

**PLANNING ACT 2008**

**THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009**

**The Morecambe Offshore Windfarm Generation Assets**

---

**Deadline 3 Submission of Spirit Energy Production UK Limited**  
**Responses to the Examining Authority's written questions and requests for information (ExQ1)**

---

**EN010121**  
**Unique Reference: 20049981**

<b>Date</b>	22 January 2025
-------------	-----------------

**Responses to the Examining Authority’s written questions and requests for information (ExQ1)**

The following table sets out the responses of Spirit Energy Production UK Limited (**Spirit**) to the Examining Authority’s written questions and requests for information (**ExQ1**) [[PD-011](#)] directed to Spirit.

Question		Response
1CAR6.	<p>Harbour Energy Spirit Energy</p> <p><b>Additional Mitigation – Aviation Corridor</b></p> <p>At D2 the Applicant introduced new mitigation in the form of a 2nm wide take-off access corridor from Spirit Energy’s CPP1 platform (the Aviation Corridor) and this is proposed to be secured within updated Protective Provisions contained within the updated dDCO [<a href="#">REP2-002</a>].</p> <p>Does the Applicant’s response at D2 and the inclusion of this additional mitigation now address Harbour Energy and Spirit Energy’s concerns and objection?</p>	<p>Spirit does not accept that the 2nm wide corridor proposed by the Applicant in paragraph 5 of Part 3 of Schedule 3 of the draft DCO [<a href="#">REP2-002</a>] meaningfully addresses its concerns with respect to aviation.</p> <p>The Applicant has proposed a new 2nm wide x 4nm long take-off access corridor orientated into the prevailing wind.</p> <p>The aviation corridor proposed by the Applicant fails to meet Spirit’s requirement for a 3.9 nm buffer around the full 360 degrees of CPC and Calder: any less than will have unacceptable impacts on the safety of Spirit’s operations.</p> <p>Spirit cannot accept the IMC corridor as it will only mitigate instances when the wind is coming from the corridor direction towards CPC. As per GM1 CAT.POL.H.310(c) &amp; CAT.POL.H.325(c) (Take-off and landing) regulations, under normal operations the aircraft should approach and take off into the wind (head wind). The MetOcean criteria data analysis outlines that only 22% of wind comes from the direction of the corridor proposed. The Applicant has failed to demonstrate how this applies to landing at CPC and take-off in the remaining 78% of wind conditions.</p> <p>For safe IMC OEI take off a 3.9nm obstacle clearance is required by Spirit to allow take off in any direction, and the calculations are available within the Updated Aviation study by AviateQ (August 2024) submitted in Appendix A to Spirit’s Written Representation [<a href="#">REP1-116</a>]. Spirit further notes that the Applicant has not provided any calculations or graphics in its submission at Deadline 2, including its response to the AviateQ report [<a href="#">REP2-031</a>] that explain how it has arrived at different distances for Engine Failure at Take-Off Decision Point (TDP) and Climb to 1,000ft in IMC. Further comment on this matter is provided by Spirit in its Response to the Applicant’s Deadline 2 Submissions. Under the proposed changes to the UK CAA regulations noted in paragraph 2.21 of Spirit’s Written Representation [<a href="#">REP1-116</a>], the IMC corridor proposal will not be able to provide any mitigation for IMC take-off and landing to/from CPC and Calder platform in both day and night conditions or for VMC take off and landings to/from CPC and Calder Platform in</p>

