



# MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Consultation Report Annex E1.2

[Annex E1.2: Consultation compliance checklist](#)



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## E1.2 Consultation Compliance Checklist

### 1.1 Applicable legislation and guidance

The following checklist identifies the consultation obligations imposed by sections 37, 42, 45, 46, 47, 48, 49, 50 of the Planning Act (2008) (the 2008 Act), as well as the statutory guidance about the pre-application procedure published under section 50 of the 2008 Act. It includes an outline of how the Applicants have met each of these requirements and cross refers to where the details can be found within the Consultation Report (document reference E1).

The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 (the 2024 Regulations) came into force on 30 April 2024. In particular, the replacement of the table within Schedule 1, setting out the prescribed consultees regarding whom should be consulted under section 42 of the 2008 Act (Regulation 2).

Regulation 4 of the 2024 Regulations deals with transitional provisions, confirming that the amendments in Regulation 2 do not apply to any proposed application where the applicant has started to consult under section 42 of the 2008 Act before 30 April 2024. The Applicants statutory consultation took place in Autumn 2023, prior to this date. As such, the new 2024 Regulations do not apply to the Transmission Assets in this regard.

In addition, the National Infrastructure Planning Guidance Portal launched in April 2024 which included an overarching introduction to National Infrastructure Planning Guidance (April 2024) and an updated guidance document setting out the requirements and expectations in the preparation of an application for development consent during the pre-application stage; The Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (2024). This 2024 guidance was published on the 30 April 2024 and resulted in the withdrawal of the DCLG 2015 guidance.

Paragraph 006 (Reference ID 01-006-20240417) of the Introduction to National Infrastructure Planning Guidance sets out transitional arrangements. This states “*There may be occasions when guidance is revised when applicants have already commenced their statutory pre-application consultation or after an NSIP application has been submitted for acceptance or is in pre-examination or examination. It is not the intention for revisions to guidance to compromise the preparation or progress of applications which are already well underway.*”

The statutory consultation for the Transmission Assets Project had already been conducted prior to the publication of the 2024 Guidance and in compliance with the DCLG 2015 guidance. In order to fully comply with the 2024 Guidance, the statutory consultation would have to be undertaken again. This would compromise the progress of the application, which paragraph 006 of the Introduction Guidance confirms is not the intention of revisions to guidance. For this reason, the Applicants will proceed with the application for the Transmission Assets Development Consent Order on the basis of the statutory pre-application consultation conducted in compliance

with the DCLG 2015 guidance which applied while the consultation was undertaken. The Consultation Report (document reference E1) and its corresponding annexes (document reference E1.1 to E1.16) therefore sets out how the statutory pre-application consultation for the Transmission Assets was conducted in compliance with the DCLG 2015 guidance.

This checklist demonstrates how the Applicants have complied with the following regulations and guidance:

- The Planning Act 2008 (the 2008 Act)
- Infrastructure Planning: (Applications: Prescribed Forms and Procedure) Regulations 2009
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
- Planning Inspectorate Advice Note Three: EIA Notification and Consultation (Version 7)
- Planning Inspectorate Advice Note Six: Preparation and submission of application documents (Version 11)
- Planning Inspectorate Advice Note Fourteen: Compiling the Consultation Report (Version 3)
- Department for Communities and Local Government (DCLG) Planning Act 2008 guidance on the pre-application process (2015).

**Table 1.1 Consultation Compliance Checklist**

Reference	Requirement	Compliance
<b>The Planning Act 2008</b>		
Section 37(3)	Applications for orders granting development consent	
	An application for an order granting development consent must, so far as necessary to secure that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory – (c) be accompanied by the consultation report	A Consultation Report (document reference E1) has been compiled and submitted with the application for the order granting development consent. This compliance checklist, an annex to the Consultation Report, cross refers to the Consultation Report (document reference E1) throughout.
Section 37(7)	In subsection (3)(c) “the consultation report” means a report giving details of – a. what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application, b. any relevant responses, and c. the account taken of any relevant responses.	The Consultation Report (document reference E1) has provided details pursuant to section 37(7) which have been cross referenced elsewhere in this document below. In regard to (a), (b) and (c);  (a) section 4 of the Consultation Report (document reference E1) provides detail on compliance with sections 42, 47 and 48.  (b) section 4.7 includes an overview of the feedback responses from statutory consultations.  (c) section 4.7 also details the Applicants’ regard to relevant responses and any changes made as a result of statutory consultation.  Please see Annex E1.16 for response tables of all section 42 feedback received and a summary table of the key themes received through section 47 feedback.
Section 42(1)	Duty to Consult	
	The applicant must consult the following about the proposed application: a. Such persons as may be prescribed;	The Applicants consulted all relevant persons prescribed by the Infrastructure Planning (Applications: Prescribed Forms and



Reference	Requirement	Compliance
		<p>Procedure) Regulations 2009 (the APFP Regulations) See section 4.2.3 of the Consultation Report for further details and Annex E1.9 for a full list of the section 42 consultees.</p> <p>The Regulation 11 list of consultation bodies and interested persons was received from the Planning Inspectorate, alongside the Scoping Opinion, dated 8 December 2022 (Planning Inspectorate, 2022) (document reference J25). The Regulation 11 list is provided at Annex E1.14.2 of the Consultation Report (document reference E1.14). Those included within the Regulation 11 list were included within the section 42 consultee list, provided in full at Annex E1.9.1 (document reference E1.9).</p>
	(aa) The Marine Management Organisation (MMO), in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2);	As the Transmission Assets falls within English waters and the Marine Management Organisation were duly included as a section 42 consultee. See section 4.2.2 of the Consultation Report (document reference E1).
	(b) Each local authority that is within section 43;	The Applicants have consulted with each local authority that is within section 43, including 'host' authorities (for the Transmission Assets) and neighbouring authorities. See section 4.2.3 of the Consultation Report (document reference E1), including Table 4.10 for a full list of local authorities identified under section 43.
	(c) The Greater London Authority if the land is within Greater London; and	The requirement to consult is only if the land is within Greater London. In the case of the Transmission Assets, the Greater London Authority have not been consulted as no part of the development is within Greater London.
	(d) Each person who is within one of more of the categories set out in section 44.	The Applicants have consulted each person who is within one or more of the categories set out in section 44. See section 4.2.4 of the Consultation Report (document reference E1)

Reference	Requirement	Compliance
		for further details and the Book of Reference (document reference D3) which identifies all relevant land interests. A DCO Land Referencing Methodology prepared by Dalcour Maclaren, appointed by the Applicants, has been included in Annex E1.10 of the Consultation Report (document reference E1.10).
Section 42(2)	The areas are - (a) waters in or adjacent to England up to the seaward limits of the territorial sea	As the Transmission Assets falls within English waters, the Marine Management Organisation were duly included as a section 42 consultee. See section 4.2.2 of the Consultation Report (document reference E1).
Section 45	<p>Timetable for consultation under section 42</p> <p>1) The applicant must, when consulting a person under section 42, notify the person of the deadline for the receipt by the applicant of the person's response to the consultation.</p> <p>2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The Applicants notified all those consulted under section 42 of the deadline in writing. See section 4.2.5 and Annex E1.9.2 of the Consultation Report (document references E1.9 and E1, respectively) which provides examples of email communications sent to section 42 consultees. All section 42 consultees were also sent the same communication via first class post, to arrive at consultation launch.</p> <p>The Applicants aligned their section 42 and section 47 consultation to the same period, running from 12 October 2023 and finishing on 23 November 2023, to allow all consultees an opportunity to comment simultaneously. Consultees had 6 weeks to respond to the consultation materials. See section 4.1.7 of the Consultation Report (document reference E1) for further details.</p>
	3) In subsection (2) 'the consultation documents' means the documents supplied to the person by the applicant for the purpose of consulting the person.	Emails with electronic links to consultation materials (and statutory notices where applicable), which could be downloaded, were sent to consultees. Those who were subsequently consulted via post, were sent a



Reference	Requirement	Compliance
		set of consultation materials which included hard copy statutory consultation brochure, the Preliminary Environmental Information Report Non-Technical Summary, Statement of Community Consultation, a paper copy of the feedback form and a USB containing the full Preliminary Environmental Information Report. See section 4.2.5 of the Consultation Report (document reference E1).
Section 46	<p>Duty to notify Secretary of State of proposed application</p> <p>1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.</p> <p>2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>The Applicants notified the Secretary of State under section 46 on 11 October 2023 (Annex E1.12.1, document reference E1.12).</p> <p>The email delivery report showed that the emails were delivered to and received by the Locum Senior Private Secretary to the Secretary of State (Annex E1.12.2, document reference E1.12). The Applicants received a letter back from the Planning Inspectorate on 11 October 2023 (Annex E1.12.3, document reference E1.12).</p> <p>See section 4.4 of the Consultation Report (document reference E1).</p>
Section 47	<p>Duty to consult local community</p> <p>1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.</p>	<p>The Applicants prepared a draft Statement of Community Consultation. See section 4.1.3 of the Consultation Report (document reference E1) for details on how the Statement of Community Consultation was prepared. Annex E1.6.2 of the Consultation Report (document reference E1.6) provides the draft Statement of Community Consultation. Once finalised, no further changes were made, with the final Statement of Community Consultation provided at Annex E1.6.1 (document reference E1.6).</p>

