



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Annex 2.1 to Applicants' Response to Deadline 5 submissions from Statutory Consultees and other organisation: BAE Systems (REP5-159)

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1 Applicants' Response to IPs' Submissions at Deadline 5

1.1 Introduction

- 1.1.1.1 Following Deadline 5, Morgan Offshore Wind Limited ('Morgan OWL') and Morecambe Offshore Windfarm Limited ('Morecambe OWL'), (together, 'the Applicants') have taken the opportunity to review each of the submissions from Interested Parties. This includes Written Representation, post-hearing submissions as well as responses to ExQ2.
- 1.1.1.2 Details of the Applicants' response to each of the submissions from Interested Parties are set out in this document.
- 1.1.1.3 The Applicants have numbered the submissions in line with the Planning Inspectorate's document library, with subsequent paragraph number, e.g. REP5-001.1, REP5-001.2, etc.

2 Applicants' Response to IPs' submissions at Deadline 5

2.1 BAE Systems

Table 2-1: REP5-159– BAE Systems (Comments on Documents Submitted at Deadline 4)

Reference	IP submission	Applicants' response
REP5-159 159.1	<p>Introduction</p> <p>1.1 This Statement sets out BAE Systems' comments on submissions made by the Applicants at Deadline 4, including the following documents: • Outline Code of Construction Practice (Examination Ref: REP4-026) • Outline Landscape Management Plan (Examination Ref: REP4-055) • Outline Ecological Management Plan (Examination Ref: REP4-085)</p> <p>1.2 BAE Systems' comments on the version of the draft Development Consent Order (dDCO) submitted by the Applicants at Deadline 4 are the subject of a separate submission.</p> <p>1.3 Through ongoing discussions with the Applicants, we are aware that they will be submitting a revised dDCO at Deadline 5 containing amended wording in respect of certain of the Requirements which are of concern to BAE Systems. As such, we will provide further comment on the Deadline 5 version of the dDCO at the Issue Specific Hearings which are scheduled to take place on 7 and 8 October 2025.</p>	<p>1.1 The Applicants have responded to the comments from BAE in the sections below.</p> <p>1.2 Noted. The Applicants have provided their response to BAE's separate submission in Table 2-2.</p> <p>1.3 The Applicants submitted a revised DCO at Deadline 5 (REP5-010) which included a new requirement (Requirement 27) relating to the Wildlife Hazard Management Plan. The requirement states that construction activities must not be carried out until a detailed Wildlife Hazard Management Plan (in accordance with the outline Wildlife Hazard Management Plan) has been submitted to and approved by the relevant planning authority in consultation with the statutory nature conservation body, MOD, BAE and BAOL. The Applicants discussed the wording of the requirement with BAE prior to submission. The wording of Requirement 27, which addresses wildlife hazard management, has now been agreed between the Applicants, BAE and DIO (subject to final approval of the outline Wildlife Hazard Management Plan, together with Blackpool Airport, and this has been updated in the Deadline 6 dDCO (C1/F09).</p>
REP5-159 159.2	<p>OUTLINE CODE OF CONSTRUCTION PRACTICE</p> <p>2.1 BAE Systems submitted comments on the Deadline 3 version of the Outline Code of Construction Practice (oCoCP) at Deadline 4.</p> <p>2.2 Those comments referred to requirements under CAA Publications 738 (CAP738) and 109611 (CAP109611) for</p>	<p>2.2-2.3 The Applicants confirm that the Outline CoCP was updated at Deadline 5 (document reference REP5-044) to include text at section 1.7.7 which states that the Applicants will notify the CAA where it proposes to use fixed/mobile cranes or mobile plant with a height exceeding 10m above ground level or above the height of surrounding structures or trees regarding tall construction.</p>

Reference	IP submission	Applicants' response
	<p>notification to be provided to aerodrome operators of any proposal to use tall construction equipment / plant, such as cranes, with a height of more than 10m above ground level or taller than the surrounding buildings / structures within the 6 km safeguarding zone around the relevant aerodrome (in this case, Warton Aerodrome). It was requested that the oCoCP be updated to make reference to this requirement, together with confirmation that it will be complied with. BAE Systems' have also highlighted the need for the installation of aircraft hazard warning lights on tall construction equipment.</p> <p>2.3 We note that the above-mentioned updates to the oCoCP have not yet been made. Therefore, we repeat our request for the Applicants to action them.</p> <p>2.4 BAE Systems has held recent discussions with the Applicants regarding a draft Wildlife Attractants Habitat Risk Assessment (dWAHRA), which is intended to inform the Bird Strike Risk Assessment for Warton Aerodrome. It is proposed that the dWAHRA will be appended to the Outline Wildlife Hazard Management Plan (Examination Ref: REP3-065). We understand that the Applicants intend to submit the dWAHRA at Deadline 5.</p> <p>2.5 BAE Systems has provided a number of comments to the Applicants in respect of the dWAHRA, including the need for the dWAHRA to consider potential bird attractant risk associated with construction works and processes generally (such as the stockpiling of soils and waste, particularly food waste) and mitigation measures to address the same (such as covering stockpiles, installing bins with closing lids at construction sites, etc.).</p> <p>2.6 Critically, the measures contained in the dWAHRA (reflected in the Outline Wildlife Hazard Management Plan) and the oCoCP</p>	<p>2.4 The Applicants confirm that the draft Wildlife Habitat Attractants Risk Assessment was appended to the Outline Wildlife Hazard Management Plan submitted at Deadline 5 (REP5-106). The Applicants discussed the approach to the draft Wildlife Habitat Attractants Risk Assessment prior to submission and incorporated BAE's initial feedback.</p> <p>2.5 The Applicants confirm that the draft Wildlife Habitat Attractant Risk Assessment identifies the potential attractants associated with the construction of the Transmission Assets and provides appropriate management measures.</p> <p>2.6 The Applicants confirm that the Outline CoCP, the Outline Landscape Management Plan and the Outline Ecological Management Plan have been updated at Deadline 6 to include a description of how these management plans will be implemented alongside the Outline Wildlife Hazard Management Plan. The Applicants confirm that the measures are consistent between the management plans and measures are included to ensure they maintain consistency for their duration.</p>

