

SCHEDULE 5

Replacement Sports Provision, Public Open Space and Children and Young Persons

1 Replacement Sports Provision

- 1.1 The Owner shall not commence construction of the Western North West Link Road until it has first submitted to and received approval from the Borough Council and the County Council to the Replacement Sports Provision Strategy, such strategy to include details of the following:
- (a) the area of the existing playing field within the Existing Sports Provision affected by the construction of the Western North West Link Road, including a plan identifying the area and summer and winter pitch layouts within it;
 - (b) the number of existing sports pitches and range of sports accommodated on the existing playing field within the Existing Sports Provision;
 - (c) access to and location of the Existing Sports Provision;
 - (d) existing buildings ancillary to the Existing Sports Provision used for maintenance and changing facilities;
 - (e) the area of proposed playing field(s), including a plan identifying the area and summer and winter pitch layouts within it to be comprised in the Replacement Sports Provision;
 - (f) the number of proposed sports pitches, including grass and artificial pitches to be comprised in the Replacement Sports Provision;
 - (g) access to and location of the Replacement Sports Provision (and such access and location shall be materially no less convenient than access to the Existing Sports Provision);
 - (h) proposed ancillary buildings to be used for maintenance and changing facilities comprised in the Replacement Sports Provision;
 - (i) details of the construction of the Replacement Sports Provision, including drainage;
 - (j) a programme for implementation of the Replacement Sports Provision including evidence that the land for the Replacement Sports Provision is under the Owner's control; and
 - (k) the provision of additional sports facilities for the additional pupil numbers arising from the Development on a pro rata basis or as agreed with the Borough Council and the County Council.
- 1.2 The Replacement Sports Provision Strategy shall provide that the playing field and sports pitches that shall be comprised in the Replacement Sports Provision shall be of the same or greater functional area and be of the same or better quality as that comprised in the Existing Sports Provision (having regard to Sport England Guidance and Performance Quality Standards) and provide for the same or an increased range of sports.
- 1.3 The Owner shall implement the Replacement Sports Provision Strategy as approved and in accordance with such programme as may be approved.
- 1.4 The Replacement Sports Provision may include artificially surfaced facilities and if such facilities are proposed details of the same shall be included and set out within the Replacement Sports Provision Strategy and accompanied by the Education and Community Use Survey which shall provide the basis upon which the proposed ratio of artificially surfaced pitches to grass pitches has been arrived at.

1.5 The Owner shall not commence construction of the Western North West Link Road or otherwise interrupt the use of or interfere with the Existing Sports Provision until it has provided and made available for education and/or public use (as applicable and insofar as the Owner is able to make it available for public use given that the public use of that part of the Replacement Sports Provision to be provided in respect of the Roundhill Academy Playing Fields that shall be interfered with shall be subject always to any necessary agreement, approval or consent first being obtained from (as applicable) the County Council or the governing body of Roundhill Academy or both of them) the Replacement Sports Provision in accordance with the approved Replacement Sports Provision Strategy PROVIDED THAT if the Replacement Sports Provision Strategy provides for any Trigger Event for delivery of a particular element of the Replacement Sports Provision, the Replacement Sports Provision in question shall be provided in accordance with the Trigger Event specified.

1.6 Within 60 Business Days of confirmation by the County Council that the Replacement Sports Provision has been provided in accordance with paragraph 1.5 above the Owner shall Transfer the Replacement Sports Provision to the County Council and the County Council shall accept such Transfer. For the avoidance of doubt the County Council shall thereafter be responsible for the maintenance and management of the Replacement Sports Provision.

2 Public Open Space Elements

2.1 The Owner shall provide and make available for public use the Public Open Space Elements within the Site in accordance with the following:

- (a) any relevant provisions of the Public Open Space Strategy;
- (b) the principles set out in the Landscape Framework Plan;
- (c) any relevant Reserved Matters Approvals; and
- (d) the relevant provisions of this paragraph 2.

2.2 The general location of each of the Public Open Space Elements shall be determined by the Phasing Plan and the specific location and design shall be determined in the relevant Reserved Matters Approvals.

2.3 The Owner shall Complete and make available for public use such of the Public Open Space Elements that are to be provided in a Development Parcel in accordance with any Trigger Event as may be specified in relation to a specific Public Open Space Element in the approved Public Open Space Strategy or (as applicable) elsewhere in this Deed PROVIDED THAT where neither the approved Public Open Space Strategy nor the provisions of this Deed specify a deadline such of the Public Open Space Elements that are to be provided in a Development Parcel that contains Dwellings shall be provided and made available for public use no later than Occupation of 60% of the Dwellings in the relevant Development Parcel.

2.4 The Owner shall not Occupy or permit Occupation of any further Dwellings once a deadline for delivery of a Public Open Space Element has been reached unless and until the Public Open Space Element required to be provided by the deadline in question has been completed to the satisfaction of the Borough Council.

2.5 Unless otherwise agreed with the Borough Council and subject to any other Trigger Events specified elsewhere in this Deed in relation to a specific Public Open Space Element, the Owner shall not commence a Phase containing any Public Open Space Element until it has secured approval from the Borough Council of the Management Arrangements for the Public Open Space Elements to be provided within that Phase (or as the case may be the Management Arrangements have been determined by a Specialist pursuant to the Dispute Resolution Procedure).

