



Adequacy of Consultation Representation Proforma

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

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

Project name	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Date of request	22 October 2024
Deadline for AOCR	05 November 2024
Return to	MorganandMorecambeOWFTA@planninginspectorate.gov.uk

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

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

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

Assessment of Compliance - Required	
S42 Duty to consult	Yes / No
S47 Duty to consult local authority	Yes / No
S48 Duty to publicise	Yes / No

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

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



Additional comments - <i>Not compulsory</i>	
S42 Duty to consult	<p>It is entirely understandable that some consultations in the preapplication stage will be on an inchoate version of the scheme; this will allow meaningful consultation which can genuinely influence the design of the scheme.</p> <p>However, under the Planning Act 2008 the applicant must consult on the proposed application, and have regard to any relevant responses when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application.</p> <p>At the last consultation the applicant consulted on a cable corridor search area, cable corridor options, an export cable search area, landfall and intertidal area, and an onshore substation consultation area. They have not consulted on a proposed application in any more certain terms than options and search areas. Given that they have not settled on a proposed application in terms of the exact substation locations, substation design, or cable routes, it is difficult to see how the applicant can satisfy this point.</p>
S47 Duty to consult local authority	<p>The applicant has produced a Statement of Community Consultation, as required by s47 of the Act and it has been produced in accordance with s47 of the Act.</p> <p>Consultation has been carried out by the applicant in accordance with the proposals set out in the statement in so far as it sets out the 'who', 'when', and 'where' of the consultation exercise. However, section 7.3 of the applicant's Statement of Community Consultation sets out the 'what'. It states that the applicant will consult on 'the location of the transmission assets' and 'how we will minimise the potential significant environmental effects to and from the project'.</p> <p>Throughout the preapplication consultations, the exact location of the development and the mitigation measures have both been vaguely defined, as set out above. The Planning Inspectorate may wish to consider the effect of this upon the ability of the public and local authorities to offer constructive comments and inform the development of the submitted scheme when deciding whether to accept the application, and when setting out the examination programme.</p>
S48 Duty to publicise	



The Planning Inspectorate
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**Any other
comments**

The applicant has indicated that, once accepted by PINs, they will publicise the application for the minimum 28 day period specified in the Act. This will be wholly insufficient for members of the public and local authorities to consider the scheme and all of its supporting information, and then submit a relevant representation, given the submitted scheme will be considerably different to the last iteration that was consulted upon.