



POST HEARING SUBMISSION ON BEHALF OF ORSTED EAST IRISH SEA TRANSMISSION LIMITED (REF NO: MMTA-OP010) AND MOOIR VANNIN OFFSHORE WINDFARM LIMITED (REF NO: MMTA-OP009)

IN CONNECTION WITH THE Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited for an Order Granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets

1. Introduction

- 1.1 This submission is provided in accordance with Deadline 4 of the examination timetable for the application made by Morgan Offshore Wind Limited and Morecambe Offshore Wind Limited (the “**Applicants**”) for an order granting development consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (“**Project**”).
- 1.2 We represent Orsted East Irish Sea Transmission Limited (“**OEIST**”) and Mooir Vannin Offshore Windfarm Limited (“**MVOWFL**”).
- 1.3 MVOWFL is the developer of the Mooir Vannin Offshore Wind Farm (“**MVOWF**”), a proposed offshore windfarm in the Isle of Man’s territorial waters. OEIST is the developer of the East Irish Sea Transmission Project (the “**EIST Project**”) (the transmission assets required to connect the MVOWF to the National Grid substation at Penwortham).
- 1.4 OEIST and MVOWFL attended issue specific hearing 2 (“**ISH2**”) on 29-30 July 2025. This post-hearing submission summarises the submissions made on behalf of OEIST and MVOWFL at ISH2 and further responds to the issues discussed at ISH2. OEIST and MVOWFL are referred to together as “**Orsted**” for the purposes of this submission.

2. Connection to Penwortham substation

Summary of oral submissions

- 2.1 At ISH2, Orsted confirmed that there had been no movement on the position in relation to the connection to Penwortham substation from that set out in recent written submissions ([REP3-102] [REP3-103]).
- 2.2 Orsted noted, in response to the Applicants’ comments in written submissions, that it is not feasible for Orsted to rely on the protective provisions being developed for National Grid Electricity Transmission (“**NGET**”), to ensure appropriate coordination to allow for the EIST Project’s connection. Those protective provisions relate to the works which NGET need to carry out to facilitate grid connection and do not encompass works beyond that.
- 2.3 Orsted reiterated its concern that the extent of land rights being sought surrounding the Penwortham substation would create difficulties for other developers to design access (including any mitigation required) for their projects connecting at Penwortham. In particular, Orsted highlighted that project design is typically finalised late in the process and at a point where responsibility for the development has transferred to contractors. Without a mechanism in the development consent order (“**DCO**”) or a private cooperation agreement, it is unlikely that consideration will be given to effective coordination with other projects and developers.

Further submissions

- 2.4 Below, Orsted provides some further commentary on the matters discussed at ISH2 and responds to action point 51 of the Action Points arising from ISH2. In particular, Orsted elaborates on the grounds for seeking that the Applicants engage on the interface between the parties’ assets.

National policy

- 2.5 At ISH2, the examining authority asked for further information to be provided on the basis in policy for Orsted’s requests. This request was reiterated in action point 51(b) of the Action Points arising from ISH2.
- 2.6 Both the National Policy Statement EN-1 (“**EN-1**”) and National Policy Statement EN-5 (“**EN-5**”) (and the draft EN-1 and EN-5, published in April/May 2025) support the view that applicants should coordinate to enable the UK to meet its renewable energy targets.
- 2.7 EN-1 provides the overarching National Policy Statement for Energy. It describes the substantial change that will be required in the energy sector in order to achieve the UK’s net zero objectives while reinforcing Britain’s security of energy supply.
- 2.8 EN-1 established the concept of critical national priority for low carbon infrastructure. In essence, projects which qualify under the critical national priority are not required to meet certain justification requirements. Given the scale of change required over a relatively short period of

time, the need for low carbon infrastructure is assumed. It is, therefore, a national policy which advocates for significant change and which supports the delivery of large numbers of new nationally significant energy infrastructure projects. In particular, projects in the electricity and offshore wind sphere are supported. At a broad level, Britain needs as much new energy as possible in a short timescale to meet the policy objectives.

- 2.9 As the examining authority is aware, the Secretary of State has issued a direction (attached as **Appendix 1**) that the EIST Project be treated as a Nationally Significant Infrastructure Project under section 35 of the Planning Act 2008. One of the reasons for making this direction, set out in the Annex to the direction was that the development:

“...will play an important role in enabling an energy system that meets the UK’s commitment to reduce carbon emissions and the Government’s objectives to create a secure, reliable and affordable energy supply for consumers.”