Reference	Requirement	Compliance
	<p>2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p> <p>3) The deadline for the receipt by the applicant of a local authority’s response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>Formal consultation on the draft Statement of Community Consultation was undertaken with six host authorities:</p> <ul style="list-style-type: none"> <li>• Fylde Council;</li> <li>• Preston City Council;</li> <li>• South Ribble Borough Council;</li> <li>• Blackpool Council;</li> <li>• Lancashire County Council; and</li> <li>• West Lancashire Borough Council.</li> </ul> <p>This consultation was undertaken from 21 July to 21 August 2023 (commencing on Monday 24 July 2023).</p> <p>See section 4.1.3 of the Consultation Report for further details (document reference E1).</p>
	<p>4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>The draft Statement of Community Consultation, which was consulted upon, has been provided at Annex E1.6.2 of the Consultation Report (document reference E1.6).</p>
	<p>5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).</p>	<p>Table 4.1 in section 4.1.3 of the Consultation Report (document reference E1) details the responses received in response to consultation on the draft Statement of Community Consultation, under subsection (2) and action taken in light of responses received.</p>
	<p>6) Once the applicant has prepared the statement, the applicant must –</p> <p>(za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,</p> <p>a. publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and</p> <p>b. publish the statement in such manner as may be prescribed.</p>	<p>Copies of the Statement of Community Consultation were available to view from 5 October to 23 November 2023 in the following locations:</p> <ul style="list-style-type: none"> <li>• Freckleton Library, Preston Old Road, Freckleton, PR4 1PB.</li> <li>• Kirkham Library, Station Road, Kirkham, PR4 2HD.</li> <li>• St Annes Library, 254 Clifton Drive South, Lytham St Annes, FY8 1NR.</li> </ul>

Reference	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• Lytham Library, Dicconson Terrace, Lytham St Annes, FY8 5JY.</li> <li>• Ansdell Library, 59 Commonside, Ansdell, Lytham St Annes, FY8 4DJ.</li> <li>• Penwortham Town Council and Community Centre, Kingsfold Drive, Penwortham, Preston, PR1 9EQ.</li> <li>• Henry Bloom Noble Library, 8 Duke Street, Douglas, Isle of Man, IM1 2AY.</li> </ul> <p>The Statement of Community Consultation was also published on the Transmission Assets website on 5 October 2023 and remains available to view today:  <a href="https://morecambeandmorgan.com/transmission/">https://morecambeandmorgan.com/transmission/</a></p> <p>Newspaper notices (statutory section 47 notices) were published in the following publications, stating where and when the Statement of Community Consultation could be inspected:</p> <ul style="list-style-type: none"> <li>• Blackpool Gazette (5 October 2023)</li> <li>• Lytham St Annes Express (5 October 2023)</li> <li>• Lancashire Evening Post (5 October 2023)</li> <li>• Isle of Man Courier (6 October 2023)</li> </ul> <p>See section 4.1.4 of the Consultation Report (document reference E1) for further details and Annex E1.6.3 (document reference E1.6) for copies of section 47 notices as they appeared in print.</p>
	7) The applicant must carry out consultation in accordance with the proposals set out in the statement.	The Applicants carried out consultation in accordance with the proposals set out in the Statement of Community Consultation.

Reference	Requirement	Compliance
		Compliance with the Statement of Community Consultation is outlined in section 4.1.13 and Table 4.9 of the Consultation Report (document reference E1).
Section 48	<p>Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner</p>	<p>The Applicants prepared and published a section 48 notice in the manner prescribed by the APFP Regulations.</p> <p>See section 4.5 of the Consultation Report for further information and Annex E1.13.1 of the Consultation Report (document reference E1.13) for a copy of the section 48 notice.</p> <p>Consultees were emailed to be notified of the consultation, with a link to the section 48 notice. Hard copy letters included a copy of the section 48 notice. The section 48 notice was also available on the Transmission Assets website from 12 October 2023 and appeared in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Fleetwood Weekly News (11 October 2023)</li> <li>• Blackpool Gazette (12 October 2023);</li> <li>• Lancashire Evening Post (12 October 2023);</li> <li>• Lytham St Annes Express (12 October 2023);</li> <li>• Isle of Man Courier (13 October 2023);</li> <li>• Fleetwood Weekly News (18 October 2023)</li> <li>• Blackpool Gazette (19 October 2023);</li> <li>• Lancashire Evening Post (19 October 2023);</li> <li>• Lytham St Anne’s Express (19 October 2023);</li> </ul>

Reference	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• London Gazette (19 October 2023);</li> <li>• The Guardian (19 October 2023);</li> <li>• Fishing News (19 October 2023);</li> <li>• Lloyd’s List (19 October 2023); and</li> <li>• Isle of Man Courier (20 October 2023).</li> </ul> <p>The section 48 notice was first published in the Fleetwood Weekly News on 11 October 2023 and the Blackpool Gazette and Lancashire Evening Post and Lytham St Anne’s Express on 12 October 2023. The remaining notices appeared in the press between 12 and 20 October, to coincide with the start of the section 42 and 47 consultation period on 12 October 2023.</p> <p>See section 4.5 of the Consultation Report (document reference E1) for further information.</p>
	(2) Regulations made for the purposes of subsection (1) must make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.	<p>The APFP Regulations require that a deadline for receipt of responses to section 42 consultation made pursuant to section 48 of the Act is no less than 28 days (Regulation 4(3)(i)).</p> <p>The deadline was 23 November 2023 (see section 4.5.3 of the Consultation Report (document reference E1) providing over six weeks for consultation responses, in excess of the prescribed 28 days.</p>
Section 49	Duty to take account of responses to consultation and publicity	
	(1) Subsection (2) applies where the applicant (a) has complied with sections 42, 47 and 48, and (b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).	The Applicants have had regard to all relevant responses to consultation in accordance with sections 42, 47 and 48.

Reference	Requirement	Compliance
	<p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) "relevant response" means</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>	<p>Details can be found in section 4.7 of the Consultation Report (document reference E1), providing an overview of the consultation responses and key issues raised, and a description of how the Applicants had regard to feedback received.</p> <p>Due to the high number of section 47 consultee responses received, a themed approach in summarising and addressing this feedback has been taken. A summary table providing these key themes has been provided at Annex E1.16.1 (document reference E1.16).</p>
Section 50	<p>Guidance about pre-application procedure</p> <p>Guidance may be issued about how to comply with the requirements of this Chapter</p> <p>Guidance under this section may be issued by the Secretary of State</p> <p>The applicant must have regard to any guidance under this section.</p>	<p>The Applicants have had regard to the Department for Communities and Local Government (DCLG) Planning Act 2008 Guidance on the pre-application process (2015) and Planning Inspectorate Advice Note Fourteen: Compiling the Consultation Report. See section 2.2 of the Consultation Report, which includes detail on the transitional arrangements regarding the 2024 Regulations, which came into force in April 2024 and any updates to related guidance, in regard to the Transmission Assets.</p>
<b>The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009</b>		
Reg 3	<p>Prescribed consultees</p> <p>The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.</p>	<p>The Applicants have consulted all those persons prescribed in column 1 of the table in schedule 1 who were deemed relevant to this application by the descriptions set out in column 2 of that table. See section 4.2.3 of the Consultation Report (document reference E1).</p>



Reference	Requirement	Compliance
		A full list of those consulted is provided in Annex E1.9.1 of the Consultation Report (document reference E1.9).
Reg 4	<p>Publicising a proposed application</p> <p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –</p> <p>(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p> <p>(b) once in a national newspaper;</p> <p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyd’s List; and</p> <p>(ii) once in an appropriate fishing trade journal.</p>	<p>A section 48 notice was published in the prescribed manner pursuant to Reg 4(2) and (3).</p> <p>See section 4.5 of the Consultation Report for further details (document reference E1).</p> <p>Annex E1.13.1 of the Consultation Report (document reference E1.13) provides a copy of these notices as published in the following:</p> <ul style="list-style-type: none"> <li>• Fleetwood Weekly News (11 October 2023)</li> <li>• Blackpool Gazette (12 October 2023);</li> <li>• Lancashire Evening Post (12 October 2023);</li> <li>• Lytham St Annes Express (12 October 2023);</li> <li>• Isle of Man Courier (13 October 2023);</li> <li>• Fleetwood Weekly News (18 October 2023)</li> <li>• Blackpool Gazette (19 October 2023);</li> <li>• Lancashire Evening Post (19 October 2023);</li> <li>• Lytham St Annes Express (19 October 2023);</li> <li>• London Gazette (19 October 2023);</li> <li>• The Guardian (19 October 2023);</li> <li>• Fishing News (19 October 2023);</li> <li>• Lloyd’s List (19 October 2023); and</li> <li>• Isle of Man Courier (20 October 2023).</li> </ul>
	<p>(3) The matters which the notice must include are:</p> <p>(a) the name and address of the applicant;</p> <p>(b) a statement that the applicant intends to make an application for development consent to the Commission;</p> <p>(c) a statement as to whether the application is EIA development;</p> <p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p> <p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge on a website maintained by or on behalf of the applicant;</p> <p>(ea) the address of the website where the documents, plans and maps may be inspected;</p> <p>(eb) the place on the website where the documents, plans and maps may be inspected;</p> <p>(ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;</p>	

Reference	Requirement	Compliance
	<p>(f) the latest date on which those documents, plans and maps will be available for inspection on the website (being a date not earlier than the deadline in sub-paragraph (i));</p> <p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p> <p>(h) details of how to respond to the publicity; and</p> <p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.</p>	<p>The section 48 notice was first published in the Fleetwood Weekly News on 11 October 2023 and Blackpool Gazette, Lancashire Evening Post and Lytham St Annes Express on 12 October 2023. The remaining notices appeared in the press between 12 and 20 October, to coincide with the start of the section 42 and 47 consultation period on 12 October 2023.</p>
<p><b>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</b></p>		
<p>Reg 8</p>	<p>Procedure for establishing whether environmental impact assessment is required</p> <p>1. A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either —</p> <p>a. ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>b. notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p>	<p>The Applicants notified the Planning Inspectorate in their letter dated 25 October 2022 that they proposed to provide an Environmental Statement under Regulation 8(1)(b). See section 4.6 and Annex E1.14.1 of the Consultation Report (document reference E1.14) for a copy of the Applicants' notification to the Planning Inspectorate.</p>
<p>Reg 10</p>	<p>Application for a scoping opinion</p> <p>1. A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope, and level of detail, of the information to be provided in the environmental statement.</p> <p>3. A request under paragraph (1) must include –</p> <p>a. A plan sufficient to identify the land;</p> <p>b. A description of the proposed development, including its location and technical capacity;</p> <p>c. An explanation of the likely significant effects of the development on the environment; and</p> <p>d. Such other information or representations as the person making the request may wish to provide or make.</p>	<p>The Morgan and Morecambe Offshore Wind Farms: Transmission Assets Scoping Report was submitted to the Planning Inspectorate (on behalf of the Secretary of State) in October 2022 (Morgan Offshore Wind Limited Morecambe Offshore Windfarm Ltd, 2022).</p> <p>The Scoping Report contained details of the proposed approach to Environmental Impact Assessment for each topic as well as those in accordance with Regulation 10(3).</p> <p>A Scoping Opinion was subsequently received from The Planning Inspectorate (on behalf of the Secretary of State) on 8 December 2022</p>

