Planning Inspectorate

Mersey Tidal Power Project – EN0110006
Liverpool City Region Combined Authority

Section 51 Advice Log
Version: 16 July 2026

This document comprises a record of the s51 advice that has been given by the Planning Inspectorate to the applicant (Liverpool City Region Combined Authority) during the pre-application stage. It will be updated by the Planning Inspectorate after every interaction with the applicant within which s51 advice has been given.

The applicant will always be given the opportunity to comment on the Planning Inspectorate's draft record of the s51 advice given before it is published on the relevant project page on the Find a National Infrastructure Project website.

The role of the advice log at the acceptance stage

Section 55(4) of the PA2008 requires the Planning Inspectorate to consider, amongst other things, the extent to which the applicant has had regard to the s51 advice given by the Planning Inspectorate in connection with the application when deciding if the application can be accepted for examination. Section 51 advice includes:

- advice given about applying for an order granting development consent
- advice given about making representations about an application for an order granting development consent

The applicant will use this advice log as the tool for demonstrating:

- regard to the s51 advice given to the applicant by the Planning Inspectorate
- regard to any s51 advice given in connection with the application to others

The applicant will submit a final version of this advice log which demonstrates regard to all s51 given by the Planning Inspectorate at the pre-application stage as part of the application.

Mersey Tidal Power Project – Applicant meeting and advice index	
Date of meeting	**Meeting / advice overview**
21 May 2024	Inception Meeting • Publication of meeting notes • Introduction to project • Design flexibility • EIA scoping
5 December 2024	• Section 51 advice from PINS • Project Updates on Stakeholder Engagement, Consultation Outcomes, Programme Document, and Submission Timeline. • Scoping Report and Opinion • AOB
1 April 2025	Email regarding DESNZ advice on tidal range proposals,
8 April 2025	• Project update; feedback on key consenting and stakeholder issues • Final hydrodynamic report • Summary of main workstreams, decisions and risks flowing from assessment of Scoping Opinion • Ongoing engagement • Programme document, evidence planning and multi-party meetings • New DESNZ guidance for tidal range proposals
12 November 2025	Email update on pre-application services.
3 March 2026	• Project updates on design and optioneering • Pre-application tier service level • Need for discussions on alternative technologies
16 July 2026	Email advice regarding the Planning and Infrastructure Act 2025

Mersey Tidal Power Project – Log of s51 advice given to the applicant		
Meeting date: 21 May 2024		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Publication of meeting note	The Inspectorate advised that a note of the meeting would be published on its website in accordance with section 51 of the Planning Act 2008. The Inspectorate explained that any advice provided under section 51 does not constitute legal advice upon which applicants or others may rely. The Inspectorate explained that publication of the meeting note could be delayed for up to six months, or until a formal scoping request had been submitted, where this was requested by the applicant for commercial reasons.	
Design flexibility	The Inspectorate recommended the applicant build in flexibility for different turbine models at an early stage.	
EIA scoping	The Inspectorate advised against submitting a Habitats Regulations Assessment with the EIA scoping as the Inspectorate can only comment on the scoping and it may be	

	unclear which document has informed consultee responses.	
Meeting date: 5 December 2024		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Programme Document and Submission	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. Post meeting the Inspectorate provides this advice on the applicant's Programme Document (PD): • The PD should be shared with local authorities and statutory consultees; • The applicant may wish to include targeted consultation dates in the PD; • The Adequacy of Consultation Milestone (AoCM) should be included in the PD – the AoCM should be submitted around 3 months before the application; • The applicant should consider whether they wish the Inspectorate to review draft documents. If so, 6	The Applicant notes the above advice. As noted on the 5th, 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.

	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; • 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); • 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.	
EIA/HRA	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. 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	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.

	complex environmental issues as far as possible before submission.	
Pre-application Prospectus	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.	The Applicant notes the above advice.
Email dated: 1 April 2025		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
DESNZ guidance on tidal range proposals	The applicant asked for the Inspectorate's interpretation of DESNZ guidance: Criteria for a well-developed tidal range proposal - GOV.UK The Inspectorate can confirm that the Criteria guidance are intended to assist developers in the absence of a designated NPS and are likely to be considered as important and relevant to the decision on development consent. It should be noted that much of the content of the guidance is already required from a combination of EN-1, EN-3, the EIA (Infrastructure) Regulations, and wider government planning policy, and the Inspectorate would	Demonstration of regard

