



**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78**

**APPEAL BY AVIVA LIFE & PENSIONS UK Ltd AGAINST THE FAILURE OF READING
BOROUGH COUNCIL TO DETERMINE WITHIN THE PRESCRIBED PERIOD A
PLANNING APPLICATION FOR**

Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. A demolition phase and phased redevelopment (each phase being an independent act of development) comprising a flexible mix of the following uses: Residential (Class C3 and including PRS); Offices (Use Class B1(a); development in Use Classes A1, A2, A3 (retail), A4 (public house), A5 (take away), D1 and D2 (community and leisure); car parking; provision of new plant and renewable energy equipment; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure; engineering operations.

AT

Vastern Court, Reading, RG1 8AL

INSPECTORATE REFERENCE: APP/E0345/W/21/3289748

READING BOROUGH COUNCIL REFERENCE: 200328/OUT

**CIL COMPLIANCE STATEMENT
READING BOROUGH COUNCIL**

Date: November 2022

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1.0 INTRODUCTION AND BACKGROUND

1.1 This statement justifies the planning obligations sought in respect of the appeal proposal, which includes an outline proposal of up to a maximum of 90,850sqm (gross external areas, ,excluding plant GEA), comprising a mix of uses including up to 1000 residential dwellings; up to 80,000sqm B1a Office use; up to 24,500 sqm A1-A5 uses; and up to 7,000sqm D1 community facilities and D2 leisure use, in the context of relevant legislation, policy and guidance. These are provided on a without prejudice basis to the Council's case that the appeal should be dismissed in overall terms; however, if the Inspector is minded to allow the appeal then these obligations would be required.

1.2 Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- 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.

1.3 These requirements are mirrored at paragraph 57 of the 2021 National Planning Policy Framework (NPPF).

1.4 As per paragraph 5.84 of the Statement of Common Ground (CD12.4) submitted to PINS in May 2022, the Appellant and Council agree that planning obligations are required. The following are the principal heads of terms as set out in the agreed form of S106 agreement:

- Affordable housing pre-implementation, mid-point and final outturn viability review mechanism as a financial contribution or the provision of on-site affordable housing
- Various highways/ transport related works, including:
 - Contribution of £100k towards an underpass

- Contribution of £75k towards a new signalised crossing on Vastern Road
- Provision of transport mitigation measures to include:
 - Residential and Office Travel Plans
 - On-site car club
- Arrangements concerning the interaction between the application site and the Aviva site in terms of access and seeking to ensure the delivery of a single vehicular route (noting, however, the Appellant’s position as set out at paragraph 1.6 below)
- Off-site open space, leisure and recreation facilities contribution of £1000 per residential unit
- Employment and skills plan (construction and end user phases) (either a local Employment and Skills Plan or a financial contribution based on the formulae at Section 6.0 of the Reading Borough Council’s Adopted Employment, Skills and Training SPD, 2013 (CD7.4))
- Carbon offsetting contribution
- Public realm including the provision of publicly accessible routes and open spaces
- Built to rent controls
- Decentralised Energy
- Public Art strategy or contribution
- Monitoring fees

1.5 Since the publishing of the Committee Report, and with respect to education contributions, it has been agreed that this would be addressed through CIL funds. In terms of a car parking management strategy and parking permits it has since been agreed that these could be dealt with through conditions only.

1.6 Furthermore, paragraph 5.84 of the Statement of Common Ground confirms that the parties agree that all obligations would comply with the NPPF and CIL tests, and this is the case for the obligations included within the final agreed draft of the S106 agreement, other than the Appellant’s position is that the requirement for the single vehicular route is not a policy requirement, not a requirement within the local plan and is not reasonably required to make the application

acceptable in planning terms, and accordingly fails to meet the tests in CIL Regulation 122 for planning obligations. The Council disagrees with the Appellant's position with respect to the single access route.

