

MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Annex 2.1 to Applicants' Response to Deadline 3 submissions from Statutory Consultees and other organisation: BAE Systems (REP3-073, REP3-074)

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Glossary

Term	Meaning
Applicants	Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Ltd (Morecambe OWL).
Candidate Special Areas of Conservation	Areas that were submitted to the European Commission as candidates for designation as a Special Area of Conservation before the end of the Transition Period following the UK's exit from the EU, but not yet formally designated. See also Special Areas of Conservation.
Development Consent Order	An order made under the Planning Act 2008, as amended, granting development consent.
Environmental Impact Assessment	The process of identifying and assessing the significant effects likely to arise from a project. This requires consideration of the likely changes to the environment, where these arise as a consequence of a project, through comparison with the existing and projected future baseline conditions.
Environmental Statement	The document presenting the results of the Environmental Impact Assessment process.
European Protected Species	Species (such as bats, great crested newts, otters and dormice) which receive full protection under The Conservation of Species and Habitats Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017.
Generation Assets	The generation assets associated with the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm include the offshore wind turbines, inter-array cables, offshore substation platforms and platform link (interconnector) cables to connect offshore substations.
Greenhouse gas	A gas that absorbs and emits radiant energy within the thermal infrared range, causing the greenhouse effect. Examples include carbon dioxide and methane.
Habitats Regulations	The Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).
Kyoto Protocol	The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its parties to reducing greenhouse gas emissions by setting internationally binding emission reduction targets, implemented primarily through national measures but also via wider market-based mechanism.
Landfall	The area in which the offshore export cables make landfall (come on shore) and the transitional area between the offshore cabling and the onshore cabling. This term applies to the entire landfall area at Lytham St. Annes between Mean Low Water Springs and the transition joint bay inclusive of all construction works, including the offshore and onshore cable routes, intertidal working area and landfall compound(s).
Local Planning Authority	The local government body (e.g., Borough Council, District Council, etc.) responsible for determining planning applications within a specific area.

Term	Meaning
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for to apply for 'deemed marine licences' in English waters as part of the development consent process.
Morecambe OWL	Morecambe Offshore Windfarm Limited is owned by Copenhagen Infrastructure Partners' (CIP) fifth flagship fund, Copenhagen Infrastructure V (CI V).
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	The offshore export cables, landfall and onshore infrastructure for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the offshore export cables, landfall site, onshore export cables, onshore substations, 400 kV grid connection cables and associated grid connection infrastructure such as circuit breaker compounds. Also referred to in this report as the Transmission Assets, for ease of reading.
Morgan OWL	Morgan Offshore Wind Limited is a joint venture between JERA Nex bp (JNbp) and Energie Baden-Württemberg AG (EnBW).
National Policy Statement(s)	The current national policy statements published by the Department for Energy Security and Net Zero in 2023.
Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.
Protected species	A species of animal or plant which it is forbidden by law to harm or destroy.
Ramsar sites	Wetlands of international importance that have been designated under the criteria of the Ramsar Convention. In combination with Special Protection Areas and Special Areas of Conservation, these sites contribute to the national site network.
Renewable energy	Energy from a source that is not depleted when used, such as wind or solar power.
Special Areas of Conservation	A site designation specified in the Conservation of Habitats and Species Regulations 2017. Each site is designated for one or more of the habitats and species listed in the Regulations. The legislation requires a management plan to be prepared and implemented for each SAC to ensure the favourable conservation status of the habitats or species for which it was designated. In combination with Special Protection Areas and Ramsar sites, these sites contribute to the national site network.
Special Protection Areas	A site designation specified in the Conservation of Habitats and Species Regulations 2017, classified for rare and vulnerable birds, and for regularly occurring migratory species. Special Protection Areas contribute to the national site network.
The Secretary of State for Energy Security and Net Zero	The decision maker with regards to the application for development consent for the Transmission Assets.
Transmission Assets	See Morgan and Morecambe Offshore Wind Farms: Transmission Assets (above).

1 Applicants' response to IP submissions received at Deadline 3

1.1 Introduction

1.1.1.1 Following Deadline 3, Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (hereafter, 'the Applicants') have reviewed each of the submissions received from stakeholders who registered as Interested Parties (IPs) in the Examination.

1.1.1.2 Details of the Applicants' response to BAE Systems submissions received at Deadline 3 are set out in this annex.

2 Responses to IP submissions received at Deadline 3

2.1 BAE Systems

Table 2.1: RPE3-073 – BAE Systems’ Responses to ExQ1

Reference	ExA Question	IP submission	Applicants’ response
Q2.3.3	<p>Remaining issues relating to the requirements will be considered at a subsequent issue specific hearing on the dDCO and further written questions if required. In order to provide for the efficient use of hearing time, the local authorities and any other relevant party are requested to consider the drafting of the draft requirements in Schedule 2 (A and B) and provide details of any disagreed matters, along with alternative drafting where applicable and any suggested additional requirements.</p> <p>Where applicable this may be done within the Statement of Common Ground between the applicants and the relevant interested party.</p>	<p>BAE Systems has the following comments to make on the latest version of the Draft Development Consent Order (Examination Library Document Ref: REP2-004) (“dDCO”).</p> <p><u>Schedule 2A, Requirements – Project A, Requirement 5, Detailed Design Parameters Onshore and</u></p> <p><u>Schedule 2B, Requirements – Project B, Requirement 5, Detailed Design Parameters Onshore</u></p> <p>As set out in its comments on the Applicants’ responses to the Deadline 1 Action Points (see Section 3.0 of BAE Systems’ “Deadline 2 – Comments on Submissions Made at Deadline 1” (Examination Library Document Ref: REP2-052)), BAE Systems has requested that the detailed design parameters (onshore) which are included in the dDCO Requirements refer to maximum heights above ordnance datum (“AOD”), rather than finished ground level. AOD provides a fixed reference point which is needed to inform the aviation safeguarding assessments to which BAE Systems has referred in its submissions to date and because finished ground levels are not currently known or identified in the dDCO.</p>	<p>The Applicants note the comments from BAE on the draft Development Consent Order (DCO) (REP3-009) and provide responses to individual points below. A number of these matters were discussed at ISH2 and therefore the Applicants’ responses should be read in conjunction with their ISH2 hearing summary (S_D4_6) and the relevant HAP responses.</p> <p>Requirement 5</p> <p>The Applicants provided an update at ISH2 that the draft DCO will be updated to specifically refer to maximum heights above ordnance datum, rather than finished ground level. These updates have been provided in the dDCO (C1/ F06) at Deadline 4 .</p> <p>Requirement 12</p> <p>The Applicants maintain that Requirement 12 contains robust drafting and that no further amends are required. BAE are correct in their explanation that discharge of Requirement 12 will include preparation of detailed WHMPs in accordance with the outline WHMP and the draft DCO (C1/F06) will be updated at Deadline 4 to reflect this.</p> <p>The Applicants updated the draft DCO (REP3-009) at Deadline 3 to include BAE as a consultee at Requirement 12</p>

