

PLANNING ACT 2008

**The Morecambe Offshore Windfarm Generation Assets Development Consent Order
Application**

Submission by Spirit Energy Production UK Limited

**Response to Information Submitted on 3 September in accordance with the Secretary of
State's request for comments on 5 September 2025**

**EN010121
Unique Reference: 20049981**

Date	6 October 2025
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1. Introduction

- 1.1 '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.
- 1.2 Eversheds Sutherland (International) Limited 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 **Proposed Development**).
- 1.3 Unless otherwise stated in this submission, Spirit adopts the definitions applied in its submission at Deadline 6 (Spirits Comments on any submission received at Deadline 5A) [[REP6-058](#)] (**Spirit's D6 Submission**)
- 1.4 The Applicant submitted *The Applicant's Response to Secretary of State Letter and Request for Information* [[C1-011](#)] (the **Applicant's Response**) dated 3 September 2025 in response to the request for further information in the letter from the Secretary of State dated 21 August 2025 (**21 August Letter**). The Applicant's Response addressed the following points related to Spirit in the 21 August Letter:

*19.The **Applicant** and **Harbour Energy** are invited to provide any additional responses to Spirit Energy's assessment of the Morecambe Offshore Windfarm's impact on MH Assets Safety and Regulatory Compliance, as set out in their most recent submission [[REP6-058](#)].*

*20.The **Applicant**, **Harbour Energy** and **Spirit Energy** are requested to provide an update on the progress made towards agreeing the form of the Protective Provisions to be included at Part 2 and Part 3 of Schedule 3 of the Applicant's draft Development Consent Order [[REP6-002](#)].*

- 1.5 This submission sets out Spirit's comments on the information submitted by the Applicant and Chrysaor Resources (Irish Sea) Limited (**Harbour**) in response to the request from the Secretary of State dated 21 August 2025 (**21 August Letter**), as per the Secretary of State's further letter dated 5 September 2025.

2. The Morecambe Hub Safety Case

- 2.1 In the Applicant's Response on point 19 of the 21 August Letter, the Applicant stated that it has not been provided with the Morecambe Hub safety case by Spirit, and that its team of safety consultants have concluded that "*there is no reason that an updated safety case, prepared by Spirit Energy, would not be accepted by the relevant authorities*". Further, the Applicant stated that if an accepted safety case is in place, and Spirit are complying with it, then Spirit's other regulatory concerns detailed in Section 4 of Appendix B: Morecambe Offshore Windfarm Impact on Morecambe Hub Assets Safety and Regulatory Compliance of Spirit's D6 Submission would be addressed.
- 2.2 In terms of Spirit's existing safety case, Spirit maintains that it is not appropriate to share its full safety case as it is not in the public domain and contains sensitive information on how Spirit operates its assets and manages risk (see paragraph 4.10 of Spirit's D6 Response).
- 2.3 As the Applicant is well aware, Spirit is unable to provide an updated safety case at this point because this would require details on the final layout of the Proposed Development along with the approach to construction. Any such safety case would be speculative and the costs of production considerable. However, Spirit has set out the changes to the safety case that would be required based on the information that is available on the Proposed Development, and demonstrated that these would be material changes to the safety case as detailed in Appendix B of Spirit's D6 Submission. As further noted at paragraph 4.18 of Spirit's D6 Submission, HM Principal Inspector of Health and Safety and the HSE Topic Specialist for Evacuation, Escape and Rescue confirmed Spirit's position on this. Material changes to the safety case must be supported by demonstration that the risks are As Low

As Reasonably Possible (ALARP). Spirit has also explained in its previous submissions, notably paragraphs 4.17 and Appendix B of Spirit's D6 Submission, that it would need to identify and implement suitable and sufficient mitigations to demonstrate the risks have been reduced to ALARP. However, for many of the impacts, there is no clear path at this stage to how the additional risks posed by the Proposed Development could be assessed, let alone effectively mitigated. Consequently, in preparing an updated safety case at this stage, Spirit would be attempting an ALARP demonstration that it does not believe is credible, and in any case may or may not be accepted by HSE. Altogether, the Applicant's response to the 21 August Letter on this point is misleading and distracting and goes no distance in resolving the underlying issues.