Reference	Requirement	Compliance
		<p>(Planning Inspectorate, 2022) (document reference J25)</p> <p>See section 3.6 of the Consultation Report (document reference E1).</p>
Reg 11	<p>Procedure to facilitate preparation of environmental statements</p> <p>Regulation 11, inter alia, provides the procedure to facilitate the preparation of an ES for EIA development. This includes provisions for the notification of the consultation bodies of their duties in providing information to facilitate the ES, the provision of a list of those bodies so notified to the applicant and notifying the applicant of those persons considered likely to be affected or have an interest in the project or unlikely to become aware of the proposed development by other means.</p>	<p>The Regulation 11 list of consultation bodies and interested persons was received from the Planning Inspectorate, alongside the Scoping Opinion, dated 8 December 2022 (Planning Inspectorate, 2022) (document reference J25). The Regulation 11 list is provided at Annex E1.14.2 of the Consultation Report (document reference E1.14).</p>
Reg 12	<p>Consultation statement requirements</p> <p>1. The consultation statement prepared under section 47 (duty to consult local community) must set out —</p> <p>a. whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>b. if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>The Statement of Community Consultation provided the relevant detail as required. See section 4.1 of the Consultation Report (document reference E1) and Annex E1.6.1 (document reference E1.6) which provides a final copy of the Statement of Community Consultation.</p>
Reg 13	<p>Pre-application publicity under section 48 (duty to publicise)</p> <p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>	<p>The relevant consultation bodies, in accordance with Regulation 11(1)(c), were issued a copy of the section 48 notice on 12 October 2023 at the same time as the section 48 notice was published. See section 4.5 of the Consultation Report (document reference E1) and Annex E1.9.2 (document reference E1.9) for a copy of the email communications sent to section 42 consultees, including a link to the section 48 notice on the Transmission Assets website.</p>
Reg 32	Development with significant transboundary effects	

Reference	Requirement	Compliance
	<p>Regulation 32 of the EIA Regulations sets out a prescribed process for notifying and consulting European Economic Area (EEA) states that maybe affected by a development that is likely to have significant transboundary effects.</p>	<p>The Planning Inspectorate were notified of the potential for transboundary impacts through the Scoping Report which presented the identification and screening of transboundary impacts. A transboundary impacts screening report was also produced and consulted upon as part of the PEIR.</p> <p>A Regulation 32 notice was published by the Planning Inspectorate on 20 September 2023 (Annex E1.15.1) (document reference E1.15) alongside a notice published in the London Gazette on 5 October 2023 (Annex E1.15.3, document reference E1.15).</p> <p>A Regulation 32 response was received from Belgium on 29 September 2023 (Annex E1.15.4, document reference E1.15) and from the Republic of Ireland on 1 November 2023 (Annex E1.15.5. document reference E1.15).</p> <p>Whilst not a European Economic Area State, the Isle of Man Government have been consulted throughout the pre-application stages, recognising them as a key consultee.</p> <p>Section 4.6.3 of the Consultation Report provides further detail of Transboundary Consultation (document reference E1).</p>
<p><b>Planning Inspectorate Advice Note Three: EIA Consultation and Notification (Version 7)</b></p>		
Appendix A	Prescribed Consultees	
A1	Schedule 1 of the APFP Regulations	
A1.3	<p>Applicants should be aware that amendments made to the APFP Regulations in 2013 introduced differences to the approach required to identify consultation bodies in England and Wales. This is in terms of both the application of the relevance test and the bodies listed in Schedule 1 of the APFP Regulations.</p>	<p>Annex E1.9.1 of the Consultation Report (document reference E1.9) provides a table of the section 42 consultees consulted, which are in the same order as Schedule 1 of the APFP Regulations, as amended.</p>

Reference	Requirement	Compliance
A3	Applying the 'circumstances test' of the APFP Regulations	
A3.1	The Planning Inspectorate applies the 'circumstances test', as set out in column 2 of the table in Schedule 1 of the APFP Regulations. This will determine whether it is necessary to notify or consult bodies identified as 'relevant', or certain bodies prescribed in the APFP Regulations.	The circumstances test in Schedule 1 of the APFP Regulations have been given due regard. As demonstrated in the section 42 consultee list provided in Annex E1.9.1 of the Consultation Report (document reference E1.9), the Applicants have consulted wider than the Planning Inspectorate in the Regulation 11 list (Annex E1.14.2, document reference E1.14), demonstrating a precautionary approach. All prescribed consultation bodies where 'the circumstances test' in column 2 of Schedule 1 is 'all proposed applications likely to affect land in' England or Wales have been consulted.
A3.2	The Planning Inspectorate applies a precautionary approach; where the circumstances test is 'likely to affect', it will be taken there is a probability or risk the Proposed Development will have an effect, and not that the Proposed Development will definitely have an effect.	
A3.3	With the probability or risk that every Proposed Development will have an effect on the environment, the Planning Inspectorate considers it reasonable to notify and consult all the prescribed consultation bodies where the 'circumstances test' in column 2 of Schedule 1 is 'all proposed applications likely to affect land in' England or Wales.	
A3.4	In all other cases, a decision on the need to notify or consult will be reached on a case by case basis. The Planning Inspectorate will have regard to the nature and location of the development, likely geographical extent of the impacts (where known) and statutory responsibilities and functions of the consultation bodies.	
Appendix C	Non-prescribed consultation bodies	
C3	Relevant British Crown Dependencies	
C3.1	The Planning Inspectorate has identified the following British Crown Dependencies, which are not listed in Schedule 1 of the APFP Regulations but have planning functions akin to a local authority: <ul style="list-style-type: none"> <li>• The Isle of Man; and</li> <li>• The Channel Islands (the Bailiwicks of Jersey and Guernsey).</li> </ul>	The Isle of Man Government has been consulted as a section 47 consultee. See Annex E1.7.1 of the Consultation Report (document reference E1.7) for a list of section 47 consultees who were identified as interested individuals, organisations and community groups within the areas likely to be impacted by the Transmission Assets.
C6	Consulting where a Proposed Development includes an offshore element	

Reference	Requirement	Compliance
C6.1	A number of bodies have both statutory and non-statutory responsibilities in relation to the marine environment, in particular, maritime search and rescue (SAR) authorities and authorities responsible for the protection of wrecks. The Planning Inspectorate will exercise judgement to consult these bodies on a discretionary basis.	The statutory and non-statutory bodies with responsibility for the marine environment including Search and Rescue authorities and those responsible for the protection of wrecks have been consulted as either prescribed or non-prescribed consultees as part of the section 42 consultation. See Annex E1.9.1 of the Consultation Report for a full list of section 42 consultees (document reference E1.9).
C6.2	Some of the non-prescribed consultation bodies also appear as prescribed consultees, however, they have functions and responsibilities that extend to the offshore area that are not reflected in the relevance or circumstances tests. Where the Planning Inspectorate considers that these functions and responsibilities are relevant, these bodies will be consulted on a non-statutory basis, if not already identified as a prescribed consultee.	A number of non-prescribed consultees were also consulted at the same time as section 42 consultees. See Annex E1.9.1 of the Consultation Report (document reference E1.9) for a full list of prescribed and non-prescribed consultees who were consulted either via email and/or post.
SAR Authorities: C6.3	<p>The UK Government assumes responsibility for civilian maritime SAR within the UK and its aviation and maritime search and rescue regions, which extends beyond territorial waters (12 nautical miles). This is a legal obligation derived from the UK Government's adherence to international conventions (the Convention on the Law of the Sea (UNCLOS), the Convention on Safety of Life at Sea (SOLAS) (1974), the Maritime Search and Rescue Convention (1979) and the Convention on International Civil Aviation (Chicago 1944) (Annex 12)). SAR authorities consist of:</p> <ul style="list-style-type: none"> <li>• relevant police and crime commissioner (the responsibility for the co-ordination of land-based and inland waters SAR operations including the inland aspects of those incidents that originate at sea rests with the Police Service;</li> <li>• relevant fire and rescue authorities;</li> <li>• relevant ambulance trusts (the NHS ambulance trusts which operate in England and Wales may have helicopter emergency medical service assets which may assist in SAR operations); and</li> <li>• Royal National Lifeboat Institute (RNLI).</li> </ul>	<p>The organisations listed in C6.3 and C6.4 have been consulted either as a prescribed consultee or non-prescribed Consultee as part of the section 42 consultation.</p> <p>See Annex E1.9.1 of the Consultation Report for a full list of section 42 consultees (document reference E1.9).</p>