Reference	IP submission	Applicants' response
	must be aligned – the documents must speak to each other to ensure that one isn't in conflict with or cut across the other.	
REP5-159 159.3	<p>OUTLINE LANDSCAPE MANAGEMENT PLAN</p> <p>3.1 The Outline Landscape Management Plan (oLMP) provides preliminary details of the landscape / habitat design and management / maintenance measures for the proposed substation sites and the cable corridor.</p> <p>3.2 There is an overlap with the dWAHRA in that this document is concerned with those design and management / maintenance measures which are aimed at minimising the bird attractant risk in these locations – measures such as soil covering and bird management during seeding. Furthermore, BAE Systems has asked the Applicants to consider additional landscape / habitat management measures at the substation sites, including moss prevention and removal, the details of which should be included in the dWAHRA.</p> <p>3.3 Again, It is important that the oLMP and the dWAHRA are aligned so that the management / maintenance regimes to be adopted at the substation sites and along the cable corridor operate as intended and in an harmonious manner, and that execution of the measures secured by one does not have unintended consequences for the other.</p> <p>3.4 As the dWAHRA is further developed, BAE Systems requests that the necessary updates are made to the oLMP to achieve the requisite consistency between both documents and the measures secured by Outline Wildlife Hazard Management Plan.</p>	<p>The Applicants confirm that the measures within the Outline LMP are aligned with the draft Wildlife Habitat Attractant Risk Assessment. As the detailed design of the landscape planting and maintenance activities progress, the Applicants will ensure that the measures in the detailed LMP continue to align with the detailed Wildlife Habitat Attractant Risk Assessment. The measures to ensure they remain consistent are set up (and duplicated) in both documents.</p> <p>The Applicants have provided a new section within the oWHMP, oCoCP, oLMP, oEMP, outline operational drainage management plan and outline biodiversity benefit management plan that explains the interlinkages between these plans and the cross-over in the objectives of the different plans. The outline plans have been prepared to ensure that the objectives of each management plan can be delivered so the management measures are aligned between the interlinked plans. The interlinked management plans will remain as 'live' documents during the construction and operation stages to ensure an adaptive management approach. Where a review/update of a management plan is required (e.g. in response to monitoring results), the review/updates will be undertaken in the context of the other interlinked plans and will follow a staged approach, as outlined in each document.</p>
REP5-159 159.4	<p>OUTLINE ECOLOGICAL MANAGEMENT PLAN</p> <p>4.1 As with the oLMP, care must be taken to ensure that the landscape related management / maintenance measures contained in the Outline Ecological Management Plan (oEMP),</p>	<p>The Applicants refer to their responses to REP5-159.3 in relation to the consistency of management measures across the outline WHMP, outline EMP, outline LMP, outline CoCP, outline biodiversity benefit management plan and outline operational drainage management plan.</p>

Reference	IP submission	Applicants' response
	<p>proposed to be adopted in respect of the Ecological Mitigation Areas and the Biodiversity Benefit Sites, should not conflict with or compromise the delivery of measures intended to manage the potential bird attractant risk (the details of which are contained in the dWAHRA).</p> <p>4.2 As the dWAHRA is further developed, BAE Systems requests that the necessary updates are made to the oEMP to achieve the requisite consistency between both documents and the measures secured by Outline Wildlife Hazard Management Plan.</p>	

Table 2-2: REP5-160 – BAE Systems (Suggested Changes to Draft Development Consent Order)

dDCO Provision	BAE Systems Deadline 5 update	Applicants' response
Article 2, Interpretation	This amendment has been made to the dDCO submitted at Deadline 4 (doc ref. C1/F06).	This is noted.
Schedule 2A/B, Requirement 4(1): Substation works	<p>No amendments have been made to Requirement 4(1) of the dDCO submitted at Deadline 4 (doc ref. C1/F06).</p> <p>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.</p>	The Applicants have updated Requirement 4 in Schedules 2A and 2B at Deadline 6 to incorporate the drafting requested by BAE Systems, namely that BAE and the Ministry of Defence would be consulted on the location and heights of lightning rods and (if required) the positioning of any aircraft hazard warning lights affixed thereto. The Applicants would note there is no need to add the word 'local' into the defined term 'relevant planning authority' as this is set out in the definition of this term at article 2.
Schedule 2A/B, Requirement 5(1): Detailed design	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 4 (1) and the location and height details of lightning rods (if required).	Please see the reference to the above response with regards to updates being made to Requirement 4.