			<p>night conditions without a CAA dispensation under the Alternative Means of Compliance (AltMoc) process.</p> <p>In the Applicant's Response to Spirit's Deadline 1 Submissions [<a href="#">REP2-030</a>], the Applicant has assumed that in the case that the new regulations are introduced, the aviation provider will apply for AltMoc. Obtaining AltMoc requires demonstrating that the operator can meet the same safety standard by its alternative means of compliance as the regulation it is seeking dispensation from. There are no viable means for safe flying at night, IMC, OEI, less than 3 nm from wind turbines – being precisely the conditions protected against by the proposed changes to the regulations - which meet an equivalent safety standard to a 3 nm buffer. Moreover, AltMoc are not intended to be used for day-day, standard practice – it is an exception to use only in certain limited circumstances. Obtaining an AltMoc dispensation is a very rigorous process which can take considerable time to develop and then demonstrate to the CAA. Even so, the regulator may still refuse to accept it. Contrary to the view on AltMoc set out by the Applicant in section 6.1, and particularly paragraph 56, of the Applicant's Response to Spirit Energy Deadline 1 Submissions [<a href="#">REP2-030</a>], Spirit expect that the CAA would view any such AltMoc as proposed by the Applicant as a reduction in safety. Spirit is not aware of such AltMoc being granted elsewhere in the UK. In short, Spirit cannot be expected to plan operations on the basis of a discretionary dispensation.</p> <p>For the avoidance of doubt, the changes to introduce the 2nm corridor do not address any other part of Spirit's objection including with respect to shipping and navigation, decommissioning or MNZ safeguarding.</p>
1CAR17.	Spirit Energy	<p><b>Helicopter flights - sectoring methodology</b></p> <p>In its WR at D1 [<a href="#">REP1-116</a>] Spirit Energy refers to the Applicant's analysis having split flights into multiple sectors, representing individual trips and stops on the flight route rather than as a whole trip. Spirit Energy argues this is wrong as "...it is not possible to cancel separate sections of multi leg flights, or one sector of a multi sector flight" and that "Any routing changes must be made</p>	<p>Spirit's operator for the Morecambe Hub, NHV, cannot replan a multi leg shuttle in-flight if a number of the legs cannot be completed due to a bad weather window. Cancelling a sector and moving to the following sector could result in incorrect payload applied on the aircraft, resulting in change of Centre of Gravity and damage to the aircraft due to being overweight as routings in multisector flights are planned down to the kilo of payload and fuel. The calculations are complex and therefore the flight needs to be replanned back at base so fuel and payload options are fully assessed. There is also a subsequent knock-on effect to later flights due to the time it takes to replan.</p> <p>For the reasons set out above, it is not operationally possible to undertake flight planning mid-flight, whether in Class G airspace or otherwise.</p>

		<p>prior to the aircraft's departure from Blackpool which will cause a further 1hour delay for aircraft departure".</p> <p>Please can Spirit Energy expand and explain why it is not operationally possible to cancel separate sections/ sectors of a flight and why routing changes could not occur mid-flight given these flights take place within Class G (uncontrolled) airspace?</p>	
1DCO5.	Those parties who would benefit from protective provisions	<p><b>Protective provisions</b></p> <p>Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO [<a href="#">REP2-002</a>]?</p> <p>If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary.</p> <p>Could Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.</p>	<p>Spirit continue to liaise with the Applicant on the Protective Provisions. A full undertaking from the Applicant in relation to the forecast costs of preparing the Protective Provisions was received on 20 January 2025. Spirit understands that the Applicant intends to submit an updated DCO and Protective Provisions at Deadline 4 on 18<sup>th</sup> February 2025.</p> <p>Spirit will liaise with the Applicant to seek alignment on Protective Provisions in advance of this date and with a view to securing common ground (where possible) for the 18<sup>th</sup> February deadline.</p> <p>Spirit and Harbour Energy have prepared a joint statement regarding the Protective Provisions which Spirit has submitted at Deadline 3. We understand that Harbour Energy intends to submit the same.</p>

100I7.	The Applicant Spirit Energy	<p><b>Future Carbon Capture Storage</b></p> <p>Spirit Energy in their WR [<a href="#">REP1-116</a>] refer to their Carbon Storage Licence CS010 associated with the potential future repurposing of the Morecambe Hub gas fields. Concerns are raised about potential implications and challenges the Proposed Development could have on their ability to carry out activities under the terms of this licence as well as future access and well monitoring. Spirit comment that this is not provided for in the protective provisions (or elsewhere) in the draft DCO.</p> <p>To both Parties:</p> <p>a) Having regard to paragraph 2.8.197 of NPS EN-3, is the Carbon Dioxide Appraisal and Storage Licence CS010 a 'licence' for the purposes of this paragraph, or is it something else? If it is something else, please explain what it is.</p> <p>To Spirit Energy:</p> <p>b) If Spirit Energy is seeking a revision to the current Protective Provisions to address its concerns, please can it provide an alternative drafting which identifies the changes</p>	<p>a) The MNZ Licence is a licence for the purpose of paragraph 2.8.197 of NPS EN-3: it has been issued by OGA ('by Government') for exploration, carbon storage and related installation activities. Further detail is enclosed herein.</p> <p>Spirit's Carbon Storage Licence CS010 (the <b>MNZ Licence</b>) was issued by the Oil and Gas Authority (<b>OGA</b>) to Spirit's subsidiary, Spirit Energy Production UK Limited (the <b>Licensee</b>), under section 18 of the Energy Act 2008 on 7 September 2023. The OGA is not the Secretary of State for Energy Security and Net Zero. Rather, the OGA is a government company whose sole shareholder is the Secretary of State for Energy Security and Net Zero. It has powers and duties established under the Petroleum Act 1998 and Energy Acts 2008, 2011 and 2016. The OGA now operates under the business name of the North Sea Transition authority (<b>NSTA</b>). The Secretary of State is responsible for the policy framework within which the NSTA operates, and the OGA must give effect to SoS policy and strategic decisions.</p> <p>The MNZ Licence grants to the Licensee exclusive licence to explore and subsequently store carbon dioxide in a fixed area defined by coordinates in the MNZ Licence (the <b>Licensed Area</b>). The north central and eastern areas of the Proposed Development overlap with the southern section of the Licenced Area. This can be seen at Figure 17.3 Volume 5 - Chapter 17 - Infrastructure and Other Users Figures [APP-105].</p> <p>The MNZ Licence continues through three periods: the Appraisal Term for exploration of carbon storage sites, followed by the Operational Term and Post-closure Period during which carbon dioxide may be stored and installations established and maintained for these purposes subject to Spirit being granted a Storage Permit under the MNZ Licence. The Appraisal term requires Spirit to undertake the work to a level of definition such that it is mature enough for the commencement of execution work.</p> <p>The Appraisal term began on 1 July 2023. The Appraisal Term is subject to a fixed programme of activity and milestones specified in Schedule 4 of the MNZ Licence which must be achieved by the Licensee during this period (the <b>Work Programme</b>). In accordance with the Work Programme, Spirit has already identified proposed storage sites and is determining strategies for CO2 transportation to those sites. Spirit is also required to develop and adhere to a monitoring and corrective plan. With respect to the Proposed Development that is the subject of this Examination, and according to the section 3 of the Applicant's Response to Actions arising from Preliminary Meeting and Issue Specific Hearing 1 [<a href="#">REP1-086</a>], the timeline is not yet certain and commencement of development may take a further seven years from the date of consent if granted. Conversely the activities being undertaken by Spirit in relation to MNZ are underway with a targeted and scheduled programme of</p>
--------	-----------------------------	---	--