Reference	Requirement	Compliance
Authorities for the protection of wrecks: C6.4	<p>The authorities responsible for the protection of wrecks in English and Welsh territorial waters are:</p> <ul style="list-style-type: none"> <li>• The Historic Buildings and Monuments Commission for England (Historic England);</li> <li>• Cadw (the relevant body in Wales); and</li> <li>• Ministry of Defence (MoD), in relation to the wreckage of (any) crashed, sunken or stranded military aircraft or designated vessels.</li> </ul>	
C7	Local authorities within zones of visual influence (ZVI)	
C7.1	Developments, such as those with an offshore element, may present a potential visual impact to areas in local authorities which are not identified as 'A', 'B', 'C' or 'D' authorities under section 43 of the 2008 Act. The Planning Inspectorate will exercise discretion in determining whether to consult with these local authorities on a non-statutory basis, having regard for the likely ZVI.	N/A – The Applicants identified authorities under section 43 with regard to the onshore components. See section 4.2.3 of the Consultation Report (document reference E1).
<b>Planning Inspectorate Advice Note Six: Preparation and submission of application documents (Version 11)</b>		
Section 14	Data protection and privacy	
14.1	As application documents will be published to the National Infrastructure website, Applicants should avoid including any personal, individual data; in particular within the consultation report including photographic images of individuals faces who have not consented to their images being used and the written signatures.	The Consultation Report and its accompanying annexes (document references E1 and E1.1 to E1.16 respectively) are in full compliance with the GDPR Regulations including the removal of all identifying information. Please see section 2.3 for details regarding the Applicants' approach to GDPR.
<b>Planning Inspectorate Advice Note Fourteen: Compiling the Consultation Report (Version 3)</b>		
Section 2	Purpose of a Consultation Report	

Reference	Requirement	Compliance
2.1	<p>The Consultation Report must explain how the Applicant has complied with the pre-application consultation requirements, in particular:</p> <ul style="list-style-type: none"> <li>• The requirement to consult with prescribed consultees (section 42);</li> <li>• the requirement to consult with the community (section 47);</li> <li>• the requirement to publicise the proposed application (section 48); and</li> <li>• the requirement to have regard to consultation responses (section 49).</li> </ul>	<p>The Consultation Report (document reference E1) has complied with the pre-application consultation requirements in the following locations:</p> <ul style="list-style-type: none"> <li>• The requirement to consult with prescribed consultees (section 42) – see section 4.2 of the Consultation Report (document reference E1);</li> <li>• The requirement to consult with the community (section 47) – see section 4.1 of the Consultation Report (document reference E1);</li> <li>• The requirement to publicise the proposed application (section 48) - see section 4.5 of the Consultation Report (document reference E1); and</li> <li>• The requirement to have regard to consultation responses (section 49) - see section 4.7 of the Consultation Report (document reference E1).</li> </ul>
2.2	<p>The Consultation Report should also detail any non-statutory consultation outside the requirements of the 2008 Act, providing a clear understanding of all the consultation activity.</p>	<p>Non-statutory consultations took place from July 2021 with full details of all non-statutory consultations provided in section 3 of the Consultation Report (document reference E1).</p>

Reference	Requirement	Compliance
2.3	The Consultation Report should also demonstrate compliance with section 50 of the 2008 Act by illustrating how relevant statutory guidance has been followed. Any divergence from guidance should be robustly justified within the Consultation Report.	Section 2.2 of the Consultation Report (document reference E1) details the guidance and advice notes considered and complied with in accordance with section 50 of the 2008 Act. It also details the applicability of the 2024 Regulations, which came into force in April 2024, to the Transmission Assets and the transitional arrangements regarding the newly published National Infrastructure Planning Guidance and any subsequent updates to guidance.
Section 3	Format and content of the Consultation Report	
Introductory Text		
3.2	Provide an overview including a summary of the consultation activities undertaken and a table or timeline summarizing statutory and non-statutory consultation in chronological order.	The stages of consultations undertaken are outlined in Plate 1.1 and summarised in section 1.5 of the Consultation Report (document reference E1).
3.3	This section should explain the relationship between any initial strategic options stage, any subsequent non-statutory consultation that may have taken place, and the statutory consultation carried out under the 2008 Act.	The Executive Summary at section E.1 of the Consultation Report (document reference E1) provides an overview of the Transmission Assets from inception through to consultation.
Multistage Consultations		
3.5	The report should reflect all stages of the pre-application consultation. Each stage of consultation can be presented and explained chronologically in a separate chapter or section, including non-statutory consultation. This can also include separate summary schedules of consultation responses.	The Consultation Report (document reference E1) has clearly set out all stages of pre-application consultation at the following sections: <ul style="list-style-type: none"> <li>• Section 3 – Non-statutory consultation (two phases)</li> <li>• Section 4 – Statutory consultation</li> </ul>

Reference	Requirement	Compliance
Duty to Consult (s42)		
3.6	The report should include a list of all persons and bodies who were consulted and when.	Annex E1.9.1 (document reference E1.9) provides a full list of section 42 consultees, and Annex E1.7.1 provides a full list of section 47 consultees (document reference E1.7). Section 4.1.7 of the Consultation Report (document reference E1) confirms that statutory consultation commenced on 12 October 2023 and finished on 23 November 2023, with the section 42 and section 47 consultation taking place at the same time.
Duty to Consult (s42) – Prescribed consultees (s42(1)(a), s42(1)(aa) and s42(1)(c))		
3.8	The list of the prescribed organisations should follow the order they are presented in Schedule 1 of the APFP Regulations. Any variations between the two lists should be robustly justified.	Annex E1.9.1 of the Consultation Report (document reference E1.9) follows the order the prescribed organisations are presented within Schedule 1 of the APFP Regulations, as amended. Therefore, no justification for any variations is necessary.
3.9	Where relevant, the list of prescribed consultees should also include the Marine Management Organisation (MMO) and the Greater London Authority.	<p>The Transmission Assets fall within English waters; therefore the Marine Management Organisation were duly included as a section 42 consultee. See section 4.2.2 of the Consultation Report (document reference E1).</p> <p>The Transmission Assets is not located within the jurisdiction of the Greater London Authority and therefore they were not consulted.</p>
Relevant local authorities – s42(1)(b)		
3.10	A short description of how section 43 of the 2008 Act has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.	A description of how section 43 of the 2008 Act has been applied identifying the relevant local authorities has been included in section 4.2.3 of the Consultation Report (document reference E1).
Persons with an interest in land – s42(1)(d)		

Reference	Requirement	Compliance
3.11 – 3.13	The Applicant must demonstrate that diligent enquiry was undertaken to identify persons under section 44 of the 2008 Act and ensure an up-to-date Book of Reference is submitted. In that context it is useful to set out the methodology for identifying persons in Category 3 (those who may make a relevant claim). An explanation should be given as to how many persons with an interest in land were consulted, under which category and when. If additional persons with an interest in land were consulted following changes, it is useful to describe; how many were consulted, when and how they were consulted with and the information they were provided.	<p>After diligent inquiry, carried out by Dalcour Maclaren on behalf of the Applicants, Persons with an Interest in the Land (inclusive of Category 1, Category 2 and Category 3 interests) have been identified and consulted with under section 44 of the 2008 Act. Those identified are listed in the Book of Reference (document reference D3).</p> <p>See section 4.2.4 of the Consultation Report (document reference E1) for further details. A DCO Land Referencing Methodology has also been provided at Annex E1.10 of the Consultation Report (document reference E1.10).</p>
Duty to consult the local community (s47)		
3.14	Evidence should be submitted as part of the consultation report which shows; which local authorities were consulted about the draft SoCC; the local authorities' comments; confirmation that the local authorities were given 28 days to provide comments and a description of the regard given to Local Authority comments.	<p>Section 4.1.3 of the Consultation Report (document reference E1) details the preparation of the Statement of Community Consultation including a consultation with 6 local authorities, a summary of responses received, and the Applicants' regard to these responses, tabulated in Table 4.1 in section 4.1.3 of the Consultation Report (document reference E1).</p> <p>The draft Statement of Community Consultation, which was consulted upon, has been provided at Annex E1.6.2 of the Consultation Report (document reference E1.6).</p>

Reference	Requirement	Compliance
3.15	Applicants should make the SoCC available for online inspection and evidence that this has been done should be provided in the Consultation Report along with confirmation that the webpage could be accessed free of charge.	Section 4.1.9 of the Consultation Report (document reference E1) provides details of how the statutory consultation was advertised, including details of the Transmission Assets website and confirmation the Statement of Community Consultation was accessible free of charge. Screen grabs of the website at the launch of statutory consultation are provided at Annex E1.8.2 (document reference E1.8).
3.16	Copies of the published SoCC notice as it appeared in the local press should be provided along with confirmation of which local newspaper it was published in and when. Where it was not possible to place the SoCC notice in a printed newspaper, then a screen shot of the notice as it was published in an online local newspaper publication should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations), ensuring the date of publication is visible.	Newspaper notices (statutory section 47 notices) were published, stating where and when the Statement of Community Consultation could be inspected. See section 4.1.4 of the Consultation Report (document reference E1) and Annex E1.6.3 for copies for the notices as they appeared in print (document reference E1.6).
3.17	Where more than one SoCC was prepared for a project, e.g., where a SoCC was subject to one or more updates, the updated SoCC or SoCC should be included together with a narrative about why the preceding SoCC was reviewed and updated.	N/A – there was only one draft and one published Statement of Community Consultation. See section 4.1.3 of the Consultation Report (document reference E1).
3.18	Any inconsistencies between the SoCC and the consultation carried out should be clearly explained and justified.	Consultation was undertaken in accordance with the published Statement of Community Consultation.  Table 4.9 in section 4.1.13 of the Consultation Report (document reference E1) details the compliance of statutory consultation with the Statement of Community Consultation.
Duty to publicise (s48)		