dDCO Provision	BAE Systems Deadline 5 update	Applicants' response
parameters onshore		
Schedule 2A/B, Requirement 12(1)(c): Ecological Management Plan	<p>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.</p> <p>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).</p> <p>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>	<p>The Applicants met with BAE and the DIO on Tuesday 14th October to discuss the wording of the new standalone requirement, Requirement 27. Through a series of email exchanges, the wording has been finalised and is now agreed (subject to BAE and the DIO's final comments on the updated outline Wildlife Hazard Management Plan).</p> <p>The agreed wording for Requirement 27 been included in the Deadline 6 dDCO (C1/F09). This requirement ensures that any works likely to create a material attractant to birds, and thereby potentially increase bird strike risk, will only proceed following consultation with both BAE Systems and MOD. This approach ensures that bird strike risk is appropriately managed as detailed design and mitigation proposals are finalised. In order to do this, the draft Wildlife Attractants Habitat Risk Assessment will be finalised and implemented in full as part of the discharge of the detailed Wildlife Hazard Management Plan. It will remain a live document to capture any unintended consequences, with agreed reporting and communication protocols in place</p> <p>The wording of Requirement 27, which addresses wildlife hazard management, has now been agreed between all parties (subject to BAE and the DIO's final comments as noted above), and this has been updated in the Deadline 6 dDCO (C1/F09).</p>
Schedule 2A/B. Requirement 6: Provision of landscaping and Requirement 8: Code of Construction Practice	<p>Requirements 6 and 8 remain unchanged in the dDCO submitted at Deadline 4 (doc ref. C1/F06). 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>	<p>The Applicants updated the outline COCP (J1/F05) at Deadline 6 to address BAE's comments surrounding the use of tall construction equipment/plant including cranes. The Applicants have updated the outline Landscape Management Plan (J2/F05) at Deadline 6 to ensure the detailed LMP(s) are informed by the wildlife hazard management plan as per the Applicants' response to REP5-159.3.</p>

dDCO Provision	BAE Systems Deadline 5 update	Applicants' response
Schedule 12: Approval of matters specified in requirements, paras 4(3) and 5	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.	<p>The Applicants have already increased the timeframes at 5(1) and 5(2) during examination further to representations by various councils and statutory consultees, including the Environment Agency (REP1-076) and updated the timescales at 4(2) in response to the representations from Fylde Borough Council (REP3-082). Further, the Applicants have amended the timescales in Schedule 12 to refer to business days rather than calendar days. The timescales in this Schedule are aligned to timescales in other granted Development Consent Orders, such as the Mona Offshore Wind Farm DCO 2025.</p> <p>The Applicants would note that the 10 day time period which is provided for in Schedule 12, 4(3) to the draft DCO (REP5a-018) is not the time within which the consultee must provide a detailed response, but it simply is the time within which they must notify the discharging authority as to whether they require any additional information in order that they can provide a full response.</p> <p>The Applicants maintain that this time period, and the time periods for a consultee response pursuant to Schedule 2, 5(1) and (2), are appropriate and necessary to ensure that the discharging authority has adequate time to consider any representations from consultees, reach an informed view, and provide their approval (or refusal, as the case may be) within the ten week period prescribed in Schedule 12, 3(1) to the draft DCO.</p> <p>The Applicants note that in any event, Schedule 12 5(1) and (2) provide that a longer period may be agreed between the undertaker and the discharging authority, therefore if resourcing is an issue at the time of any required response, the consultee could request for a longer response period to be agreed.</p>
Schedule 18: Documents to be certified, Table 11	Noting the ExA's question on the dDCO – Q1:8.1 – BAES requests that, in line with its request at Deadline 4, the Outline Wildlife Hazard Management Plan is specifically referred to in Table 11 as a document to be certified.	The Applicants updated Schedule 18 of the draft DCO at Deadline 5 (REP5-010) to include the outline Wildlife Hazard Management Plan as a certified document. The Applicants consider this point is now closed.