- 2.10 Therefore, the EIST Project will contribute towards the policy objectives set out in EN-1.
- 2.11 EN-5 was approved in January 2024 and provides an updated policy statement in relation to grid networks. EN-5 recognises the importance of holistic planning and strategic network planning. Indeed, the Project is an example of holistic planning between developers.
- 2.12 Section 2.2 of EN-5 sets out matters influencing site selection and design. Paragraphs 2.2.2 and 2.2.3 recognise that certain factors outside of a developer’s control will determine siting. However, paragraph 2.2.5 identifies that applicants retain control in managing the identification of routing and site selection between the identified initiating and terminating points.
- 2.13 In addition, the EIST Project is an example of a further connection into the strategic network planning and decisions about its grid connection location have been taken. EN-5 recognises the importance of co-ordination and collaboration between projects. Paragraph 2.14.2 of EN-5 provides that:

“In the assessment of their designs, applicants should demonstrate:

(...)

- *how the construction planning for the proposals has been co-ordinated with that for other similar projects in the area on a similar timeline.”*

- 2.14 This is a clear recognition of the need for developers to coordinate with other projects in terms of design and construction planning.
- 2.15 While not determinative of the Project, the recently published draft EN-1 and EN-5 are a relevant consideration. The updates made in the draft EN-1 reflect the revised policy objectives of the new Labour Government. In particular, the draft EN-1 reflects the policy initiatives created through the Clean Power 2030 programme. It effectively refines the existing policy with an even greater focus on earlier and quicker delivery of renewable energy development.
- 2.16 While changes are also proposed in the draft EN-5, the provisions highlighted above in section 2.2, regarding factors influencing site selection and design are retained, subject to minor amendments to reflect the language and context. The requirement in paragraph 2.14.2 to demonstrate coordination with other projects is retained.
- 2.17 In order to deliver the goals of national policy, it will be crucial for developers to coordinate effectively. The Applicants’ approach to this matter is incongruent with the direction of national policy, which aims to facilitate the delivery of as many new renewable energy developments as possible within a short period of time.
- 2.18 Coordination between projects is increasingly becoming an issue at onshore substations as a result of the shift in approach to offshore wind allocation. In the past, areas around England and Wales were allocated to a single developer and, in those circumstances, a range of projects came forward which were co-ordinated by the same party. In contrast, the current approach to leasing relates to individual project sites. As a consequence, a range of projects owned by different developers are now connecting to the same substations. As such, there is a greater need for a level of engagement and collaboration between developers. It is not appropriate to rely on NGET to manage this process.
- 2.19 Notably, the Secretary of State has recently raised specific issue about the co-ordination between the applicant, NGET and another offshore wind farm at the onshore sub-station in relation to the

Five Estuaries scheme.¹ This reflects an expectation that developers will work with other projects in a reasonable manner.

NGET's role in managing interface

- 2.20 During ISH2, and in the Applicants' response to the written representations [REP2-031] they suggested that any issues regarding the ability of future projects to connect at Penwortham would be for NGET to manage.
- 2.21 Orsted does not consider this is a realistic or reasonable expectation to have of NGET. NGET does not have an overarching function or ability to manage interactions between the infrastructure required for different projects to connect at the substation. The Applicants' assertion does not make sense.
- 2.22 NGET is an asset owner which contractually delivers on grid connection. Its function is not to coordinate or manage the property acquisition processes related to different developments. As noted earlier in this submission, the protective provisions provided for National Grid in the draft development consent order [REP3-009], are for the benefit of NGET only. Those provisions provide protection for NGET's assets and potential future works. They do not offer any protection for prospective developers which require access to Penwortham substation.
- 2.23 Additionally, the level of control conferred under a development consent order is considerable. In fact, in some circumstances, NGET itself is required to negotiate with undertakers in order to carry out works at its substations.
- 2.24 For example, in NGET's application for development consent order or the Bramford to Twinstead Reinforcement (EN020002), NGET entered side agreements with ScottishPower Renewables and East Anglia Three ("**SPR/EA3**") to ensure the interface between their respective projects were properly managed. Although the substation was owned by National Grid, SPR/EA3 had rights related to the substation through the development consent order for EA3. As such, NGET was required to cooperate with SPR/EA3 in respect of its own proposed works.
- 2.25 It is also common place for developers to enter cooperation agreements with other parties, even where projects are not entering the same substation. A good example of this would be where transport routes for major projects overlap. These agreements can ensure the impacts of numerous developments on the local community are managed and reduced.
- 2.26 Orsted has extensive experience in the offshore wind industry, including in respect of securing and constructing connections at national grid substations. In Orsted's experience, it is essential that developers are able to work together to ensure efficient connections and to secure the best outcomes for communities. Cooperation between developers ensures that cohesive environmental mitigation can be developed and adverse impacts on communities can be reduced. The Applicants' approach to this matter has been surprising.