Reference	ExA Question	IP submission	Applicants' response
		<p>We note that the detailed design parameters (onshore) contained in the dDCO submitted by the Applicants at Deadline 2 (Requirement 5 of both Schedule 2A and Schedule 2B) still refer to maximum heights above finished ground level. BAE Systems request the following amendments to Requirement 5 (Detailed Design Parameters Onshore) for both Project A (Schedule 2A) and Project B (Schedule 2B):</p> <p><u>Schedule 2A, Requirement 5</u></p> <p><i>"5. (1) In relation to Work No. 21A-</i></p> <p><i>(a) The highest part of any building must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(b) The highest part of any external electrical equipment, excluding lightning rods, must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(c) The total area of the fenced compound (excluding its accesses) must not exceed 80,000 m² ; and</i></p> <p><i>(d) The total number of lightning rods within the fenced compound area must not exceed 14 and the height of any lightning rods must not exceed 30 XXXm above finished ground level ordnance datum."</i></p> <p><u>Schedule 2B, Requirement 5</u></p> <p><i>"5. (1) In relation to Work No. 21B-</i></p> <p><i>(a) The highest part of any building must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(b) The highest part of any external electrical equipment, excluding lightning rods, must not</i></p>	<p>in response to point 112.7 of BAE's Written Representation (REP1-112). The Applicants' position is that it is not appropriate for BAE to provide written consent before the Requirement can be discharged, which has the effect of them acting as a discharging authority. The requirement follows the standard, precedent approach (replicated in the other requirements within Schedules 2A and 2B) which requires the discharging authority to consult with those relevant named parties. As the Applicants made clear in ISH 3, this approach is also consistent with that taken for the securing of other aviation mitigation where the Secretary of State is the approval body (see for example requirement 28 of the Mona Offshore Wind Farm Order 2025)</p> <p>With regards to the final point, Requirement 12(3) correctly refers to the outline plan. As noted in the Applicants' response to the Examining Authority's question 2.1.5 (see REP3-056), onshore site preparation activities can be undertaken before the detailed plans are produced and the requirements are discharged. This sub-paragraph (3) requires all onshore site preparation works to be carried out in accordance with the outline plans. This gives LPAs the ability to monitor and enforce against any breach of the requirement if this does not happen. The Applicants consider this is an accepted approach and follows the approach taken in the Awel y Mor DCO, Sheringham Shoal and Dudgeon Extension Projects DCO and recently consented Mona Offshore Wind Farm DCO.</p> <p>Notwithstanding this accepted approach to onshore site preparation works, the Applicants recognise BAE's requirements in relation to management of wildlife hazard risks and have updated Requirement 12(1)(c) to confirm that BAE and BAOL will be consulted in respect of the 'detailed' wildlife hazard management plan. The contents of the outline wildlife hazard management plan, how they apply to BAE, how they relate to onshore site preparation works, and how</p>

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		<p><i>exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(c) The total area of the fenced compound (excluding its accesses) must not exceed 29,700 m2 ; and</i></p> <p><i>(d) The total number of lightning rods within the fenced compound area must not exceed 8 and the height of any lightning rods must not exceed 30 XXXm above finished ground level ordnance datum."</i></p> <p>The Applicants will need to confirm the maximum heights AOD for insertion in sub-paragraphs 5(a), (b) and (d) above.</p> <p><u>Schedule 2A, Requirement 12: Ecological Management Plan and Schedule 2B, Requirement 12: Ecological Management Plan</u></p> <p>Regarding Requirement 12 (Schedule 2A and Schedule 2B of the dDCO), BAE Systems welcomes its inclusion at sub-paragraph (1)(c) as one of the parties with whom the Local Planning Authority ("LPA") is required to consult in the process of approving the ecological management plan ("EMP"). However, the correct BAE entity is BAE Systems (Operations) Ltd and not BAE Systems Plc.</p> <p>At the point Requirement 12 is being discharged, a <u>detailed</u> Wildlife Hazard Management Plan ("WHMP") (which is in accordance with the <u>outline</u> WHMP) should have been prepared and included as an appendix to the EMP (subject of Requirement 12). Furthermore, it needs to be clear from the requirement wording that in consulting with BAE</p>	<p>the detailed wildlife hazard management plan will be developed in accordance with the oWHMP will be discussed via the SoCG process. The Applicants will provide an update on these discussions at Deadline 5.</p>

Reference	ExA Question	IP submission	Applicants' response
		<p>and the other stakeholders identified, confirmation of their <u>express and written agreement</u> to the EMP (or, in the case of BAE and BAOL, the detailed WHMP) is required to be obtained by the LPA. We request that Requirement 12 is amended to take account of these points.</p> <p>We also query whether sub-paragraph (3) of the Requirement should reference the <u>approved</u> EMP rather than the <u>outline</u> EMP.</p>	
Q4.1.3	<p>Warton Aerodrome</p> <p>It is stated in response to action point 40 [REP1-037] that “BAE Systems confirmed during the Issue Specific Hearing (ISH) 1 Agenda item 6(c) that safeguarding assessments are to be undertaken by BAE Systems on behalf of Warton Aerodrome.” That is not quite the recollection of the Examining Authority (ExA) as whilst assessments might normally be undertaken by BAE, the specific bird strike risk arising from the proposed creation of the biodiversity areas would be a direct consequence of the proposed development and responsibility for such an assessment would normally fall with the applicant. Whilst it is said that the issue was not raised by BAE until January 2025, this appears to have still allow sufficient time for an assessment. It is not clear why the</p>	<p>We note that this question is addressed to the Applicants. However, we wish to confirm that the ExA's recollection is correct.</p> <p>As explained in BAE Systems' Deadline 2 submissions (see pages 7 and 8 of Examination Library Document Ref: REP2-052), BAE Systems is the party responsible for undertaking (or commissioning) safeguarding assessments in relation to Obstacle Limitation Surfaces (OLS), Communication Navigation and Surveillance (CNS), and Instrument Flight Procedures (IFP). However, the Applicants, as the party proposing the authorised development and creating the new environmental mitigation areas and biodiversity benefit sites, would be responsible for undertaking any bird strike risk assessment (as per the “agent of change” principle contained in the National Planning Policy Framework (December 2024)).</p> <p>It should also be noted that BAE Systems did raise concerns over the potential for changes to habitats in the area to attract birds in representations made to the Applicants in November 2023 at the pre-application stage. Whilst these representations did not explicitly</p>	<p>The Applicants acknowledge the response from BAE Systems; the Applicants' position is that the “agent of change” principle is not relevant to the potential interactions between the Transmission Assets and Warton Aerodrome. Under the NPPF, the principle applies where the operation of an existing business could have a significant adverse effect on new development and there is the potential for unreasonable restrictions to be placed on the existing business, neither of which are the case here. The Applicants reiterate the CAP guidance related to assessment of bird strike within CAP 738, CAP 772 and CAP 795. The requirement to comply with CAP guidance is more relevant to Warton Aerodrome's CAA licence than reference to NPPF, which is also not the Transmission Asset's primary policy determinant (as noted in the Planning Statement (REP1-032)).</p> <p>Notwithstanding these points, the Applicants are working with BAE Systems via the SoCG process; the Applicants consider that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately in line with the management measures already in place and operating at the Aerodrome.</p> <p>The Applicants have confirmed that they will be responsible for costs associated with the completion of any relevant</p>

