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Date: 26 November 2024
Our Ref: GIBSONJU\327721-000007
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Dear Mr Jackson

**Morecambe Offshore Windfarm Generation Assets Development Consent Order
Application Planning Inspectorate Reference: EN010121**

We are instructed by Spirit Energy (**Spirit**) in relation to the proposed development consent order application (the **Application**) made by Morecambe Offshore Windfarm Ltd (the **Applicant**) for the proposed Morecambe Offshore Windfarm Generation Assets (the **Project**). 'Spirit Energy' is the trading name used by Spirit Energy Limited and its subsidiaries, including Spirit Energy Production UK Limited, a group which collectively conducts European oil and gas operations.

This covering letter provides an overview of the submissions by Spirit in response to Deadline 1 of the Examination Timetable under the Rule 8 Letter from the Examining Authority dated 30 October 2024 [**PD-010**].

Deadline 1 Submissions by Spirit

Spirit's Deadline 1 submission comprises the following documents:

1. Spirit's Written Representation;
2. Spirit's Summary of Written Representation;
3. Spirit's Comments on the Applicant's Responses to Relevant Representations [**PD1-011**]
4. Spirit's further submissions set out herein.

Statement of Common Ground

Spirit confirms that it received the original draft Statement of Common Ground (**SoCG**) from the Applicant on 22nd October 2024 with an updated version received on 12th November 2024. Spirit has set out its initial positions in the draft SoCG, which was returned to the Applicant on 25th November 2024 in order for it to be submitted by the Applicant on behalf of both parties at Deadline 1. The Applicant issued a further version of the SoCG to Spirit shortly before close of business on the date of Deadline 1 (26 November 2024) with track changes. Spirit has not had the opportunity to consider the track changes and provide its equivalent position on such matters. Spirit has therefore proposed that the Applicant submits the latest draft SoCG received by Spirit on the date of Deadline 1 with the track changes (and including Spirit's original input as issued to the Applicant on 25th November 2024). For the avoidance of doubt,

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without Spirit's responses to the track changes, this version of the draft SoCG is not agreed by Spirit.

In the interests of ensuring full cooperation with the Applicant and with a view to ensuring compliance with the Examination Timetable, Spirit had provided responses on the matters proposed by the Applicant in its draft SoCG. However, whilst the draft SoCG received from the Applicant contains the general matters prescribed at Annex B page D4 of the Rule 8 Letter, it lacks any precision as to the matters that are in fact agreed or in dispute, or where further work is being undertaken between the parties to reach a satisfactory resolution. By way of example, a statement that the Applicant considers the methodology for assessment of aviation and shipping & navigation related effects to be satisfactory does not meaningfully engage with the submissions on these matters by Spirit in its Relevant Representation [RR-077].

Spirit acknowledge that the draft SoCG is an initial draft. However it considers that a revised version that is specific about the issues where there is agreement, disagreement or issues that require further discussion would be of greater assistance to the Examining Authority. As the project promoter and agent of change, it is incumbent on the Applicant and its advisors to now prepare this document with the benefit of Spirit's Deadline 1 submissions.

Written Summary of Oral Submissions at Issue Specific Hearing 1 (ISH1) on 24 October 2024

Spirit attended ISH1. With ISH1 immediately following the opening of the Examination, and in excess of a month before the deadline for submission of Spirit's Written Representation, Spirit's oral submissions at ISH1 were largely limited to reserving its position on the matters set out in its Relevant Representation [RR-077] and confirming that discussions on those matters, and associated protective provisions, have commenced.

On other matters in ISH1, the summary of Spirit's submissions is as follows:

1. Unobstructed Airspace

Spirit did participate in the discussion under Agenda Item 6 (ExA's Questions on the DCO), specifically as to whether an unobstructed airspace requirement between the proposed wind turbines and third party infrastructure should be secured as a requirement in the draft DCO [PD1-003] rather than (or in addition to) protective provisions.

It was submitted that Spirit disagree with the Applicant's submission that the disagreement between the parties on unobstructed airspace requirements was solely a commercial issue between the parties. Spirit submitted that this was also an issue of safety and therefore, whilst bespoke protective provisions for the benefit of Spirit are required, there may be a planning purpose that underpins the imposition of a requirement.

Spirit understood from the Applicant's oral response that this would be a matter that would be addressed by other regulatory requirements. This may include the CAA's proposed amendments to CAP 764 'Policy and Guidelines on Wind Turbines' to set a minimum unobstructed airspace requirement between wind turbines and offshore oil and gas installations of at least 3 NM. The Applicant submitted that it would be obliged to comply with such requirements if they were to take effect. *Post-Hearing Note: It is not clear to Spirit that the Applicant necessarily could comply with these potential new requirements based on the current location and design of the Project. This raises a serious question as to the deliverability of the proposals that are the subject of the DCO application. This must be a material consideration in the determination of the DCO application.*

2. Protective Provisions

At Agenda Item 6, the Examining Authority asked Spirit whether its preference was that protective provisions (so far as they may be capable of being agreed with the Applicant) should be secured in the draft DCO or a side agreement with the Applicant. Spirit confirmed that this

would depend on progress with negotiations between the parties and that either (or both) options remain under consideration.

Declaration on Use of Artificial Intelligence (AI)

Spirit has used what may be classified as traditional computer software including Microsoft Word, Microsoft Power Point and Adobe Acrobat to prepare its submissions. The preparation of the report prepared by AviateQ consultants at Appendix A of Spirit's Written Representation has also used Adobe Illustrator to prepare figures.

All of the aforementioned applications have some level of intuitive software that may (on a strict interpretation) meet the definition of AI. However, for the avoidance of doubt, Spirit's submissions have not involved the use of what may be classified as "generative" AI software such as Google Chat GP or Microsoft Copilot.

Yours sincerely

Eversheds Sutherland (International) LLP

26 November 2024