

APPENDIX A - COMMUNITY INFRASTRUCTURE LEVY REGULATION 123 – SUMMARY OF REPRESENTATIONS

Respondent	Regulation 123 Clarification (suggested additional text highlighted in red)	Summary of Representations	Officer Response
<p>Arborfield and Newland PC</p>	<p>Provision and ongoing maintenance in perpetuity of SANG (part of Thames Basin Heaths Special Protection Area (TBHSPA) Avoidance and Mitigation measures) at Rooks Nest Woods <u>and Clare’s Green Wood.</u></p> <p>Arborfield Cross Relief Road (ACRR) - a new road <u>between a new junction on the A327 south of Langley Common Road and a new junction on the A327 West of Arborfield Cross;</u></p> <p>Barkham Bridge Improvement – <u>widening to one lane each direction;</u></p>	<p>SANG - SANGS on the SDL locations are explicitly excluded. The Council is not aware of Wokingham Borough Council (WBC) or the developers having agreed any provision for ongoing funding for the SANGS being provided as part of the Arborfield SDL development. The Council therefore requests WBC to consider including the Arborfield SDL SANGS for perpetual funding in line with the provisions made for Rook’s Nest and Clare’s Green.</p> <p>Arborfield Cross Relief Road - The Council requests that WBC include specific provision for a footbridge over the ACRR to carry the footpath 17 across the cutting required for the ACRR. The Council would also like WBC to consider including specific provision for the footpath/cycleway that it has been suggested will be included as part of The ACRR development.</p> <p>Barkham Bridge Improvements – Arborfield and Newland PC - The Council notes that the Draft Regulation 123 List includes provision for “widening to one lane in each direction” which we understand is one of several options currently being considered. The Council therefore requests that Barkham Bridge mitigation remains specific in the list, but the method of mitigation is left</p>	<p>No change proposed - SANG will be secured on-site and off-site via S106 Agreement. On the Arborfield Garrison site a maintenance sum in excess of £3m was secured towards the cost of maintaining SANGS for an indefinite period.</p> <p>No change proposed – The requirement for a footbridge to carry footpath 17 across the ACRR will be assessed as part of the detailed project. However, if required it could benefit from CIL funding. Any footway / cycleway provided as part of the overall project could benefit from CIL funds.</p> <p>No change proposed – The change would not preclude the Council from using CIL towards a different scheme option at Barkham Bridge.</p>



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	<p>Comment is not in relation to a proposed clarification</p> <p>Improvements along the A327 <u>to deliver pedestrian and cycle facilities and junction capacity improvements not directly related, in part or in whole, to development sites along the A327 between the Borough Boundary to the South and the Borough Boundary to the North which ends just south of Whitley Wood Road;</u></p>	<p>open until the necessary modelling works and consultation have been completed.</p> <p>California Crossroads – Arborfield and Newland PC – It is not on the list, how will it be funded?</p> <p>Improvements along the A327 - Arborfield and Newland PC - The Council queries the exclusion ‘not directly related, in part or in whole’, to development sites along the A327. The Council would like to see specific inclusion for the mitigation works required at the Langley Common Road/A327 roundabout which we believe to be critical to ensure traffic leaving the development area by the Biggs Lane exit will use the ACRR to access Reading.</p>	<p>No change proposed – S106 contributions have already been secured towards California Crossroads. Also the fact that is not on the list does not preclude WBC from using CIL funds towards it if required.</p> <p>No change proposed - This caveat has been included to clarify that improvements along the A327 directly related to specific development sites should be secured via S106, and that it was never intended that development specific transport and highways requirements for improvements along the A327 would be funded via CIL. The original inclusion of ‘Improvements along the A327’ was so that infrastructure requirements resulting from incremental development along the A327 could be funded via CIL. The proposed changes clarify that. There is no requirement to</p>

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	<p>Comment is not in relation to a proposed clarification but suggests additional changes</p> <p>Comment is not in relation to a proposed clarification</p> <p>Comment is not in relation to a proposed clarification but suggests additional</p>	<p>Education facilities – The Council would welcome provision for ongoing funding to allow community access to education facilities outside school hours, in particular those facilities being provided at the Bohunt School Wokingham which will be so critical to the development of a full functioning community at the Arborfield SDL.</p> <p>Green Infrastructure - Arborfield and Newland PC – The Council notes the exclusion of green infrastructure within the Arborfield SDL. While the Council understands the exclusion of the provision of land for CIL funded facilities within the SDLs the Green Infrastructure exclusions list includes the land exclusion but goes further to exclude Amenity Open Space and Play Areas in the SDLs. Can the Council please clarify the reason for this specific exclusion and how these important facilities will be funded in the Arborfield SDL development?</p> <p>Community Centres - Arborfield and Newland PC - Include a specific requirement for funding for a new community centre to replace the existing Garrison Community Centre.</p>	<p>be more specific about the project.</p> <p>No change proposed – CIL has to be spent on the provision of infrastructure, as defined in the planning act 2008. Access to facilities does not equate to the provision of infrastructure. CIL will partially fund the secondary school at Arborfield.</p> <p>No change proposed – Amenity open space and play areas have been excluded on the SDL's because they will be secured via S106, and they already have been in the case of the Arborfield Garrison site which came forward before CIL was implemented in Wokingham. No change / clarification was proposed to the adopted approach towards amenity open space and play areas.</p> <p>No change proposed – Community centres can benefit from CIL funds, including if</p>

