

# **Mersey Tidal Power Project – EN0110006**

## **Liverpool City Region Combined Authority**

### **Section 51 Advice Log**

**Version: 8 April 2025**

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Liverpool City Region Combined Authority) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
<a href="#">5 December 2024</a>	<ul style="list-style-type: none"> <li>• Section 51 advice from PINS</li> <li>• Project Updates on Stakeholder Engagement, Consultation Outcomes, Programme Document, and Submission Timeline.</li> <li>• Scoping Report and Opinion</li> <li>• AOB</li> </ul>
<a href="#">8 April 2025</a>	<ul style="list-style-type: none"> <li>• Project update; feedback on key consenting and stakeholder issues</li> <li>• Final hydrodynamic report</li> <li>• Summary of main workstreams, decisions and risks flowing from assessment of Scoping Opinion</li> <li>• Ongoing engagement</li> <li>• Programme document, evidence planning and multi-party meetings</li> <li>• New DESNZ guidance for tidal range proposals</li> </ul>
<a href="#">12 November 2025</a>	Email update on pre-application services

## Mersey Tidal Power Project - s51 Advice Library

Topic	Meeting Date: 05 December 2024
<p>Programme Document and Submission</p>	<p>The Inspectorate noted that the application is currently due to be submitted Q4 2026 and advised the Applicant to consider the timing of the submission to avoid the Christmas period - ideally the application would not be submitted past mid-November.</p> <p>Post meeting the Inspectorate provides this advice on the Applicant's Programme Document (PD):</p> <ul style="list-style-type: none"> <li>• The PD should be shared with local authorities and statutory consultees;</li> <li>• The Applicant may wish to include targeted consultation dates in the PD;</li> <li>• The Adequacy of Consultation Milestone (AoCM) should be included in the PD – the AoCM should be submitted around 3 months before the application;</li> <li>• The Applicant should consider whether they wish the Inspectorate to review draft documents. If so, 6 weeks needs to be allowed for the Inspectorate to review and provide feedback. Sufficient time in the programme should be allowed after feedback to address any comments before submission of the application;</li> <li>• The Applicant should consider when they want meetings with the Inspectorate and include these in the PD (up to 6 a year in the standard tier);</li> <li>• The Applicant should consider whether they want the Inspectorate to attend any evidence plan or multi-party meetings. If so they should be included in the PD and at least 6 weeks notice be given to the Inspectorate.</li> </ul> <p>The Applicant notes the above advice. As noted on the 5<sup>th</sup>, our core dates discussed will be mapped out more specifically in the new year, these stages and programme times will be included that can be shared in highlights to update the versions of the Mersey Tidal Programme document.</p>
<p>EIA/HRA</p>	<p>The Inspectorate advised that when the applicant has developed its technical engagement plan, that it should be shared with consultation bodies as soon as possible.</p> <p>As well as using proposed technical engagement meeting to share project updates, the Inspectorate advised that emphasis should be on using these meetings to discuss and resolve any complex environmental issues as far as possible before submission.</p>

