

**KINGS BARTON SECTION 106 LEGAL AGREEMENT - KEY OBLIGATION TRACKER MARCH 2024\***

Winchester City Council Legal Agreement dated 8/3/11 (link below)

Hampshire County Council Legal Agreement 7/3/11 and variations of 11/10/13 and 24/5/22 (see links below)

On 8/3/24, Council records show 562 properties have been completed on site, of which 6 are unoccupied.

Legal Agreement Paragraph	Summary of Requirement	Obligation with WCC or HCC?	Category	When is it required?	What is the latest status?	Further Information
2.4	Phasing Programme - to show the order in which the developer will construct the phases.	WCC	General	Prior to commencement	Completed	
3.7	Draft Affordable Housing Materplan Strategy - to demonstrate the location and total number of affordable units across the development	WCC	Affordable Housing	Prior to commencement	Completed	
3.8	Draft Affordable Housing Reserved Matters Strategy - to demonstrate how individual applications will take account of the overall Masterplan Strategy (in terms of layout and number)	WCC	Affordable Housing	Prior to commencement	Completed	
3.21	Local Lettings Plan - to show how certain properties are allocated to certain groups of people in order to create and maintain a sustainable community.	WCC	Affordable Housing	Prior to commencement	Completed	
5.1	Long Term Ownership, Maintenance and Management Plan - to includes details of Open Spaces and any other landscaped land.	WCC	Landscape	Prior to occupation of a relevant phase	Completed	Agreed via the Landscape Open Space Specification document, which specifically references Condition 16 and also Clauses 4 and 5 of the S106.
6.1	Cultural Facilities Contribution - to provide £50,000 for cultural facilities	WCC	Culture and Community	Prior to occupation of the 800th unit	Upcoming	800 units not constructed to date
7.1	Specification of the Community Centre - to ensure the Community Centre includes adequate facilities and internal spaces.	WCC	Culture and Community	Prior to commencement	Completed	Copy of specification provided. Submitted May 2014 in accordance with Clause 7.1
7.6.2	Complete the Community Centre - in a good and workmanlike manner and using good quality materials	WCC	Culture and Community	Prior to the occupation of the 800th unit	Upcoming	800 units not constructed to date
7.8	Transfer the Community Centre to the Council	WCC	Culture and Community	Prior to the occupation of the 800th unit	Upcoming	800 units not constructed to date
8.1	Community Development Worker - to provide a Worker (which may be an employee of the Council)	WCC	Culture and Community	Prior to the occupation of the 200th unit	Completed	Implementation Officers and dedicated Senior Planning Officers for the role employed by the Council
8.3	Community Development Worker Accommodation - provide a space for use by the Community Development Worker	WCC	Culture and Community	Prior to the occupation of the 200th unit	Completed	Worker employed by Council with access to on-site facilities at Visitor Centre if required.
9.1	Public Access Routes - to show routes across the site which the public can use at all times	WCC	Transport	Prior to commencement	Completed	
10.1	Plan showing a detailed route from Andover Road to Barton Meadows to include sufacing and construction details and long-term maintenance	WCC	Transport	Prior to commencement	Completed	To submit to WCC for approval (1) a detailed route for the public footpaths from Andover Road through the site and the ecology amenity land to Worthy Road; (2) surfacing and other construction details for public footpaths and (3) proposals for the long term maintenance and management of teh amenity land.
4.1	Notice of Commencement 10 days before construction	HCC	General	Prior to commencement	Completed	
4.5.1	Copies of all surveys - to be provided to the County Council	HCC	General	Prior to commencement	Completed	
4.5.2	Design for the infrastructure serving the Primary School Land	HCC	Education	Within 3 months of commencement, prior to occupation of 1st unit	Completed	
4.6	Remove Constraints from Primary School Land	HCC	Education	Within 3 months of commencement, prior to occupation of 1st unit	Completed	
4.7	Draft Primary School Land Transfer Plan	HCC	Education	Within 3 months of commencement.	Completed	
4.8	Transfer Freehold of Primary School Lane and pay first Primary Education Contribution	HCC	Education	Prior to the occupation of the 150th Unit	Completed	

4.9	Provide Services and Utilities to the Primary School Land	HCC	Education	Prior to the occupation of the 150th Unit	Completed	
4.10	Construct Permanent School Access and pay second Education Contribution	HCC	Transport	Prior to the occupation of the 250th unit	Part completed. Education payment has been made. Trigger for permanent access provision varied on 24/5/22.	Trigger varied 24/5/22 to read 'Not to Occupy any part of the Development within the areas shaded pink and marked 'Phase 2b' on the phasing plan unless and until the Permanent access to the primary school land has been constructed and completed to the satisfaction of HCC.'
4.11	Owner to recalculate Primary Pupil Product	HCC	Education	Following occupation of the 1200th unit	Upcoming	1200 units not constructed to date

