



## Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008* (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”.

<b>Project name</b>	Connah's Quay Low Carbon Power Project
<b>Date of request</b>	11 August 2025
<b>Deadline for AoCR</b>	19 August 2025
<b>Return to</b>	ConnahsQuay@planninginspectorate.gov.uk

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

<b>Local Authority</b>	Flintshire 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.*

<b>Assessment of Compliance - Required</b>	
<b>S42 Duty to consult</b>	Yes
<b>S47 Duty to consult local authority</b>	Yes
<b>S48 Duty to publicise</b>	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*

<b>S42 Duty to consult</b>	<p>Subsection (1)(a) requires the Applicant to consult 'such persons as may be prescribed'. These persons are listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. A list of those consulted has been provided in Appendix E-1 of the Consultation Report and appears to comply with those of relevance listed in Schedule 1.</p> <p>It is understood the Marine Management Organisation has been engaged as required by Subsection (1)(aa).</p> <p>The Applicant has provided a list of the local authorities consulted on the project in <b>Table 4</b> in the Consultation Report. I can confirm as identified in para 5.5.11 in Consultation Report that the County Council was consulted on 2 October 2024, therefore, the Applicant has complied with Subsection (1)(b) as far as the County Council is concerned. Subsection (1)(c) is not relevant to the application.</p> <p>Subsection (1)(d) of section 42 requires the Applicant to consult each person who is within one or more categories set out in section 44. This would include owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A list of landowners and statutory undertaker consultations has been provided in Appendix D-2: List of Section 42(1)(d) Consultees (Confidential). It is not possible to view this information, however, I can confirm that the applicant wrote to the County Council on 13 May 2024 and followed up on 18 June 2024 in respect of the County Council's land interests.</p> <p>The County Council also received a targeted consultation notification under Subsection (1)(d) on 27 May 2025 due to changes in the design.</p> <p>As far as the County Council is concerned, this duty has been complied with.</p>
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<b>S47 Duty to consult local authority</b>	<p>The Applicant prepared a Statement of Community Consultation (SoCC) under Subsection (1). The County Council confirms that the Applicant consulted FCC on a draft of the SoCC on 13 June 2024 and formally under Subsection 47(3) for a 28-day period ending on 12 July 2024.</p> <p>The County Council provided feedback to the Applicant as listed in Appendix B-2 of the Consultation Report.</p> <p>The Applicant provided the notice in which the SoCC was publicised in the local newspaper, The Leader, the Chester Standard and the Wirral Globe. Upon review, it appears the Applicant has complied with the requirements of Subsection 47(6).</p> <p>The County Council has no reason to believe the Applicant has not carried out consultation in accordance with the SoCC as required by Subsection (7).</p>
<b>S48 Duty to publicise</b>	<p>Part 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 sets out how to 'publicise the proposed application in the prescribed manner' in order to comply with Subsection (1).</p> <p>The Applicant has provided the County Council with the notices that were published in various national newspapers and the local newspaper, the Leader. It is considered the notices provided demonstrate that the Applicant has complied with the requirements set out in Part 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, and therefore Section 48 of the Planning Act 2008 (as amended).</p>



<b>Any other comments</b>	<p>The County Council considers that the Consultation Report adequately reflects the initial engagement and pre-application consultation carried out by the Applicant. Further to this, at the time of writing, the County Council has commented upon and contributed to a Statement of Common Ground and draft Development Consent Order (DCO).</p> <p>It is understood that it is for the Planning Inspectorate to determine whether the applicant has complied with the requirements of the Planning Act 2008 (as amended) in order to accept the application. However, the County Council considers that, with the information available, the Applicant has complied with the statutory provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).</p> <p>The County Council looks forward to continuing engagement and working with the Applicant.</p>
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