1.7 The Reading Borough Local Plan (Adopted November 2019) forms the Development Plan policy context for the planning obligations sought. The following policies are relevant (as identified by the Core Document [CD] reference):

- CD4.5 Policy CC4: Decentralised Energy
- CD4.9 Policy CC8: Safeguarding Amenity
- CD4.10 Policy CC9: Securing Infrastructure
- CD4.18 Policy EN9: Provision of Open Space
- CD4.47 Policy CR2: Design in Central Reading
- CD4.48 Policy CR3: Public Realm in Central Reading
- CD4.56 Policy CR11: Station/ River Major Opportunity Area
- CD4.33 Policy H3: Affordable Housing
- CD4.34 Policy H4: Built to Rent Schemes
- CD4.35 Policy H5: Standards for New Housing
- CD4.37 Policy TR1: Achieving the Transport Strategy
- CD4.39 Policy TR3: Access, Traffic and Highway-related Matters
- CD4.41 Policy TR5: Car & Cycle Parking & Electric Vehicle Charging

1.8 In addition, the NPPF (CD7.36) and Planning Practice Guidance (CD7.37), which are national policies/guidance, form material considerations in this regard. Also the 6 acre Standard (CD7.54) includes specific information of relevance to the open space obligation. Moreover, the Council has a number of fully adopted Reading Borough Supplementary Planning Documents (SPDs) which provide specific guidance on a number of the planning obligations required, as follows (relevant CD reference noted):

- CD7.3 Affordable Housing (Adopted March 2021)

- CD7.4 Employment, Skills and Training (Adopted March 2013)
- CD7.5 Revised Parking Standards and Design (Adopted October 2011)
- CD7.6 Planning Obligations under Section 106 (Adopted April 2015)
- CD7.7 Sustainable Design and Construction (Adopted December 2019)
- CD7.1 Reading Station Area Framework (2010)

1.9 This CIL Compliance Statement considers each of the planning obligations listed above.

2.0 JUSTIFICATION

Affordable Housing

- 2.1 Policy H3 (Affordable Housing) requires residential development to make an appropriate contribution towards affordable housing to meet the needs of Reading. The requirements for affordable housing are also detailed within the March 2021 adopted Affordable Housing SPD and page 10 of the overarching Planning Obligations under Section 106 SPD (2015, CD7.6). As set out in paragraph 5.21 of the Statement of Common Ground the Council confirm that based on the submitted Financial Viability Assessment (CD1.35) that currently the scheme is unable to contribute towards affordable housing. However, the Council has agreed with the Appellant that a deferred contribution mechanism be included as an obligation. The basis for such is detailed within the Affordable Housing SPD (CD7.3). More specifically, paragraphs 6.12 - 6.14 of the SPD demonstrate the necessity of this requirement and discussions in advancing a legal agreement are seeking to agree an appropriate form of mechanism in this instance.
- 2.2 Any future deferred contribution would be in the form of a financial contribution or on-site affordable housing (per the SPD and the NPPF). Most specifically, the Council will choose the registered providers to which funding for the provision of affordable housing will be directed. Funding will be allocated towards schemes to meet the housing needs of Reading Borough. Furthermore, the Infrastructure Funding Statement 2020-21 (IFS - included in full as Appendix 1) specifies at paragraph 6.18, in the context of future spending priorities, that:

“Financial contributions towards affordable housing will be spent on provision of new affordable homes in Reading. The Council is building new affordable homes through its Local Authority New Build programme, and this is likely to be the main spending priority, but the Council may also grant fund other Registered Providers to deliver new affordable homes.”

- 2.3 In the context of the established policy, recently adopted SPD guidance and anticipated future spending priorities, any affordable housing obligation would be evidently directly related to the development and would be fair and reasonable in terms of scale and kind.
- 2.4 It is also noted that affordable housing contributions are outside of the Council's Community Infrastructure Levy (CIL) Charging Schedule, with the Planning Obligations under Section 106 SPD (paragraphs 4.2 at page 5 and the commentary box at page 10) confirming that Affordable Housing is specifically excluded from being part of CIL and will always be sought under Section 106 rather than CIL.