Table 2-3: REP5-161 – BAE Systems (Response to ExQ2)

Reference	ExA Question	IP submission	Applicants' response
Q2:1.1.7	<p>Critical national priority</p> <p>Paragraph 4.2.15 of NPS EN-1 says that where residual non-habitats regulations assessment or non-Marine Conservation Zone (MCZ) impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for CNP infrastructure. It goes onto say that the exception to this presumption of consent are residual impacts onshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, replacement habitats or unacceptable risk to the achievement of net zero.</p> <p>a) Without prejudice to the position of any party, are there any issues in this case that might potentially fall into this category of the exceptions to this presumption of consent? For example, might the issue of bird strike effects on aviation at BAE Warton aerodrome potentially fall into this category in the event of there being an “unacceptable risk”?</p> <p>b) Are there any further submissions any party wishes to make on the potential application of CNP policy in this case (should it be required)?</p>	<p>Response to (a)</p> <p>Warton Aerodrome has a major role in military aircraft production, assembly, training and testing, central to the UK's sovereign combat air capability and therefore its operations, including protecting aircraft movements from a range of national security risks (such as protection from terrorism, espionage and state threats). This status is reflected in BAE Systems' relationship with the Defence Infrastructure Organisation (DIO).</p> <p>BAE Systems is unable to confirm whether the potential impacts on operations at Warton Aerodrome arising from the Transmission Assets will result in an “unacceptable risk to” or constitute an “unacceptable interference with” the aforesaid operations; as the requisite assessment work, particularly in relation to bird strike risk, is still to be undertaken and the findings scrutinised.</p> <p>BAE Systems has been working collaboratively with the Applicants since Issue Specific Hearings 2 and 3 to seek to progress the above-mentioned workstream. The Applicants are in the process of preparing a draft Wildlife Attractants Habitat Risk Assessment (dWAHRA) which will underpin and feed into the Bird Strike Risk Assessment for Warton Aerodrome. These assessments, in</p>	<p>The Applicants have carried out an appropriate assessment of the potential impacts on Warton Aerodrome through provision of additional information in the documentation developed and submitted through the examination of the Application. This satisfies the need for “any necessary assessment of the proposal on aviation”.</p> <p>The Applicants have demonstrated through the development of the Wildlife Attractants Habitat Risk Assessment (Appendix A of the outline Wildlife Hazard Management Plan (REP5-106)), that the potential increase in probability associated with increased bird numbers or bird patterns of movement does not constitute an unacceptable risk to Warton Aerodrome (or Blackpool Airport).</p> <p>Within the Wildlife Attractants Habitat Risk Assessment, mitigation, monitoring and adaptive management have all been committed to, to ensure any effects of the Transmission Assets would have on Warton Aerodrome remain acceptable. This has been achieved through:</p> <ul style="list-style-type: none"> the design of the Transmission Assets and the design commitments embedded in the Appendix A Wildlife Attractants Habitat Risk Assessment of the outline Wildlife Hazard Management Plan, illustrating how the requirement to design infrastructure, buildings and other elements from energy installations, as well as

Reference	ExA Question	IP submission	Applicants' response
		<p>combination, will inform the mitigation, management and monitoring measures to be secured through the Wildlife Hazard Management Plan – subject of a Requirement to be included in the draft Development Consent Order (dDCO)).</p> <p>Until the requisite assessments are complete and the availability of mitigation has been considered in detail, BAE Systems is unable to definitively confirm whether the exception contained in paragraph 4.2.15 of NPS EN-1 applies. That said, whilst BAE Systems must reserve its position until the aforesaid work is undertaken, it is considered unlikely that there will be an unacceptable risk to / or interference with operations at Warton Aerodrome and the Aerodrome's ability to perform its defence role (with specific regard to bird strike) provided appropriate mitigation measures can be identified and put in place.</p> <p>Response to (b)</p> <p>BAE Systems recognises that the provision of nationally significant low carbon infrastructure is a critical national priority and is supportive of activity aligned to NPS EN-1. Accordingly, BAE Systems is working collaboratively with the Applicants to identify and undertake the steps required for both the Transmission Assets and ongoing operations at Warton Aerodrome to safely coexist.</p>	<p>environmental mitigation in such a way so as not to increase the bird strike risk; and</p> <ul style="list-style-type: none"> the measures secured through the requirements including BAE and DIO's roles as named consultee in respect of Requirement 27 (Wildlife Hazard Management Plan). The wording of this requirement as set out in the dDCO at Deadline 6 has been agreed with both BAE and DIO. <p>This enables the Secretary of State (and the ExA) to conclude that the impacts of the Transmission Assets do not present risks to national security and physical safety. Where the possibility remains (i.e. in the absence of a final bespoke Warton Aerodrome bird strike risk assessment), the Secretary of State can be satisfied that appropriate mitigation can be achieved, or appropriate requirements can be attached to the DCO to secure those mitigations. Therefore, consent may be granted.</p>
Q2:4.1.1	National Policy Statement (NPS) for energy (EN-1)	BAE Systems acknowledges the above-mentioned directive contained in paragraph	The Applicants provided amendments to the draft NDA to BAE Systems on 18 th September and held a follow-

