



**Horsham
District
Council**



GATWICK AIRPORT NORTHERN RUNWAY PROJECT
PLANNING INSPECTORATE'S REFERENCE: TR020005
LEGAL PARTNERSHIP AUTHORITIES
RESPONSE TO APPLICANT'S DRAFT dDCO SECTION 106
AGREEMENT [[REP6-063](#)] AND EXPLANATORY MEMORANDUM
[[REP6-096](#)]
DEADLINE 7: Monday 15 July 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mole Valley District Council (20044578)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

Legal Partnership Authorities

Response To Applicant's Draft dDCO Section 106 Agreement [REP6-063] And Explanatory Memorandum [REP6-096]

1 INTRODUCTION

1.1 The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

1.1.1 Crawley Borough Council

1.1.2 Horsham District Council

1.1.3 Mid Sussex District Council

1.1.4 West Sussex County Council

1.1.5 Reigate and Banstead Borough Council

1.1.6 Surrey County Council

1.1.7 East Sussex County Council; and

1.1.8 Tandridge District Council.

1.1 In these submissions, the Legal Partnership Authorities may be referred to as the "*Legal Partnership Authorities*", the "*Authorities*", the "*Joint Local Authorities (JLAs)*" or the "*Councils*".

1.2 Please note that Mole Valley District Council is also part of the Legal Partnership Authorities for aspects of the examination relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities. As such, this submission is also made on behalf of Mole Valley District Council.

1.3 This submission provides a brief response to the Draft dDCO Section 106 Agreement [REP6-063] and Draft Section 106 Agreement – Explanatory Memorandum [REP6-063] submitted by the Applicant at Deadline 6.

2 STATUS OF NEGOTIATIONS

2.1 The Authorities and the Applicant have been negotiating the terms of the DCO Section 106 Agreement over the course of the Examination and the Authorities received the most recent version of the Section 106 Agreement on 27 June 2024, following Deadline 6.

2.2 The Authorities are in the process of reviewing the document but note that the content of the DCO Section 106 Agreement remains substantively the same as the version of the agreement that had been reviewed and commented on by the Authorities, save for some discrete obligations.

- 2.3 Where the principle of obligations is agreed, the parties are making progress on the drafting and have been able to negotiate key terms. The parties continue to discuss the detail of obligations including the value of key contributions, the time period for which obligations should remain in place, and the adequacy of documents appended to and secured by the DCO Section 106 Agreement.
- 2.4 It remains the case, however, that the Authorities and the Applicant disagree on several key obligations which the Authorities consider should be included within the Section 106 Agreement. These are as set out in section 3 of the Authorities' Deadline 6 submission "Update on Progress negotiating the draft Section 106 Agreement" [\[REP6-112\]](#).
- 2.5 As indicated in [\[REP6-112\]](#), the Authorities maintain that these obligations are fundamental to mitigating the impacts of the Northern Runway Project and unless agreement can be reached, are likely to invite the ExA to adjudicate on whether they should be secured through requirements or other provisions in the Development Consent Order, or other recommendations to the Secretary of State.
- 2.6 A provisional list of these proposed requirements – including proposed drafting in some instances – has been provided in **Part C** to the Authorities' Deadline 7 Submission "Consolidated dDCO Submissions". Depending on the outcome of further discussions with the Applicant, this list of proposed requirements may be supplemented at Deadline 8.

3 NEXT STEPS

- 3.1 The Authorities will continue to negotiate with the Applicant on the terms of the DCO Section 106 Agreement and urge the Applicant to include the additional obligations within the Section 106 Agreement and to commit to secure them as mitigation for the DCO.