Reference	ExA Question	IP submission	Applicants' response
	applicants have rejected this request. In these circumstances, how would the applicants suggest that the ExA address this outstanding issue in its recommendation to the Secretary of State?	refer to a bird strike risk assessment, they did refer to Warton Aerodrome's 13km wildlife hazard safeguarding / management zone. Regarding the OLS, CNS, and IFP safeguarding assessments, BAE Systems (as previously indicated) requires a firm and binding commitment from the Applicants to be responsible for the costs associated with the completion of such assessments before commissioning them. This assurance is still awaited.	safeguarding assessments. The Applicants reached out to BAE Systems on 29 th July to begin discussions on a commercial agreement to secure the provision of appropriate funding for any relevant safeguarding assessments.
	Further, in paragraph 2.4 of their deadline 2 (D2) submission [REP2-052], BAE Systems say that it "received a request from the applicant (s) one day before deadline 2 (D2) for information to inform the baseline scenario... to Wildlife Hazard Management Plan. The amount of information requested is significant and BAE Systems needs to consider whether there are any commercial sensitivities that may preclude the sharing of some information." Please clarify and update in the light of these circumstances, how is it also suggested that the ExA addresses this outstanding issue in its recommendation to the Secretary of State?	BAE Systems is willing to work with the Applicants and to provide them with what information it can in order to enable the Applicants to undertake a bird strike risk assessment and to develop a detailed WHMP and any other appropriate mitigation / management measures which may be required. However, BAE Systems have confirmed to the Applicants the need for a Non-Disclosure Agreement ("NDA") to be entered into as a precondition to any information sharing. Discussions in relation to the terms of the NDA are ongoing.	The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately. The Applicants reference ongoing technical engagement with Blackpool Airport who have provided baseline bird data, their existing flightpath information and their ongoing wildlife hazard management plan. This demonstrates that an appropriate process can be put in place to mitigate potential aviation risks. The Applicants note that BAE committed at ISH 2 to provide two of the documents previously requested by the Applicants prior to Deadline 4. However, provision of those documents will not progress any matters associated with bird strike risk assessment. The documents listed by BAE in response to Q4.1.5 are required to progress any potential bird strike risk assessment.
Q4.1.4	Warton Aerodrome In paragraph 2.5 of their D2 submission [REP2-052], BAE are	BAE Systems met with the Applicants on 2 July 2025 to discuss the SoCG – specifically, an appropriate structure for the SoCG and the	The Applicants note the response from BAE and welcome ongoing engagement via the SoCG process.

Reference	ExA Question	IP submission	Applicants' response
	critical of the Statement of Common Ground (SoCG) supplied saying that the "SoCG covered numerous topics that were not of relevance to BAE Systems' concerns or the discussions taking place between the applicants and BAE Systems. The ExA requests that this SoCG is significantly progressed by Deadline 3 and submitted to the examination.	topic areas it should cover. In follow up to this meeting, the Applicants issued an updated version of the SoCG to BAE Systems on 7 July 2025 which is in the process of being reviewed. It will not be possible to report significant progress to the ExA until the parties have settled the structure of the SoCG and agreed the 'position statements' against which confirmations of agreement and disagreement can be provided. This will enable meaningful discussions between the Applicants and BAE Systems to commence. At the discretion of the ExA, BAE Systems has agreed with the Applicant to submit the SoCG following Deadline 3 and in advance of Issue Specific Hearing 2.	
Q4.1.5	<p>Warton Aerodrome</p> <p>In addition to the comments at ISH1, BAE have lodged further comments [REP1-112] and again at D2 [REP2-052] emphasising the need and scope for a bird strike assessment at this stage. There is a particular concern over the creation of the biodiversity area at Lea Marsh Fields and BAE do not believe that mitigation strategies are appropriate until there is a better understanding of the possible bird strike risk. In view of the latest response from the applicants [REP1-037], is BAE any closer to undertaking an assessment?</p>	As detailed in the response to Q4.1.3 above, the Applicant is the party responsible for undertaking any bird strike risk assessment. The Applicants have prepared a "Strategy for Wildlife Hazard Management Plan" (submitted to the examination at Deadline 2 – Examination Library Document Ref: REP2-047). This sets out the Applicants' approach to / proposed scope for assessing current bird populations and how they move around the area, as well as briefly describing how the Applicants propose to mitigate any increase in the risk to operations at Warton Aerodrome. BAE Systems welcomes this; however, the scope of the outline WHMP does not include any assessment of how the existing / baseline bird strike risk may be altered by the introduction of the proposed environmental mitigation areas and biodiversity benefit sites.	The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.

Reference	ExA Question	IP submission	Applicants' response
		<p>As BAE Systems has repeatedly stated, it is essential that the Applicants undertake a bird strike risk assessment in order to identify potential changes in bird numbers, concentrations, and movement / migration patterns which may be precipitated by the authorised development and the resultant risk posed to operations at Warton Aerodrome. The results of this assessment can then sensibly inform a discussion in respect of mitigation and the appropriate measures which are required to be implemented in order to address any adverse operational outcomes.</p> <p>BAE Systems is willing to work with the Applicants and to provide them with what information it can in order to enable the Applicants to undertake a bird strike risk assessment and to develop a detailed WHMP and any other appropriate mitigation / management measures which may be required. However, as stated in the response to Q4.1.3 above, an NDA is required to be put in place as a pre-condition to any information sharing.</p>	
	Will this be required by the Civil Aviation Authority?	<p>BAE Systems currently manages wildlife hazard risk within the 13km wildlife safeguarding zone around Warton Aerodrome. Under the terms of its licence, BAE Systems is required to demonstrate to the Civil Aviation Authority ("CAA") that it is adequately managing risk. To do so, it must provide the CAA with the following information:</p> <ul style="list-style-type: none"> • a 13km aerodrome wildlife survey; • a Wildlife and Habitat Hazard Management Plan; 	<p>The Applicants note the response from BAE Systems and would welcome sight of the documents listed. The Applicants note that it is not possible for the Transmission Assets to consider potentially undertaking a bird strike risk assessment without provision of the listed information. As such, the responsibility as the licence holder falls to BAE Systems on behalf of Warton Aerodrome, as supported by CAP 738, CAP 772 and CAP 795 guidance. BAE committed to providing documents to the Applicants at ISH2, however, provision of those documents will not progress any matters associated with bird strike risk assessment. The documents listed by BAE are required to progress any potential bird strike risk assessment.</p>

