
COMMUNITY USE AGREEMENT
AS SET OUT IN THE S106 DEED OF VARIATION,
JUNE 2014

SCHEDULE 1

INDOOR AND OUTDOOR SPORTS FACILITIES

PART 1

Provision of School Site Indoor Sports Facilities School Site Outdoor Sports Facilities School Site Indoor Changing facilities Additional School Site Indoor Sports Facilities and School Site Outdoor Changing Facilities

1. The Landowner covenants with the District Council as follows:
 - 1.1 To provide the School Site Indoor Sports Facilities and the Additional School Site Indoor Sports Facilities to the District Council's reasonable satisfaction by the date on which the Free School first operates from both Building 74 Site (or any part of it) and Building 583 Site (or any part of it).
 - 1.2 To provide the School Site Outdoor Sports Facilities and the School Site Outdoor Changing Facilities to the District Council's reasonable satisfaction not later than 1 September 2016.
 - 1.3 To commission a ground condition survey in March 2014 to determine the level and type of drainage required for the School Site Outdoor Sports Facilities and to put in place a programme of works to enable all grass pitches comprised in the School Site Outdoor Sports Facilities to be established ready for play by 1 September 2016 including seeding no later than March 2015.
 - 1.4 In providing the School Site Outdoor Sports Facilities to comply with the provisions of paragraphs 3 to 5 of Schedule 5 to the Principal Agreement as if "School Site Outdoor Sports Facilities" were substituted for "Sports Pitches" and the provisions of clause 7 of the Principal Agreement shall also apply save that the words at the end of clause 7.1.6 "until its transfer to either a Management Company or the District Council in accordance with the provisions of the relevant Schedule" shall be disregarded.
 - 1.5 To submit and secure the approval of the District Council for the specification of the School Site Outdoor Changing Facilities and for their

location to the extent that they are not to be provided in the locations identified on drawing number K.0158_34C-4.

- 1.6 To submit an application for planning permission for the provision of the School Site Outdoor Changing Facilities in accordance with drawing K.0158_34C-4 or any alternative location approved pursuant to paragraph 1.5 and in accordance with the specification approved pursuant to paragraph 1.4.
- 1.7 Not to cause or permit the Free School to operate from both Building 74 Site (or any part of it) and Building 583 Site (or any part of it) before the School Site Indoor Changing Facilities have been provided to the satisfaction of the District Council unless otherwise agreed in writing with the District Council.
- 1.8 To permit the general public to have free access on foot and by bicycle at all times to the areas marked "D" and "E" on plan K.0158_34C-4 annexed hereto along the routes marked by a broken blue line on the said plan.

PART 2

Public Use of School Site Indoor Sports Facilities and School Site Outdoor Sports Facilities Additional School Site Indoor Sports Facilities and School Site Indoor Changing Facilities and School Site Outdoor Changing Facilities

2. In this part the following words shall have the following meanings:
 - 2.1 "Facilities" means the School Site Indoor Sports Facilities, the Additional School Site Indoor Sports Facilities, the School Site Outdoor Sports Facilities, the School Site Indoor Changing Facilities and the School Site Outdoor Changing Facilities.
 - 2.2 "Week" means a period of 7 days beginning with a Monday and ending on a Sunday.
3. The Landowner covenants with the District Council that following the date on which the Free School first operates from both Building 74 Site (or any part of it) and Building 583 Site (or any part of it) or (if later and for the avoidance of doubt in the case of the School Site Outdoor Sports Facilities and the School Site Outdoor Changing Facilities regardless of whether the Free School is operating from both Building 74 Site (or any part of it) and Building 583 Site (or any part of it) or at all) from such time as each of the School Site Indoor Sports Facilities, the Additional School Site Indoor Sports Facilities, the School Site Outdoor Sports Facilities, the School Site Indoor Changing Facilities and the School Site Outdoor Changing Facilities have

been provided in accordance with paragraph 1 above they shall be available for public use on the following minimum terms:

- 3.1 the Facilities shall be open to the public for a minimum of 50 calendar Weeks per year save for exceptional reasons agreed between the Landowner and the District Council or for the purposes of reasonable repair and maintenance (and the District Council hereby acknowledges that it is likely that any repair or maintenance which necessitates the closure of the Facilities will take place during school holidays);
- 3.2 subject to paragraph 3.1 the Facilities shall be made available for public use for a minimum of 40 hours per Week during school term time and 80 hours per Week during school holidays and additionally the fitness gym and indoor changing facilities shall be available for public use for a further 10 hours per Week PROVIDED THAT where a Week falls partly within term time and partly within school holidays that Week shall be deemed to be school term time but the Facilities shall be open to the public for an additional 8 hours per day on any day which is a school holiday falling within that Week (excluding for the avoidance of doubt a Saturday or Sunday);
- 3.3 fees for the use of the Facilities shall be notified to the District Council and shall reflect the market rate charged for comparable public facilities elsewhere in Cherwell and shall be reviewed on an annual basis by the Trust and the District Council;
- 3.4 notwithstanding the above nothing in this Deed shall prejudice the right of the operators of the Free School to exclude any activity which they deem unacceptable or inappropriate or if it conflicts with the requirements of the Department of Education in operating the Free School or is contrary to their safeguarding policies from time to time or to refuse access to any person to the Free School Site for safeguarding reasons in accordance with their safeguarding policies from time to time.