	consider it likely that much of the information required to meet the criteria is already intended to form part of your application. DESNZ have advised that 'The Government remains open to considering well-developed proposals for harnessing the tidal range energy in the bays and estuaries around our coastlines, including barrage schemes and other alternatives. Of course, any such proposal would need to demonstrate strong evidence of value for money in the context of other low carbon technologies, as well as details of its associated energy system benefits and environmental impact mitigation strategies before the Government could take a view on its potential or on the funding models appropriate for exploration.' DESNZ have also signposted 'The National Energy System Operator (NESO) have launched a research innovation project to model the impacts and value of tidal range, we are expecting the report from this work in May 25 and will consider its findings.'	
Meeting date: 8 April 2025		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Hydrodynamic modelling	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. 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).	
Pre-app engagement with statutory parties	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 questions and the number of issues carried forward into examination. 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.	
Pre-app engagement with the Inspectorate	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. 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.	
Evidence planning	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.	
Programme document	The Inspectorate provided the following feedback on the applicant's updated PD: • The referencing of tables in section 2 (timetable) needs updating • Ensure the PD also captures things that have already happened • Make sure milestones like the Adequacy of Consultation Milestone and draft documents submission are incorporated into the programme	

	• It would be useful to incorporate timescales for future update and multi-party meetings • Start with a longer, high-level list of issues, which would then be expected to reduce as the process goes on 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.	
Email dated: 12 November 2025		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Pre-application services update	Following a 6-month review of our services, our Pre-application Prospectus has been updated: 2024 Pre-application Prospectus. The update log at the bottom of the page summarises the changes and clarifications that have been applied. 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.	

	Please note in particular: • the establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for **all applicants** 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 • 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.	
Meeting date: 3 March 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Pre-application service level	The Inspectorate advised that it does not encourage repeated switching between tier levels as this makes it difficult to allocate resources to the project for when they are needed. However, given the revised	

	timescales for the project, this can be accommodated if the applicant is satisfied that the need for the Inspectorate's involvement is likely to be limited for a significant period of time. The Inspectorate noted the applicant's suggested approach of reducing to basic tier service for a period of 12 months and a review at the end of that period with potential to move back to standard if increased levels of involvement are needed at that point, and felt that this could be feasible. It advised that given the notice period required, the applicant would need to provide written confirmation of the request very soon to make the change in time for the next invoice period. The Inspectorate confirmed that basic level still allows for update meetings at a level of 3 per year, and that the project will still show as a live pre-application project on its website. However, noting that the applicant has indicated that support from the Inspectorate was required in some environmental issues, it reminded the applicant that the Inspectorate's attendance at multi-party meetings and / or expert topic groups is not a feature of the basic level service and to bear this in mind when making its decision	

	on which tier level is appropriate and when deciding on its programme for this year.	
Alternative technologies	The Inspectorate noted that consideration of alternative technologies was logged on the issues tracker as an issue that may need to be considered as part of the environmental impact assessment but was content that more meaningful discussion could be held later in the pre-application process. It advised that it would be useful to be able to see a clear narrative of how such decisions were reached as part of the overall design and optioneering process.	
Post meeting note: Comments on issues tracker	The Inspectorate notes that the issues tracker identifies several issues at a high level of detail, and in some cases the work is still in early stages. The applicant is advised to provide more detail in the issues tracker as the work progresses and to keep the risk ratings under review. The Inspectorate notes that 1.1.2 identifies alternative technologies and comparison of effects as a matter for discussion with PINS; this was also raised at the meeting. It would be helpful to have further details on this and a proposed plan for the Inspectorate's involvement.	

	At 2.1.1, the Inspectorate notes that the issues tracker does not cover HRA matters in one section, instead referring to issues raised in the marine ecology or species-specific expert topic groups elsewhere in the tracker. The Inspectorate advises that it would be useful to track HRA matters separately from matters raised in other groups, so it is possible to understand the ongoing discussions with SNCBs on these issues. This would provide a clearer means to understand any disagreements and the proposals for resolution where applicable. Each matter raised in this way should also be given a RAG rating.	
Email dated: 16 July 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Planning and Infrastructure Act 2025 updates	In light of the amended legal framework which will be introduced from 24 July 2026 by the Planning and Infrastructure Act 2025, the Planning Inspectorate issued written advice to the applicant on 16 July 2026 requesting for: • evidence within the submitted application in relation to duties under s46 and s48 of the PA2008 to be provided as an appendix to any engagement summary document that	

	the applicant may choose to submit or, where the applicant chooses not to submit such a document, as a discrete document titled 'Section 46 and section 48 information' • evidence within the submitted application in relation to new s55(4)(e) of the PA2008 to be provided in a submission version of this expanded advice log template.	

Mersey Tidal Power Project – Log of s51 advice given to others		
Person s51 advice given to	**s51 advice given**	**Applicant regard to s51 advice given**
Name and/or organisation	Summary of s51 advice given and link to advice register	Applicant to complete