

APPENDIX B

Crawley Borough Council's role in the Development Consent Order Process

An application for routine use of the standby runway at Gatwick would be a nationally significant infrastructure project because it will add more than 10mppa capacity. The Planning Act 2008 established the Development Consent Order Process (DCO) for these applications which are determined by the Secretary of State, with the Planning Inspectorate handling the process. The council will not make the decision on the planning application.

The council will be a "host authority" for this application, together with West Sussex County Council. At pre-application stage, which would be during 2019 according to GAL's suggested timetable, the council will need to comment on the appropriateness of the developer (GAL's) draft Statement of Community Consultation, provide local information to GAL, discuss Section 106 requirements and consider joint working arrangements with other local authorities. The DCO guidance is clear that *"it is not helpful for the council to run its own consultation events in relation to an NSIP project"* as members of the public and other neighbouring authorities should make their comments directly to the developer. However, the council should ensure that the proposed consultation is appropriate.

The council should start work during the pre-application period on the Local Impact Report, (LIR), which it is required to submit to PINS early in the Examination stage. The LIR is *"a report giving details of the likely impact of the proposed development on the authority's area."*(s60 (3) of the 2008 Act). It is only expected to provide information about impacts within the borough, and consultation with the community or neighbouring authorities is not required, although a joint LIR could be submitted. Positive, negative and neutral impacts should be identified but the LIR is not expected to contain a balancing exercise. The council can submit a separate written representation if it wants to express a particular view on whether the application should be granted. The council will be expected to take part in the Examination hearings and respond to any questions from PINS. If the DCO is approved, the council, if it is designated as the Relevant Authority, (alternatively this could be WSCC or a range of councils), will be responsible for the discharge of all the Requirements (similar to planning conditions), responding to any applications for material and non-material amendments, and future enforcement if the DCO is granted. It is also suggested that the council should consider whether a Supplementary Planning Document is appropriate.

The DCO process works on a strict timetable and the Planning Inspectorate's guidance emphasises that authorities should ensure that any necessary internal arrangements are in place to ensure timely decisions can be made in order to meet the set deadlines. Whether or not documents, such as the LIR, require approval by Members is entirely a matter for local authorities to determine. Amendments to the Constitution will be needed to ensure there are delegated arrangements in place so that responses can be signed off in a timely way. It is suggested that this is through the Planning Committee.

This work is likely to have resource implications, particularly for the Planning teams, Environmental Health, Drainage and legal. The fee for the DCO will be received by PINS, not the LPA, but a Planning Performance Agreement can be sought with the developer, (GAL), including developer funding towards additional resources.