



CLOSING STATEMENT FOR 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

- 1.1 This closing statement is provided in accordance with Deadline 7 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 Mooir Vannin Offshore Windfarm Limited (“**MVOWFL**”) (together, “**Ørsted**”), which filed relevant representations (accepted as additional submissions) in respect of the Project.

2. Summary of Ørsted’s position

- 2.1 In this closing statement, Ørsted summarises its position in respect of the Project and the matters Ørsted has raised throughout the examination.
- 2.2 As outlined in Ørsted’s previous submissions¹ MVOWFL is developing the Mooir Vannin Offshore Windfarm (“**Mooir Vannin**”), a proposed offshore windfarm in the East Irish Sea and the Isle of Man’s territorial seas. OEIST is developing the East Irish Sea Transmission Project (“**EIST Project**”), the proposed transmission infrastructure for Mooir Vannin. Like the Project, the EIST Project has secured a grid connection at Penwortham substation.
- 2.3 The EIST Project, through a section 35 direction² was determined to be a nationally significant infrastructure project in its own right. This was on the basis that it “...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”. MVOWFL’s application for marine infrastructure consent for Mooir Vannin was accepted for examination in August 2025 and the scoping report for the EIST Project was published in August 2025.
- 2.4 Ørsted has raised concerns throughout the examination regarding the potential for the Project to jeopardise EIST Project’s ability to connect to the Penwortham substation and the Applicants’ approach to coordinating with Ørsted.
- 2.5 The Applicants have recently begun engaging with Ørsted and have indicated a degree of coordination will be required between the respective projects. However, throughout this examination, the Applicants have disregarded Ørsted’s concerns and suggested solutions. As a result, at the close of this examination, Ørsted’s concerns remain unresolved and Ørsted considers a formal framework must be included in any development consent order (“**DCO**”) granted for the Project to facilitate the necessary engagement on behalf of the Applicants.

Connection to the Penwortham substation and interface between assets

- 2.6 As outlined in previous submissions,³ Ørsted considers that coordination is required to manage the potential interface between the projects. In particular, this is due to the extent of land rights sought for the Project surrounding the Penwortham substation, there is a risk that the substation will essentially be sterilised for future projects.
- 2.7 The Applicants have maintained throughout the examination, that this will not be an issue because:
- 2.7.1 there will be little temporal overlap between the construction of the projects;
- 2.7.2 National Grid Electricity Transmission (“**NGET**”) have a responsibility to manage the grid connection process for the various projects which will connect to Penwortham; and
- 2.7.3 the extent of land rights sought does not reflect the final extent of land rights which will be acquired for the project.
- 2.8 Ørsted does not agree with the Applicants’ position. First, as explained in Ørsted’s deadline three submission [REP3-102], due to the Queue Management process managed by National Energy

¹ [AS-063], [AS-064].

² The section 35 direction is provided as Annex 1 to Ørsted’s deadline 4 submission [REP4-169].

³ [REP1-225], [REP3-102], [REP4-169], [REP5-188], [REP-198].

System Operator, the Applicants cannot rule out that one realistic scenario is that MVOWF's grid connection date will be brought forward. In the probable event that occurs, there will likely be overlap between the construction programmes for the Project and the East Irish Sea Transmission Project.