Reference	ExA Question	IP submission	Applicants' response
	<p>Paragraph 5.5.5 of NPS EN-1 states that “it is essential that aerodromes, aircraft, air systems and airspace operators work collaboratively with energy infrastructure developers essential for net zero. Aerodromes can have important economic and social benefits, particularly at the regional and local level, but their needs must be balanced with the urgent need for new energy developments, which bring about a wide range of social, economic and environmental benefits.” Have BAE met this directive bearing in mind the difficulties in sharing the documents requested by the applicants?</p>	<p>5.5.5 of NPS EN-1. However, it is noted that this paragraph also states that “UK airspace is important for both civilian and military aviation interests. It is essential that new energy infrastructure is developed collaboratively alongside aerodromes, aircraft, air systems and airspace so that safety, operations and capabilities are not adversely affected by new energy infrastructure”.</p> <p>As stated in response to Q2:1.1.7, Warton Aerodrome needs to be protected from a range of national security risks (such as terrorism, espionage and state threats).</p> <p>Some of the data requested by the Applicants is highly sensitive / classified and BAE Systems are therefore unable to release this information, in particular, given that the Applicants exist as part of wider corporate structures which poses a risk that the information could be shared further. BAE Systems has strived to be constructive in its negotiations with the Applicants regarding the non-disclosure / confidentiality agreements required and has sought to accommodate the Applicants' suggestions and proposed amendments. However, where this has not been possible, a detailed rationale has been provided and a pragmatic compromise and/or route to resolution has been offered.</p> <p>Unfortunately, agreement between the parties is currently outstanding and it isn't possible for the nondisclosure / confidentiality agreements to be entered into at this stage. The Applicants and BAE Systems remain in dialogue and are</p>	<p>up meeting on 30th September to discuss any remaining points of clarification.</p> <p>The Applicants have received no response on the NDA from BAE Systems.</p> <p>The Applicants note the response to Q2:1.1.7 in relation to policy compliance relating to the Secretary of State being satisfied that appropriate mitigation can be achieved, or appropriate requirements can be attached to the DCO to secure those mitigations.</p>

Reference	ExA Question	IP submission	Applicants' response
		<p>committed to getting to an agreed position as soon as possible.</p> <p>The ExA will be aware that the impacts on Warton Aerodrome, including in respect of bird strike risk, were initially scoped out of the Applicants' Environmental Impact Assessment (contrary to paragraph 5.5.41 of NPS EN-1 and Civil Aviation Publication (CAP) 772 guidance). These impacts remain to be assessed, as well as the availability of suitable mitigation measures to address them.</p> <p>BAE Systems can report positive progress since Issue Specific Hearings 2 and 3, following engagement with the Applicants on their dWAHRA which is being submitted at Deadline 5.</p> <p>The dWAHRA will inform the Bird Strike Risk Assessment required in respect of Warton Aerodrome, the results of which will (in turn) inform the mitigation, management and monitoring measures to be secured through the Wildlife Hazard Management Plan. It is understood that the Applicants intend to append the dWAHRA to the Wildlife Hazard Management Plan. Discussions between BAE Systems, DIO, and the Applicants regarding the details of the dWAHRA are ongoing, as are the pathways for carrying out the Bird Strike Risk Assessment (one of which would involve BAE Systems undertaking the Bird Strike Risk Assessment at the Applicants' expense).</p> <p>BAE Systems remains committed to working collaboratively with the Applicants to identify a robust mechanism for managing (and where possible avoiding any increase) in bird strike</p>	

Reference	ExA Question	IP submission	Applicants' response
		risk at Warton Aerodrome by the swiftest and most efficient means possible.	
Q2:4.1.2	<p>NPS-EN-1 and bird strike risk</p> <p>The applicants have referred regularly during the examination to paragraph 5.5.16 of the NPS which provides that "The CAA (Civil Aviation Authority) makes clear that the responsibility for the safeguarding of General Aviation aerodromes lies with the aerodrome operator."</p> <p>a) Notwithstanding the lack of a detailed assessment from the applicants, can BAE Systems set out evidence which quantifies the potential risk from the proposed development of bird strike to aviation operations at the aerodrome? From the information currently available to the Examination, what is the level of harm that BAE Systems considers would be likely to arise from the proposed development?</p> <p>b) At what point does an increased risk arising from potential bird strike become unacceptably harmful. How is this usually quantified by BAE systems?</p> <p>c) Provide further information on how BAE Systems generally approaches bird strike risk, including that which may arise from other proposed developments?</p>	<p>Response to (a)</p> <p>BAE Systems is not in a position to quantify the potential risk from the Transmission Assets of bird strike to aviation operations at Warton Aerodrome without the necessary assessments (as referred to in response to Q2:1.1.7) being undertaken. However, positive progress is being made in this regard following recent discussions with the Applicants and DIO in respect of the Applicants' dWAHRA.</p> <p>The dWAHRA takes a qualitative approach to the assessment of risk based on the likelihood of bird populations increasing and/or bird movement patterns changing (i.e. whether it would be unlikely, possible, highly possible, etc.) compared to the existing baseline, rather than assessing potential changes in actual bird numbers. The next stage of the assessment process is to consider how the attractant risk may impact on bird strike rates through a Bird Strike Risk Assessment – whether undertaken by the Applicants or by BAE Systems (in collaboration with DIO) at the Applicants' expense.</p> <p>Only at this stage can BAE Systems (with the support of DIO) aim to "quantify" the risk from the Transmission Assets of bird strike and the resultant level of harm that may be caused to operations at Warton Aerodrome. BAE Systems</p>	<p>a-c) Within the Wildlife Attractants Habitat Risk Assessment, the Applicants have demonstrated that for all aspects of the Transmission Assets which could result in a change of use, or increase in bird numbers within the 13km safeguarding zone around Warton Aerodrome, that with the implementation of mitigation and controls, that bird numbers/ patterns can be managed within the currently acceptable levels. This will be achieved through the following:</p> <ul style="list-style-type: none"> • Agreed mitigations and control measures • Agreed monitoring programme aligned with Warton's existing approach • Defined trigger levels for additional control measures • Agreed communication lines between the Applicants and BAE Systems • Agreed reporting <p>Further to this, Wildlife Attractants Habitat Risk Assessment will remain a live document with a commitment to adaptive management for the duration of the Transmission Assets life. This will ensure that any unintended consequences not currently considered will be addressed if they arise.</p> <p>The proposed approach will ensure that the baseline bird use within the 13km safeguarding zone around Warton Aerodrome, will not materially change, beyond ALARP due to the Transmission Assets. Consequently whilst the bird strike risk assessment specifically has not been</p>

