

**Recommended Section 106 Heads of Terms for Deed of Variation to Brighton Agreement 1 dated 23 October 2003 for Planning Application BH2011/03861**

**Variations:**

**1. Green Transport Plan:**

Variation to definition of Green Transport Plan and to paragraph 1 of Schedule 2: Vary so as to require the Green Transport Plan for staff to apply to Event Days as well as Non-Event Days. Revised Green Transport Plan to be agreed by the Council and the University prior to the Proposed Development being brought into use. A further revised Green Transport Plan to be agreed by the Council and the University prior to an event with an attendance beyond 28,000 Spectators being held.

Paragraph 1 of Schedule 4 to be deleted (so that the requirements of the Schedule apply to Outdoor Events).

Paragraphs a to f of paragraph 2 of Schedule 4 to be replaced with:

- a) promote and enable increased use of walking, cycling, public transport use, as alternatives to car use;
- b) increase awareness of and improve road safety and personal security;
- c) undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
- d) identify targets focussed on reductions in car use on Event Days and Non-Events Days;
- e) identify a monitoring framework, based on annual surveys taken on both Event Days and Non-Event Days, to enable the Green Transport Plan to be reviewed and updated as appropriate;
- f) following the annual staff surveys, an annual review will be submitted to the Council to update on progress towards meeting the targets identified;
- g) identify a nominated member of staff or post to act as a Travel Plan Co-ordinator.

2. **Artistic Component**

Variation to paragraph 1 of Schedule 5: The Artistic Component to be completed within 6 months of the Proposed Development being brought into use;

Variation to paragraphs 2.1 and 2.2 of Schedule 5: The value of the Artistic Component shall be increased by £12,000 (to a total of £92,500);

3. **Stewarding Plan**

Variations to paragraph 6 of Schedule 2 and Schedule 6: The following provisions to be added to matters to be addressed by the Stewarding Plan:

- a) Stewarding of and access to the proposed car park at the former Falmer High School BH2012/00384;
- b) Additional stewarding required at and within the vicinity of Falmer Station during the Interim Period (after the first 28,000 seats are brought into use and prior to completion of the Falmer Station Works - see below)
- c) Stewarding of the alternative vehicular access for University traffic during events taking place at the Stadium with an anticipated attendance of over 5000 Spectators which is scheduled to start at or after 5 pm on a working day and the period up to 3 hours before and up to 3 hours after the start and end of such events along the route shown red on the plan annexed to these Heads of Terms;

Updated Stewarding Plan to be agreed in writing by the Council and the University prior to the Proposed Development being brought into use.

A further revised Stewarding Plan to be agreed by the Council and the University prior to an event with an attendance beyond 28,000 Spectators being held.

4. **Liaison Group**

Variation to paragraph 9 of Schedule 2: The contractors for the Proposed Development and the contractors for the proposed car park at the former Falmer High School (BH2012/00384) to be added to the list of organisations to be invited to attend the Liaison Group for the duration of the construction of the Proposed Development and the proposed car park.

Variation to paragraph 9 of Schedule 2: The Brighton Aldridge Community Academy Trust to be added to the list of organisations to be invited to attend the Liaison Group.

5. **Monitoring of Spectator Traffic (Moulsecoomb)**

Paragraph 10 of Schedule 2: Replace with:

- a) new schedule requiring an Event Day Controlled Parking Zone;
- b) requirement for the Company to fund the implementation costs for an Event Day Residents Only Parking Scheme for Moulsecoomb and Coldean (estimated to be a maximum of £153,000 to be paid prior to the Proposed Development first being brought into use);
- c) The Council to refund unused implementation costs if either of the Event Day Resident Only Parking Schemes are not implemented within 3 years, or if such Scheme is implemented and there are monies left over;
- d) The Company to fund the ongoing annual maintenance and permit costs (estimated to be a maximum of £25,000 for maintenance, enforcement and labour and a maximum of £32,000 for permit administrative costs). Any revenue would be deducted from the annual costs;
- e) Prior to the Proposed Development first being brought into use, the Company to submit a Parking Management Strategy for Moulsecoomb and Coldean (increased signage and stewarding) for the time period prior to any Event Day Residents Only Parking Scheme being brought into use to the Council and the University for approval and thereafter to implement the same; and if after 3 years, the Council decides not to

bring in such a Scheme for either area, for the time period after such decision;

- f) Monitoring of spectator traffic for both Coldean and Moulsecoomb to be undertaken prior to any Event Day Resident Only Parking Scheme being implemented; and if the Council decides not to bring in an Event Day Resident Only Parking Scheme for either area, the monitoring of spectator traffic will continue and the original penalty charges based on percentage increases in parking will apply to either area, starting the next football season after any such decision by the Council.

## 6. **Travel Management Plan (“TMP”)**

Variation of paragraph 2 of Schedule 2 and Schedule 3 - Travel Management Plan (TMP): The following provisions to be added to matters to be addressed by the TMP in Schedule 3:

- a) Revised parking, pricing and operation strategy for car parks within 1.5km;
- b) Monitoring of cycle parking usage and provision of additional cycle parking provision if necessary;
- c) Monitoring of motorcycle parking usage and provision of additional motorcycle parking provision if necessary;
- d) Monitoring of disabled parking usage and provision of additional disabled parking provision if necessary;
- e) Strategy to address private drop off in the vicinity of the Stadium;
- f) Annual report to the Transport Management Group (TMG) after the end of each football season regarding progress/issues related to each of the matters to be addressed by the TMP.

Amended TMP to be agreed by the Council and the University prior to the Proposed Development being first brought into use.

A further amended TMP to be agreed by the Council and the University prior to an event with an attendance beyond 28,000 Spectators being held.

7. **Plan 3**

Plan 3 to be amended to include Coldean in the Monitored Parking Zone.

**New Schedules:**

8. **A27 Permanent Traffic Regulation Order (TRO) Clearway**

Not to bring the Proposed Development into use until the Company has entered into an agreement with the Highways Agency for the provision of works to implement a permanent TRO to impose a clearway along the A27 (between points 200m west of the road leading to the A270 at Coldean and 200m east of Housedean Farm over-bridge east of Falmer, including slip roads leading to and from the B2123);

The Company to pay the cost of this permanent TRO (estimated to be a maximum of £50,000).

9. **Falmer Station Works**

The Company to use reasonable endeavours to procure the Falmer Station Works (estimated to cost a maximum of £200,000), being:

- a) Creating a second exit from Platform 1 at the Brighton end;
- b) Upgrade of palisade fencing to stretch beyond the Brighton end of Platform 1 and other minor fencing improvements; and
- c) Increasing the width of the operable platform at the Lewes end of Platform 1 through clearance and stabilisation works.

The Company to use reasonable endeavours to procure that the Falmer Station Works are completed as soon as reasonably practicable following the issue of the permission;

The Company covenant not to hold an event at the Stadium with an attendance in excess of 28,000 Spectators unless and until the Falmer Station Works are completed.