Reference	Requirement	Compliance
3.19	A scanned copy of the section 48 notice as it appeared in the local and national newspapers and journals, clearly showing the publication’s name and date of publication, should be included, with a description of where the notice was published, and confirmation of the time period for responses.	Scanned copies of the section 48 notices as they appeared in print have been included in Annex E1.13.1 of the Consultation Report (document reference E1.13).  See section 4.5 of the Consultation Report (document reference E1) provides details of the publication of the section 48 notices.
3.21	Applicants should provide confirmation that the section 48 notice was sent to the EIA consultation bodies at the same time as the notice was published.	The Applicants issued a copy of the section 48 notice to the relevant consultation bodies on 12 October 2023, at the same time as it was first published.  See section 4.5.3 of the Consultation Report (document reference E1) for further information on the section 48 notice. Annex E1.9.2 of the Consultation Report contains example emails sent to section 42 consultees (document reference E1.9) and Annex E1.8.11 of the Consultation Report contains example emails sent to section 47 consultees (document reference E1.8). Both emails to consultees included a link to the section 48 notice on the Transmission Assets website.
Non-statutory consultation and engagement		
3.24	Any non-statutory consultation should be clearly indicated and identified separately. Applicants should describe the non-statutory consultation to the same level of detail as the statutory consultation. It is also useful to understand how comments received influenced the project.	Non-statutory consultations have taken place since July 2021 and continue throughout and beyond the statutory consultation.  Section 3 of the Consultation Report (document reference E1) describes the non-statutory consultations that have taken place and how comments received have influenced the project.
EIA Regulations consultation		

Reference	Requirement	Compliance
3.26	Applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to that consultation should be addressed separately from the statutory consultation.	Section 4.6 of the Consultation Report (document reference E1) details separately the consultation undertaken, and responses received in regard to the Scoping Report, Environmental Impact Assessment Regulations and the Habitats Regulations Assessment.
Report Appendices		
3.27	Appendices should be used to provide evidence that demonstrates compliance with the requirements of the 2008 Act. Careful consideration should be given to the structure and logic of the appendices so that they can be clearly signposted in the consultation report.	Annexes to the Consultation Report have been set out logically to provide evidence of compliance with the relevant Regulations and Guidance.
3.28	Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.	Annex E1.3 (document reference E1.3) and Annex E1.4 (document reference E1.4) includes non-statutory consultation materials of the two phases of non-statutory consultations, which has been assembled chronologically as far as is possible.
3.30	If a large volume of consultation responses were received and reported on, a summary response table in an appendix in chronological order, which demonstrates the journey through the consultation is advised.	Due to the large volume of consultation responses received, the Applicants have included a table at Annex E1.16.1 of the Consultation Report (document reference E1.16) which illustrates and summarises the key themes raised through section 47 consultation responses, and the Applicants regard to them. Section 4.7 of the Consultation Report (document reference E1) details the themed approach methodology. Annex E1.16 also includes tables of feedback received to statutory consultation from section 42 consultees with a summary provided in section 4.7 of the Consultation Report (document reference E1), including the Applicants' regard to the feedback.
Section 4	Reporting statutory consultation responses	

Reference	Requirement	Compliance
Issues-led approach		
4.2	If the level of response was significant it may be appropriate to group responses under headline issues. Care must be taken to ensure that the responses are not presented in a misleading way or out of context from the original views. An explanation of the process by which consultation responses were grouped and organized is helpful, including any safeguards and cross checking that took place to ensure that the responses were grouped appropriately.	An issues-led approach has been taken which aligns responses with Preliminary Environmental Information Report headings. See section 4.7 of the Consultation Report (document reference E1) for further details.
Summary of responses		
4.3-4.6	A summary of individual responses should be provided and categorized, identifying comments that are relevant (directly or indirectly) to change made during the pre-application stage and explaining why responses have led to no change.	Section 4.7 of the Consultation Report (document reference E1) provides a summary of the key issues raised during statutory consultation. Annex E1.16.2 to E1.16.31 provides section 42 feedback, by topic alongside an Applicants' response to individual points raised (document reference E1.16). Section 4.7 of the Consultation Report also includes the methodology regarding the themed approach to section 47 consultee responses (document reference E1). A table illustrating the key themes raised by section 47 consultees, along with the Applicants' regard, is provided at Annex E1.16.1 of the Consultation Report (document reference E1.16).
Section 5		
Virtual Consultation Methods		
5.1	If virtual consultation methods were planned, then this should be reflected in the SoCC. The relevant local authorities will have been consulted and feedback reported in the Consultation Report.	The Applicants were able to run in person events but also held webinars. Section 4.1.10 of the Consultation Report (document reference E1) provides details of stakeholder briefings and section 4.1.11 of the Consultation Report details all in-person consultation events, including a webinar.

Reference	Requirement	Compliance
5.3	Where virtual consultation methods are planned, the SoCC should explain any mitigation measures put in place for the digitally disadvantaged members of the community.	The Statement of Community Consultation sets out that if the Applicants were unable to hold events in-person (for example as a result of extreme weather or public health restrictions), alternative arrangements to deliver a larger, broader range of online consultation events would be made. This eventuality did not occur.
Section 6	Request for Applicant to provide consultation responses	
6.1	The Applicant may be asked to provide a copy of any, or all, of the statutory consultation responses that were received, if there is uncertainty about whether the duty to have regard to consultation responses has been met. It is the Applicant's responsibility to ensure that copies of consultation responses can be provided in a timely manner, bearing in mind any obligations the Applicant has under data protection legislation. The Acceptance stage cannot be suspended or extended pending the submission of the consultation responses.	The Applicants have duly recorded the statutory consultation responses as received. For section 42 consultees, these are noted in full in Annex E1.16 of the Consultation Report (document reference E1.16). A table which illustrates the key themes raised through section 47 consultee responses has also been provided at Annex E1.16 of the Consultation Report (document reference E1.16). Should the feedback be requested in another format, the Applicants are able to provide this to the Planning Inspectorate.
Section 7	Data Protection and Redaction Guidelines	
7.1	Applicants must ensure that the Consultation Report complies with data protection legislation; this may include redaction of personal data, sensitive/special category data and/or obtaining informed consent from the individuals concerned as appropriate.	Section 2.3 of the Consultation Report (document reference E1) highlights the Applicants approach to data in accordance with GDPR best practice.
7.2	As a guideline, applicants should avoid including private, individual or identifying information and sensitive or special category data within the meaning of the Data Protection Act 2018 and UK General Data Protection Regulation or information that could lead to the identification of a specific location of a protected species.	
<b>DCLG Planning Act 2008 Guidance on the Pre-Application Process (2015)</b>		
The pre-application consultation process		

Reference	Requirement	Compliance
17	<p><i>'When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.'</i></p>	<p>The Applicants made best efforts to ensure that the status of any draft document prepared to inform consultation were clearly labelled. The Preliminary Environmental Information Report was clearly marked "preliminary", and this was reiterated in public documents.</p>
18	<p><i>'Early involvement of local communities, authorities and statutory consultees can be beneficial for all parties, by:</i></p> <ul style="list-style-type: none"> <li><i>• Helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;</i></li> <li><i>• Enabling member of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;</i></li> <li><i>• Helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;</i></li> <li><i>• Enabling applicant's to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;</i></li> <li><i>• Enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and</i></li> <li><i>• Identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.'</i></li> </ul>	<p>The Applicants carried out a first stage non-statutory consultation with local communities between 2 November to 13 December 2022, to ensure early engagement with communities, and a second consultation between 19 April to 4 June 2023, which focused on potential locations for the two new onshore substations, as well as the indicative search areas for the onshore cable corridors.</p> <p>Non-statutory consultation with local authorities and other consultees started in Spring/Summer 2021, with written communication to stakeholders in July 2021.</p> <p>Engagement with stakeholders as part of the Evidence Plan Process also began in January 2023, along with engagement via Expert Workings Groups and Engagement Forums. Detail is provided in the Technical Engagement Plan (document reference E5).</p> <p>Section 3 of the Consultation Report (document reference E1) provides details on all non-statutory consultation that took place across all groups, ahead of statutory consultation.</p>

Reference	Requirement	Compliance
20	<p><i>‘(...) to be of most value, consultation should be:</i></p> <ul style="list-style-type: none"> <li><i>• based on accurate information that gives consultees a clear view of what is proposed including any options;</i></li> <li><i>• shared at an early enough stage so the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and</i></li> <li><i>• engaging and accessible in style, encouraging consultees to react and offer their views.’</i></li> </ul>	<p>Section 4 of the Consultation Report (document reference E1) details the statutory consultation which has taken place including when consultation was undertaken, the information provided and how it was accessible to encourage views from consultees. Consultation, including non-statutory consultation, was conducted at a time when the proposals were sufficiently developed, in order to provide a clear idea of the proposal, whilst also allowing consultees the ability to influence the scheme. The Applicants’ regard to feedback received during consultation is summarised at section 4.7, with Annex E1.16 providing themed tables of feedback received from section 42 consultees as well as a summary table of the key themes raised by section 47 consultees (document reference E1.16)</p>
21	<p><i>‘Compliance with this guidance alone will not guarantee that the Secretary of State will conclude that the applicant has complied with the pre-application consultation requirements introduced by the Planning Act. Applicants should satisfy themselves that they have complied with all statutory requirements and applicable guidance (including this guidance) so they can reasonably expect that their application will not be rejected on the grounds of inadequate consultation. Where an applicant has not been able to follow this guidance, they should provide comments setting out why this is the case, in the consultation report.’</i></p>	<p>The Consultation Report (document reference E1) has been compiled in accordance with DCLG Guidance; therefore, no further explanation is required.</p>