Reference	ExA Question	IP submission	Applicants' response
		<ul style="list-style-type: none"> a Term Safety Plan (which includes a bird strike risk assessment); and a Strike Rate Probability Index, which tracks and monitors bird strikes and assesses risk to Warton Aerodrome. <p>BAE Systems is required to keep the above-mentioned information under review. The documents listed will require updating to consider the “post-development risk” arising from the authorised development and BAE Systems will be reliant upon the provision of sufficient information from the Applicants to complete the required updates.</p> <p>BAE Systems will need to be satisfied that the “post-development risk” arising from the authorised development is capable of being appropriately mitigated in order that it can discharge its duty under the terms of its licence with the CAA and demonstrate that the wildlife hazard risk at Warton Aerodrome is being adequately managed.</p>	
	What is the latest position concerning discussion over other aviation safeguarding assessments?	See the response to Q4.1.3 above.	The Applicants note the response.
Q4.1.6	<p>Warton Aerodrome</p> <p>The concerns relating to bird strike have been echoed in the submission [REP1-075] from the Defence Infrastructure Organisation which represents the Ministry of Defence (MoD). Currently the MoD are objecting to the application due to the risk of</p>	We note that this question is directed to the Applicants and have no comment to make. BAE Systems will await and consider the Applicants' response.	The Applicants note the response.

Reference	ExA Question	IP submission	Applicants' response
	bird strike arising from the creation of the new water areas. Their representation on the second page sets out additional information which may address their concerns. The applicants previously resisted further detail when this was raised at ISH1 but will they now reconsider this position?		
Q4.1.7	Warton Aerodrome Reference was made at ISH1 to the outstanding representations from BAE to both the Morgan and Morecambe offshore wind farm Development Consent Order (DCO) applications. Agreement as to the primary surveillance radar system was still outstanding and it seems [REP1-037] that this "remains an ongoing point of discussion for both generation assets." The relevance to this DCO application is whether there is a positive working relationship between the parties or whether there is ongoing disagreement. Please advise?	As the ExA will be aware, the DCO for the Mona Offshore Wind Farm ("OWF") was granted on 4 July 2025. The DCO includes a Requirement in respect of adverse impacts arising from the authorised development upon the Primary Surveillance Radar ("PSR") at Warton Aerodrome (see Requirement 23). The Requirement is in the form of BAE Systems' proposed (and preferred) wording, save for the fact that a turbine shutdown / cessation of the OWF provision has not been included. BAE Systems is considering its position in this regard and its implications for the scope and content of the post-consent radar mitigation scheme (subject of Requirement 23) which is to be agreed. Furthermore, BAE Systems' operational assessment, the purpose of which is to assess the viability of the current mitigation solution put forward in respect of the PSR at Warton Aerodrome, is ongoing. BAE Systems will continue to make every effort to work with and to foster a positive and constructive relationship with the applicants of the various OWF projects currently impacting Warton and Walney Aerodromes, including the Applicants.	The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan and within the commitments to working with BAE Systems in relation to safeguarding assessments demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.

Reference	ExA Question	IP submission	Applicants' response
Q4.1.8	<p>Warton Aerodrome</p> <p>Following from the above, BAE Systems have submitted a representation at D2 [REP2-053] in response to action point 41 [REP1-111] saying "However, the latest submissions of the applicant for the Mona Project are a significant backward step..., with the applicant looking to revisit a number of detailed drafting points which BAE Systems had thought were settled (owing to their inclusion in the latest draft DCOs for the Morgan and Morecambe Projects). Accordingly, an agreement in respect of the PSR (sic: "Primary Surveillance Radar") requirement wording continues to feel some way off." They continue by saying "This is a disappointing turn of events which has taken our client somewhat by surprise, it being raised very late in the day without any prior discussion between the Applicant and BAE Systems and given that the Morgan and Mona Project Teams are one in (and?) the same."</p> <p>This appears to undermine the relationship between this applicant and BAE Systems, and it is important that this position is resolved quickly so that the ExA can have some confidence that negotiations concerning this</p>	<p>We refer the ExA to our response to Q4.1.7 above.</p> <p>Whilst BAE Systems remains committed to working with the Applicants, the pace of progress to resolve the key areas of concern which BAE Systems has raised in its submissions to date is slow. Noting the stage which the examination has reached, there is still a considerable amount of work to be done and information to be provided. Furthermore, having regard to the Applicants submissions at Deadlines 1 and 2, there continues to be disagreement between the parties as to the steps which need to be taken in order to properly identify and quantify the risk posed by the authorised development to aviation safety and aerodrome / airport operations. The impacts which the authorised development will give rise to on the existing baseline are required to be clearly understood before an appropriate and robust mitigation / management strategy can be formulated. This is a basic, fundamental first step which the Applicant has, so far, been unwilling to commit to undertaking which is significantly hampering meaningful progress to be made towards resolution of BAE Systems' very serious concerns in respect of bird strike and the safeguarding of aerodrome / air traffic service operations.</p>	<p>The Applicants note the response from BAE Systems and would welcome sight of the documents listed in response to Q4.1.5. The Applicants note that it is not possible for the Transmission Assets to consider potentially undertaking a bird strike risk assessment without provision of the listed information. As such, the responsibility as the licence holder falls to BAE Systems on behalf of Warton Aerodrome, as supported by CAP 738, CAP 772 and CAP 795 guidance.</p> <p>The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.</p>

Reference	ExA Question	IP submission	Applicants' response
	project are progressed positively. What assurances can be given that a similar situation will not arise with this application?		
Q4.1.9	Warton Aerodrome BAE systems in the final paragraph of their D2 submission [REP2-053] remind all parties that the MoD are still objecting to all three DCO applications where the examinations have now concluded (being the Mona, Morgan and Morecambe DCOs). If the Secretary of State issues his decisions on these applications during the period of this examination, then the position with these objections may become clearer but if not, the issue of aviation will be a very difficult area for the ExA to report on the cumulative effects on the Warton Aerodrome. Any clarity the applicants can bring to this would be helpful.	<p>We note that this question is directed to the Applicants. BAE Systems will await and consider the Applicants' response.</p> <p>We wish to note that, notwithstanding the grant of the DCO for the Mona OWF, the MoD's objection to the project remains in place. In its response to the Secretary of State's request for further information (Consultation 1) (Document Ref. C1-006), the Defence Infrastructure Organisation (on behalf of the MoD) confirmed that: <i>The objection to this development must remain in place until the technical and operational assessments on the mitigation proposal [in respect of adverse impacts upon the PSR at Warton Aerodrome] have been completed and concludes that the proposal is viable</i>". Our response to Q4.1.7 above confirms that BAE Systems' operational assessment of the current mitigation solution put forward in respect of the PSR at Warton Aerodrome is ongoing.</p>	The Applicants note the response.
Q6.1.15	Mitigation Paragraph 1.2.1.8 of 'Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas' [REP2-046] states "In accordance, with CAP 772 guidance (Civil Aviation Authority (CAA), 2017) the wildlife hazard management zones around Blackpool Airport and BAE Warton	Regarding (a) and the environmental mitigation areas ("EMAs") – BAE Systems considers that the Applicants' site selection methodology should take a balanced approach between ecological mitigation objectives and the need to avoid an increased risk of wildlife hazards to aviation interests, including Warton Aerodrome. This requires more than a cursory reference to "site-specific factors" including proximity to aviation infrastructure. Given the potential	The Applicants note the response.