Risks to OEIST and other developers

- 2.27 During ISH2, and in action point 51(a) of the action points arising from ISH2, the examining authority requested that Orsted provide further detail on the risks the Project as currently proposed could present for the EIST Project.
- 2.28 As flagged in previous submissions, OEIST considers that, without a mechanism requiring the Applicants to narrow the property rights sought and cooperate with OEIST, the Project is likely to impede access to Penwortham substation for other developments.
- 2.29 The rights currently sought surrounding the Penwortham substation as displayed on the land plans [AS-018] are very extensive - the substation is essentially encircled.
- 2.30 The Applicants have highlighted a need for flexibility in terms of the extent of the land rights sought, to ensure they are able to construct their grid connections as more details become available [EV8-009]. NGET has commented [REP1-089] that the works authorised by the DCO go beyond what is required to enable the grid connection for the Morgan project (see paragraph 3.4 of [REP1-098]). Orsted consider it is clear that, as the Project is refined, the extent of property acquisition can also be refined.

¹ Request for information by the Secretary of State dated 11 July 2025 in relation to the Five Estuaries Offshore Windfarm (EN010115) (at [53]).

- 2.31 Orsted acknowledges the Applicants' need for a degree of flexibility within the DCO. However, as explained above and at ISH2, as currently drafted, the Applicants are not required to reduce the property rights sought as the details regarding grid connection are confirmed. There is also no requirement for the Applicants to consider other projects' access to the substation during detailed design, and the Applicants are dismissive of any private agreement to cooperate in respect of these matters.
- 2.32 It is noted that there are a number of other design constraints in the area surrounding Penwortham substation (for example, existing gas pipelines). If the extent of the land impacted by the Project is not reduced, or the Applicants are not required to coordinate with other developers, considerable areas could be unnecessarily sterilised due to the interaction between the Project and these other constraints.
- 2.33 As such, Orsted considers there is a significant risk that the extent of land required for the Project will remain unnecessarily unclear at the point the EIST Project is being designed in preparation for submission of its DCO application. As a consequence, it will be extremely difficult to develop a realistic design for the EIST Project. This issue will be relevant not only to the design of the EIST Project's grid connection, but in terms of the development of project mitigation.

Proposed DCO drafting

- 2.34 In response to action point 51(b) Orsted has proposed drafting changes to the DCO which would help to address the issues raised. These are provided at **Appendix 2**.
- 2.35 Orsted considers the following additional provisions and amendments are required:
- 2.35.1 a requirement within the DCO providing that details of the works required for the connections to Penwortham substation must be submitted to and approved by the relevant planning authority (with a copy provided to other relevant developers including OEIST) and must be in accordance with a set of design principles. These design principles should include that:
- (i) consideration is given to the ability of other developers to connect to the substation and the design and extent of land required for the works must not prevent other developers from connecting into the substation; and
 - (ii) that the undertaker must confirm to the relevant planning authority and any party which has secured a grid connection at the National Grid Penwortham substation, within 90 days of receiving final confirmation of its grid connection location from NGET, the layout and location of the grid connection works for the Project.
- These design principles could either be incorporated into the existing outline design principles document, or alternatively a bespoke design principles document could be developed for these works. It is noted that a similar approach has been taken in the draft DCO [REP3-009] in respect of the construction of the Morgan and Morecambe substations (refer to requirement 4 of Schedule 2A and Schedule 2B); and
- 2.35.2 a requirement providing for the establishment of a liaison group to enable parties with interests in the Penwortham substation to share information in respect of proposed works.
- 2.36 Orsted is not seeking for the Applicants to undertake further analysis of cumulative effects.
- 2.37 The measures Orsted is seeking would simply ensure that a reasonable approach to cooperation between developers is formalised, to avoid the sterilisation of the Penwortham substation and to ensure the best outcomes for the public.