Reference	Requirement	Compliance
23	<p><i>'In brief, during the pre-application stage applicants are required to:</i></p> <ul style="list-style-type: none"> <li><i>• notify the Secretary of State of the proposed application;</i></li> <li><i>• identify whether the project requires an environmental impact assessment; where it does, confirm that they will be submitting an environmental statement along with the application, or that they will be seeking a screening opinion ahead of submitting the application;</i></li> <li><i>• produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities, which describes how the applicant proposes to consult the local community about their project and then carry out consultation in accordance with that Statement;</i></li> <li><i>• make the Statement of Community Consultation available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by section 47 of the Planning Act and Regulations;</i></li> <li><i>• identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations;</i></li> <li><i>• Publicise the proposed application in accordance with Regulations;</i></li> <li><i>• Set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication;</i></li> <li><i>• Have regard to relevant responses to publicity and consultation; and</i></li> <li><i>• Prepare a consultation report and submit it to the Secretary of State.'</i></li> </ul>	<p>As set out in this document as well as detailed in the Consultation Report (document reference E1), the Applicants have complied with all requirements listed under point 23 of the DCLG Guidance.</p>
24	<p><i>'The requirements of the Planning Act and associated Regulations form the framework for the pre-application consultation process. The Government recognises that major infrastructure projects and the communities and environment in which they are located will vary considerably. A 'one-size-fits-all' approach is not, therefore, appropriate. Instead, applicants, who are best placed to understand the detail of their specific project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.'</i></p>	<p>The Applicants actively engaged with stakeholders at an early stage, including relevant regulators, statutory bodies, lead officers and elected representatives at local authorities.</p> <p>See section 3 of the Consultation Report (document reference E1) for an overview of all non-statutory consultation prior to statutory consultation taking place.</p> <p>Consultations were also held with relevant local authorities on the draft Statement of Community Consultation as detailed at section 4.1.3 of the Consultation Report (document reference E1).</p>

Reference	Requirement	Compliance
25	<i>'Consultation should be thorough, effective and proportionate. (...) Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.'</i>	<p>Statutory consultation ran from 12 October to 23 November 2023, giving over six weeks for consultation responses, in excess of the prescribed 28 days.</p> <p>Section 4 of the Consultation Report (document reference E1) details the statutory consultation undertaken for the Transmission Assets.</p>
Who should be consulted?		
26	<i>'(...) Sections 42-44 of the Planning Act and Regulations set out details of who should be consulted, including Local Authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed.. Section 47 in the Planning Act sets out the applicants statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.'</i>	<p>Annex E1.9.1 of the Consultation Report (document reference E1.9) provides a full list of all those consulted and the consultation method and includes local authorities along with other statutory and prescribed bodies as well as any non-prescribed consultees.</p>
27	<i>'The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.'</i>	<p>Annex E1.7.1 of the Consultation Report provides a full list of all those consulted under section 47 (document reference E1.7).</p> <p>The Book of Reference identifies all Persons with an Interest in the Land under section 44 (document reference D3).</p> <p>These annexes demonstrate the breadth of consultation undertaken.</p>
Statutory bodies and other relevant groups		

Reference	Requirement	Compliance
28	<p><i>'From time to time a body may cease to exist, but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate. Whether or not an alternative is identified, the consultation report should briefly not any cases where compliance with statutory requirements was impossible and the reasons why.'</i></p>	<p>Where applicable successor bodies would be identified and consulted in the same manner as the original body.</p> <p>Annex E1.9.1 provides a full list of section 42 consultees (document reference E1.9).</p>

Reference	Requirement	Compliance
29	<p><i>'Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages in the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.'</i></p>	<p>The Applicants undertook an Evidence Plan Process for Transmission Assets, through which an Evidence Plan Steering Group was established and comprises of the key regulatory bodies alongside Statutory Nature Conservation Bodies.</p> <p>The Steering Group first met at the start of the Evidence Plan Process in January 2023 and have continued to meet on a regular basis throughout the Environmental Impact Assessment process.</p> <p>Separate Expert Working Groups have also been established to discuss topic-specific issues with relevant stakeholders. Expert Working Group meetings have been held regularly throughout the process since Q1 2023.</p> <p>Engagement forums were also set up, in addition to the technical consultation undertaken under the Evidence Plan Process, to engage stakeholders outside of the Evidence Plan Process covering both offshore and onshore.</p> <p>See section 3.7 of the Consultation Report for further details on the Evidence Plan Process, Expert Working Groups and Engagement Forums. Details of the Steering Group and meeting details are set out in the Technical Engagement Plan (document reference E5).</p>
<p>Consultation with Local Authorities on the Statement of Community Consultation</p>		

Reference	Requirement	Compliance
34	<i>'Local authorities have considerable expertise in consulting local people. They will be able to draw on this expertise to provide advice to applicants on the makeup of the community and on how consultation might best be undertaken. In addition, many authorities will already have a register of local interest groups, and should be able to readily provide applicants with an appropriate list of such groups for the purposes of consultation.'</i>	This response is applicable to Paragraphs 34 – 42.
35	<i>'The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective and work across local authority boundaries.'</i>	The Applicants prepared a draft Statement of Community Consultation and carried out consultations on its contents with the relevant local authorities and other relevant bodies, prior to finalising the Statement of Community Consultation and undertaking statutory consultation. See section 4.1.3 of the Consultation Report (document reference E1), including Table 4.1 which details the feedback received to this consultation and the Applicants' regard.
36	<i>'Even where it is intended that development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area – for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.'</i>	Annex E1.6 provides both the draft Statement of Community Consultation and final Statement of Community Consultation (document reference E1.6).
37	<i>'In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of Community Consultation within 28 days of receipt of the request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.'</i>	

Reference	Requirement	Compliance
38	<p><i>'The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome any barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.'</i></p>	
39	<p><i>'Topics for consideration at such pre-consultation discussion might include:</i></p> <ul style="list-style-type: none"> <li><i>• The size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area);</i></li> <li><i>• The appropriateness of various consultation techniques, including electronic-based ones;</i></li> <li><i>• The design and format of consultation materials;</i></li> <li><i>• Issues which could be covered in consultation materials;</i></li> <li><i>• Suggestions for places/timings of public events as part of the consultation;</i></li> <li><i>• Local bodies and representative groups who should be consulted; and</i></li> <li><i>• Timescales for consultation.'</i></li> </ul>	
40	<p><i>'It is expected that in most cases applicants and local authorities will be able to work closely together and agree on the local consultation process. (...).'</i></p>	
41	<p><i>'Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.'</i></p>	



Reference	Requirement	Compliance
42	<p><i>'Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. (...) However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.'</i></p>	
Local Authorities as Statutory Consultees		
43	<p><i>'Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.'</i></p>	<p>Non-statutory consultation started in Spring/Summer 2021, with written communication to stakeholders in July 2021, introducing stakeholders, local authority representatives and MPs. Section 3.3 of the Consultation Report (document reference E1)</p>
44	<p><i>'Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to Local Plans. Local authorities may also make suggestions for requirements to be included in the draft Development Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.'</i></p>	<p>provides details on this early engagement including meetings held with 'host' Local Authorities ahead of the issuing of the section 35 direction decision.</p> <p>Blackpool Council, Fylde Council, Preston City Council, South Ribble Borough Council and Lancashire County Council are all also part of the Evidence Plan Process Steering Group.</p> <p>Ahead of statutory consultation, an online stakeholder briefing was offered to Fylde Council, Preston City Council, South Ribble Borough Council, Blackpool Council, Lancashire County Council and West Lancashire Council.</p> <p>A preview event for local elected representatives at Lytham Assembly Rooms on 8 September 2024. A further drop-in</p>



Reference	Requirement	Compliance
		<p>stakeholder event was held in the same location on 13 October 2024.</p> <p>A briefing with Fylde Council representatives took place on 8 November 2024 and a further online briefing with South Ribble Borough Council took place on 24 January 2024.</p> <p>Details of all stakeholder briefings held during statutory consultation are detailed in section 4.1.10 of the Consultation Report (document reference E1).</p> <p>A list of local authorities identified under section 43 of the 2008 Act (both 'host' authorities and neighbouring authorities), provided at Table 4.10 at section 4.2.3 of the Consultation Report, were consulted alongside section 42 consultees. Annex E1.9.1 also details all of those consulted under section 42 (document reference E1.9).</p>
Statements of Common Ground (SoCGs)		
48	<p><i>'Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. This will contain agreed factual information about the application and can accompany the application. The statement of common ground can also set out matters where agreement has not been reached. This can then be looked at during examination. (...)'</i></p>	<p>Following submission, the Applicants will seek SoCGs with key consultees to assist the Planning Inspectorate and the Secretary of State to aid understanding and clarification over which issues regarding the Transmission Assets are resolved and agreed, or otherwise. See section 4.8 of the Consultation Report (document reference E1) for further information.</p>
Persons with an interest in land		

Reference	Requirement	Compliance
49	<i>'Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their views regarding them.'</i>	Persons with an Interest in the Land were initially engaged with in July 2022 and were issued with a questionnaire. Communications continued through 2023, including through the two non-statutory consultations, as outlined in section 3.5 of the Consultation Report (document reference E1).
50	<i>'It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort should be made to ensure that the Book of Reference (which records and categorises those land interests) is up to date at the time of submission.'</i>	<p>Through diligent inquiry, carried out by Dalcour Maclaren on behalf of the Applicants, Persons with an Interest in Land (inclusive of Category 1, Category 2 and Category 3 interests) were identified ahead of statutory consultation; those identified are listed in the Book of Reference (document reference D3).</p> <p>Section 42 letters and section 48 notices have been issued to Persons with an Interest in the Land with site notices also erected along the Transmission Assets boundary, ensuring all Persons with an Interest in the Land were aware of the proposals and had the opportunity to provide feedback and engage with the proposals. Any feedback received both during and after statutory consultation has been tabulated in Annex E1.16 (document reference E1.16).</p> <p>See section 4.2.4 of the Consultation Report (document reference E1) for further details of consultation with Persons with an Interest in the Land and section 4.8.3 in regard to engagement with landowners' post-consultation.</p> <p>Two targeted statutory consultations are currently underway, with a 28 day response period and the deadlines for receipt of feedback 2 October and 12 October 2024. Any feedback received during these consultations</p>

Reference	Requirement	Compliance
		will be reviewed and responded to and an update will be provided following acceptance of the application. See section 4.3 of the Consultation Report (document reference E1).
Local Communities		
53	<i>'(...) People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.'</i>	Local people and communities have been consulted throughout, including through early non-statutory consultation, which included a consultation in respect of the onshore substations, and throughout the statutory consultation process. See section 3 of the Consultation Report (document reference E1) for details regarding non-statutory consultation.  Local people and communities were also integral to the statutory consultation. See section 4.1.7 of the Consultation Report for further details (document reference E1).
54	<i>'In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in that process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities...'</i>	Consultation materials were designed to ensure an inclusive approach. See section 4.1.8 of the Consultation Report (document reference E1) for consultation materials and Table 4.4 at section 4.1.9 for a summary of promotion methods.

