

Barkham Square, Arborfield Green, Wokingham

Planning Obligations and Heads of Terms Statement
On behalf of Crest Nicholson Operations Ltd
April 2026
Our Ref: 22-01931



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Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

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1 INTRODUCTION

1.1 This Planning Obligations & Heads of Terms Statement has been prepared by Rapleys LLP (Rapleys) on behalf of Crest Nicholson Operations Ltd hereafter referred to as “Crest”.

1.2 It is provided in support of an Outline planning application seeking permission for the construction of up to 660 No. dwellings (Use Class C3), elderly care facilities (Use Class C2/C3) and associated works.

1.3 The full extent of the proposed development is referenced below:

- Up to 660 residential dwellings (Class C3)
- Elderly care dwellings (Class C2/C3)
- Public Open space (including play provision and allotments)
- Green and blue infrastructure
- On-site Suitable Alternative Natural Greenspace (SANG)
- Vehicular, pedestrian and cycle access from Langley Common Road and Commonfield Lane (allotments/SANG only)

1.4 As such, the formal description of development is as follows:

Outline application (with all matters reserved except for access) for residential development (Use Class C3), plus elderly care dwellings (Use Class C2/C3), associated open space, allotments, green and blue infrastructure including the provision of Suitable Alternative Natural Greenspace (SANG) and other associated works.

1.5 This Statement should be read alongside the submitted Planning Statement also prepared by Rapleys and all other elements of the formal submission package as identified at paragraphs 1.33 - 1.35 of the aforementioned Planning Statement.

2 PLANNING OBLIGATIONS POLICY & LEGISLATIVE FRAMEWORK

2.1 The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning Compensation Act.

2.2 Further legislation is set out within the Community Infrastructure Levy (CIL) Regulations 2010, and the CIL (Amendment) Regulations 2011 & 2019. Government policy on planning obligations is set out in Paragraphs 58 of the National Planning Policy Framework (NPPF) (December 2024), with additional detail provided within the Planning Practice Guidance.

2.3 NPPF paragraph 58 repeats the duty imposed by Regulation 122 of the CIL Regulations 2010 (as amended) and outlines that there are 3 No. tests which must be applied to establish if a planning obligation is lawful. The obligation must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.4 In terms of justifying requests for planning obligations, paragraph 004 of Planning Practice Guidance states the following:

"In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind".

2.5 At a local level, Wokingham Borough Council note that Section 106 agreements are now only used for addressing site-specific impacts, such as providing affordable housing. Beyond this, the Community Infrastructure Levy regime (see Section 4 of this Statement) will provide the appropriate means of securing wider contributions to infrastructure within the Borough.

2.6 Nevertheless, Policy CP4 of the adopted Core Strategy states:

Planning permission will not be granted unless appropriate arrangements for the improvement or provision of infrastructure, services, community and other facilities required for the development taking account of the cumulative impact of schemes are agreed. Arrangements for provision or improvement to the required standard will be secured by planning obligations or condition if appropriate

2.7 Policy C2(b) of the emerging (Regulation 19) Local Plan Update (2023-2040) states:

Provide, or make reasonable contributions towards providing, the transport infrastructure necessary to address the needs arising from the proposal, having regard to the cumulative impacts of development, secured either as a requirement of planning conditions or by the payment of financial contributions through planning obligations, and/or the Community Infrastructure Levy;

- 2.8 Wokingham Borough Council adopted the Infrastructure Delivery and Contributions Supplementary Planning Document in October 2021 that relates to the Strategic Development Locations allocated via the 2010 Core Strategy. The document sets out the necessary Infrastructure and initial details of the phasing, funding and the application of planning obligations relating to the four Strategic Development Locations – including the Arborfield Garrison Strategic Development Location.
- 2.9 Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced. The applicant expects all requests for obligations beyond those agreed by them (see below) to be fully justified and evidenced. In the absence of appropriate evidence and justification for any obligation, the applicants will not consider any such request.
- 2.10 For clarity, the proposed Heads of Terms for discussion and negotiation are identified within Section 4 of this Statement.

3 AFFORDABLE HOUSING STATEMENT

- 3.1 The application proposes policy compliant affordable housing in accordance draft Policy H3 (Affordable Housing) of the emerging Local Plan Update.
- 3.2 The Council's Affordable Housing SPD (July 2013) provides guidance on the tenure of on-site affordable housing, which is to be assessed on a site-by-site basis. The SPD sets out that, generally, a 70% social rented and 30% shared ownership split would be appropriate.
- 3.3 The Applicant is committed to working positively with the Local Planning Authority with regard to an appropriate tenure/mix for on-site delivery, to be secured through a Section 106 Agreement.

4 HEADS OF TERMS

4.1 On the basis of the above, the following matters are considered likely to comprise the Heads of Terms of any future Section 106 Agreement:

- 1. Affordable Housing Scheme (Phased)
- 2. Affordable Housing Delivery (Phased)
- 3. Affordable Housing Charge Provisions
- 4. Elderly Care Delivery
- 5. Suitable Alternative Natural Greenspace (SANG) Delivery
- 6. Strategic Access Management and Monitoring (SAMM) Contribution
- 7. Highway Works
- 8. Travel Plan
- 9. Traffic Regulation Order Contribution
- 10. Employment Skills
- 11. Allotment Delivery

5 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 5.1 Wokingham Borough Council approved their CIL Charging Schedule in February 2015 and it came into effect on 6th April 2015.
- 5.2 The adopted CIL Charging Schedule confirms the following chargeable rates as relevant to the development proposed at Barkham Square:
- Residential development at the Arborfield Strategic Development Location (excluding sheltered housing, extra care housing and residential institutions) - **£365 per sq.m**
 - Sheltered Housing at the Arborfield Strategic Development Location - **£365 per sq.m**
 - Residential Institutions and Extra Care Housing at the Arborfield Strategic Development Location - **£100 per sq.m**
- 5.3 As the application proposal is in Outline form with all matters reserved, it is not possible to determine a CIL liability at this stage.
- 5.4 In respect of the proposed Use Class C2/C3 elderly care accommodation, the relevant CIL rate will be determined during the consideration and determination of a future Reserved Matters application is submitted when the degree of care to be provided to future occupiers will be properly understood.
- 5.5 In summary, the CIL liability arising from the proposed development will be calculated at the Reserved Matters stage, which is anticipated to progress in phased form. Therefore, each phase of development that is brought forward will be subject to its own CIL liability based upon the adopted CIL rates, but subject to indexation at the point of determination.

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