Reference	ExA Question	IP submission	Applicants' response
	<p>Aerodrome extend to 13 km” and paragraph 1.2.1.9 states “Given the extent of the wildlife hazard management zones in relation to the Transmission Order Limits, the applicants could not locate environmental mitigation and benefit areas outside of the wildlife hazard zones whilst also meeting their site selection guiding principles (as set out in paragraphs 1.2.1.2 and 1.2.1.3) and ultimately delivering effective mitigation.”</p> <p>Paragraph 1.5.1.3 states “The search area also considered areas in proximity to designated habitats or priority habitats, with the objective of improving habitats that are functionally linked to designated sites and improving connectivity between habitats.”</p> <p>a) Do you agree that effective mitigation could not be achieved outside wildlife hazard management zones in relation to the Transmission Order Limits?</p> <p>b) Do you agree that biodiversity benefit area objectives would not be met if it was located outside of the wildlife hazard zones?</p>	<p>implications of increased bird strike risk, it requires detailed assessment, the findings of which should be a key driver in the identification of suitable locations for the EMAs, even if this results in less effective (i.e. less than optimal) ecological mitigation. The proximity of aviation infrastructure is not a matter to which an applicant should turn in the “<i>refinement process</i>” (see paragraph 1.2.1.9 of the ‘Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas’ document). The Applicants’ site selection process ought to have considered the area outside of the wildlife hazard safeguarding / management zones around Warton Aerodrome and Blackpool Airport. However, this area appears to have been automatically and arbitrarily discounted as a consequence of the Applicants giving priority (and a disproportionate weighting) to their site selection guiding principles.</p> <p>Regarding (b) and the biodiversity benefit sites (“BBSs”) – BAE Systems understands that the primary objective of the BBSs is to provide a <u>voluntary</u> biodiversity net gain. Therefore, the need to include them within the Transmission Order Limits in order to deliver “<i>effective mitigation</i>” is not understood. Unlike the EMAs, the purpose of the BBSs is not to provide mitigation for the impacts of the authorised development on ecology / biodiversity – the Applicants have conflated the two. The BBSs are intended to provide net gains for biodiversity and, because demonstration of a biodiversity net gain is not mandated for NSIP applications, there are no statutory requirements in relation to the location of these sites. Therefore, the inclusion of the BBSs</p>	

Reference	ExA Question	IP submission	Applicants' response
		within the wildlife management zones around Warton Aerodrome and Blackpool Airport, and the Applicants' decision to discount the area beyond these zones, requires separate and robust justification. As with the EMAs, the same flaw exists in respect of the Applicants' approach to identification of the BBSs – consideration should have been given to the area outside of the wildlife hazard safeguarding / management zones to ensure a balanced approach. However, having regard to the Applicants' explanation of its site selection process, it's clear that this area has never been "within scope".	
Q6.2.3	Site selection Selection guiding principles are set out in paragraphs 1.2.1.2 and 1.2.1.3 of Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas [REP2-046] submitted at D2. a) Explain why the selection guiding principles set out do not include specific safety considerations and policy requirements including potential for increased risk to defence activities? b) Explain if any alternatives for BNG strategy have been considered, including off-site delivery. c) If BNG requirements and the avoidance and/or mitigation of defence aviation risks cannot be	This question is primarily for the Applicants and others to answer. However, we refer the ExA to our response to Q6.1.15 above. Regarding the BNG areas (i.e. the biodiversity benefit sites – "BBSs"), BAE Systems considers that a cautionary approach should be taken. As the ExA will be aware (and as we've already stated), demonstration of a biodiversity net gain is not mandated for NSIP applications. Accordingly, if it cannot be demonstrated that aviation safety and aerodrome / airport operations will not be adversely affected, serious consideration should be given to deleting the BBSs from the project proposals as there is the potential for the impacts on aviation infrastructure (which could include safety concerns, extending to risk to life) to outweigh any benefits arising from provision of the BBSs.	The Applicants note the response. The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.

Reference	ExA Question	IP submission	Applicants' response
	met, please explain how excluding BNG areas from the order limits might affect your comments on the application.		

Table 2.2: REP3-074 – BAE Systems' Comments on Applicants' Submissions made at Deadline 2

Reference	IP submission	Applicants' response
REP3-074 074.1	<p>1.0 INTRODUCTION</p> <p>1.1 This Statement sets out BAE Systems' comments on submissions made by the Applicants at Deadline 2, in particular:</p> <ul style="list-style-type: none"> • Draft Development Consent Order (Document C1/F04 / Examination Library Ref: REP2-004) and Schedule of Changes to the Draft Development Consent Order including Draft Deemed Marine Licences (Document S_S51_2/F03 / Examination Library Ref: REP2-051); • Strategy for Wildlife Hazard Management Plan F01 (Document S_D2_14 / Examination Library Ref: REP2-047); • Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas (Document S_D2_13 / Examination Library Ref: REP2-046); • Outline Ecological Management Plan (Document J6/F02 / Examination Library Ref: REP2-019); • Onshore Biodiversity Benefit Statement (Document J11/F03 / Examination Library Ref: REP2-021); and 	

Reference	IP submission	Applicants' response
	<ul style="list-style-type: none"> • Response to Written Representations from Statutory Consultees and Other Organisations" (Examination Library Ref: REP2-031). <p>1.2 Where the above documents are revisions of documents submitted at earlier deadlines, BAE Systems' comments focus on the changes made to those documents.</p>	
REP3-074 074.2	<p>2.0 DRAFT DEVELOPMENT CONSENT ORDER AND SCHEUDLE OF CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER</p> <p>2.1 BAE Systems has the following comments to make on the changes made to the Draft Development Consent Order (dDCO) submitted at Deadline 2:</p> <p>Schedule 2A and Schedule 2B, Requirements – Project A and Project B Requirement 5 – Detailed Design Parameters Onshore</p> <p>2.2 As set out in its comments on the Applicants' responses to the Deadline 1 Action Points (see Section 3.0 of BAE Systems' "Deadline 2 – Comments on Submissions Made at Deadline 1" (Examination Library Document Ref: REP2-052)), BAE Systems has requested that the detailed design parameters (onshore) which are included in the dDCO Requirements refer to maximum heights above ordnance datum ("AOD"), rather than finished ground level. AOD provides a fixed reference point which is needed to inform the aviation safeguarding assessments to which BAE Systems has referred in its submissions to date and because finished ground levels are not currently known or identified in the dDCO.</p> <p>2.3 We note that the detailed design parameters (onshore) contained in the dDCO submitted by the Applicants at Deadline 2 (Requirement 5 of both Schedule 2A and</p>	Please refer to the response at Q2.3.3 above.