	<p>The Applicant notes the above advice. The Applicant is continuing the ongoing engagement as described previously with the consultation bodies (both statutory and other groups or organisations) and will share the wider engagement plan with them in 2025.</p>
Pre-application Prospectus	<p>The Applicant queried whether they could move between service level tiers which the Inspectorate advised that you can with a three month notice period. The Applicant further asked if there was a mechanism to use features of higher tiers to which the Inspectorate said there was not.</p> <p>The Applicant notes the above advice.</p>
<b>Topic</b>	<b>Meeting date: 08 April 2025</b>
Hydrodynamic modelling	<p>The Inspectorate noted the Applicant's summary of the complexity of the estuary's tidal patterns and the interaction with existing and proposed development around the estuary area, including the impact of future sea level rises and implications for nearby habitats. The Inspectorate drew the Applicant's attention to recently released updated flood data from the Environment Agency (EA) and that more was due shortly, and advised them to seek further advice from the EA, including on how to establish a baseline for their modelling given the likelihood of future changes. Because there has not been a project of this type for a significant length of time, the Inspectorate does not have any previous examples of how similar issues have been dealt with.</p> <p>The Inspectorate welcomed the Applicant's confirmation of ongoing engagement with the EA and noted that the EA had been unable to provide answers to all of the Applicant's concerns as yet. It advised that if the Applicant is looking for the Inspectorate to be involved in multi-party meetings to try and move issues forward, it needs to provide clear advance notice of when that is required and the headline topics involved. Ideally this should be included in the Programme Document (PD).</p>
Pre-app engagement with statutory parties	<p>The Inspectorate confirmed its understanding is that many statutory bodies have resourcing issues, even with the updated legislation that allows cost recovery for pre-application engagement on DCO applications. It reiterated the importance of continuing to engage, and explained that both in its own experience and in feedback from statutory bodies, good pre-application engagement has a significant impact on the quality and smooth running of the examination process, such as a reduction in the amount of written</p>

	<p>questions and the number of issues carried forward into examination.</p> <p>The Inspectorate also advised that where issues do remain, it is important that the Applicant can demonstrate in its submission the work that has been undertaken to progress any outstanding areas of conflict.</p>
Pre-app engagement with the Inspectorate	<p>The Inspectorate advised that in addition to providing advance notice, it is most useful for the Applicant to work through the process of engagement and then bring in the Inspectorate for multi-party meetings to help move forward with sticking points and difficult-to-resolve issues. The Inspectorate can then take a mediator type role in those discussions.</p> <p>Outside of meetings, both individual and multi-party, the Inspectorate reminded the Applicant to keep it up to date with progress and issues, and that it does not have to wait for milestone meetings to seek feedback on specific issues e.g. by email. This will help to ensure the pre-application process is as useful as possible.</p>
Evidence planning	<p>The Inspectorate noted the Applicant's intention to shortly begin a process of focused evidence plan related engagement. It advised that the Applicant ensure that it can clearly cross-reference and signpost to information within its evidence base. Other parties, including statutory bodies, will often not have the same detailed background knowledge as the Applicant's team and this will help them to provide accurate and helpful responses.</p>
Programme document	<p>The Inspectorate provided the following feedback on the Applicant's updated PD:</p> <ul style="list-style-type: none"> <li>• The referencing of tables in section 2 (timetable) needs updating</li> <li>• Ensure the PD also captures things that have already happened</li> <li>• Make sure milestones like the Adequacy of Consultation Milestone and draft documents submission are incorporated into the programme</li> <li>• It would be useful to incorporate timescales for future update and multi-party meetings</li> <li>• Start with a longer, high-level list of issues, which would then be expected to reduce as the process goes on</li> </ul> <p>The Inspectorate also reminded the Applicant that a programme document needs to be provided on its public website, and to continue to provide updated versions to reflect ongoing progress.</p>

Topic	Email dated 12 November 2025
Pre-application services update	<p>Following a 6-month review of our services, our Pre-application Prospectus has been updated: <a href="#">2024 Pre-application Prospectus</a>. The update log at the bottom of the page summarises the changes and clarifications that have been applied.</p> <p>As an applicant with a live project at the pre-application stage of the process, please familiarise yourself with the update and consider how it might affect your pre-application programme and interaction with our services.</p> <p>Please note in particular:</p> <ul style="list-style-type: none"> <li>• the establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for <b>all applicants</b> to develop and share a land and rights negotiations tracker in 1 of 2 available templates, irrespective of the service tier they have subscribed to</li> <li>• clarified expectations of applicants when preparing to interact with the Inspectorate at meetings – including clarified rights for the Inspectorate to delay or refuse service where pre-meeting expectations are not upheld e.g. an updated programme document or issues tracker is not provided, on time, to inform a meeting agenda</li> </ul>