4.12	If the Primary Pupil Product (4.11) exceeds 420, the developer cannot occupy more than 100 further units until an additional contribution has been paid to the County Council	HCC	Education	Following occupation of the 1200th unit	Upcoming	1200 units not constructed to date	
4.15	Secondary Education Contribution (£3,000,000 index linked) to be paid to HCC	HCC	Education	Prior to the occupation of the 750th unit	Upcoming	750 units not constructed to date	
4.16	Owner to calculate the Secondary Pupil Product	HCC		Following occupation of the 1200th unit	Upcoming	1200 units not constructed to date	
4.17	Highway Access Contribution Payments	HCC	Education	Prior to occupation	Completed		
4.18	Second Highway Access Contribution Payments	HCC	Transport	Prior to Occupation of the 650th unit	Upcoming	650 units not constructed to date. To pay Second City Access Contribution, the Second Eastern Access Contribution, the Second Western Access Contribution and the Second Non Motorised User Contribution to HCC (as varied in deed dated 24/5/22).	
4.20 A (as per s106 variation 22.05.2022)	To pay the Andover Road/Bereweek Road Improvement Contribution	HCC	Transport	Within 14 days of signing the agreement	Completed	To pay £331,748 index linked to enable HCC to deliver the works shown indicatively on drawing 0710-64/Figure 4.9 which is pasted below (see full definition below from HCC s106 Deed of Variation 24/5/22)	
4.21.3	To provide first Bus Subsidy	HCC	Transport	Prior to the occupation of the 350th units	Completed		
4.21.4	To provide Bus Subsidy payment	HCC	Transport	Prior to the occupation of the 650th unit	Upcoming	650 units not constructed to date	
4.21.5	To provide Bus Subsidy payment	HCC	Transport	Prior to the occupation of the 950th unit	Upcoming	950 units not constructed to date	
4.21.6	To provide Bus Subsidy payment	HCC	Transport	Prior to the occupation of the 1250th unit	Upcoming	1250th units not constructed to date	
4.23	To pay the Travel Plan Fee	HCC	Transport	Prior to the first occupation	Completed		
4.24	Submission of school and residential Travel Plans	HCC	Transport	Prior to commencement of each phase	Part-Completed	Completed on a phase-by-phase basis and will continue to be submitted as the development is constructed. Residential Travel Plan has been approved and has been implemented. School and retail will be completed by other developers.	
4.25	To pay the Travel Plan Monitoring Fee	HCC	Transport	Prior to commencement	Completed		
4.26.1	Submission of Retail Travel Plan	HCC	Transport	Prior to occupation of retail units	Completed		
4.26.2	Not to occupy any residential unit until the Residential Travel Plan is submitted	HCC	Transport	Prior to occupation of 1st unit	Completed		
4.31	To pay Travel Plan bond	HCC	Transport	Prior to commencement	Completed		
4.32	Community Travel Website	HCC	Transport	Prior to the occupation of the 350th unit	Completed		
4.33	Installation of Travel Boards	HCC	Transport	Prior to the occupation of the 350th unit	Completed		
4.35.1	Pool Car Club Provision	HCC	Transport	Prior to the occupation of the 400th unit	Completed		
4.35.2	Review the car club scheme and provide second car at 750th occupation	HCC	Transport	Review at 700th occupation	Upcoming	750 units not constructed to date	
4.36	Scheme for Cycle Parking	HCC	Transport	Prior to commencement	Completed		
4.37	Construct Cycle Parking	HCC	Transport	Prior to occupation of any housing unit	Part-Completed	Each unit must be provided with cycle parking prior to occupation - this is an ongoing requirement through lifetime of development to be applied to each unit before it is occupied.	
4.38	Submit Draft Construction Route Management Plan	HCC	Transport	Prior to commencement	Completed		
4.39	Approval of Draft Construction Route Management Plan	HCC	Transport	Prior to occupation of 1st unit	Completed		
SCHEDULE 2 Part 1	Submission of Access details for Andover Road/Temporary Access Junction	HCC	Transport	Prior to commencement	Completed		
SCHEDULE 2 PART 2	Completion of Highway Access Works	HCC	Transport	Prior to commencement	Completed		
Schedule 2, Part 5	i. Completion of the New Andover Road works shaded blue and marked Phase 1A on the phasing plan.	HCC	Transport	Prior to occupation of 550th unit (trigger amended via to HCC email 1/11/23).	Upcoming	550 units not constructed to date. Requirement to complete realignment of Andover Road through the site with 30mph speed limit (20mph through district centre) as shown indicatively on drawing 071064/Figure 4.1 Rev L (see full definition below and plan which is page 5 of attached file).	