Reference	IP submission	Applicants' response
	<p>Schedule 2B) still refer to maximum heights above finished ground level. BAE Systems request the following amendments to Requirement 5 (Detailed Design Parameters Onshore) for both Project A (Schedule 2A) and Project B (Schedule 2B):</p> <p>2.4 Schedule 2A, Requirement 5:</p> <p><i>"5. (1) In relation to Work No. 21A-</i></p> <p><i>(a) The highest part of any building must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(b) The highest part of any external electrical equipment, excluding lightning rods, must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(c) The total area of the fenced compound (excluding its accesses) must not exceed 80,000 m² ; and</i></p> <p><i>(d) The total number of lightning rods within the fenced compound area must not exceed 14 and the height of any lightning rods must not exceed 30 XXXm above finished ground level ordnance datum."</i></p> <p>2.5 Schedule 2B, Requirement 5:</p> <p><i>"5. (1) In relation to Work No. 21B-</i></p> <p><i>(a) The highest part of any building must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(b) The highest part of any external electrical equipment, excluding lightning rods, must not exceed 45 XXXm above finished ground level ordnance datum;</i></p> <p><i>(c) The total area of the fenced compound (excluding its accesses) must not exceed 29,700 m² ; and</i></p> <p><i>(d) The total number of lightning rods within the fenced compound area must not exceed 8 and the height of any</i></p>	

Reference	IP submission	Applicants' response
	<p><i>lightning rods must not exceed 30 XXXm above finished ground level ordnance datum.</i></p> <p>2.6 The Applicants will need to confirm the maximum heights AOD for insertion in subparagraphs 5(a), (b) and (d) above.</p>	
REP3-074 074.3	<p>Schedule 2A, Requirement 12: Ecological Management Plan and Schedule 2B, Requirement 12: Ecological Management Plan</p> <p>2.7 Regarding Requirement 12 (Schedule 2A and Schedule 2B of the dDCO), BAE Systems welcomes its inclusion at sub-paragraph (1)(c) as one of the parties with whom the Local Planning Authority ("LPA") is required to consult in the process of approving the ecological management plan ("EMP"). However, the correct BAE entity is BAE Systems (Operations) Ltd and not BAE Systems Plc.</p> <p>2.8 At the point Requirement 12 is being discharged, a <u>detailed</u> Wildlife Hazard Management Plan ("WHMP") (which is in accordance with the <u>outline</u> WHMP) should have been prepared and included as an appendix to the EMP (subject of Requirement 12). Furthermore, it needs to be clear from the requirement wording that in consulting with BAE and the other stakeholders identified, confirmation of their <u>express and written agreement</u> to the EMP (or, in the case of BAE and BAOL, the detailed WHMP) is required to be obtained by the LPA. We request that Requirement 12 is amended to take account of these points.</p> <p>2.9 We also query whether sub-paragraph (3) of the Requirement should reference the approved EMP rather than the outline EMP.</p>	Please refer to the response at Q2.3.3 above.

Reference	IP submission	Applicants' response
	<p>2.10 The following amendments are therefore requested to Requirement 12 at both Schedule 2A and Schedule 2B:</p> <p><i>"No stage of the Project A [and Project B] onshore works or Project A [and Project B] intertidal works may commence until for that stage a written ecological management plan in accordance with the outline ecological management plan as appropriate for the relevant stage, has, following consultation and agreement with-</i></p> <p><i>(a) Natural England</i></p> <p><i>(b) The Environment Agency where works have the potential to impact wetland habitats; and</i></p> <p><i>(c) BAE and BAOL in respect of the outline wildlife hazard management plan;</i></p> <p><i>Been submitted to and approved by the relevant planning authority."</i></p>	
REP3-074 074.4	<p>3.0 STRATEGY FOR WILDLIFE HAZARD MANAGEMENT PLAN</p> <p>3.1 At various points throughout the document (including paragraphs 1.1.1.2 and 1.5.1.5), the Applicants refer to bird strike risk mitigation and management measures being incorporated into BAE Systems' existing Wildlife Hazard Management Plan ("WHMP") for Warton Aerodrome. It is entirely unclear how this is intended to work in practice. The mitigation and management measures required to be implemented in respect of bird strike risk and the "additive" effect introduced by the authorised development and the creation of the environmental mitigation areas and the biodiversity benefit sites need to be identified in the first instance. There will then need to be agreement between the Applicants and BAE Systems as to an appropriate assignment of</p>	<p>The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.</p> <p>The Applicants reference ongoing technical engagement with Blackpool Airport who have provided baseline bird data, their existing flightpath information and their ongoing wildlife hazard management plan. This demonstrates that an appropriate process can be put in place to mitigate potential aviation risks.</p>

Reference	IP submission	Applicants' response
	responsibilities for the funding, implementation, and monitoring of the said measures. Only at this stage will it be possible for BAE Systems to confirm whether it is possible and appropriate for the mitigation and management measures identified to be incorporated into its existing WHMP (noting that this is a document which BAE Systems is required to keep under review in accordance with the terms of its operating licence, granted by the Civil Aviation Authority).	
REP3-074 074.5	3.2 The Applicants make numerous references (including at paragraphs 1.1.1.3 and 1.1.1.6) to “management measures” and “management” of the environmental mitigation areas and biodiversity benefit sites. BAE Systems understand this to mean “reactionary” or “adaptive” management (i.e. actions that are undertaken if ongoing monitoring identifies wildlife activity that could increase bird strike risk). The WHMP also needs to consider “preventive” measures. These are measures that are implemented upfront or as part of the construction phase of the authorised development that would remove or minimise and adequately manage any increase in bird strike risk which the authorised development is assessed to give rise to. The identification and securing of such measures should be prioritised over (and supplemented by) “reactionary” measures.	The Applicants are working with BAE Systems via the SoCG process and welcome engagement on the specifics of what needs to be included in the outline Wildlife Hazard Management Plan in order to make it bespoke to Warton Aerodrome’s requirements.
REP3-074 074.6	3.3 Paragraph 1.1.1.7 sets out an outline strategy for developing a WHMP, comprised within 4 bullet points covering aspects such as baseline evidence gathering, undertaking, or updating risk assessments, and identifying mitigation measures. BAE Systems has the following comments on this proposed process: (i) The third bullet point of the outline strategy refers to the review and update of Warton Aerodrome’s existing bird	The Applicants refer BAE Systems to the outline Wildlife Hazard Management Plan (REP3-065) and Baseline Bird Technical Report (REP3-060) submitted at Deadline 3.