3. Interface of transmission assets

Summary of oral submissions

- 3.1 Orsted briefly addressed the potential for the overlap of transmission assets between the OEIST Project and the Project.
- 3.2 Orsted outlined that it considers there is strong potential for the transmission assets to interact, based on the information submitted at deadline 3 ([REP3-102] and [REP3-103]). In particular,

the draft scoping boundary for the EIST Project provided as appendix 3 of [REP3-103] demonstrates the potential proximity of the assets.

- 3.3 Orsted outlined its view that a sensible solution to this matter would be for the parties to enter a private agreement in respect of the management of any overlap. However, given the Applicants appear to be unwilling to enter into such an arrangement, Orsted outlined that this matter may need to be dealt with via protective provisions.

Further submissions

- 3.4 Orsted considers that for the same policy reasons set out above in relation to the connection to Penwortham substation, the Applicants should work with Orsted to ensure the interface between their assets are appropriately managed.
- 3.5 It is noted that, requirement 25 of the draft DCO [REP3-009] 'onshore collaboration', creates a mechanism for a degree of coordination between the Morgan and Morecambe Offshore Windfarms. The Applicants therefore readily acknowledge the importance of collaboration between projects.

Proposed DCO drafting

- 3.6 In addition to the amendments described in section 2 and Appendix 2 of this submission, Orsted considers that protective provisions are required which provide for a degree of coordination in respect of both onshore and offshore infrastructure to manage any interface and potential overlap between the developments.

Shepherd & Wedderburn LLP

08.08.2025

APPENDIX 1 – SECTION 35 DIRECTION



DIRECTION BY THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO ("THE SECRETARY OF STATE") UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE EAST IRISH SEA TRANSMISSION PROJECT

1. By email to the Secretary of State received on 20 September 2024 ("the Direction Request"), Moir Vannin Offshore Wind Farm Limited ("the Applicant") formally requested that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 to direct that the East Irish Sea Transmission Project located in England, as set out in the Direction request, be treated as development for which development consent under the PA 2008 is required.

2. The Secretary of State notes that the Direction Request relates to

- a. An Onshore Substation (which may be a High Voltage Alternating Current (HVAC) system or High Voltage Direct Current (HVDC) system) and Energy Balancing Infrastructure (which may include Battery Energy Storage System, Long Duration Energy Storage or conversion to other energy carriers such as P2X (e.g. hydrogen)), (the "Proposed Development").

The Secretary of State notes that the final application to the Planning Inspectorate is likely to include elements of associated development as appropriate.

3. The Secretary of State concludes that the Proposed Project is an energy project within the scope of section 35 of the Planning Act 2008.

4. Noting the above, the Secretary of State is satisfied that:

- a) The Proposed Project sits within one of qualifying infrastructure fields listed in section 35(2)(a)(i) (energy) and that the Proposed Project will be wholly within England, waters adjacent to England up to the seaward limits of the territorial sea or the Renewable Energy Zone (in relation to which the Scottish Ministers do not have functions);
- b) The Proposed Project does not fall within the existing definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35(1) of the Planning Act 2008; and
- c) The Applicant's request constitutes a "qualifying request" in accordance with section 35ZA(11) of the Planning Act 2008.

5. Having considered the details of the Applicant's proposals as set out in the Direction Request, and noting the accompanying letters of support from the Marine Management Organisation, Blackpool Council, Chorley Council, Preston City Council, Sefton Council, South Ribble Borough Council and Wyre Council, the Secretary of State is of the view that the Proposed Development is nationally significant, for the reasons set out in the Annex below.
6. The Secretary of State considers that if the details of the Proposed Development change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development that is the subject of the proposed application is the same as that for which the Direction is hereby given.
7. The Secretary of State has taken the decision within the primary deadline, as required by sections 35A(2) and (5) of the Planning Act 2008, and issues this Direction accordingly under sections 35(1) and 35ZA of the Planning Act 2008.
8. THE SECRETARY OF STATE DIRECTS that the Proposed Development is to be treated as development for which development consent is required.
9. This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to the Proposed Development.