		<p>sought? (See also ExQ1DCO5.)</p> <p>To the Applicant</p> <p>Can the Applicant please respond to the concerns raised by Spirit and in particular comment on whether the Protective Provisions could be amended to include the identified wells and set appropriate stand-offs in order to safeguard and ensure future access is maintained?</p>	<p>activity under the already granted MNZ Licence that has been agreed with the OGA. Without adequate protections, those activities would be disrupted, limited and set back by the Proposed Development as further detailed in section 4 of Spirit's Written Representation [<a href="#">REP1-116</a>].</p> <p>Accordingly, the Applicant is required to assess the potential impacts of the Proposed Development on these activities. In Chapter 17 of the Applicant's Environmental Statement (as revised at Deadline 1) [<a href="#">REP1-038</a>], the Applicant has acknowledged Spirit's MNZ Licence and the overlap of the Proposed Development with the Licenced Area (paragraphs 17.61 and 17.106). However, in stating that coordination would be needed 'if construction phases overlap' and it would thereafter be 'steered by advice from relevant authorities' (paragraph 17.106) the Applicant fails to recognise that the MNZ Licence provides for a scheduled programme of work which has already following which the Operational Term and Post-Closure Period commence under the same licence. Carbon dioxide storage activities are contingent on granting a Storage Permit under the MNZ Licence, however this is not merely a possible next step: rather it is the expected outcome from the Appraisal Term. Spirit is not aware of any material impediment to the grant of the Storage Permit.</p> <p>Spirit's view is that the Applicant has failed to recognise the critical importance of Morecambe Net Zero and the status of the MNZ Licence and therefore not appropriately assessed the potential effects of the Proposed Development on the activities under the MNZ Licence as required by NPS EN-3.</p> <p>For the foregoing reasons, it is also entirely appropriate that all MNZ activities under the MNZ Licence are safeguarded. Completion of the Work Programme is a necessity to obtaining the storage permit and realising the MNZ project – a nationally significant project in its own right that forms a critical part of UK net zero objectives and which benefits from the strongest possible policy support. See in particular paragraph 3.5.8 of Overarching National Policy Statement for Energy (EN-1):</p> <p><i>"To support the urgent need for new CCS infrastructure, CCS technologies, pipelines and <b>storage infrastructure are considered to be CNP infrastructure.</b>"</i></p> <p>b) As noted in relation to 1DCO5, Spirit continue to liaise with the Applicant on the Protective Provisions. A full undertaking from the Applicant in relation to the forecast costs of preparing the Protective Provisions was received on 20 January 2025. Spirit understands that the Applicant intends to submit an updated DCO and Protective Provisions at Deadline 4 on 18<sup>th</sup> February 2025.</p>
--	--	---	--

			<p>Spirit will liaise with the Applicant to seek alignment on Protective Provisions in advance of this date and with a view to securing common ground (where possible) for the 18th February deadline.</p>
--	--	--	--