Transport / Highways related works

- 2.5 In overall terms the Transport/Highways related obligations stem from Policies TR1, TR3 and TR5 of the Reading Borough Local Plan. Furthermore, policy CC9 specifies that securing transport infrastructure will be amongst the highest priority of measures in the Borough. In addition, there are also elements within policy CR11e: North of Station allocation, of which the appeal development forms a part, which link directly to transport matters, such as a high-quality route being provided through to the Thames. This aligns with elements of the policy CR11 vision for the wider Station/River Major Opportunity Area and policy CR11 ii) requirements in particular, which identify the need to facilitate greater pedestrian and cycle permeability particularly on key movement corridors and that that north-south links through the areas including across the IDR are of particular importance. This policy basis is also supplemented by the guidance stated at pages 6-7 of the Planning Obligations under Section 106 SPD and the Revised Parking Standards and Design SPD.
- 2.6 With regard to securing the provision of publicly accessible routes (including for the avoidance of doubt pedestrian/cycle routes and associated infrastructure/signage) and open spaces, and a contribution towards improvements to facilitate cycle movements through the underpass, these are necessary in order for the appeal proposals to align with the aforementioned

policy CR11 requirements. Without prejudice to the Council's case that the appeal should be dismissed, if the Inspector were minded to allow the appeal, then securing the provision of this element would be necessary to make the development acceptable in planning terms. This is also directly related to the appeal development. Furthermore, it is also fairly and reasonably related in scale and kind to the appeal development as it will serve future residents of the development.

- 2.7 In terms of the new crossing on Vastern Road, this is required to mitigate the impact of the appeal development on highways and is directly related to the proposals. Policy TR1 details that development proposals should make appropriate provision for works and contributions to ensure an adequate level of accessibility and safety by all modes of transport from all parts of a development. Furthermore, policy TR3 specifies that the effect on safety, congestion and the environment will be considered in determining proposals involving altered access onto the transport network and improvement works to the transport network, amongst other matters. These site related highways works are justified in light of this specific policy context.
- 2.8 More specifically, securing a new crossing on Vastern Road would seek to improve links between Reading Station, the appeal site and towards the Thames as required by policy CR11ii) and CR11e. It would therefore be evidently necessary and be directly related to the development. With specific reference to the quantum of the financial contribution towards the Vastern Road crossing, this was calculated on the basis of detailed quotations for the works undertaken by the Appellant at application stage. The Section 106 Agreement will allow this contribution to be reduced in line with an investigation undertaken by the Council if it is evidenced that a lower contribution sum (or no contribution) is necessary. The Council agree that the £75,000 financial contribution is suitable in this context, demonstrating that it is fairly and reasonably related in scale and kind to the appeal development.

- 2.9 The requirement for the delivery of a single access road from Caversham Road to serve the appeal site and 80 Caversham Road to the north is required to ensure the comprehensive development of the CR11e sub area to comply with Policy CR11 (viii), which states that development should “*demonstrate that it is part of a comprehensive approach to its sub-area...and which contributes towards the provision of policy requirements that benefit the whole area, such as open space...*”. A single access road serving both developments will enable a higher quality design, through less land given over to highways and which will contribute positively to public realm in accordance with Policy CR2 and CR3. This is clearly directly related to the appeal development and is necessary to make the scheme acceptable in terms of achieving a well-designed site. The Appellant’s position is that the requirement for the single vehicular route is not a policy requirement, not a requirement within the local plan and is not reasonably required to make the application acceptable in planning terms, and accordingly fails to meet the tests in CIL Regulation 122 for planning obligations. As stated in paragraph 1.6 above, the Council disagrees.
- 2.10 A travel plan is considered to be necessary to encourage future residents and office users to use alternatives to single occupancy car-use, instead promoting and supporting the use of sustainable transport facilities to avoid the proposed development having significant transport implications, in line with policy TR1 and Chapter 10 of the Revised Parking Standards and Design SPD in particular. The car club provision is a specific site related transportation mitigation measure which stems from the policy context above and policy TR5 as well. Given the Central Reading location of the site and the parking restrictions in place around the site, a lower than SPD standard provision of car parking is proposed at the site. The car club would assist future occupiers without a car having access to use of a car when required. Both the travel plans and car club would be necessary to mitigate the impact/needs of the proposed development, would be directly related to the appeal development and would be fairly and reasonably related in scale and kind to the appeal scheme to serve the resultant future population at the site.

- 2.11 In overall terms each individual transport related measure is demonstrated to adhere to the Regulation 122 tests, subject to the parties' respective positions on the single access road noted above.

