



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”.

Project name	Oxfordshire Strategic Rail Freight Interchange project
Date of request	8 April 2026
Deadline for AOCR	22 April 2026
Return to	OxfordshireSRFI@planninginspectorate.gov.uk

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

Local Authority	Oxfordshire 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
S47 Duty to consult local authority	Yes
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 - <i>Not compulsory</i>	
S42 Duty to consult	
S47 Duty to consult local authority	
S48 Duty to publicise	



Any other comments

The applicant for the proposed Oxfordshire Strategic Rail Freight Interchange (“OxSRFI”), held its Stage 1 non-statutory consultation from May through to early July 2022. An updated Statement of Community Consultation (SoCC) for the Stage 2 Statutory Consultation was published by the Applicant in September 2025 following consultation with the Host Authorities on the draft. The Stage 2 Statutory Consultation ran from 23rd September 2025 to 4th November 2025. Owing to these events, OCC considers the applicant has complied with the requirements under sections 42, 47 and 48 of the Planning Act 2008.

Regular meetings between DCO leads at the applicant and the Host Authorities: Oxfordshire County Council (OCC) and Cherwell District Council (CDC), have occurred since mid-2025. These have largely been constructive and have helped facilitate coordination of engagement with officers at OCC.

There are some areas where the applicant’s engagement with OCC officers has been excellent with a pro-active and positive approach to officer input being taken. Traffic & Transport is particularly notable in this regard, with regular and productive meetings between the applicant’s transport consultants and OCC’s Transport Development Management officers occurring for the best part of four years.

However, for the other significant environmental disciplines, such as Landscape and Biodiversity specific engagement was primarily offered only after the conclusion of the Stage 2 Statutory Consultation. This is contrary to the standard practice of other NSIP developers within the county who have taken a more iterative approach to engagement on all environmental disciplines throughout the pre-application phase. In some of these areas, the applicant’s position has been to defer to updates in the final Environmental Statement (ES) to be shared with OCC post-submission with little indication what steps will be taken within the ES to address the County’s concerns. It is accepted that OCC will have the opportunity to comment on these matters in the Local Impact Report. However, this position raises concern about the extent to which the applicant has satisfied certain of the *Gunning* principles governing a lawful consultation.

The principles for public consultation were coined by Stephen Sedley QC in the case of *R v London Borough of Brent ex parte Gunning*¹. The principles are: (i) proposals are still at a formative stage (ii) there is sufficient information to give “intelligent consideration” (iii) there is adequate time for consideration of response and (iv) “conscientious consideration” must be given to the consultation responses before a decision is made. The *Gunning* judgment held that a consultation is only lawful when each of these principles is complied with. The principles were reinforced by the *Court of Appeal in R v North and East*



*Devon Health Authority ex parte Coughlan*² (where it was confirmed they apply to all consultations) and by the Supreme Court in *R ex parte Moseley v LB Haringey*³, which endorsed the principles' legal standing.

OCC believe that further consideration and justification of the (i) formative stage; and (iv) "conscientious consideration" principles would be of most relevance here. This is principally because of the applicant's approach to deferring to updates to come in the final ES chapters in a number of areas of engagement as set out above.

It should be made clear that the concerns raised regarding the *Gunning* principles, do not apply to the aforementioned approach to engagement on Traffic & Transport matters which OCC raises no concerns with.

OCC is committed to continuing to work productively with the applicant throughout the post-submission and examination process.

¹ [1985] 84 LGR 168

² [1999] EWCA Civ 1871

³ [2014] UKSC 56