



WOKINGHAM BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (As Amended)

**TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000 (AS AMENDED)**

CIL / Planning Obligation Statement

APPELLANT: MACTAGGART AND MICKEL STRATEGIC LAND

**APPEAL SITE: LAND BETWEEN LODGE ROAD AND TAPE LANE RG10
0EG, HURST, WOKINGHAM, RG10 0EG**

**DEVELOPMENT: OUTLINE APPLICATION FOR THE PROPOSED
ERECTION OF UP TO 99 NO. DWELLINGS, GREEN
INFRASTRUCTURE, OPEN SPACE, PEDESTRIAN AND
CYCLE LINKS, RECREATIONAL FACILITIES AND
OTHER ASSOCIATED INFRASTRUCTURE AND ACCESS
POINTS ON LODGE ROAD AND TAPE LANE WITH
REQUIRED IMPROVEMENTS. (ALL MATTERS
RESERVED EXCEPT FOR MEANS OF ACCESS.)**

LPA REFERENCE: 242067

PINS REFERENCE: APP/X0360/W/25/3364304

August 2025

Introduction

This statement provides justification for the content of the s106 legal agreement associated with the appeal.

Paragraph 55 of the NPPF explains that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 continues by stating that planning obligations should only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

These tests are also set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

The legal agreement (and the purpose of this compliance statement) makes provision for the following:

SCHEDULE 1 - AFFORDABLE HOUSING
SCHEDULE 2 - CONTRIBUTIONS
SCHEDULE 3 - EMPLOYMENT SKILLS
SCHEDULE 4 - ESTATE ROADS
SCHEDULE 5 –TRAVEL PLAN PROVISIONS
SCHEDULE 6 – OPEN SPACE
SCHEDULE 7 – LAP
SCHEDULE 8 – ALLOTMENTS
SCHEDULE 9 – BUS IMPROVEMENT STRATEGY
SCHEDULE 10 - HIGHWAY WORKS
SCHEDULE 11 – MANAGEMENT COMPANY

SCHEDULE 1 - AFFORDABLE HOUSING

Affordable Housing provision is a material planning consideration as set out in the NPPF and Policy CP5 of the Core Strategy. Policy CP5 states *'all residential proposals of at least 5 dwellings (net) or covering a net site area of at least 0.16 ha will provide up to 50% of the net additional unit proposed as affordable dwellings, where viable'*. It goes on to states that the required minimum for a site outside of settlement limits is 40%. The affordable housing delivery includes a mix of Social Rented and Shared Ownership.

The Council's approach to securing affordable housing relates specifically to the development and is consistent with the requirements of the NPPF and CIL regulations 2010. It meets 3 tests as follows:

- (a) necessary to make the development acceptable in planning terms;

As described above, affordable housing is a material planning consideration under Policy CP5 of the Core Strategy to create mixed and balanced developments.

- (b) directly related to the development; and

The affordable housing requirement is directly related to the development and is proposed to be delivered on site.

- (c) fairly and reasonably related in scale and kind to the development

The provision of affordable housing that will be secured is a policy compliant percentage of the total number of units that will be delivered and is therefore related to the scale of development.

SCHEDULE 2 – CONTRIBUTIONS

My Journey

A contribution towards the My Journey initiative negates the requirement for a site-specific Travel Plan. It is a borough-wide sustainable travel campaign that aims to help and inspire Wokingham residents, employees and students to travel by alternative modes. Having started in 2012 from LSTF (Local Sustainable Transport Fund) from the Department for Transport, the borough wide travel campaign has continued to grow.

My Journey helps residents and employees of Wokingham borough, travel by modes other than single car use. This is done through a range of projects including creating maps, attending community events, organising cycle training, led walks & bike maintenance sessions and producing personalised travel packs for residents.

Paragraph 118 of the NPPF also states *'all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

The council require £540 (index linked) per dwelling to implement the My Journey Initiative in respect of the development.

Parking Restriction Contribution

The contribution would fund parking restrictions for the northern part of Tape Lane. It is required if the 128/129 bus is redirected through the site, because on-street parking along lane would restrict bus manoeuvrability or if the highway works required pursuant to Schedule 10 necessitate restrictions.

Parks and Gardens Contribution

Policy TB08 states proposals for residential development will need to demonstrate how they provide for parks and gardens, in accordance with the requirement set out in the policy. The formula for the parks and contribution is set out policy TB08 and is included in the agreement.

Speed Limit Order Contribution

Linked to the Council's costs of the processing speed limit changes in Lodge Road and Broadwater Lane as a result of the access arrangements and highway works required for the Development. The speed limit changes along Lodge Road are required to ensure visibility splays from the main access are suitable for the speed limit.

Sports Facilities Contribution

Policy TB08 states proposals for residential development will need to demonstrate how they provide for sports facilities, including indoor sports, in accordance with the requirement set out in the policy. No sports facilities are provided within the scheme and a contribution in lieu is therefore required to comply with the policy.

A sum of £350,262.00 Index-linked towards, in the first instance, the provision of new outdoor sports facilities in the Parishes of Hurst, Charvil, Ruscombe or Twyford or if no suitable projects are identified by the Council then in the administrative area of Wokingham Borough as a whole.

The calculation relates to the Greys Fruit Farm sports hub creation. The contribution we have secured for South Wokingham SDL development was £2,347/dwelling. This amount indexed at today's rate from 25 March 2015 is £3,538.