- 2.9 As outlined in [REP4-169] and [REP5-188], Ørsted does not consider NGET has the ability and function to manage interactions between the infrastructure required for different projects to connect at the substation. 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.
- 2.10 Ørsted maintains that NGET does not have an ability to override the controls set by any DCO granted for the Project. Therefore, the extent of land rights currently sought, in combination with other site constraints, could make it extremely difficult for other projects to access the Penwortham substation, if there is no formal mechanism or commitment by the Applicants to reduce the land rights sought once the detail of the grid connection works is known.
- 2.11 Ørsted acknowledges the Applicants' desire to maintain flexibility to ensure the grid connection for the Project can be established. However, Ørsted does not consider the Applicants' approach to this issue has been reasonable. Ørsted is not asking for the Applicants to be required to reduce the land right sought currently, but simply seeks a formal mechanism for communication and coordination with other developers to be established.
- 2.12 As outlined in detail in Ørsted deadline 4 submission [REP4-169], the relevant policy framework (primarily, National Policy Statement EN-1 ("**EN-1**") and National Policy Statement EN-5 ("**EN-5**")) sets a clear expectation that developers will coordinate in order to facilitate the achievement of the UK's clean energy targets. In order to satisfy the requirements of the policy framework, it is not sufficient for the Applicants to merely engage with each other. Rather, they must cooperate with all other relevant developers, particularly where lack of co-ordination with another project may materially affect that project's ability to contribute to the achievement of the UK's clean energy targets.
- 2.13 As it stands, the Project does not meet the standards set by the policy framework in relation to this issue and the Applicants have failed to secure any mechanism or agreement which would resolve this issue.

Proposed DCO drafting

- 2.14 At deadline four, in response to an action point arising from issue specific hearing 2 issued by the examining authority [EV7-018], Ørsted proposed two draft requirements which would address some of its concerns.
- 2.15 Those requirements are discussed in detail in [REP4-169] and [REP5-188]. In summary, those requirements would:
 - 2.15.1 require the grid connection works to be designed in accordance with design principles, which would provide for a level of consideration to be given to the ability of other developers to access the substation;
 - 2.15.2 require the details of the location and extent of the grid connection works, once known, to be shared with other parties which have secured a grid connection at Penwortham; and
 - 2.15.3 provide for the establishment of a liaison group for parties with an interest in the Penwortham substation, the 'National Grid Penwortham substation liaison group', to facilitate collaboration between developers.
- 2.16 In Ørsted's view, none of these obligations are particularly burdensome for the undertaker of the Project. Nor would the requirements hamper the development of the Project. They would simply secure a commitment for engagement from the undertaker of the Project with other developers and require some consideration of other developers' interests in the design of the grid connection works.
- 2.17 While the Applicants provided some commentary on these draft requirements at deadline 5 [REP5-118] and [REP5-130], the comments were relatively high level and unclear. The Applicants have not provided any convincing reasoning demonstrating why these obligations are unacceptable to them.

- 2.18 As noted in Ørsted's deadline 5 submission [REP5-188], the overarching goal of Ørsted's draft requirements is to ensure proper communication between developers, in line with the goals of the policy framework and to avoid the sterilisation of land around the Penwortham substation. Ørsted is not seeking that the Applicants make any design changes to the Project. The level of engagement secured by these requirements is commensurate with the importance of the EIST Project (as an NSIP) and is appropriate in terms of the consenting status of the EIST Project.
- 2.19 Ørsted reiterates that it considers its concerns are capable of being addressed through a cooperation agreement with the Applicants or protective provisions in the DCO. In the absence of either protective provisions or an agreement Ørsted considers these requirements are necessary. It is noted that, addressing this issue via DCO requirements reflects the wider public interest in ensuring proper and effective coordination between developers.

3. Conclusion

- 3.1 Ørsted reiterates its position that, due to the scale of land interests being sought surrounding the Penwortham substation, there is a real risk that the Project will cause considerable difficulties for other projects further down the consenting pipeline. This approach is inconsistent with the planning framework established by EN-1 and EN-5.
- 3.2 Ørsted acknowledges that there are some uncertainties with both the Project and the EIST Project and acknowledges that the Applicants are seeking to preserve a degree of flexibility. However, it is not appropriate to dismiss Ørsted's reasonable concerns on this basis.
- 3.3 The measures Ørsted has sought would not require the Applicants to implement design changes or change the land rights sought at this stage. They would simply facilitate information sharing and engagement and provide for some consideration of other developers' access to the substation in the design of the Project. This is the minimum level of engagement communities would expect of developers working in the same area.

Shepherd & Wedderburn LLP

29.10.2025