Reference	Requirement	Compliance
55	<p><i>'Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. (...).'</i></p>	<p>The Preliminary Environmental Information Report set out of the findings of the Environmental Impact Assessment up to the point of consultation and the feedback received. A Preliminary Environmental Information Report Non-Technical Summary was also authored for the statutory consultation. Section 4.1.8 of the Consultation Report (document reference E1) details the consultation materials which were published to aid engagement with statutory consultation and efforts were taken to ensure they were written in Plain English to make them as accessible as possible.</p>
56	<p><i>'Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (...).'</i></p>	<p>Annex E1.6 of the Consultation Report (document reference E1) contains the draft and final Statement of Community Consultation, which details the proposed consultation with those living in the vicinity of the land. Table 4.9 in section 4.1.13 of the Consultation Report also details how the Statement of Community Consultation was complied with (document reference E1).</p>
Offshore Projects		

Reference	Requirement	Compliance
61	<p><i>'Applicants have a statutory duty to consult any local authority in whose land a project is sited. So, where an offshore project also features land-based development, the applicant should treat the local authority where the land-based development is located as the main consultee for the Statement of Community Consultation. The applicant is also advised to consider seeking views on the Statement of Community Consultation from local authorities whose communities may be affected by the project, (...). In addition, applicants may find it beneficial to discuss their Statement of Community Consultation with any local authorities in the vicinity where there could be an effect on harbour facilities.'</i></p>	<p>As detailed at section 4.1.3 of the Consultation Report (document reference E1), the Statement of Community Consultation was subject to formal consultation with local authorities. The Applicants considered all relevant responses received on the draft Statement of Community Consultation.</p> <p>Consultation was conducted with the six host authorities:</p> <ul style="list-style-type: none"> <li>• Fylde Council;</li> <li>• Preston City Council;</li> <li>• South Ribble Borough Council;</li> <li>• Blackpool Council;</li> <li>• Lancashire County Council; and</li> <li>• West Lancashire Borough Council.</li> </ul> <p>Table 4.1 in section 4.1.3 of the Consultation Report (document reference E1) sets out the relevant responses received and the Applicants' regard to them.</p>
63	<p><i>'Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.'</i></p>	<p>The Applicants consulted with Parish and Town Councils identified under section 42(1) and included those which are in the vicinity of the Transmission Assets.</p> <p>Section 4.2 of the Consultation Report (document reference E1) provides further details and Annex E1.9.1 provides a full list of Parish and Town Councils consulted (document reference E1.9).</p>

Reference	Requirement	Compliance
64	<i>'Where the location of a proposed offshore project is such that the impacts on communities are likely to be very small or negligible, applicants are still expected to inform relevant coastal authorities and communities of the proposed project and give them a chance to take part in any consultation. When deciding who to consult in these situations, applicants are encouraged to think laterally, by, for example, identifying nearby local authorities with busy harbours, active fishing or sailing / water-sports communities or key local environmental groups.'</i>	The Applicants consulted with neighbouring authorities and local communities who have an interest in the Transmission Assets. A full list of organisations consulted with under section 42 is provided at Annex E1.9.1 (document reference E1.9) whilst Annex E1.7.1 provides a list of those consulted with under section 47 (document reference E1.7).
65	<i>'Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. It may be that there are impacts which are not immediately obvious but which a consultation can identify. Equally, local communities may have concerns ... and open engagement with the applicant will allow them the chance to express their concerns and to understand how these concerns are being addressed.. The level of interest shown by local authorities and communities will dictate the degree and depth of consultation required. (...)'</i>	The Applicants have consulted with the local communities throughout the pre-application consultation period. Section 4.8 of the Consultation Report details post consultation engagement (document reference E1).
66	<i>'Ultimately, applicants for offshore projects should take a pragmatic approach, consulting in proportion to the impacts on communities and the size of the project, ensuring that relevant local communities are kept informed about the proposals and offered the chance to participate in shaping them. Applicants should use this as a consultation guiding principle together with the statutory requirements as set out in the Planning Act. Provided they do this, and fully explain the approach in the consultation report ... the expectation is that the application will not be rejected on the grounds of insufficient public consultation.'</i>	A pragmatic approach was taken to consultation, with full and targeted consultations being undertaken with local communities especially in regard to the onshore elements, such as the location of the substations. This has ensured that consultation process has been robust and effective, whilst remaining proportionate. Section 4.1.5 of the Consultation Report (document reference E1) provides further detail on how the consultation mailing zone was defined. Section 4.1.9 of the Consultation Report (document reference E1) details how the statutory consultation was advertised, including through in-person consultation events, detailed at section 4.1.11 of the Consultation Report (document reference E1).

Reference	Requirement	Compliance
67	<i>'In addition to relevant local authorities and their communities, prospective applicants for development consent for certain types of projects are required to consult and engage with the Marine Management Organisation. They will also be able to advise on what, and with whom, additional consultation might be appropriate. (...).'</i>	As detailed at section 4.2.2 of the Consultation Report (document reference E1), the Transmission Assets fall within English waters therefore the Marine Management Organisation were duly included as a section 42 consultee. The Marine Management Organisation were also part of the Evidence Plan steering group as detailed at section 3.7.2 of the Consultation Report (document reference E1).
When should consultation take place and how much is enough?		
68	<i>'To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.'</i>	<p>In addition to statutory consultation, engagement with both statutory and non-statutory consultees took place at an early stage through two phases of non-statutory consultation, the first which took place between 2 November to 13 December 2022 and the second between 19 April to 4 June 2023. See section 3 of the Consultation Report (document reference E1) for further details.</p> <p>During statutory consultation, the Preliminary Environmental Information Report and a Preliminary Environmental Information Report Non-Technical Summary were published on the Transmission Assets website and made available at in-person events. See section 4.1.8 of the Consultation Report (document reference E1) for information on materials published to aid engagement with statutory consultation. section 4.1.10 details the in-person consultation events held at which representatives of the Applicants' team were accessible, allowing those in attendance to find out more about the Transmission Assets.</p>



Reference	Requirement	Compliance
69	<p><i>'Applicants will often require detailed technical advice from consultees, and it is likely their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail, allowing consultees to understand the nature of the project properly.'</i></p>	<p>The Applicants undertook an Evidence Plan Process for Transmission Assets, through which an Evidence Plan Steering Group was established and comprises of the key regulatory bodies alongside Statutory Nature Conservation Bodies.</p> <p>The Steering Group first met at the start of the Evidence Plan Process in January 2023 and have continued to meet on a regular basis throughout the Environmental Impact Assessment process.</p> <p>Separate Expert Working Groups have also been established to discuss topic-specific issues with relevant stakeholders. Expert Working Group meetings have been held regularly throughout the process since Q1 2023.</p> <p>Engagement forums were also set up, in addition to the technical consultation undertaken under the Evidence Plan Process, to engage stakeholders outside of the Evidence Plan Process covering both offshore and onshore. This is detailed in Technical Engagement Plan (document reference E5).</p> <p>See section 3.7 of the Consultation Report (document reference E1) for further details on the Evidence Plan Process, Expert Working Groups and Engagement Forums. Full details of the Steering Group remit and meeting details are set out in the Technical Engagement Plan Appendices (document references E5.1 Part 1 of 3, E5.1 Part 2 of 3 and E5.1 Part 3 of 3).</p>

Reference	Requirement	Compliance
70	<p><i>'To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.'</i></p>	<p>The Applicants developed a phased approach to pre-application consultation, giving careful consideration to the specific requirements set out in relevant legislation and guidance. The consultation stages are outlined in Plate 1.1 in section 1.5 of the Consultation Report (document reference E1). Consultation consisted of statutory and non-statutory consultation, as detailed in sections 3 and 4 of the Consultation Report (document reference E1).</p>

71	<p><i>'Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.'</i></p>	<p>Persons with an Interest in the Land were initially engaged with in July 2022 and were issued with a questionnaire. Communications continued through 2023, including through the two non-statutory consultations, as outlined in section 3 of the Consultation Report (document reference E1). Through diligent inquiry, carried out by Dalcour Maclaren on behalf of the Applicants, Persons with an Interest in Land (inclusive of Category 1, Category 2 and Category 3 interests) were identified ahead of statutory consultation; those identified are listed in the Book of Reference (document reference D3).</p> <p>Section 42 letters and section 48 notices have been issued to Persons with an Interest in the Land with site notices also erected along the Transmission Assets boundary, ensuring all Persons with an Interest in the Land were aware of the proposals and had the opportunity to provide feedback and engage with the proposals. Any feedback received both during and after statutory consultation has been tabulated in Annex E1.16 (document reference E1.16).</p> <p>See section 4.2.4 of the Consultation Report (document reference E1) for further details of consultation with Persons With an Interest in the Land and section 4.8.3 in regard to engagement with landowners post-consultation.</p> <p>Two targeted statutory consultations are currently underway, with a 28 day response period and the deadlines for receipt of feedback 2 October and 12 October 2024. Any feedback received during these consultations will be reviewed and responded to and an</p>
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Reference	Requirement	Compliance
		update will be provided following acceptance of the application.
72	<i>'(...) The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.'</i>	<p>The statutory consultation period ran from 12 October 2023 and finishing on 23 November 2023, a period of 43 days.</p> <p>Targeted statutory consultations have also taken place and continue to do so. All those consulted were given at least 28 days to respond (see section 4.3 of the Consultation Report (document reference E1).</p> <p>Furthermore, all feedback received to date has been incorporated as close to the submission of the Development Consent Order application as possible.</p>
73	<i>'Applicants are not expected to repeat consultation rounds ... unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may be needed. (...) When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.'</i>	The Transmission Assets proposals have not changed to an extent which would require a formal re-consultation however targeted consultations were necessary as detailed in section 4.3 of the Consultation Report (document reference E1).
74	<i>'Where a proposed application changes to such a large degree that the proposal could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals and should supply consultees with sufficient information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents) and allow at least 28 days for consultees to respond.'</i>	