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	changes		required, a replacement for the existing Garrison Community Centre.
Finchampstead PC	<p>Comment is not in relation to a proposed clarification but suggests additional changes</p> <p>Comment is not in relation to a proposed clarification but suggests additional changes</p>	<p>California Crossroads - The California Crossroads improvement scheme is not included on the List. We understood this is on hold due to lack of funds and other priorities. The implication is therefore that this will be CIL funded.</p> <p>The proposed cycle path on the Nine Mile Ride, providing a safe route to the new Secondary School is not included on the List</p>	<p>No change proposed – S106 contributions have already been secured towards California Crossroads. Also the fact that is not on the Regulation 123 list does not preclude WBC from using CIL funds towards it if required</p> <p>No change proposed – Cycle Network Improvements are included on the list.</p>
Gladman Development Ltd	General comments on approach to updating the Council’s Regulation 123 List	The proposed changes to the CIL 123 List seek to significantly tighten the definition of a number of infrastructure schemes. The consequence of this would be the inability to use funding from CIL to finance infrastructure within a number of typologies and in a number of locations in the way that was initially expected upon the introduction of CIL in April 2015.	No change proposed – The update does not seek to tighten the definition of infrastructure schemes. It just clarifies that which was originally intended for the avoidance of doubt. The Regulation 123 List does not restrict what the authority can spend CIL funds on.



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		<p>The proposed approach would result in planning obligations being sought under Section 106 of the Town and Country Planning Act 1990 (as amended) for infrastructure that would reasonably be expected to be funded through CIL at present. The proposed changes are therefore contrary to the advice contained within the PPG.</p>	<p>No change proposed – Planning Practice Guidance set out that Authorities may amend their Regulation 123 List at any stage, without reviewing their charging schedule. It was always the intention that the list would be subject to periodic review using the benefit of our experience in operating the system as initially adopted.</p> <p>In order to address any ambiguity in the wording of the ‘Regulation 123 List’, the Draft CIL Regulation 123 List Consultation Document proposes changes to clarify the original intention of the Regulation 123 List items or types of infrastructure and to avoid any misinterpretation as to their meaning in the future.</p> <p>The proposed changes do not remove any items so that they may be funded by S106. The changes simply provide clarification, for the avoidance of doubt, as to the original intention</p>



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		<p>In addition, the viability evidence that informed the introduction of CIL has not been revisited in the context of the proposed changes, so at this stage it is not clear as to whether the Council has considered the impact that the proposed changes might have on the viability evidence that supported examination of its charging schedule.</p>	<p>of the projects listed. Furthermore Gladman Developments have not provided any examples of where they expect this might happen.</p> <p>No change proposed – Statutory guidance sets out that if any changes to the Regulation 123 list would have a very significant impact on the viability evidence that supported examination of the charging schedule, this should be made as part of a review of the charging schedule.</p> <p>The proposed changes do not have any implications on the level at which CIL is set as the changes are to clarify the intention of the original List. There is a continuing infrastructure need and consequently a continued funding gap. Furthermore Gladman Developments have not provided any viability evidence to the contrary.</p>



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Persimmon Homes	General comments on approach to updating the Council's Regulation 123 List	Persimmon Homes are supportive of the changes made to the CIL Regulation 123 List which provides clarity and further detail concerning a number of infrastructure schemes proposed within the List. Persimmon believe that infrastructure delivery at the SDLs should be prioritised and, in particular, the South Wokingham Distributor Road (SWDR) be delivered / prioritised as part of the regulation 123 List. Persimmon believe that a prioritisation in favour of the A329 improvements (over the SWDR) would be a mis-judgement given the essential nature of delivering the SWDR in terms of then being able to deliver suitable development within the South Wokingham SDL.	Support noted - No change proposed – The Regulation 123 List is a list of infrastructure items that can, or may, be funded via CIL. It is not a prioritisation exercise.