	ii. Highways Agreement to secure the completion of the section of the New Andover Road Works shaded blue and marked Phase 1B on the phasing plan.	HCC	Transport	Prior to occupation of the 550th unit (trigger amended via to HCC email 1/11/23).	Upcoming	550 units not constructed to date.
	iii. Highways Agreement to secure the completion of the section of the New Andover Road Works shaded gold and is marked phase 2A on the phasing plan.	HCC	Transport	Prior to occupation of 575th unit (trigger amended via to HCC email 1/11/23).	Upcoming	575 units not constructed to date

	iv. Highways agreement for New Andover Road Works, Andover Road/Harestock Road Junction Improvement Works, Andover Road/Well House Lane Junction Improvement Works and New Andover Road Works shaded pink and marked phase 2B on the phasing plan and Andover Road/Stoney Lane Junction Improvement Works	HCC	Transport	Prior to occupation of the 625th unit	Upcoming	625 units not constructed to date
<b>SCHEDULE 2 PART 6</b>	Completed Well House Lane Rail Arch Improvement Works and Barton Farm/Worthy Road Improvements	HCC	Transport	Prior to occupation of 425th unit	Completed	
<b>SCHEDULE 2 PART 7</b>	New Andover Road Works, Andover Road/Harestock Road Junction Improvement Works, Andover Road/Stoney Lane Junction Improvement Scheme and Andover Road/Well House Lane Junction Improvement Works	HCC	Transport	Prior to occupation of 650th unit	Upcoming	Works (definition below) to be constructed and completed to the satisfaction of HCC and open to use by traffic/pedestrians prior to 650 units occupied on site. 650 units not constructed to date
<b>SCHEDULE 2 PART 8</b>	Procure the making of any necessary traffic regulation orders as required to facilitate implementation of the downgrading of Andover Road works	HCC	Transport	Prior to occupation of 650th occupation	Upcoming	Prior to the Occupation of any Housing Unit the Owner shall at its own expense submit a valid application for an order under section 247 of the Act authorising the stopping up of those parts of Andover Road that are proposed to cease to be public highway as part of the Downgrading of Andover Road Works. The Owner shall use its reasonable endeavours to thereafter obtain the order. 650 units not constructed to date
<b>SCHEDULE 2 PART 14</b>	Where a TRO is obtained prohibiting the use of that part of Andover Road, the owner shall get county approval of landscaping with a programme for implementation and subject to the grant of all necessary licences and carry out to the approval of the County Council	HCC	Transport	Prior to occupation of 950th unit	Upcoming	Where a stopping up order or road traffic regulation order is obtained prohibiting the use of that part of Andover Road before the date of Occupation of nine hundred and fifty (950) Housing Units the Owner shall submit to the County Council for their approval details of landscaping thereof together with a programme for implementation and subject to the grant of all necessary licences by the County Council as highway authority shall carry out such landscaping to the reasonable satisfaction of the County Council in accordance with the approved details. 950 units not constructed to date

**NOTE**  
*\*Please note that this document provides a summary of some of the key obligations for this development. Please refer to the original legal agreements and deeds of variation for the full details of all obligations (links below).*

- LINKS TO S106 AGREEMENTS**
- HCC 7/3/11 [09\\_02412\\_out-HCC\\_S106\\_Agreement\\_Main\\_Clauses\\_Schedule\\_1\\_and\\_2-287048.pdf \(winchester.gov.uk\)](#)
  - [09\\_02412\\_out-HCC\\_S106\\_Schedule\\_4\\_Travel\\_Plan\\_Part\\_1-287127.pdf \(winchester.gov.uk\)](#)
  - [09\\_02412\\_out-HCC\\_S106\\_Schedule\\_4\\_Travel\\_Plan\\_Part\\_2-287225.pdf \(winchester.gov.uk\)](#)
  - [09\\_02412\\_out-HCC\\_S106\\_Schedule\\_3\\_Plans\\_and\\_Drawings-287244.pdf \(winchester.gov.uk\)](#)
  - [09\\_02412\\_out-HCC\\_S106\\_Plans-287222.pdf \(winchester.gov.uk\)](#)
  - WCC 8/3/11 [09\\_02412\\_OUT-LEGAL\\_AGREEMENT\\_3893\\_PT250727-1234813.pdf \(winchester.gov.uk\)](#)
  - HCC 11/10/13 [DEED\\_OF\\_VARIATION\\_S106\\_AGREEMENT\\_3988\\_PT280766-321491.pdf \(winchester.gov.uk\)](#)
  - HCC DoV 24/5/22 [13\\_01694\\_FUL-S106\\_DEED\\_OF\\_VARIATION-3627561.pdf \(winchester.gov.uk\)](#)

