



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	Fylde Borough 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	No
S47 Duty to consult local authority	No
S48 Duty to publicise	Yes

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

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



Additional comments - *Not compulsory*

S42 Duty to consult

S42, Duty to Consult includes (d) each person who is within one or more of the categories set out in section 44, including (1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.

At the pre application stage, the council was copied into correspondence with the applicant from various persons claiming to own land through which the cables would be routed and had not been consulted. The summary of consultation advises (p131) that "Further targeted consultation has been undertaken, for example, for landowners where additional land interests have been identified", however without further confirmation of such information, the council is not in a position to confirm that the duty under Section 42(d) has been met.



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**S47 Duty to
consult local
authority**

Whilst Fylde Council have been consulted in line with the general provisions of section 47, section 47(7) requires: The applicant must carry out consultation in accordance with the proposals set out in the statement.

At the time of the pre application consultation, Fylde Council expressed concern to the applicant that the information included in the consultation was not sufficiently developed to inform a meaningful consultation and that further consultation would be necessary as the project was developed. There has been no further consultation, save for limited targeted consultation in regard to certain minor changes to the project, and so a wider consultation has not taken place.

Advice Note 8.1 provides guidance on non statutory and statutory pre application consultation. In regard to initial pre application consultations, the document advises that “The consultation material presented must be clear and informative” (para 1.4). In regard to statutory pre application consultations paragraph 3 advises that “At this stage the project is likely to be more defined”. Paragraph 4.4 of the guidance advises that “It may be necessary for the developer to carry out additional consultation in response to feedback from consultees or where a significant change is made to the project.”

Fylde council considers that the information used in the non statutory pre application consultation stage was very little refined/developed before the statutory consultation took place. In the opinion of Fylde Council, the information presented at the formal pre application consultation stage was not sufficiently developed to provide the local community or statutory consultees with an opportunity to understand and make meaningful comments on the proposals. For example the consultation included multiple locations for the proposed substations and a wide expanse of possible cable routes, in particular, but not solely, in regard to the routes from the substation to the River Ribble and beyond which were shown via vast areas of search rather than defined corridors. In the opinion of Fylde Council, this level of information would have been suitable for a non statutory pre application consultation, which should have been further developed and refined ahead of the statutory process.

Furthermore, the council is aware that additional information showing the design parameters (maximum development scenario) for both substations marked “restricted” was available, but due to its restricted nature has not been the subject of wider consultation. This approach is contrary to philosophy of openness and transparency said to be at the centre of the applicants’ consultation plan.



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	<p>It appears that details of the scheme have continued to be developed right up to the submission date. A number of elements of the proposal are still to be confirmed, for example, the design, layout, scale and overall height of the proposed substations, which Fylde Council understands are proposed to be submitted in 'outline' only.</p> <p>Due to the absence of detailed design and routing information, Fylde Council was not able to undertake detailed assessment of the likely visual impact or, for example assess the likely noise impacts of the proposed substations at the pre-application stage and so seek to influence the design or location of the proposed supporting infrastructure.</p> <p>Accordingly, Fylde Council does not consider that the requirements of S47 (7) have been complied with.</p>
S48 Duty to publicise	<p>Having reviewed the submitted information, Fylde Council is satisfied that the duty to publicise the application has been met.</p>
Any other comments	<p>Fylde Council would request the Planning Inspectorate to decline to accept the application for a development consent order as having been validly made and request the applicant to refine their proposal and undertake further consultations with the local community, statutory consultees and other stakeholders.</p> <p>This would allow the applicants to further consider appropriate alternative routing for the proposed connections to the national grid which would have a lesser environmental and community impact.</p>