- 2.4 Spirit does not dispute that the safety case captures the other regulatory issues detailed in Section 4 of Appendix B of Spirit's D6 Submission. Spirit already operates on an optimised safety and operation plan under its safety case; the issue is the Proposed Development would require material change to the safety case which, for the reasons rehearsed above and detailed in Spirit's D6 Submission, may or may not be accepted by HSE. This consequently poses a risk to Spirit's ability to comply with the other regulatory requirements.

Protective Provisions

- 2.5 The Applicant's Response includes a joint statement on behalf of the Applicant and Spirit in response to point 20 of the 21 August Letter (see paragraph 88 of the Applicant's Response). This statement reflected the position of both the Applicant and Spirit at the time of that submission with regard to progressing discussion on both parties' programmes and requirements to determine if there is a window of opportunity that exists to inform an agreement in place of the Protective Provisions.
- 2.6 Spirit will provide an update on the discussions with the Applicant on any potential agreement on 10 October 2025 in response to the Secretary of State's letter dated 26 September 2025. An agreement has not yet been reached with the Applicant. In the case that no agreement is reached prior to the Secretary of State reaching a decision on the Proposed Development, Spirit requires the protective provisions provided at Appendix C of Spirit's D6 Submission to ensure the safety of its assets and operations.

Response to Harbour Energy

- 2.7 In Harbour's recent submission *Response to Secretary of State's consultation 1* [[C1-012](#)] (**Harbour's Response**), it confirmed an agreement had been reached between Harbour and the Applicant on protective provisions in relation to Harbour's Calder Field Facilities, and withdrawal of Harbour's objection on the basis that the agreed form protective provisions are included in the DCO.
- 2.8 The protective provisions included at Part 2 of Harbour's Response includes provision of a 3.76nm buffer around Calder Field and CPP1, within which no wind turbine generator or offshore substation platform may be erected prior to 1 January 2029, unless otherwise agreed in writing between the Applicant and Harbour. The buffer shall also cease to have effect once the Calder Field Facilities have been confirmed as decommissioned by the Secretary of State.
- 2.9 Spirit understands that Harbour has entered this agreement on the basis that Harbour expects to have decommissioned the Calder Field Facilities by 1 January 2029. Spirit's submissions in relation to Calder were made on the basis that Spirit is the duty holder for the operation of Calder and is responsible for its safe operation. Spirit will transfer duty holder-ship to Harbour at a point during the decommissioning of Calder, the timing of which is yet to be determined. However, Spirit cannot be sure that this will happen by the longstop date agreed to between Harbour and the Applicant. Spirit has previously explained that the Offshore Petroleum Regulator for Environment & Decommissioning on behalf of the Secretary of State for Energy Security & Net Zero is the regulator empowered under the Petroleum Act 1998 with approving decommissioning proposals. This is carried out in consultation with the North Sea Transition Authority who takes into account whether all viable reuse or repurposing options have been explored and also providing that this does

not prejudice the recovery of economically recoverable petroleum. This decision has not yet been made and thus it is premature to speculate on a longstop date.

- 2.10 Spirit Energy therefore respectfully submits that the agreement reached between Harbour and the Applicant regarding a longstop date for the removal of the relevant marine and aviation buffer zones should not be relied upon by the Secretary of State. While Harbour may anticipate decommissioning by 1 January 2029, the statutory process under the Petroleum Act 1998 requires approval from the Offshore Petroleum Regulator for Environment & Decommissioning, which has not yet been granted. Until such regulatory determination is made, any fixed longstop date remains speculative and premature, and should not form the basis for altering protective provisions that safeguard operational safety.

Eversheds Sutherland (International) Limited
6 October 2025