

APPENDIX C: Reasons for refusal if Section 106 not signed:

Transport:

1. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured to ensure safe access to and egress from the site or the promotion of use of sustainable modes of transport including walking, cycling or the provision of a public route through the site. In addition, there would not be a mechanism to ensure the proposed highway works are carried out in a timely way or are safely designed. The proposal is therefore contrary to policies SS1, DA2, SA6, CP7, CP8, CP9, CP12, CP13, CP18 and CP19 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.

Review mechanism:

2. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to review the viability of the scheme at a later date to establish whether 40% affordable housing can be provided within it, to reassess if changes to costs and values would allow for an affordable housing contribution to be provided, contrary to policies SS1, CP1, CP7, CP19, CP20 and SA6 of the Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.

Construction training:

3. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy SS1, SA6, CP2, CP7 and DA2 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.

Employment Scheme:

4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policy SS1, SA6, CP2, CP7 and DA2 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.

Public Art:

5. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of an artistic component or strategy, contrary to policies SS1, SA6, CP5, CP7, DA2 and CP13 of the Brighton & Hove City Plan Part One, and the Council's Developer Contributions Technical Guidance and

Planning Advice Note 10: Public Art and the Council's Public Art Strategy 2022.

Monitoring:

6. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring of the s106 agreement, including the Public Art Strategy and also the Travel Plan associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6, CP7, CP9, CP13 and DA2 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.