

## Consultation with RiverOak SP (RSP) on their Development Consent Order (DCO) Process

RSP has been undertaking public consultation at various meetings throughout the district as part of the pre-application steps in support of its DCO process.

As part of that process, RSP is obliged to consult with Thanet District Council who are the 'host' authority for this DCO application. The council welcomes this engagement by RSP as it is something that we initially requested in October 2016.

DCO matters (under parts 4 to 8 of the Planning Act 2008) are what is known as 'executive functions' which means that the legal authority to deal with these matters rests with the executive and not with Full Council. That is why RSP are being asked to undertake their consultation with the Leader and his Cabinet together with senior council officers and not at a Full Council meeting.

Indeed, it would be unlawful for Full Council to deal with this matter, since under the Local Government Act 2000, any function which is the responsibility of an executive of a local authority, may not be discharged by the Full Council,

In dealing with this DCO, Thanet District Council is acting in accordance with the Planning Inspectorate guidance. The Planning Inspectorate expect us to ensure delegations are in place and explains that it won't be possible for the DCO process to be structured around the council's committee cycles.

At Dover District Council for example they delegated all their functions in relation to DCOs to a senior officer in order to enable the council's functions in relation to Development Consent for Nationally Significant Infrastructure Projects to be discharged quickly, effectively and efficiently. Similar arrangements are in place for those local authorities dealing with DCOs in relation to nuclear power generation.

Other authorities may be dealing with the matter slightly differently because they are not the 'host authority'. As 'host authority' Thanet District Council are (if the DCO is successful) likely to become responsible for discharging many of the requirements (akin to planning conditions) associated with the project. The council are also likely to have a role in monitoring and enforcing many of the DCO provisions and requirements.