Reference	IP submission	Applicants' response
	<p>strike risk assessment following a “wildlife attractant habitat risk assessment” which we understand the Applicants are proposing to undertake. Clarification of the precise scope and content of this preliminary assessment is required. However, BAE Systems understands that it is the Applicants' intention to submit a “baseline bird report” and the findings of its “wildlife attractant habitat risk assessment” at Deadline 3. BAE Systems reserves its position pending its review of these documents.</p> <p>(ii) Following receipt and review of the Applicants' wildlife attractant habitat risk assessment, but before any update is made to Warton Aerodrome's existing bird strike risk assessment, the design of the environmental mitigation areas and biodiversity benefit sites should be reviewed and consideration given to whether alterations aimed at reducing the attractant risk can be made. This is an additional step which ought to be built into the Applicants' outline strategy for developing a WHMP</p>	
REP3-074 074.7	<p>3.4 Paragraph 1.4.1.1 states “<i>The oEMP will also set out the principles of the ongoing monitoring strategy in relation to the delivery of the ecological mitigation (i.e. not with an aviation perspective, but whether the ecological mitigation sites are performing ecologically / ornithologically as intended).</i>” We assume this means that the Outline Ecological Management Plan (“oEMP”) will require a system of monitoring to ensure that the environmental mitigation areas are functioning” correctly and providing the necessary mitigation for the loss of habitat / disturbance / displacement elsewhere. However, there will also need to be monitoring to ensure that the environmental mitigation areas are not changing and/or causing or contributing to an increase in bird strike risk.</p>	<p>The Applicants refer BAE Systems to the updated Outline Ecological Management Plan (REP3-022) submitted at Deadline 3.</p>

Reference	IP submission	Applicants' response
	Clearly the balance which is required to be struck between ecological and aviation interests is a delicate one.	
REP3-074 074.8	3.5 Paragraph 1.5.1.2 makes reference to Requirement 12 in the dDCO. Please see our comments at paragraphs 2.7 to 2.10 above on the drafting of this Requirement.	The Applicants are working with BAE Systems via the SoCG process and welcome engagement on the specifics of what needs to be included in the outline Wildlife Hazard Management Plan and Requirement 12 of the draft DCO in order to make it bespoke to Warton Aerodrome's requirements.
REP3-074 074.9	3.6 Paragraph 1.5.1.4 refers to "adaptive" management measures (in this regard, see our comments in paragraph 3.2 above) and gives as an example changes to the ecological mitigation areas layout, maintenance scaring tactics (etc.). The Applicants' comments with the regard to the implementation of "adaptive" management measures ought to apply in equal measure to the biodiversity benefit sites.	The Applicants are working with BAE Systems via the SoCG process and welcome engagement on the specifics of what needs to be included in the outline Wildlife Hazard Management Plan in order to make it bespoke to Warton Aerodrome's requirements.
REP3-074 074.10	4.0 SITE SELECTION OF THE ENVIRONMENTAL MITIGATION AND BIODIVERSITY BENEFIT AREAS 4.1 Paragraph 1.2.1.2 sets out the "overarching guiding principles" for the selection of the environmental mitigation areas and biodiversity benefit sites. The principles listed are all ecology-related. Paragraph 1.2.1.3 goes on to state that, in addition to the overarching guiding principles, site specific factors, such as <i>"surrounding land uses and proximity to aviation infrastructure"</i> , were considered and that they are explained in the following sections of the document. However, there is limited information provided on how aviation impacts were taken into consideration or the level of weighting given to such impacts in the site selection process.	The Applicants note this response.
REP3-074	4.2 Paragraph 1.2.1.9 refers to the 13km wildlife hazard management zone around Warton Aerodrome (as referred	The Applicants note this response. The preference is to deliver mitigation and biodiversity benefit as close as feasibly possible to the areas being impacted. This is in

Reference	IP submission	Applicants' response
074.11	<p>to in BAE Systems' Relevant Representations (Examination Library Ref: PDA-008)) and states that, due to the extent of this zone, it was not possible to locate the environmental mitigation and benefit areas outside it and still meet the Applicants' site selection guiding principles. No information has been provided however on why this is the case or what would be the implications of locating the environmental mitigation and benefit areas outside of the 13km zone (i.e. how this would impact on their effectiveness and their ability to meet their intended objectives).</p> <p>4.3 Whilst there may be a requirement for the Applicants to try and locate the environmental mitigation areas within a certain distance of the land where habitat loss / disturbance is going to occur; given that securing a biodiversity net gain is not mandated for NSIP applications and there are no rules concerning minimum distances and proximity of areas of habitat creation / enhancement, we question why location of the biodiversity benefit sites outside of the 13km wildlife hazard management zone around Warton Aerodrome has not been considered.</p>	<p>line with the mitigation hierarchy as recommended by the Chartered Institute of Ecologists and Environmental Managers Ecological Impact Assessment guidance (2024). Natural England state in response to Q6.1.2 of Responses to the Examining Authority's written questions (REP3-095) that they are in agreement with the Applicants approach to mitigation. Whilst the Applicants appreciate BAE System's concern, the Applicant's believe that the Applicants mitigation and biodiversity areas can be delivered within the 13km wildlife hazard management zone without increasing bird strike risk to Warton. The outline WHMP is being developed with input from Blackpool Airport and BAE Systems, this will demonstrate how the two can be mutually compatible. Therefore allowing BAE Systems to manage bird strike effectively and the Applicants to deliver their mitigation and biodiversity benefits as close to the source of impact as possible.</p>
REP3-074 074.12	<p>4.4 BAE Systems considers that considerably more information is required regarding the Applicants' site selection process and that the Site Selection statement is updated to address the following:</p> <ul style="list-style-type: none"> • What specific safety considerations and policy requirements, including the potential for increased risk to aviation and defence activities, were considered as part of the Applicants' site selection process and what weighting were they attributed? • With regard to the above-mentioned considerations, what analysis / assessment has 	<p>The Applicants note this response. All information on the site selection process for the ecological mitigation and biodiversity benefit areas is included in Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas (REP2-046).</p>

Reference	IP submission	Applicants' response
	<p>been undertaken by the Applicants in respect of them?</p> <ul style="list-style-type: none"> Was consideration given to the potential for the environmental mitigation areas and biodiversity benefit sites to alter bird migration patterns and the implications for aviation interests / infrastructure within proximity of the authorised development? In selecting the location and size of the environmental mitigation areas and biodiversity benefit sites, what consideration (if any) was given to the design of the areas and wildlife attractant risk having particular regard to the aviation interests / infrastructure within proximity of the authorised development? 	
REP3-074 074.13	<p>4.5 Noting the comments at paragraph 4.3 above, BAE Systems would like to understand what weighting the Applicants have attributed to aviation impacts in the site selection process for the biodiversity benefit sites. Paragraph 4.6.6 of National Policy Statement EN-1 (referred to in paragraph 1.5.1.1 of the Applicants' Site Selection statement) encourages NSIP energy proposals to seek opportunities to provide net gains "<i>where possible</i>". However, this is not a requirement (legal or otherwise), nor is it needed to mitigate the impacts of the authorised development which have been identified through the environmental impact assessment process. Given this context, BAE Systems contends that consideration ought to have been given by the Applicants to locating the biodiversity benefit sites outside of the 13km wildlife hazard management zone around Warton Aerodrome, as well as to not providing them at all.</p>	<p>The Applicants note this response. All information on the site selection process for the ecological mitigation and biodiversity benefit areas is included in Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas (REP2-046).</p>

