Applicants at Deadline 2 (ref: REP2-046). It is clear from that document that aviation factors were not one of the overarching guiding principles in the site selection process, with all key locational objectives relating to ecology matters.
REP2-052 052.11the Applicants are sympathetic to a request that the Applicants reimburse BAE Systems for the costs of undertaking OLS, IFP and CNS assessments. The Applicants can confirm that they will reimburse BAE Systems for the costs of undertaking assessments associated with the	BAE Systems welcomes this commitment from the Applicants and is engaging with the Applicants in order that it may be secured within a future Commercial Agreement.

Row in REP3-052	Applicant's Comments	BAE Systems' Response
	safeguarding assessment associated with OLS, CNS, and IFP	
REP2-052 052.11	The Applicants understood that BAE would want to manage and incorporate additional hazards / bird stirk risk caused by the Transmission Assets into their existing Wildlife Hazard Management Plan.	See BAE Systems' response to REP2-052 052.5 above.
REP2-052 052.17	The Applicants make reference to the oWHMP and Baseline Bird Note.	BAE Systems has provided comments on these documents in this Statement and will provide further comment once these documents have been reviewed and assessed by the DIO. This will either be at Deadline 5 or, subject to acceptance by the ExA, ahead of Deadline 5.

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BAE SYSTEMS (OPERATIONS) LIMITED (“BAES”) - SUGGESTED CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER (“dDCO”) (REF. REP3-009)

dDCO Provision	BAES Proposed Change	BAES Comment
Article 2, Interpretation	“BAE” means BAE Systems plc (Operations) Limited (company registration number 01470151 01996687) whose registered office is at 6 Carlton Gardens, London, SW1Y 5AD Victory Point, Lyon Way, Frimley, Camberley, Surrey GU16 7EX;	Defined term amended to refer to correct BAE entity.
Schedule 2A/B, Requirement 4(1): Substation works	4.—(1) Construction of Work Nos. [21A/B and 23A/B] must not commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) hard surfacing materials; (e) the dimensions, colour and materials used for the buildings; (f) security fencing; (g) vehicular and pedestrian access, parking and circulation areas; and (h) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports; and (i) the location and heights of lightning rods and (if required) the positioning of any aircraft hazard warning lights affixed thereto, have, following consultation with BAE and the Ministry of Defence, been submitted to and approved by the relevant local planning authority.	See letter dated 20 May 2025 submitted by the Defence Infrastructure Organisation on behalf of the Ministry of Defence at Deadline 1 (ref. REP-075) and paragraphs 3.3 and 2.4 of BAES Deadline 4 Submission: “ <i>Summary of Oral Submissions Made at Issue Specific Hearings 2 and 3</i> ”.
Schedule 2A/B, Requirement 5(1): Detailed design parameters onshore	5.—(1) In relation to Work No. [21A/B]— (a) the highest part of any building must not exceed 15/13 [XX] m above finished ground level ordnance datum; (b) the highest part of any external electrical equipment, excluding lightning rods, must not exceed 15/12 [XX] m above finished ground level ordnance datum; (c) the total area of the fenced compound (excluding its accesses) must not exceed 80,000m ² /29,700m ² ; and (d) the total number of lightning rods within the fenced compound area must not exceed 14/8 and the height of any lightning rod must not exceed 30/30 [XX] m above finished ground level ordnance datum.	See BAES Deadline 4 Submission: “ <i>Summary of Oral Submissions Made at Issue Specific Hearings 2 and 3</i> ” – a fixed reference point is required in order for a technical safeguarding assessment to be undertaken. At present, finished ground levels are not fixed within the dDCO, so no fixed reference point exists. The adoption of AOD as the appropriate measure provides the requisite reference point.
Schedule 2A/B, Requirement 12(1)(c):	12.—(1) No stage of the [Project A/B] onshore works or [Project A/B] intertidal works may commence until, for that the relevant stage, a written	See letter dated 20 May 2025 submitted by the Defence Infrastructure Organisation on