The contributions are necessary, related to the development and fairly and reasonably related in scale and kind to the development

SCHEDULE 3 - EMPLOYMENT SKILLS PLAN

An Employment Skills Plan is to encourage vocational training and local employment opportunities for major development. Policy TB12 of the Wokingham Borough Council MDD, requires planning applications for all major development (both commercial and residential) in Wokingham Borough to submit an employment skills plan (ESP) or contribution in lieu.

Calculations are based on the methodology set out in the attached WBC Employment and Skills Guidance (Appendix 1) and included in the agreement. The value of construction would be calculated at the reserved matters stage and this would equate to the number of training or vocational opportunities that should be created. Or, a contribution in lieu.

ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction. The methodology is set out in the legal agreement.

If for any reason the applicants/owners bound by the planning obligation is unable to deliver the plan (or elects to pay the ES Contribution), they can provide the ES Contribution in lieu. This is based on the cost to WBC supporting the employment outcomes of the plan. The cost to WBC oversee and support each employment target is £3,750. Payment of this sum is required before commencement on site.

The Council's approach to securing an Employment Skills Plan relates specifically to the development and is consistent with the requirements of the NPPF and CIL regulations 2010. It meets 3 tests as follows:

- (a) necessary to make the development acceptable in planning terms;

As described above, enhancement of employment skills is a material planning consideration of adopted policy MDD Policy TB12 and it would be inappropriate to grant permission without such requirements, contrary to the development plan.

- (b) directly related to the development; and

Any subsequent ESP would be aimed at improving the shortfall of skills training in the area local to the application site.

- (c) fairly and reasonably related in scale and kind to the development.

The calculation of the ESP is set out above and relates to the scale of development proposed.

SCHEDULE 4 - ESTATE ROADS

The adoption of the estate road or maintenance via a management company is essential for highway safety and amenity. The application is for outline permission and therefore whether the estate roads are managed/adopted by the council or a management company will depend on the details within a reserved matters application. It is necessary, related to the development and fairly and reasonably related in scale and kind to the development.

SCHEDULE 5 – TRAVEL PLAN

The development will generate a significant amounts of movement and therefore a Travel Plan is required by paragraph 118 of the NPPF. The council consider that either a Travel Plan or My Journey contribution is required and that securing both is double counting. For this reason, the council consider that it is not necessary to make the development acceptable in planning terms and therefore clause 11 of the agreement applies, commonly referred to as a blue pencil clause.

SCHEDULE 6 and 7 – OPEN SPACE AND LAP

Play areas and open space within development are a material planning consideration as set out in NPPF Section 8 *Promoting healthy and safe communities*. This states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policy CP2 of the Core Strategy states that new developments should address the needs of children, young people and families. MDD policy TB08 outlines the standards for equipped areas of play.

The play space would primarily be used by occupants of the proposed development given its proximity within the application site. The open space would be finalised as part of the reserved matters application and the formula for minimum requirements is set out in the legal agreement.

The council has first refusal on the ownership, management and maintenance of these spaces.

SCHEDULE 8 – ALLOTMENTS

Allotments are required by policy TB08 at a rate of 0.52ha/1000people. The agreement has an either or clause because of concerns from the Environment Agency regarding the buffer zone of the southern ditch in close proximity to the allotments. Flooding issues are also yet to be resolved and this may impact the suitability of the allotments shown on the parameter plan.

The contribution in lieu has been calculated by the based on land acquisition cost at £250,000 per hectare, plus construction costs at £30 per square meter. Total off-site contribution for allotments is £67,953.60 indexed linked.

SCHEDULE 9 – BUS IMPROVEMENT STRATEGY

The existing bus service is subsidised and does not meet the definition of a good service. Improvements to the services are therefore secured and considered to fairly and reasonably relate to the appeal proposal.

The first part of the Section 106 agreement provides a blue pencil clause as to whether the management company would be best suited to deliver the bus improvement strategy. The council consider that a residential management company would be unsuitable to deliver these

works given the expertise within the council. Should the Inspector agree then a Bus Improvement Strategy Contribution in the sum of £1,500,000 is secured.

Should the Inspector consider that the management company could deliver the bus improvement strategy the section 106 agreement provides for the Council to consider and accept the bus improvement strategy (which provides for several different options) or alternatively call for the Bus Improvement Strategy Contribution to be paid in lieu.

SCHEDULE 10 – OFF SITE HIGHWAY WORKS

Off-site highway works are required to link the development to the surrounding area and this includes, footpath along section of Tape/School Road; Lodge Road and Broadwater Lane.

As part of a blue pencil clause, the council do not consider the Cycle works in Twyford Statement meet the CIL regulation tests. Given the limited modal share of cycle journeys and the specific destination of Twyford Station outside of and over 2km from the site, it is not considered these are directly related to the development, fairly and reasonably related in scale and kind to the development nor, necessary to make the development acceptable in planning terms. The planning submission refers to the cycle works as delivering strategic infrastructure rather than necessary development relating to the appeal scheme. In addition, for the reasons set out by the council in their evidence, there are numerous concerns that the development would result in significant changes to the public highway/realm that will ultimately not provide a convenient or usable piece of cycle infrastructure.

SCHEDULE 11 – MANAGEMENT COMPANY

The maintenance and upkeep of communal areas via a management company is required for safety and amenity. The application is for outline permission and therefore whether the estate roads, open spaces, LAP and allotments are managed/adopted by the council or a management company will depend on the details within a reserved matters application. It is necessary, related to the development and fairly and reasonably related in scale and kind to the development.

APPENDICES

Appendix 1 – ESP Guidance