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	<p>d) Subject to on-going discussions, does BAE Systems consider that the outstanding matters would be capable of being dealt with post any consent granted through the Development Consent Order (DCO) requirements and relevant control/management plans? If so, is any further or amended drafting required in the draft DCO and other documents?</p>	<p>and DIO will, in light of the results of the Bird Strike Risk Assessment (by which time it is hoped that a non-disclosure / confidentiality agreement will be in place), make recommendations where possible to enable the Applicants to manage risk appropriately and to minimise harm.</p> <p>Response to (b)</p> <p>BAE Systems is accountable for flight safety and operations and adheres to all relevant legislation / regulatory requirements in this regard as follows:</p> <ul style="list-style-type: none"> • CAP 772 and 738; • The Town and Country Planning Act 1990; and • The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (as amended and updated 22 December 2016) <p>The term “unacceptably harmful” is not a descriptor or parameter used by BAE Systems. Instead, risks are assessed on a case-by-case basis and are the subject of regular review. When undertaking risk assessments in relation to bird strike, BAE Systems consider all factors, including how likely harm is, how severe the impact could be and whether appropriate safeguards are in place, as well as other conditions such as weather, aircraft performance and flight purpose.</p>	<p>carried out, and as can be demonstrated in the Blackpool Airport Bird Strike Risk Assessment (S_D3_8), with appropriate controls, bird strike risk remains at baseline levels.</p> <p>This is because bird strike risk is based on two key parameters (as shown in CAP 772):</p> <ul style="list-style-type: none"> • The severity of a strike (in short, the size of the bird); and • The likelihood of a strike <p>The Transmission Assets can only impact the likelihood of a strike and therefore it is not necessary to consider the severity of a strike further in this response. The likelihood value is normally informed by the airport's latest recorded bird strikes (over the last 5 years). For Warton Aerodrome, the Applicants do not have this as BAE have said it is sensitive data. However, as the Applicants are committing to not materially changing the baseline, it is therefore logical that the Transmission Assets cannot also increase the bird strike risk. As noted above this is demonstrated in the Blackpool Airport bird strike risk assessment (Table 1.2 of the Blackpool Airport Bird Strike Risk Assessment, Appendix B of the oWHMP, S_D3_8), which confirms that with the proposed additional control measures (secured in the Wildlife Attractants Risk Assessment) an increase in bird strike risk is brought down to baseline levels.</p> <p>As evidenced by the agreement with Blackpool Airport the Applicants consider Wildlife Attractants Risk Assessment is sufficient to demonstrate that there will be</p>

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		<p>Response to (c)</p> <p>BAE Systems update their risk analysis to flight and aerodrome operations frequently, considering all variables against known wildlife behaviours, such as patterns of migration, day-to-day behaviours and other factors as described in the response to item (b) above.</p> <p>BAE Systems uses a blend of leading and lagging indicators to assess both dynamic and predicted bird strike risk. Other factors such as tide times, weather, migratory and seasonal adjustments to bird species, as well as sunrise and sunset are also captured and assessed against recorded instances of bird strike.</p> <p>The type of bird species is a relevant consideration when assessing the strike risk, with the risk increasing significantly with birds of a larger mass, for example, pink footed geese. Therefore, the habitats, behaviours and migration patterns of these birds are all important matters which are required to be taken into consideration.</p> <p>Response to (d)</p> <p>BAE Systems (supported by DIO) remains committed to working collaboratively with the Applicants to identify a robust mechanism for managing (and where possible avoiding any increase) in bird strike risk at Warton</p>	<p>no increase in bird strike risk from the Transmission Assets, with the control measures put in place to manage any unintended consequences.</p> <p>d) The wording of Requirement 27, which addresses wildlife hazard management, has now been agreed with BAE and DIO (subject to their final approval of the updated outline Wildlife Hazard Management Plan), and is included in the Deadline 6 dDCO (C1/F09). This requirement ensures that any works likely to create a material attractant to birds, and thereby potentially increase bird strike risk, will only proceed following consultation with both BAE Systems and MOD. This approach ensures that bird strike risk is appropriately managed as detailed design and mitigation proposals are finalised. In order to do secure this, the draft Wildlife Attractants Habitat Risk Assessment will be finalised and implemented in full as part of the discharge of the detailed Wildlife Hazard Management Plan. It will remain a live document to capture any unintended consequences, with agreed reporting and communication protocols in place.</p>

