



DEADLINE 5 SUBMISSIONS ON BEHALF OF ØRSTED EAST IRISH SEA TRANSMISSION LIMITED (REF NO: MMTA-OP010) AND MOOIR VANNIN OFFSHORE WIND FARM 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

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- 1.1 This submission is provided in accordance with Deadline 5 of the examination timetable for the application made by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the “**Applicants**”) for an order granting development consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (“**Project**”).
- 1.2 We represent Ørsted East Irish Sea Transmission Limited (“**OEIST**”) and Moir Vannin Offshore Windfarm Limited (“**MVOWFL**”) (together, “**Ørsted**”), which filed relevant representations (accepted as additional submissions) in respect of the Project.
- 1.3 This document contains:
  - 1.3.1 Ørsted’s comments on submissions made by the Applicants at examination deadline 4; and
  - 1.3.2 Ørsted’s response to the Examining Authority’s second set of written questions (“**ExQ2**”) [PD-011].

## 2. Response to key matters in Applicants’ deadline 4 submissions

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- 2.1 Ørsted considers that its previous submissions, especially its post-hearing submission [REP4-169], address a number of the points raised by the Applicants. In particular, Ørsted’s post-hearing submission provides justification for the inclusion of provisions in any development consent order (“**DCO**”) for the Project, to avoid sterilisation of the Penwortham substation. Ørsted does not intend to repeat those submissions, however, wishes to briefly reiterate its position in respect of some key issues.
- 2.2 First, Ørsted considers it necessary to reiterate that National Grid Electricity Transmission Plc (“**NGET**”) is not responsible for managing the competing interests of different projects connecting at its substations. The Applicants have stated, in response to Ørsted’s deadline 3 submissions, that “...it is *NGET’s responsibility to manage the connections being offered and the feasibility of each customer to connect into and access the substation.*”<sup>1</sup>
- 2.3 As explained in Ørsted’s post-hearing submission [REP4-169], NGET is an asset owner which contractually delivers on grid connection. NGET’s functions are restricted to physical connections within its control, and do not include the coordination or management of the property acquisition processes related to different developments.
- 2.4 Any DCO granted for the Project will confer considerable powers to the undertaker, including in terms of the property rights surrounding the Penwortham substation. It is misleading to suggest that NGET would have the ability or responsibility to circumvent the provisions of a DCO to ensure access for future developers. As explained in Ørsted’s post-hearing submission [REP4-169], there is an increasing need for developers to coordinate effectively to ensure that the Government’s policy goals for renewable energy can be delivered.
- 2.5 Ørsted also wishes to respond to the Applicants’ position that the inclusion of protective provisions for OEIST’s benefit would not be “*feasible or appropriate*”<sup>2</sup> and that any protective provisions necessary to manage the interface between the developments should be addressed in the consenting process for the East Irish Sea Transmission Project.
- 2.6 Ørsted disagrees with the Applicants’ assertion. There is no requirement that protective provisions can only be provided for the benefit of already constructed/operational developments. It is not unusual for protective provisions to be included in DCOs which protect unconsented projects. For example, the Hornsea Three Offshore Wind Farm Order 2020 contains protective provisions for the benefit of the Norfolk Boreas Offshore Wind Farm, which was consented a year later, in 2021.<sup>3</sup> Similarly, the East Anglia One North Offshore Wind Farm Order 2022 and the East Anglia Two Offshore Wind Farm Order 2022 both contain protective provisions for the

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<sup>1</sup> At p 74 of [REP4-094].

<sup>2</sup> At p 77 of [REP4-094].

<sup>3</sup> Refer to Schedule 9, Part 9 of the Hornsea Three Offshore Wind Farm Order 2020.

benefit of the Sizewell C Nuclear Generating Station,<sup>4</sup> which received its DCO several months after the windfarms. This is an appropriate approach to managing the inevitable overlap of interests between projects in the consenting pipeline, and recognises the importance of maintaining a consenting environment which allows for the overarching goals of Government to be met.