2.6 The Owner shall:

- (a) not Occupy or permit Occupation of more than 80% of the Dwellings in a Phase (or such other Trigger Event as may be specified in the relevant Management Arrangements) until it has transferred responsibility for the Public Open Space Elements in the relevant Phase in accordance with the Management Arrangements to be submitted and approved by the Borough Council or determined pursuant to the Dispute Resolution Procedure; and
- (b) procure that the management and maintenance of the Public Open Space Elements in the relevant Phase is carried out in accordance with the approved Management Arrangements, the provisions of Schedule 6 and any relevant provisions of the Public Open Space Strategy, the Landscape Framework Plan and any relevant Reserved Matters Approval as may be applicable to the Public Open Space Elements in question and for the avoidance of doubt if the Public Open Space Strategy does not set out maintenance standards for the Public Open Space Elements the Owner shall ensure that they are approved by the Borough Council as part of the Management Arrangements.

3 Destination Park

- 3.1 The Owner shall not Occupy or permit Occupation of more than 575 Dwellings unless and until it has submitted to the Borough Council for approval the Destination Park Specification and the proposed Management Arrangements for the Destination Park.
- 3.2 The Owner shall not Occupy or permit Occupation of more than 1,000 Dwellings unless and until the Destination Park Specification and proposed Management Arrangements for the Destination Park have been approved by the Borough Council.
- 3.3 The Owner shall provide and maintain the Destination Park in accordance with the Destination Park Specification and Management Arrangements approved pursuant to paragraph 3.1 and 3.2 and the following:
 - (a) the Owner shall not Occupy or permit Occupation of more than 1,265 Dwellings until the LEAP and the NEAP have been Completed and made available for public use; and
 - (b) the Owner shall not Occupy or permit Occupation of more than 1,500 Dwellings until the later of the following:
 - (i) the item from the additional facilities in list A and the 2 items from the additional facilities in list B of Annex 2 to this Schedule that are approved by the Borough Council have been Completed and made available for public use;
 - (ii) the Owner has Transferred responsibility for the elements of the Destination Park listed in paragraphs 3.3(a) and 3.3(b)(i) above to the relevant body specified in the Management Arrangements as approved by the Borough Council pursuant to paragraphs 3.1 and 3.2 above; and
 - (iii) procured that the management and maintenance of those elements of the Destination Park listed in paragraphs 3.2(a) and 3.2(b)(i) above is to be carried out, and that public access is to be made available in accordance with the approved Management Arrangements (including the provisions of Schedule 6).
 - (c) the Owner shall provide the remainder of the Destination Park beyond those elements set out at paragraph 3.3(a) and (b)(i) above of this Schedule 5 in accordance with the Destination Park Specification (including the timescales for delivery set out therein) and shall not Occupy or permit Occupation of the Development other than in accordance with the Trigger Events set out within the Destination Park Specification.

4 Children and Young Persons Strategy

- 4.1 The Owner shall not Occupy or permit Occupation of any Dwelling until the Site Wide Children and Young Persons Strategy has been submitted to and approved by the Borough Council.
- 4.2 The Owner shall thereafter implement the approved Site Wide Children and Young Persons Strategy in full as approved and the Development shall not be carried out or Occupied other than in accordance with the approved strategy.
- 4.3 The Owner shall not Occupy or permit Occupation of more than 25 Dwellings in a Phase until the Phase Specific Children and Young Persons Strategy for the Phase in question has been submitted to and approved by the Borough Council.
- 4.4 The Owner shall thereafter implement any approved Phase Specific Children and Young Persons Strategy in full as approved and the Development shall not be carried out or Occupied other than in accordance with any such approved strategy.

ANNEX 1

Allotments Specification

- 1 Plot size – each 250 square metres with direct access from road network. 50% of plots to be capable of subdivision into two plots.
- 2 Soil quality and depth suitable for cultivation (minimum 300mm topsoil depth), sourced through the repositioning of existing Agricultural Grade 2 soil on site where necessary and possible.
- 3 Plots free from underground utility services which may adversely affect the use or enjoyment of the Allotments.
- 4 Good drainage – to be established through appropriate site and environmental analysis and corrective action if required.
- 5 Parking - at ratio of 1 space per 5 plots (= approx. 25 total)
- 6 Roads – 5 metres wide , or 3 metres wide with passing places, all weather surfaced central route.
- 7 Pedestrian access routes to plots wide enough for wheelbarrows and suitably surfaced.
- 8 Boundary treatment – perimeter planting with security fencing where necessary comprising 2 metre high green palisade fencing and matching gates
- 9 Gates – with bolts suitable for locking with padlocks.
- 10 Plot markers - sturdy and clear.
- 11 Water supply with water points 25 metres apart (maximum).
- 12 Notice board and clear entrance signage.
- 13 Waste disposal/delivery area - hard standing load bearing area by vehicle access gate accessible for deliveries and collections.
- 14 Guidelines for the location, size and design of sheds and other buildings.
- 15 Toilet facilities (such as a compost toilet) for plotholder use if public provision is not available within 500m. -
- 16 Accessible plots - 5% of plots designed to be accessible for people with disabilities with raised beds and level paved access with easy access to toilet facilities and adjacent car parking.-

ANNEX 2

Destination Park Additional Facilities

List A

Skate park

BMX track

Parkour facility

List B

Multigames area

Youth shelter

Fitness trail

Fitness equipment hub

Outdoor table tennis table

Large pendulum swing

Large spacenet climber