Signed by

REDACTED

Head of Energy Infrastructure Planning Delivery

For and on behalf of the Secretary of State for the Department for Energy
Security and Net Zero

17 October 2024

ANNEX

REASONS FOR THE DECISION TO ISSUE THE DIRECTION

The Secretary of State is of the opinion that the Proposed Development is of national significance and that the Direction should be issued because:

- The Proposed Development and the East Irish Sea Transmission Project of which it forms part are necessary for the connection to the National Grid of the generation assets of the Moir Vannin Offshore Wind Farm, of indicatively up to approximately 1.4GW of renewable electricity and to provide grid balancing services via Energy Balancing Infrastructure.
- The Proposed Development and the Project of which it forms part will play an important role in enabling an energy system that meets the UK's commitment to reduce carbon emissions and the Government's objectives to create a secure, reliable and affordable energy supply for consumers.
- By progressing the Proposed Development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.

Appendix 2 – PROPOSED DCO PROVISIONS

DCO Requirements

Design principles for connection to Penwortham substation

Schedule 2A – Project A (Morgan)

National Grid Penwortham substation connection

X (1) Construction of Work Nos. 32A and 37A must not commence until details of the location and extent of the works required for the connection to the National Grid Penwortham substation have been submitted to and approved by the relevant planning authority.

(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with the outline design principles.

(3) Within 5 working days of submitting the details required under sub-paragraph (1) the undertaker must provide a copy of the details to any party which has secured a grid connection at the National Grid Penwortham substation, including Orsted East Irish Sea Transmission Ltd.

[NB: As outlined in section 2 of this submission design principles would need to be developed for these works and should include the principle that consideration is given to the ability of other developers to connect to the substation and that the extent of land required for the works must not prevent other developers from connecting into the substation. The design principles should also require that the undertaker confirm to the relevant planning authority and any party which has secured a grid connection at the National Grid Penwortham substation, within 90 days of receiving final confirmation of its grid connection location from NGET, the layout and location of the grid connection works for the Project.]

Schedule 2B – Project B (Morecambe)

National Grid Penwortham substation connection

X (1) Construction of Work Nos. 32B and 37B must not commence until details of the location and extent of the works required for the connection to the National Grid Penwortham substation have been submitted to and approved by the relevant planning authority.

(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with the outline design principles.

(3) Within 5 working days of submitting the details required under sub-paragraph (1) the undertaker must provide a copy of the details to any party which has secured a grid connection at the National Grid Penwortham substation, including Orsted East Irish Sea Transmission Ltd.

[NB: As outlined in section 2 of this submission design principles would need to be developed for these works and should include the principle that consideration is given to the ability of other developers to connect to the substation and that the extent of land required for the works must not prevent other developers from connecting into the substation. The design principles should also require that the undertaker confirm to the relevant planning authority and any party which has secured a grid connection at the National Grid Penwortham substation, within 90 days of receiving final confirmation of its grid connection location from NGET, the layout and location of the grid connection works for the Project.]

Overall co-operation

Schedule 2A (Morgan)

National Grid Penwortham substation liaison group

(X) (1) A National Grid Penwortham substation liaison group shall be established for the purpose of facilitating parties with an interest in the National Grid Penwortham substation to share information in respect of proposed works and to facilitate collaboration.

(2) The members of the National Grid Penwortham substation liaison group shall include National Grid Electricity Transmission plc, the undertaker, the undertaker of Project B, Orsted East Irish Sea Transmission Ltd and any other party which National Grid Electricity Transmission plc considers relevant.

(3) National Grid Electricity Transmission plc may call meetings of the National Grid Penwortham substation liaison group as it considers necessary and the undertaker and undertaker of Project B must attend such meetings.

Schedule 2B (Morecambe)

National Grid Penwortham substation liaison group

(X) (1) A National Grid Penwortham substation liaison group shall be established for the purpose of facilitating parties with an interest in the National Grid Penwortham substation to share information in respect of proposed works and to facilitate collaboration.

(2) The members of the National Grid Penwortham substation liaison group shall include National Grid Electricity Transmission plc, the undertaker, the undertaker of Project A, Orsted East Irish Sea Transmission Ltd and any other party which National Grid Electricity Transmission plc considers relevant.

(3) National Grid Electricity Transmission plc may call meetings of the National Grid Penwortham substation liaison group as it considers necessary and the undertaker and undertaker of Project A must attend such meetings.