

Section 106 (s106)

A full first draft of the Applicant's proposed DCO s106 Agreement was shared with the JLAs on 1 February 2024. The JLAs provided their comments on the principle of the main commitments within the draft on 23 February 2024. An updated draft DCO s106 Agreement was then provided to the JLAs on 25 March 2024 which incorporated some amendments (where considered by GAL to be appropriate) made in response to the JLA's comments as well as those provided separately through the Written Representations, hearings, and Statement of Common Ground discussions.

The JLAs are in the process of reviewing the draft DCO s106 Agreement provided on 25 March 2024 and have been holding topic specific meetings to review the various obligations with their legal team. The JLAs have also reached out to organise meetings with GAL and its legal team on various topics.

The JLAs were pleased to note that the draft DCO s106 Agreement provided on 25 March 2024 took into account some comments made by the JLAs on the first draft shared. We are confident that agreement can be reached on certain obligations.

However, the JLAs were frustrated to see that several obligations requested by the JLAs constituting mitigation for the proposed development have been rejected by the Applicant and are currently not provided for in the draft DCO s106 Agreement. This includes (but is not limited to): An obligation on GAL to update and review the Noise Action Plan; and, noise surveys to examine community annoyance.

The JLAs are also considering whether obligations proposed in the draft DCO s106 Agreement would be more suitably or appropriately controlled by Requirements in the Development Consent Order. This applies in particular to provisions in the Surface Access Transport Schedule of the draft DCO s106 Agreement such as paragraph 2 (Gatwick Area Transport Forum), 3 (Transport Forum Steering Group), 4 (Surface Transport Fund) and paragraph 5 (Investment in Bus and Coach Services), given that they generally serve to provide an explanation as to how the SACs will be delivered, rather than constituting standalone obligations in their own right.

The JLAs are also considering the general principles of the proposed 'monitoring period' and the extent to which certain obligations are sufficiently precise and enforceable and fall within the parameters of section 106 of the Town and Country Planning Act 1990.

Please also refer to the covering letter which was submitted as part of the Response to Examining Authority First Written Questions (ExQ1) section.