Ecological Management Plan	<p>ecological management plan in accordance with the outline ecological management plan as appropriate for the relevant that stage, has, following consultation with—</p> <p>(a) the statutory nature conservation body;</p> <p>(b) the Environment Agency where works have the potential to impact wetland habitats; and</p> <p>(c) BAE, the Ministry of Defence and BAOL in respect of the outline detailed wildlife hazard management plan (which is appended to the ecological management plan and which shall be prepared in accordance with the outline wildlife hazard management plan as appropriate for the relevant stage), been submitted to and approved in writing by the relevant local planning authority.</p>	<p>behalf of the Ministry of Defence at Deadline 1 (ref. REP-075), as well as BAES Deadline 4 Submission: "<i>Response to Issue Specific Hearing 3 Action Point 22</i>" regarding the need to consult with both BAES (as the CAA licenced operator of Warton Aerodrome) <u>and</u> the Ministry of Defence (as the relevant statutory consultee in respect of development proposals with the potential to impact military aviation interests).</p> <p>Also, given the critical importance of the wildlife hazard management plan and the different consultees who will need to be involved in approving the plan (as compared with the ecological management plan), BAES wonders whether it would be clearer and more appropriate for the wild hazard management plan and its discharge to be dealt with as a separate, standalone Requirement. BAES understands this to be the preference of the Ministry of Defence.</p>
Schedule 2A/B. Requirement 6: Provision of landscaping and Requirement 8: Code of Construction Practice	[-]	<p>BAES (and the Ministry of Defence by extension – see letter dated 20 May 2025 submitted by the Defence Infrastructure Organisation on behalf of the Ministry of Defence at Deadline 1 (ref. REP-075)) reserves its position in respect of Requirements 6 and 8 pending review of the Applicants' updated dDCO at Deadline 4.</p> <p>At this stage, it is unclear whether BAES requires to be separately consulted in respect of Requirements 6 and 8, or whether the protection afforded by Requirements 4, 5 and 12 (as amended by BAES) is sufficient.</p> <p>Furthermore, BAES has drawn the Applicants' attention to CAA Publications 738 (CAP 738) and 109611 (CAP 109611) which require</p>

		notification to be provided to aerodrome operators of any intention to use tall construction equipment / plant, including cranes, the height of which is +10m above ground level within the 6km technical safeguarding zone around the aerodrome 40 working days before the erection of the said equipment / plant. This requirement needs to be secured on the face of the dDCO – either through the insertion of a provision into the Code of Construction Practice (Requirement 8) or the inclusion of an additional Requirement (to secure the submission and approval of a Construction Environmental Management Plan or similar). BAES understands that the Applicant is intending to address this matter at Deadline 4. BAES will review the Applicants’ proposal and provide further comment at Deadline 5.
Schedule 12: Approval of matters specified in requirements, paras 4(3) and 5	<p><u>Further information</u></p> <p>4. (3) If the requirement indicates that consultation must take place with a consultee the discharging authority must issue the consultation to the requirement consultee within [5] business days of receipt of the application. Where the consultee requires further information they must notify the discharging authority in writing specifying the further information required within 10 [XX] business days of receipt of the consultation. The discharging authority must notify the undertaker in writing specifying any further information requested by the consultee within [5] business days of receipt of such a request.</p> <p><u>Provision of information by Consultees</u></p> <p>5.—(1) Any consultee who receives a consultation under paragraph 4(3) must respond to that request within 15 [XX] business days from receipt unless sub-paragraph (2) of this paragraph applies, or a longer period is agreed with both the undertaker and the discharging authority.</p> <p>(2) Where any consultee requests further information in accordance with the timescales set out in paragraph 4(3) then they must respond to the consultation within 10 [XX] business days from the receipt of the further</p>	<p>BAES reserves its position in respect of Schedule 12 pending review of the Applicants’ updated dDCO at Deadline 4 and the comments of Fylde Borough Council in respect of Schedule 12.</p> <p>BAES requires the time periods stated to be extended and suggests adoption of a minimum period of 28 days / 20 business days (see paragraphs 3.10 to 3.12 of BAES Deadline 4 Submission: “<i>Summary of Oral Submissions at Issue Specific Hearings 2 and 3</i>”).</p>

	information requested, or a longer period is agreed with both the undertaker and the discharging authority.	
Schedule 18: Documents to be certified, Table 11	The Outline Ecological Management Plan appears under " <i>Other Outline Documents</i> " in Table 11 as document reference J6. BAES requests that the Outline Wildlife Hazard Management Plan is specifically referred to in Table 11 as a document to be certified.	BAES' proposed change could be effected by separately identifying the Outline Wildlife Hazard Management Plan as an Outline Document (i.e. J[33]) in Table 11 or by dealing with the Outline Ecological Management Plan in a similar manner to the Outline Code of Construction Practice, with its annexures being specifically listed (i.e. J[6.X]).