Reference	Requirement	Compliance
75	<i>'If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.'</i>	Section 4.7 of the Consultation Report (document reference E1) details the responses to statutory consultation and the Applicants' regard to these responses. There were no changes made to the Transmission Assets following statutory consultation which would necessitate a full re-consultation; targeted consultations were necessary as detailed in section 4.3 of the Consultation Report (document reference E1). Section 4.8 of the Consultation Report (document reference E1) details how stakeholders have been kept informed.
76	<i>'In circumstances where a particular issue has arisen during pre-application consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A Statement of Community Consultation should be drafted so it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.'</i>	In addition to non-statutory and statutory consultation, targeted consultations have been undertaken, including where any new Persons with an Interest in the Land were identified, following refinement and amendments to the boundary of the onshore elements of the Transmission Assets. See section 4.3 of the Consultation Report (document reference E1).
The consultation report and responding to consultees		
80	<i>'Therefore, the consultation report should:</i> <ul style="list-style-type: none"> <li>• <i>provide a general description of the consultation process undertaken, which can helpfully include a timeline;</i></li> </ul>	Section 1.5 of the Consultation Report (document reference E1) provides a general description to the consultation processes undertaken, with Plate 1.1 illustrating a summary approach to consultation.
	<ul style="list-style-type: none"> <li>• <i>set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate;</i></li> <li>• <i>set out how the applicant has taken account of any responses to consultation with local authorities on what should be in the applicant's statement of community consultation;</i></li> </ul>	A consultation compliance checklist (this document) has been provided at Annex E1.2 of the Consultation Report (document reference E1.2).  Table 4.1 in section 4.1.3 of the Consultation Report (document reference E1) considers the feedback from local authorities following consultation on the draft Statement of Community Consultation.

Reference	Requirement	Compliance
	<ul style="list-style-type: none"> <li>• <i>set out a summary of relevant responses to consultation (but not a complete list of responses);</i></li> <li>• <i>provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed;</i></li> <li>• <i>provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;</i></li> </ul>	<p>Section 4.7 of the Consultation Report (document reference E1) provides a summary of the feedback received to statutory consultation, as well as the Applicants' regard to this feedback. Annex E1.16 (document reference E1.16) provides full details of feedback received from section 42 consultees, and the Applicants' response. This is also set out in the relevant chapters of the Environmental Statement. (document reference F1 - F4) A table summarising the key themes of section 47 consultees responses, the Applicants response and regard to these is also found in Annex E1.16 (document reference E1.16).</p>
	<ul style="list-style-type: none"> <li>• <i>where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and</i></li> </ul>	<p>The Consultation Report (document reference E1) is compliant with DCLG Guidance and all relevant Advice Notes which were applicable at the time non-statutory and statutory consultation was undertaken</p>
	<ul style="list-style-type: none"> <li>• <i>be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.'</i></li> </ul>	<p>The Applicants have endeavoured to make the Consultation Report (document reference E1) as clear as possible and has followed guidance within the Planning Inspectorates Advice Note Fourteen: Compiling the Consultation Report in regard to the Consultation Report's structure. This Annex (document reference E1.2) demonstrates how the Applicants have complied with the necessary requirements and in the Consultation Report (document reference E1) via relevant statements of compliance.</p>

Reference	Requirement	Compliance
81	<i>'It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.'</i>	The Applicants have continued to engage with stakeholders post statutory consultation (see section 4.8 of the Consultation Report (document reference E1). The Applicants remain committed to ongoing engagement beyond statutory consultation. See section 4.8 of the Consultation Report (document reference E1) for further details.
82	<i>'As with the consultation itself, it is likely that different audiences will require different levels of information. (...)'</i>	Non-Technical Summaries of technical documents have been prepared to aid accessibility including an Non-Technical Summary of the Preliminary Environmental Information Report and the Environmental Statement (both onshore and offshore) (document reference F1). In addition, several community focused consultation materials were created to aide with statutory consultation. See section 4.1.9 and Table 4.4 of the Consultation Report (document reference E1).
83	<i>'The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.'</i>	The Applicants remain committed to ongoing engagement beyond statutory consultation. Section 4.8 of the Consultation Report (document reference E1).
Environmental Impact Assessment		



Reference	Requirement	Compliance
90	<p><i>'(...) At an early stage the applicant needs to either inform the Secretary of State of their intention to submit an environmental statement along with its application (...) The Secretary of State can also, through a scoping opinion, advise applicants on the content of any required environmental statement. The scoping opinion will be based on advice received from statutory consultees and other relevant organisations.'</i></p>	<p>The Morgan and Morecambe Offshore Wind Farms: Transmission Assets Scoping Report was submitted to the Planning Inspectorate (on behalf of the Secretary of State) in October 2022 (Morgan Offshore Wind Limited, Morecambe Offshore Windfarm Ltd, 2022).</p> <p>The Scoping Report contained details of the proposed approach to Environmental Impact Assessment for each topic as well as those in accordance with Regulation 10(3).</p> <p>A Scoping Opinion was subsequently received from The Planning Inspectorate (on behalf of the Secretary of State) on 8 December 2022 (Planning Inspectorate, 2022) (document reference J25).</p> <p>See section 3.7 of the Consultation Report (document reference E1.16).</p>
91	<p><i>'For major infrastructure projects, the environmental impact assessment process is governed by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. These Regulations make the pre-application publicity and consultation requirements for the environmental impact assessment process consistent with those of the Planning Act:</i></p> <ul style="list-style-type: none"> <li><i>• Regulation 10 requires that the applicant's Statement of Community Consultation must state whether the project falls within the scope of the Directive, and, if it does, how the applicant intends to publicise and consult on the preliminary environmental information (see paragraphs 93 and 94) for requirements in relation to preliminary environmental information); and</i></li> <li><i>• Regulation 11 requires that publicity of project proposals under section 48 of the Planning Act must also encompass the requirements of the environmental impact assessment process and at the time of publishing the proposed application, applicants must notify all environmental consultation bodies.'</i></li> </ul>	<p>See section 4.6 of the Consultation Report (document reference E1) for further information on consultation under the Environmental Impact Assessment and Habitats Regulations Assessment.</p> <p>Section 4.5 of the Consultation Report (document reference E1) details the statutory publication undertaken under section 48 of the 2008 Act.</p>

Reference	Requirement	Compliance
92	<p><i>'To ensure meaningful consultation, the pre-application consultation process for major infrastructure projects encourages applicants to give consultees as much information as possible on the characteristics of the proposed project. However, it may not be possible for applicants to share their environmental statements during the consultation process. It may also not be the most appropriate way to present the potential environmental impacts and mitigation steps.'</i></p>	<p>Section 3 of the Consultation Report (document reference E1) provides detail on all non-statutory consultation that took place, whilst section 4 provides detail on all statutory consultation.</p> <p>Whilst the Environmental Statement (document reference F1-F4) was not provided for consultation, a number of technical and non-technical documents were provided to aid consultation. See section 4.1.9 of the Consultation Report (document reference E1) for consultation materials which aided with statutory consultation.</p>
Preliminary Environmental Information		

Reference	Requirement	Compliance
93	<p><i>'For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. (...) The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.'</i></p>	<p>In communications to statutory consultees on 12 October 2023, a link to Transmission Assets website, through which the Preliminary Environmental Information Report alongside the Non-Technical Summary were available, was provided. If contacted by post, consultees were sent a USB containing the full Preliminary Environmental Information Report and the Preliminary Environmental Information Report Non-Technical Summary. The Preliminary Environmental Information Report and the Non-Technical Summary were also made available at consultation exhibitions alongside community focused consultation materials including a consultation brochure; see section 4.1.8 of the Consultation Report (document reference E1).</p> <p>The Statement of Community Consultation (Annex E1.6 (document reference E1.6) provided relevant detail as required regarding the Preliminary Environmental Information Report, with the Consultation Report (document reference E1) providing a final copy of the Statement of Community Consultation (Annex E1.6 (document reference E1.6) whilst Table 4.9 in section 4.1.13 of the Consultation Report (document reference E1) considers compliance of consultation with the SoCC (document reference E1).</p>
Habitats Regulations Assessment (HRA)		

Reference	Requirement	Compliance
95	<i>'When considering whether a project has the potential to significantly affect the integrity of certain European protected wildlife sites, the applicant must provide a report which should include the site(s), that may be affected, together with sufficient information to enable the Secretary of State, as decision maker, to conclude whether an appropriate assessment is required, and if so, to undertake such an assessment.'</i>	The Habitats Regulations Assessment Stage 1 Screening Report (document reference E3) and Information to Support Appropriate Assessment (document reference E2.1 – E2.3) have been submitted with the Development Consent Order application. This is discussed in the Consultation Report (document reference E1) at section 4.6.
96	<i>'It is the applicant's responsibility to consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulation Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an applicant to agree an evidence plan. (...).'</i>	The Applicants undertook consultation on the Habitats Regulations Assessment as part of the Evidence Plan Process, through Expert Working Groups and during statutory consultation where a draft Habitats Regulations Assessment Stage 1 Screening Report and a draft Information to Support an Appropriate Assessment were provided alongside the Preliminary Environmental Information Report. Section 3.7.2 of the Consultation Report (document reference E1) details the participants of the Evidence Plan Process, and section 4.6.4 provides further details of the Habitats Regulations Assessment consultation.