

BAE SYSTEMS (OPERATIONS) LIMITED (“BAES”) - SUGGESTED CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER (“dDCO”) (REF. REP3-009) [UPDATED AT DEADLINE 5 HAVING REGARD TO THE dDCO SUBMITTED AT DEADLINE 4 – REF. REP4-007]

dDCO Provision	BAES Proposed Change	BAES Comment	Update @DEADLINE 5
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.	This amendment has been made to the dDCO submitted at Deadline 4 (doc ref. C1/F06).
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> ”.	No amendments have been made to Requirement 4(1) of the dDCO submitted at Deadline 4 (doc ref. C1/F06). Noting the ExA’s question on the dDCO – Q1:3.4 – BAES requests that Requirement 4(1) is amended in line with its request at Deadline 4.
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;	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	Measurements above ordnance datum have been included in Requirement 5 of the dDCO submitted at Deadline 4 (doc ref. C1/F06). However, note BAES’ position in respect of Requirement

	(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 .	the dDCO, so no fixed reference point exists. The adoption of AOD as the appropriate measure provides the requisite reference point.	4(1) and the location and height details of lightning rods (if required).
Schedule 2A/B, Requirement 12(1)(c): Ecological Management Plan	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 ecological management plan in accordance with the outline ecological management plan as appropriate for the relevant that stage, has, following consultation with— (a) the statutory nature conservation body; (b) the Environment Agency where works have the potential to impact wetland habitats; and (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.	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), 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). 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.	Regarding the ExA's question on the dDCO – Q1:3.11(a) – the Applicants have extracted the detailed Wildlife Hazard Management Plan from Requirement 12. A new standalone Requirement is now proposed, the drafting for which is being submitted at Deadline 5 (which includes BAES and the Ministry of Defence being named as consultees in respect of the approval of the detailed Wildlife Hazard Management Plan for Warton Aerodrome). Discussions between the Applicants and BAES will continue in respect of this new Requirement and an update will be provided to the ExA at the Issue Specific Hearings which are scheduled to take place in October.

<p>Schedule 2A/B. Requirement 6: Provision of landscaping and Requirement 8: Code of Construction Practice</p>	<p>[-]</p>	<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 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</p>	<p>Requirements 6 and 8 remain unchanged in the dDCO submitted at Deadline 4 (doc ref. C1/F06).</p> <p>Further consideration of these Requirements is needed, as well as the management plans they secure – amendments are anticipated to be made to these management plans by the Applicants at Deadline 5.</p>
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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. (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 information requested, or a longer period is agreed with both the undertaker and the discharging authority.</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: "Summary of Oral Submissions at Issue Specific Hearings 2 and 3").</p>	The minimum time periods advocated for by BAES have not been adopted in the dDCO submitted at Deadline 4 (doc ref. C1/F06). BAES remains of the view that these minimum time periods are reasonable.
Schedule 18: Documents to be certified, Table 11	The Outline Ecological Management Plan appears under "Other Outline Documents" in Table 11 as document reference J6. BAES requests that the Outline Wildlife	BAES' proposed change could be effected by separately identifying the Outline Wildlife Hazard Management Plan as an Outline	Noting the ExA's question on the dDCO – Q1:8.1 – BAES requests that, in line with its request at Deadline 4, the

	Hazard Management Plan is specifically referred to in Table 11 as a document to be certified.	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]).	Outline Wildlife Hazard Management Plan is specifically referred to in Table 11 as a document to be certified.
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