

Provided that the Council and the College may at any time after the completion of the fifth such annual review agree in writing that no further annual reviews are necessary.

3. To pay to the Council prior to the first use of the Second Development the sum of Two thousand Five hundred pounds (£2,500) to be used by the Council towards the cost of making and implementing a traffic regulation order under the Road Traffic Regulation Act 1984 the effect of which shall be to prohibit waiting along Sim Balk Lane in the vicinity of the Land.
4. Throughout occupation of the First Development to make available for public use the sports hall, fitness suite, all weather pitches MUGA grass pitches changing facilities and car parking provision for members of the public (details of which car parking provision shall have been previously submitted to and approved by the Council in writing) comprised in the Development ("the Facilities") during those periods when the Facilities are not in use by the students and or staff of the College at a charge comparable to those levied by the Council for the use of similar Council-owned facilities throughout the use of the Development provided always (subject to paragraph 4.1 below) that the available public use shall not be less than the number of hours per week set out in the table below (unless otherwise agreed in writing between the College and the Council)

	TERM	VACATION
	Number of hours/week	Number of hours/week
Sports Hall	20	30
Fitness Suite	20	30
All Weather Pitches and Grass Pitches	25	35
MUGA	NIL	30

- 4.1 Provided that the College may close any of the Facilities when there is a risk to the safety of users (such as frost snow or water logging affecting any of the Facilities which are outside) or should any indoor element of the Facilities need to be the subject of repairs

5. The extent of public use of the Facilities shall be reviewed annually by the Council and the College to ensure that the Facilities are available for sufficient periods of time to meet the demands of the College's curriculum.
6. The College may refuse access to the Facilities or (having allowed access) subsequently exclude from the Facilities any person who either:
 - (a) fails to comply with the College's rules of use; or
 - (b) fails to pay the appropriate charge for the intended activity; or
 - (c) is not wearing appropriate sports clothing for the intended activity; or
 - (d) does not have appropriate sports equipment for the intended activity; or
 - (e) acts in a way which may put the safety of that person or others at risk
7. To use all reasonable endeavours to ensure that the final building design and specification of the building procured by the College and comprised in the First Development achieves at least a rating of 'VERY GOOD' against the 'BREEAM Offices 2004 Design and Procurement Assessment Prediction Checklist' attached as the Third Schedule hereto or any revised version thereof applicable at the time of assessment provided that the identity of the person who carries out the assessment shall have been previously approved in writing by the Council and the College prior to any works commencing on the First Development and such design and specification as shall have been approved in the assessment shall be fully implemented unless otherwise previously agreed in writing by the Council and provided further that if the person carrying out the assessment considers that certain of the criteria in the Checklist cannot be met and/or that a rating of "VERY GOOD" is not achievable in either case by virtue of the fact that the building comprised in the First Development is an educational establishment that person shall so indicate in which case the obligations contained in this paragraph shall be deemed to have been complied with.
8. To submit to the Council prior to works commencing on the Development details of a landscape management plan for the landscaping schemes approved under condition 4 of each permission which shall without prejudice to the generality of the foregoing address new and existing planting on the Land for a period of at least 15 years from the commencement of new planting and which shall include in its aims the softening of the visual impact of the Development, the protection of amenities of neighbours and the