



Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008* (as amended) (PA2008) the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

Project name	Xlinks Morocco-UK Power Project
Date of request	22 November 2024
Deadline for AOCR	6 December 2024
Return to	XLinks@planninginspectorate.gov.uk

Please complete the proforma outlining your AoCR on the above NSIP.

Local Authority	Devon County Council
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In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

Assessment of Compliance - Required	
S42 Duty to consult	Yes
S47 Duty to consult local authority	Yes
S48 Duty to publicise	Yes

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.



Additional comments - *Not compulsory*

S42 Duty to consult

Subsection (1)(a) requires the Applicant to consult 'such persons as may be prescribed'. These persons are listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. A list of those consulted has been provided in Appendix E-1 of the Consultation Report and appears to comply with those of relevance listed in Schedule 1.

It is understood the Marine Management Organisation has been engaged as required by Subsection (1)(aa).

The Applicant has provided a list of the local authorities consulted on the project. I can confirm as stated in paragraphs 6.2.9 and 6.2.14 of the Consultation Report that the County Council was consulted on 9 May 2024 and again on 31 May 2024. Therefore, the Applicant has complied with Subsection (1)(b) as far as the County Council is concerned.

Subsection (1)(c) is not relevant to the application.

Subsection (1)(d) of section 42 requires the Applicant to consult each person who is within one or more categories set out in section 44. This would include owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A list of landowners and statutory undertaker consultations has been provided in Appendices E-1 and E-3 of the Consultation Report. Table E-3.1 provides details of the landowners consulted. It is not possible from this information to see if every person set out in section 44 has been consulted, however, I can confirm that the applicant wrote to the County Council on 9 May 2024 in respect of the County Council's land interests. The County Council also received a targeted consultation notification under Subsection (1)(d) on 5 September 2024 due to changes to the Order Limits. Therefore, as far as the County Council is concerned, this duty has been complied with.



S47 Duty to consult local authority	<p>The Applicant prepared a Statement of Community Consultation (SoCC) under Subsection (1). The County Council confirms that the Applicant consulted DCC on an early draft of the SoCC on 29 January 2024, and again formally under Subsection 47(3) for a 28-day period beginning on 25 March 2024.</p> <p>The County Council provided feedback to the Applicant as listed in Appendix C-4 of the Consultation Report, and on both occasions, the County Council considers the Applicant addressed the points raised, which included:</p> <ul style="list-style-type: none">• Adding different dates and venues for public exhibition events;• Contacting all groups on their seldom heard consultee list; and• Clarifying the difference between a public exhibition and public consultation. <p>The Applicant provided the notice in which the SoCC was publicised in the local newspaper, the North Devon Gazette. Upon review, it appears the Applicant has complied with the requirements of Subsection 47(6).</p> <p>The County Council has no reason to believe the Applicant has not carried out consultation in accordance with the SoCC as required by Subsection (7).</p>
S48 Duty to publicise	<p>Part 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 sets out how to 'publicise the proposed application in the prescribed manner' in order to comply with Subsection (1).</p> <p>The Applicant has provided the County Council with the notices that were published in various national newspapers and the local newspaper, the North Devon Gazette. It is considered the notices provided demonstrate that the Applicant has complied with the requirements set out in Part 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, and therefore Section 48 of the Planning Act 2008 (as amended).</p>



Any other comments

The County Council considers that the Consultation Report adequately reflects the initial engagement and pre-application consultation carried out by the Applicant. However, the County Council has been disappointed with the lack of detail and information provided by the Applicant during this pre-application consultation. When information on the project has been requested, such as draft management plans, the draft DCO and information on the County Council's land interests, this has taken a number of weeks to be provided and, in the case of the draft DCO, has been non-project specific and so the approach the Applicant is taking is still unclear. In this respect, it has been difficult to understand the full impacts of the proposal, as details have been deferred to submission or not been provided in a timely manner to allow a full discussion prior to submission, particularly in the context of how quickly the project was preparing for submission.

It has, therefore, not been possible for the County Council to comment upon or agree the impacts and issues of the proposal, which has contributed to a Statement of Common Ground not being submitted with the application. The County Council intends to work towards the Statement of Common Ground with the Applicant during the pre-examination process.

It is understood that it is for the Planning Inspectorate to determine whether the applicant has complied with the requirements of the Planning Act 2008 (as amended) in order to accept the application. Whilst the County Council has expressed disappointment with the quality of engagement with the Applicant, it is considered that, with the information available, the Applicant has complied with the statutory provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).

The County Council looks forward to continuing engagement and working with the Applicant and would welcome more timely information sharing in the future.

Yours sincerely,
Sarah Ratnage
County Planning Manager