PROVIDED THAT the above terms may be changed by agreement between the Trust and the District Council

Definitions:

“Additional School Site Indoor Sports Facilities” means:

(a) a fitness gym comprising fitness suite and weights room

(b) a drama and dance studio

(c) a squash court and viewing area designed to the Recommended Standards Specifications for Squash Courts approved by the WSF (January 2013)

In accordance with the terms of the specification at Appendix 4

“School Site Indoor Changing Facilities” means indoor changing facilities as detailed in the plans submitted in connection with the Free School Planning Applications

“School Site Outdoor Changing Facilities” means purpose built changing facilities on the Free School Site to which the general public are able to gain access at such times as they are able to gain access to the School Site Outdoor Sports Facilities pursuant to paragraph 2 of Schedule 1 and which are to be located in the vicinity of the School Site Outdoor Sports Facilities and to be provided in accordance with Sport England Guidance and the Changing Facilities Specification appended to the Principal Agreement [S106 Agreement as dated 22 December 2011 as varied by this Supplemental Agreement] at Appendix 9

“School Site Indoor Sports Facilities” means a sports hall with a 4 badminton court layout and provision for multi use designed in accordance with Sport England’s Design Guidance Notes “Sports Hall Design and Layouts” and “Floors for Indoor Sports” and their published guidance on “Comparative Sizes of Sports Pitches and Courts” and “Designing the Right Sports Hall” unless otherwise agreed in writing with the District Council

“School Site Outdoor Sports means Facilities”

- a multi-purpose pitch incorporating 2 tennis courts to Sport England’s specification 1 basketball court (conforming to international standard dimensions and court markings) and 1 netball court (conforming to international standard dimensions and markings) and informal kick about area
- a grass 5 a side football pitch
- a multi-sport pitch incorporating football pitch to Sport England’s Natural Turf for Sport Guidance touch rugby and athletics track markings
- a multi-purpose hard surface incorporating 4 tennis courts (conforming to international standard dimensions and court markings) 3 netball courts (conforming to international standard dimensions and court markings) 3 recreational basketball courts with markings
- a multi-purpose grass pitch incorporating softball rounders and 5 a side markings

to specifications to be agreed with the District Council prior to the date on which the Free School first operates from both Building 74 Site (or any part of it) and Building 583 Site (or any part of it) as shown for identification purposes shaded purple on drawing K.0158_34C-4

Appendix 4 contained a 'Specification for Indoor Sports Facilities' as follows:

Specification- Indoor Facilities, Building 583 Heyford Park

DRAMA STUDIO/DANCE STUDIO

Size: 90m²

Max occupancy: 25

Floor: Double sprung wooden floor that is shock absorbent and slip, stain, static and splinter resistant.

Walls: Easily cleanable plaster walls painted in vinyl emulsion with the ability to hold extra fixtures and with roughly 5 double sockets at ground level and in addition sufficient socket provision for lighting rigs.

Ceiling: Suspended 2.7m high ceiling with the ability to support hanging fixtures e.g. lighting racks, projection etc.

Air temperature: Temperature range of 17c-21c to be achieved through natural ventilation with additional wall mounted air conditioning units that can be switched on.

Artificial lighting: 300 Lux with additional stage lighting that can be adjusted.

Ventilation: 81L/sec/person

Noise level: NR24

FITNESS GYM

Size: 89m²

Max Occupancy: 26

Floors: A slip, stain and static resistant vinyl floor that can withstand high live loads from users, but not from high impact loads so there will not be any free standing weights in this facility.

Walls: Easily cleanable plaster walls painted in vinyl emulsion with the ability to support TV screens and mirrors that will be provided. Power will be provided with enough flexibility to ensure roughly 17 fitness machines, 5 TV screens and a sound system can function, with additional sockets for general purpose/cleaning use.

Ceilings: Suspended 3m high ceiling with the ability to support hanging fixtures e.g. speakers.

Equipment choices will be appropriate to the ceiling height specified.

Air temperature: Temperature range of 17c-21c to be achieved through natural ventilation with additional wall mounted air conditioning units that can be switched on.

Artificial lighting: 500 Lux

Ventilation: 81L/sec/person

Noise Level: N34

SQUASH COURT

Size: 56m²

Max occupancy: 2

Floors: Double sprung wooden floor that is shock absorbent and slip, stain, static and splinter resistant.

Walls: Coated in easily cleanable vinyl emulsion to World Squash/SRA paint specification.

Ceilings: As exists

Air temperature: Temperature range of 17c-21c to be achieved through natural ventilation with a fan system.

Artificial lighting: 500 Lux.

Ventilation: Natural ventilation with a fan system on the back wall that will achieve 4 air changes per hour.

Noise Level: NR34