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		<p>Aerodrome by the swiftest and most efficient means possible.</p> <p>Critical to this is securing, via the DCO, a requirement for the carrying out of a Bird Strike Risk Assessment (informed by a Wildlife Attractants Habitat Risk Assessment) and for the putting in place of a Wildlife Hazard Management Plan for Warton Aerodrome, which is intended to be dynamic and to respond to changing circumstances over the operational lifetime of the Transmission Assets and associated offshore wind farm.</p> <p>BAE Systems has previously provided comments on the dDCO submitted by the Applicants at Deadline 3 (REP3-009). An update to these comments is being provided at Deadline 5, noting the revised version of the dDCO which the Applicants submitted at Deadline 4 (REP4-007 – see BAE Systems' separate submission in this regard, together with its comments on certain of the management plans submitted by the Applicants at Deadline 4 (REP4-026, 055 and 085)).</p>	
Q2:4.1.3	<p>Bird Strike Risk</p> <p>The CAA published CAP772 which addresses wildlife hazard management at aerodromes. This refers to a 13km zone and suggests that safeguarding systems could be put in place which could influence land use and any development surrounding the aerodrome such that the strike risk does not</p>	<p>Response to (a)</p> <p>BAE Systems undertakes and surveys the area surrounding Warton Aerodrome (within the 13km wildlife hazard safeguarding zone), with a report produced and published on an annual basis. It also produces and publishes a technical safeguarding map, which is lodged with the relevant Local Planning Authorities and which can be provided to the Applicants to</p>	<p>The Applicants have requested the information relating to Warton Aerodrome's ongoing management of bird strike risk. This information is currently covered under the discussions relating to an NDA. The Applicants have provided an update on the NDA discussions in response to Q2:4.1.1.</p>

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	<p>increase and, where practicable, is reduced.</p> <p>a) Provide details of the distances from key parts of the aerodrome including the runways to the environmental areas being proposed by the applicants and how the relationship and distance between each environmental mitigation or benefit area to the aerodrome affects the bird strike risk in each case? Please also explain how these environmental areas relate to the flightpaths to and from the aerodrome and how these may affect the risk of bird strike?</p> <p>b) Please confirm what existing information do BAE Systems have they on previous bird strike instances or situations where take-offs or landings have been delayed or aborted due to bird strike risk.</p>	<p>support their ongoing assessment work and subsequent proposals for mitigation.</p> <p>Response to (b)</p> <p>BAE Systems has maintained a record of all reported instances of bird strike identified within the vicinity of Warton Aerodrome for the past six years. These instances qualify as mandatory occurrences that must be reported to the CAA, including the type of bird species encountered in order to support risk mitigation. This information is highly sensitive as it relates to the operations and management of risk at Warton Aerodrome. Accordingly, the information cannot be disclosed into a public forum.</p>	
Q2:4.1.8	<p>Mitigation areas</p> <p>In their reply [REP3-056] to Q4.1.6 to ExQ1, the applicants state that “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 within the 13 km safeguarding radius of the Warton Aerodrome.” Can BAE respond to this?</p>	<p>BAE Systems and DIO have provided initial comments to the Applicants on the high-level design considerations for the environmental/ecological and biodiversity benefit areas, including the proposed ponds at Moss Side and the Morgan onshore substation site, with the aim of reducing attractant risk.</p> <p>Regarding the ponds in particular, it is considered that a series of smaller ponds, rather than a single large body of water, would be less attractive to birds, but provide a suitable habitat for other forms of wildlife. Furthermore, the creation of steep banks, tall planting on</p>	<p>The Applicants can commit to ensuring that the design and ongoing management of any pond creation will be such to ensure they are at low risk of attracting birds to an unacceptable level. The Applicants have committed to consulting both the BAE Systems and DIO on the final design of the ponds, so they are made as ‘unattractive’ to aviation interests as possible. This commitment is secured in the agreed wording of dDCO Requirement 27, which was updated and submitted at Deadline 6 (C1/F09).</p>

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		<p>pond margins and the absence of islands can reduce attractant risk.</p> <p>BAE Systems and DIO have advised that management measures such as weed control and regular removal should also form part of any habitat management regime.</p> <p>Other recommendations (all of which have been communicated to the Applicants as part of discussions in respect of the dWAHRA) include:</p> <ul style="list-style-type: none"> • Taking steps to prevent scrapes from becoming waterlogged / ponding after rainfall events. • Avoiding flowering meadow planting and implementing a detailed mowing / grass length policy (having regard to the Long Grass Policy contained in CAP722). • Moss and other vegetation removal (such as Buddleia) on buildings and hardstanding (i.e. at the substation sites in particular). • Netting of ponds. • Avoiding fruiting and nut / berry bearing trees, shrubs and hedging. • Exercising caution with regard to the use of falconry as a mitigation measure as it can cause birds to disperse into the sky, increasing strike risk. • Preparing a detailed waste management policy and the covering of stockpiles during the construction phase of the Transmissions Assets. 	