Reference	IP submission	Applicants' response
REP3-074 074.14	<p>5.0 OUTLINE ECOLOGICAL MANAGEMENT PLAN</p> <p>5.1 The oEMP has been updated to include additional information on the purpose, design, and management of the environmental mitigation areas. BAE Systems welcomes this but remains of the view that the details provided with regard to design are high level in nature and, as a consequence, not sufficiently detailed. This makes it difficult to accurately assess how the habitat proposed to be provided could impact the risk of bird strike within the area of Warton Aerodrome.</p> <p>5.2 The development of a robust WHMP will require the provision of more detailed information regarding the Applicants' habitat design and management proposals. It may be the Applicants' intention to provide this further information at Deadline 3. Should this be the case, BAE Systems will review the information provided along with the Applicants' "baseline bird report" and "wildlife attractant habitat risk assessment" (see paragraph 4.3(i) above).</p>	The Applicants refer BAE Systems to the outline Wildlife Hazard Management Plan (REP3-065) and Baseline Bird Technical Report (REP3-060) submitted at Deadline 3.
REP3-074 074.15	<p>6.0 ONSHORE BIODIVERSITY BENEFIT STATEMENT</p> <p>6.1 In a similar manner to the oEMP, the Onshore Biodiversity Benefit Statement has been updated to include further detail, albeit of a high level, on the design of the biodiversity benefit site at Lea Marsh Fields. BAE Systems' comments in relation to the oEMP (see paragraphs 5.1 and 5.2 above) also apply to the Onshore Biodiversity Benefit Statement.</p>	The Applicants refer BAE Systems to the outline Wildlife Hazard Management Plan (REP3-065) and Baseline Bird Technical Report (REP3-060) submitted at Deadline 3.
REP3-074 074.16	<p>7.0 RESPONSE TO WRITTEN REPRESENTATIONS FROM STATUTORY CONSULTEES AND OTHER ORGANISATIONS</p> <p>7.1 The Applicants have submitted a "Response to Written Representations from Statutory Consultees and Other</p>	The Applicants refer BAE Systems to the outline Wildlife Hazard Management Plan (REP3-065) and Baseline Bird Technical Report (REP3-060) submitted at Deadline 3.

Reference	IP submission	Applicants' response
	<p>Organisations" [Examination Library Document Ref: REP2-031]. BAE Systems has had particular regard to Section 2.17 (Table 2.15) and Section 2.3 (Table 2.3) which addresses the written representation submitted by the Defence Infrastructure Organisation) and would like to make the following comments in response:</p> <p>7.2 Concerning the matter of "Bird Strike Mitigation", the Applicants have referred to the "Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas" statement. They have also referred to certain "adaptive management measures", the details of which are to be outlined in a "mitigation hierarchy". The details of this mitigation hierarchy are still to be provided and will be considered by BAE Systems once they have been submitted to the examination or otherwise made available to BAE Systems by the Applicants. In the meantime, the ExA is directed to BAE Systems comments under Section 5.0 and in paragraphs 3.2 and 3.6 above.</p>	
REP3-074 074.17	<p>7.3 Regarding the comments made in respect of the Applicants' commitment to updating the oEMP to provide further detail on the design and habitat mitigation measures that are proposed for each of the environmental mitigation and biodiversity benefit areas, this further detail is yet to be provided and does not form part of the updated oEMP which the Applicant submitted at Deadline 2 (note BAE Systems' comments under Section 5.0 above). It may be the Applicants' intention to provide a further updated version of the oEMP at Deadline 3.</p>	<p>The Applicants refer BAE Systems to the updated outline Ecological Management Plan (REP3-022) submitted at Deadline 3.</p>
REP3-074 074.18	<p>7.4 The Applicants, once again, make repeated references to the incorporation of the mitigation / management measures secured within the detailed WHMP (which will be an appendix to the environmental management plan (subject of Requirement 12 of the dDCO)) into Warton</p>	<p>The Applicants are working with BAE Systems via the SoCG process; the Applicants assert that the process secured via Requirement 12 of Schedules 2A and 2B of the draft DCO (REP3-009) and within the outline Wildlife Hazard Management Plan</p>

Reference	IP submission	Applicants' response
	Aerodrome's existing WHMP. BAE Systems comments in this regard are contained in paragraph 3.1 above. Furthermore, the matter of disclosure of Warton Aerodrome's existing WHMP and the pre-conditions which are required to be observed in respect of any information sharing are detailed in BAE Systems' response to the ExA's WQs 4.1.3 and 4.1.5.	<p>demonstrates that any potential impacts to Warton Aerodrome can be mitigated appropriately.</p> <p>The Applicants reference ongoing technical engagement with Blackpool Airport who have provided baseline bird data, their existing flightpath information and their ongoing wildlife hazard management plan. This demonstrates that an appropriate process can be put in place to mitigate potential aviation risks.</p>
REP3-074 074.19	7.5 The Applicants have included commentary regarding Blackpool Airport's bird strike data and the review they have undertaken in respect of the same. They reference the current wildlife baseline and the implications for bird strike risk were the ecological mitigation and biodiversity benefit areas to act as an attractant. BAE Systems must reserve its position pending receipt of the Applicants' "baseline bird report" and "wildlife attractant habitat risk assessment". It is BAE Systems' understanding that the Applicants intend to submit both of these items at Deadline 3.	The Applicants refer BAE Systems to the outline Wildlife Hazard Management Plan (REP3-065) and Baseline Bird Technical Report (REP3-060) submitted at Deadline 3.
REP3-074 074.20	7.6 Turning to Warton Aerodrome's safeguarding requirements, BAE Systems' notes the Applicants' reference to further details being forthcoming in respect of above surface infrastructure works such as site, positioning and height data and would ask that this information is provided as soon as possible. Furthermore, comment is made regarding a proposal to "supplement" and "correct" the wording of draft Requirement 5 of the dDCO so that the details of the location and maximum heights of certain structures / buildings / elements of infrastructure are stipulated. So far as BAE Systems is aware, these amendments (aimed at securing alignment with the project description parameters) are yet to be made to the dDCO. However, it may be that the Applicants	The Applicants note this response.

Reference	IP submission	Applicants' response
	are intending to make them at Deadline 3. For BAE Systems other comments in respect of draft Requirement 5, see Section 2.0 above.	
REP3-074 074.21	7.7 The Applicants' comments regarding the solar farm at Barrows Lane, Warton are noted. An update in respect of ongoing discussions concerning the Protective Provisions for electricity undertakers would be welcomed. In the meantime, BAE Systems will engage further with the Applicants in respect of this matter with a view to agreeing an appropriate position statement/s, the details of which can be recorded in the Statement of Common Ground to be entered into between the parties.	The Applicants note the response from BAE and welcome ongoing engagement via the SoCG process.