

Head of Terms Dated

South Marston Expanded Primary School – Temporary Car Park

Recitals: At the date of these terms being drafted both the Borough and Parish Councils are supporting the delivery of an expanded primary school within South Marston. An agreement already exists with regard to the land use, lease arrangements and construction of the expanded primary school. Planning application requirements have identified a need to construct and make available a temporary car park alongside Old Vicarage Lane with associated footways and cycleways whilst the expanded primary school is under construction (and possibly until the new village centre car park is available). The location for this temporary car park and the majority of the footways and cycleways are on Parish Council owned land. These heads of terms are proposed to set out the agreement in principle between the parties in relation to the proposed temporary car park and associated footways and cycleways. These heads of terms will form the basis of a Licence to be prepared by the Borough Council's solicitors for documenting between the parties.

Licensed Land: Land off Old Vicarage Lane, South Marston

Licensor: South Marston Parish Council ('the Parish')

Licensee: Swindon Borough Council ('the Borough')

Licence Plan: Draft as indicatively shown on P04, will be provided and updated prior to the completion of this Licence in accordance with the requirements of the planning permission for the expanded primary school and as required by the Local Highway Authority and as agreed by the parties.

Term: 4 years or ~~until determined by either party~~ as otherwise agreed in writing

Use: Construction of and use as a temporary car park and associated footways and cycleways ('Temporary Car Park') for use by both the school and parishioners

Construction: Construction of the Temporary Car Park to be undertaken by the Borough or their nominated contractors in accordance with the Licence Plan

Specification of Temporary Car Park: 25 spaces with access from Old Vicarage Lane and as shown on the Licence Plan and as required by the Local Highway Authority. The Licence Plan will include the following annotations:

- 25 car parking spaces and access routes to the same
- The dimensions of the visibility splays
- The width of the site accesses along with the radii
- The manoeuvring aisle width of the car park
- The location and width of the footway and cycleway facilities
- A delineation between the manoeuvring aisle and the foot/cycleway
- Measures to maintain current drainage run off from the Recreation Ground to the boundary ditch

Additional: Suspension of the Licence for community use of the existing car park granted in Schedule 2 of the draft Lease appended to the 2019 Agreement for Lease for the term of this Licence

Reinstatement: The Borough to be responsible for reinstatement of the Licenced Land and hedge to no worse condition than existed prior to the Construction, if required by the Parish at the end of the Term.

Notice for Reinstatement: ~~The Parish to give the Borough no less than 6 months notice prior to the end of the Term that it requires the Reinstatement.~~ The Borough shall reinstate the land within 6 months of receiving notice from the Parish that it requires reinstatement and replant the hedge during the next planting season following such notice.

~~**Determination of the Licence:** Determination by the Borough at the end of the 4 year term or earlier by mutual agreement with the Parish.~~

Legal Costs: It is proposed that the Borough solicitor drafts the Licence. The Borough agrees to reimburse the Parish reasonable legal costs, if any, incurred in connection with the documentation of the Licence. up to a pre-agreed limit. The Parish to provide their indicative legal costs to the Borough for approval in advance.