**KEY DEFINITIONS AND PLANS\***

**“Permanent Access”**

means the permanent vehicular and pedestrian access complete with binder course level surfaced footways signing lining landscaping lighting and kerbing constructed pursuant to a Highway Agreement or otherwise to adoptable standards and which is connected to an adopted highway to serve the Primary School;

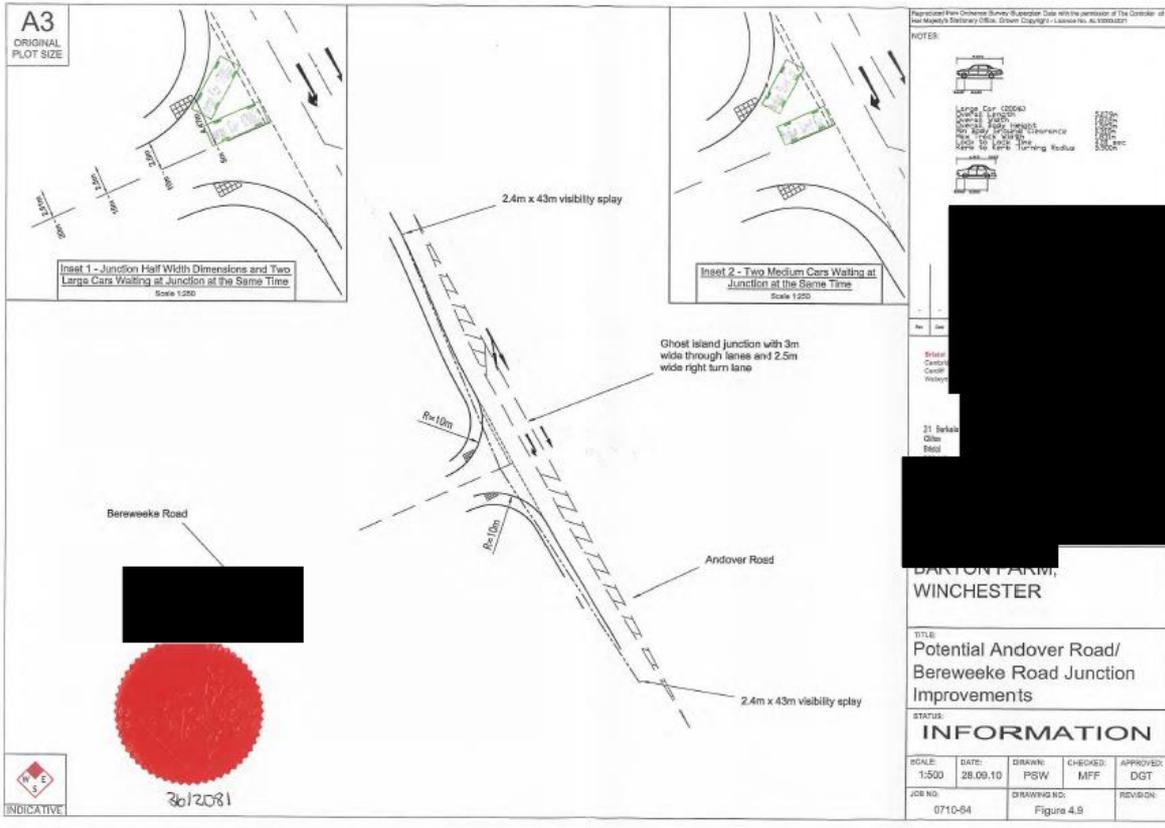
**“New Andover Road Works”**

means the realignment of Andover Road through the Site with a 30mph speed limit (20mph through the local centre) as shown indicatively on drawing number 0710-64/ Figure 4.1 Rev L (as appended to this Agreement) and in accordance with the initial Design Code and the Design code Addendum Letter exchanged between the County Council and the Owner as set out in correspondence in Appendix SCG/A of the Highways Statement of Common Ground;



"Andover Road/  
Bereweke Road Junction  
Improvements  
Contribution"

means the sum of Three Hundred and Thirty One Thousand Seven Hundred and Eighteen pounds (£331,718) to be paid to enable the County Council to deliver the works shown indicatively on drawing number 0710-64/Figure 4.9 annexed hereto or any other such works to deliver an amended or alternative junction improvement scheme for Andover Road which may include improvements to sustainable travel



Extract from Deed of Variation 24/5/22

The definition of "Downgrading of Andover Road Works" in clause 1.1 (Definitions) of the Original Agreement shall be deleted and replaced with the following new definition:

Downgrading of Andover Road Works	means the downgrading of Andover Road to a pedestrian/cycle route with vehicular access for local frontages only (subject to the provisions of Schedule 2)
-----------------------------------	--

Phasing Plan attached to Deed of Variation dated 24/5/22