- 2.7 The site for Mooir Vannin Offshore Windfarm was awarded in 2015. As such, the Applicants have been on notice of potential interaction between transmission assets for some time (and before the bidding process relevant to the Project commenced). Furthermore, the detail of the potential shared grid location has been known since 2024, following the section 35 direction for the East Irish Sea Transmission Project. Notwithstanding that position, the Applicants have failed to engage with Ørsted in any meaningful way in respect of this issue. It would not be fair, or in line with the policy aims as outlined in Ørsted's post-hearing submission [REP4-169], for all responsibility for managing the relationship between these assets to lay with OEIST. As outlined in Ørsted's post-hearing submission, the relevant national policy statements outline a clear expectation that developers coordinate with other projects in terms of design and construction planning. Such coordination is essential in order to achieve the goals of national policy.
- 2.8 Additionally, the Applicants have highlighted that they consider it would be difficult to develop protective provisions for OEIST's benefit because the refined cable route for the East Irish Sea Transmission Project is not confirmed. Ørsted does not share this concern. It is absolutely achievable to develop a suite of effective protective provisions, in circumstances where there are elements of both developments which are uncertain.
- 2.9 Ørsted is simply seeking a mechanism which provides for a degree of coordination between the developments, to ensure any interface and potential overlap between the developments is appropriately managed. This is a reasonable request. Furthermore, such coordination would benefit other parties who could be impacted by the Project, including for example, local residents. Local residents and other interested parties will hold a legitimate expectation that developers will liaise to seek to minimise impacts of their developments.
- 2.10 A mechanism providing for appropriate coordination could also be achieved through the negotiation of a private agreement. However, the Applicants' clear position is that they do not wish to engage in this way. As such, OEIST must seek for its interests to be protected in in the DCO, via protective provisions.

### **3. Response to ExQ2**

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- 3.1 Ørsted's response to ExQ2 is provided in the table overleaf.

**Shepherd & Wedderburn LLP**

**22.09.2025**

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<sup>4</sup> Refer to Schedule 10, Part 8 of the East Anglia One North Offshore Wind Farm Order 2022 and the East Anglia Two Offshore Wind Farm Order 2022.

Q reference	Question	Response
1.3.3	<p><b>East Irish Sea Transmission Project</b></p> <p>a) Does the publication of the East Irish Sea Transmission Project scoping report have any implications in relation to the issues raised by OEIST, most recently at deadline 4 (D4) [REP4-169]?</p>	<p>The scoping report validates the concerns raised by Ørsted in this examination. The scoping report confirms the scoping boundary previously shared at deadline 3 (Appendix 3 of [REP3-103]) and that the East Irish Sea Transmission Project will connect at Penwortham substation. Ørsted considers that the information in the scoping report confirms that the concerns raised regarding possible interface between the projects (both in terms of crossings of transmission infrastructure and access of the transmission infrastructure to Penwortham substation) are valid and must be dealt with.</p>
	<p>b) Can the applicants comment on the suggested development consent order requirements included in Appendix 2 of OEIST's D4 representation.</p>	
	<p>c) What discussions are and will be taking place between the two parties in order to seek resolution of this matter prior to the end of the examination?</p>	<p>OEIST provided a summary of engagement which has taken place between Ørsted and the Applicants to date in its response to ExQ1 [REP3-103]. In that response, OEIST outlined that meetings have taken place since October 2022 regarding potential interactions between the East Irish Sea Transmission Project, the Mooir Vannin Offshore Windfarm and the Project.</p> <p>However, despite numerous attempts by Ørsted, the Applicants have, in general, been reluctant to engage in more depth on the particular concerns Ørsted have raised in this examination.</p> <p>OEIST recently (on 15 September) reached out to both Applicants in order to open a dialogue in respect of the specific issues raised in this examination. Morecambe Offshore Windfarm Limited has responded with an offer to meet ahead of the next round of hearings and OEIST is hopeful progress can be made.</p> <p>Ørsted is motivated to work with the Applicants to resolve its concerns raised in respect of the Project as soon as possible. However, at this stage, there has been no meaningful attempt by the Applicants to address the matters raised. As noted in Ørsted's post-hearing submission [REP4-169] the UK Government has set out clear ambitions in the NPS-EN1. These ambitions include that a number of new generation and associated grid developments must be</p>

		delivered urgently. It is inevitable that achieving these ambitions will require collaboration between developers.
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