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		BAE Systems (in collaboration with DIO) will continue to discuss habitat design and management measures with the Applicants in order to inform the ongoing development of the dWAHRA.	
Q2:4.1.9	<p>Initial objection</p> <p>This was referred to in Q4.1.16. of ExQ1 [PD-008], as the Defence Infrastructure Organisation (DIO)/ Ministry of Defence (MOD) were initially objecting to the application but was reviewing the later documentation. Please can there be an update as to their position?</p>	<p>BAE Systems understands that the MOD's objection to the application for development consent for the Transmission Assets remains in place pending the provision of further information regarding the detailed design of the environmental/ecological and biodiversity benefit areas and the completion of a Bird Strike Risk Assessment for Warton Aerodrome.</p> <p>However, the Applicants, DIO (on behalf of the MOD) and BAE Systems are engaged in proactive discussions regarding the documentation required (including a fully worked up WAHRA) to enable the above-mentioned Bird Strike Risk Assessment to be carried out.</p>	The Applicants have provided a full response to the representations submitted by the DIO at Deadline 5 within document (S_D6_2).
Q2:4.1.13	<p>Emerging OWHMP</p> <p>The applicants submitted an oWHMP [REP3-065]. This seeks to explain how the mitigation measures within the outline Ecological Management Plan [REP4-059] and the Onshore Biodiversity Benefit Statement [REP-067] would manage the risk of bird strike. BAE indicated in their D4 submission [REP4-127] that the oWHMP was being reviewed by the DIO, which represents the MOD in the examination.</p>	As already stated, discussions between the Applicants, DIO (on behalf of the MOD) and BAE Systems are ongoing in respect of the dWAHRA – initial comments have already been provided to the Applicants and more extensive feedback will follow submission of the dWAHRA at Deadline 5. Formal submission of the dWAHRA into the examination will enable DIO to seek the advice of its bird strike/subject matter specialists and to share this advice with BAE Systems (who, in turn, will feedback to	The Applicants have provided responses in relation to the oWHMP and interlinkages between other documents in response to REP5-149.3.

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	BAE confirmed that it will provide more detailed comments on the oWHMP once the DIO has concluded its review. The ExA awaits these comments?	<p>DIO on the operational considerations arising from the advice received).</p> <p>As stated in the response to Q2:4.1.1, the dWAHRA will inform the Bird Strike Risk Assessment required in respect of Warton Aerodrome, the results of which will (in turn) inform the mitigation, management and monitoring measures to be secured through the Wildlife Hazard Management Plan. It is understood that the Applicants intend to append the dWAHRA to the outline Wildlife Hazard Management Plan (oWHMP). Accordingly, these documents need to be considered together. BAE Systems understands that DIO will ask its bird strike/subject matter specialists to provide detailed comments on the oWHMP following Deadline 5.</p> <p>Accordingly, it is hoped that the parties will be in a position to provide the ExA with a more comprehensive update at the forthcoming Issue Specific Hearings in October.</p>	
Q2:4.1.19	<p>Collaborative working</p> <p>Paragraph 5.5.5. of NPS EN-1 expects the parties to work collaboratively. The applicants have regularly stated that are committed to working with BAE. However, it would appear from submissions made from both parties at issue specific hearing 1 and issue specific hearing 2 and in the written representations that both parties have</p>	<p>Whilst there remains a considerable amount of work still to be done to understand the full extent of the risk from the Transmission Assets to operations at Warton Aerodrome (including in respect of bird strike), BAE Systems considers that positive progress has been made since Issue Specific Hearings 1, 2 and 3 and that the production by the Applicants of a dWAHRA constitutes a significant step forward.</p>	<p>The Applicants have worked with BAE and the DIO in a collaborative and cooperative manner both prior to submission of the Application and throughout the Examination to develop the Transmission Assets proposals and fully understand the potential impacts on Warton Aerodrome. Primarily this engagement has focused on agreeing the wording to secure the necessary DCO requirements, particularly in relation to wildlife hazard management matters and proposed engagement as part of the required communication</p>

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	<p>taken entrenched positions with little chance of agreement during the remaining weeks of this examination. This issue has taken up considerable time since the examination opened and both parties are encouraged to do all they can to move this discussion forward so that matters of disagreement are overcome or narrowed as far as possible during the examination. Please consider and comment?</p>	<p>BAE Systems (in collaboration with DIO) is engaging regularly with the Applicants outside of the examination to keep discussions moving forwards with the immediate focus being on agreeing the contents of the dWAHRA and the oWHMP, as well as the wording of a suitable Requirement in the dDCO to secure the approval of the detailed version of the WHMP. An appropriate pathway for carrying out the Bird Strike Risk Assessment required in respect of Warton Aerodrome can then be identified and the assessment undertaken to inform the ultimate mitigation, management and monitoring strategy from a bird strike risk perspective for Warton Aerodrome.</p> <p>BAE Systems (supported by DIO) remains committed to working collaboratively with the Applicants to securing this end objective and to reaching a mutually agreeable position by the swiftest and most efficient means possible.</p>	<p>through the DCO discharge process where relevant, to ensure appropriate mitigation is secured in line with NPS policy.</p>