Open space / leisure

- 2.12 Policy EN9 is clear in stating that all new development should make provision for appropriate open space based on the needs of the development. The policy also acknowledges that there are a variety of ways in which this can be achieved, either through on or off-site provision, contributions toward provision or improvement of existing leisure or recreational facilities. More specifically in relation to the appeal development, the policy also details that on sites of 50 dwellings or more, new provision will be sought. There is also reference in the policy CR11: Station/ River Major Opportunity Area, of which the appeal development is a part, to schemes including additional areas of open space where possible, with green infrastructure, including a direct landscaped link between the Station and the River Thames. In addition, policy CC9 (Securing Infrastructure) details that amongst the highest priority for contributions is open space. The Planning Obligations SPD specifies at page 6 that enhancement and management of and access to local outdoor recreation and open space directly serving the development would be secured via a s106 legal agreement.
- 2.13 From the outset of the application submission, the Applicant (now Appellant) has progressed a case whereby the provision of a financial contribution towards open space/leisure would be anticipated, which policy EN9 provides a basis for. The proximity of the site to Christchurch Meadows and the adjoining Hills Meadow, and also being within walking distance of Rivermead Leisure Centre, means a financial contribution towards improving existing open space, or providing new facilities, to cater for additional use, would be necessary and directly related to a development for up to 1000 residential units.
- 2.14 Whilst it is acknowledged that there is no set SPD formula for determining the financial contribution, the Open Spaces Strategy (2007, CD7.10), which follows,

where practically deliverable, the recommendations of the National Playing Fields Association's 6 acre standard (CD7.54), envisages that developments of this scale should provide for 1-2ha of local park with sports facilities to serve this new community, which should include the satisfactory provision of children's play areas and neighbourhood parks. For large developments it is expected that open space would be provided within the development, but where this is not provided on site, extra demand resulting from the development will need to be accommodated by improved facilities to increase the capacity, and to address the intensified use. The overall on-site provision is considered to be below the required standard as envisaged within the Open Spaces Strategy, because it does not meet the requirements of size, integration, connectivity and accessibility, and much of the appeal site open space is described as street or access routes, and would not function as publicly accessibly leisure/ parkland. Therefore, such provision in this case, will need to be provided as an off-site contribution in accordance with Policy EN9.

- 2.15 Applying these guidelines has led to a contribution for the total of a number of individual schemes, which would be fairly and reasonably related in scale and kind to the development. This would align with overall policy requirements and would contribute towards the Green Infrastructure Schemes, as set out in the Summary Infrastructure Delivery Schedule (Figure 10.2 of the Local Plan, included as Appendix 2). In particular, the contribution would assist with delivery of the identified borough wide Thames Parks Plan, Open Spaces Strategy, Play Requirements schemes, and Playing Pitch Strategy, and make a valuable contribution towards the area specific Christchurch Meadows schemes to enhance sports facilities including team sports, tennis and update leisure facilities, which is within close proximity of the appeal site. The proximity of the site to Christchurch Meadows and Rivermead Leisure Centre means that such a contribution would directly serve the development, assist the enhancement, and management of, and access to this open space. Accordingly, it is appropriate for this financial contribution to be secured via legal agreement, as per the page 6 of the Planning Obligations under Section 106 SPD. The Agreement provides for the quantum of the contribution to be reduced if the Appellant is able to

demonstrate additional on-site provision of open space in accordance with an assessment to be approved by the Council in due course.

- 2.16 With this context in mind the financial contribution towards open space would be justified in policy terms, directly stemming from a development of this size and would be necessary to make the development acceptable in planning terms.

Employment and Skills

- 2.17 Policy CC9 (Securing Infrastructure) details that amongst the highest priority for contributions is economic development services and infrastructure, including employment, skills and training development initiatives. In addition, the Employment Skills and Training SPD 2013 provides precise details concerning employment and skills, including full justification at Chapter 4. In overarching terms, the Planning Obligations under the Section 106 SPD applies too, with page 9 confirming that construction skills will be sought through Section 106 obligations from major schemes. As such, the policy context is clear in demonstrating the necessity of the obligation in making the development acceptable in planning terms should the appeal be allowed.
- 2.18 As per Chapter 5 of the Employment Skills and Training SPD the proposed development would necessitate a construction phase Employment Skills Plan (ESP), being a major development. Additionally, as the proposed mix would include employment use, it would also require an end user ESP. It is evident from the information presented by the Appellant that they are seeking the obligation to be either the preparation of an ESP or making a financial contribution. This approach is consistent with other S106 legal agreements prepared by the Council and accords with the requirements of the Employment, Skills and Training SPD. Financial contributions are used to fund employment, skills and training initiatives. This is accepted as per paragraph 5.6 - 5.9 of the SPD. Paragraph 5.8 and 5.9 of the SPD, provide examples of types of training that construction specific training, and end user funding would secure. The

calculation of the financial contribution would be derived from the Section 6 SPD formulae, as follows:

Construction -	$\text{£}2,500 \times \text{Gross internal floor area} / 1000\text{m}^2 =$ £ contribution
End user -	Gross internal floor area of development (m ²) / average employee density for development type x target percentage of jobs filled by Reading residents (50%) x percentage without Level 2 skills (30%) x £1,500

- 2.19 On the basis of the established formula, the contribution would be fairly and reasonably related in scale and kind to the appeal development.

Carbon offsetting

- 2.20 The Council declared a climate emergency in February 2019, with the need to address this being an urgent priority. Policy H5c expects major new-build residential development to be designed to achieve zero carbon homes standards. The supporting text to the policy at paragraph 4.4.46 states, at a minimum, this means a 35% improvement over building regulations standards, with the remainder as a financial contribution to carbon offsetting, as secured via a S106 Legal Agreement. This is also complemented by Policies CC3 and CC4.
- 2.21 The December 2019 adopted Sustainable Design and Construction SPD provides more detail on securing these contributions, predominantly at paragraphs 3.9 - 3.16. Paragraph 3.13 is clear in stating that the financial contributions towards carbon offsetting will be secured through a S106 agreement. For clarity, carbon offsetting is therefore confirmed as being outside of the Council's Community Infrastructure Levy (CIL) Charging Schedule. In addition, the formula for establishing the S106 financial contribution is specified at paragraph 3.11, while paragraph 3.14 confirms contributions will be ring-fenced for projects which deliver a carbon saving in Reading, including energy-efficiency improvements or renewables projects. Section 6 of the IFS 2020-21 sets out future spending priorities and at para 6.20 identifies carbon offsetting as one of three broad

matters anticipated as a future priority for infrastructure contributions. Paragraph 6.21 of the IFS 2020-21 reiterates the SPD guidance that detailed decisions on spend have not yet been made, but a number of possible measures are identified. In addition, as paragraph 3.15 of the SPD details, there are also a number of wider benefits associated with future projects funded by this financial contribution:

Projects funded by the offset fund can also maximise co-benefits, such as alleviating fuel poverty, reducing energy bills, improving air quality, providing heat for vulnerable residents, increasing the efficiency of public sector buildings and reducing operations costs.

- 2.22 Set within this clear and recent policy and guidance context, given that the proposal is not seeking to achieve zero carbon homes, a carbon-offsetting financial contribution would be justifiably required to make the development acceptable in planning terms. Within RBC this is only secured via a S106 Legal Agreement. Furthermore, it directly relates to the predominant residential component of the scheme and, on the basis of the established calculation for determining the contribution, it would be fairly and reasonably related in scale and kind to the appeal development.

Public Realm

- 2.23 Ensuring the provision of public realm within the site is a key policy requirement as set out in Policies CR2 and CR3 and is a main component of delivering a high-quality designed scheme.
- 2.24 An obligation requiring the provision, access to and retention of the public realm for public access within the site is necessary to make the scheme acceptable to comply with the relevant identified policy and is directly related to the appeal site, and would be fair and reasonable in scale and kind.

Build to Rent Controls

- 2.25 Policy H4 (Build to Rent) requires this specific form of private rented residential development to meet a number of requirements, including a contribution towards affordable housing, as set out in H3. Affordable Private Rent is the housing tenure, which is to form the affordable housing element of build to rent developments. Further detail is included within the Affordable Housing SPD (March 2021).
- 2.26 The National Planning Guidance ‘Build to Rent’, also set out within the Local Plan supporting text and the SPD (paras.4.17-4.28), is clear that obligations are required in S106 legal agreements to cover a number of matters. These include the process of management of affordable private rental units (Paragraph: 006 Reference ID: 60-006-20180913). Also the Guidance states that in instances where build to rent schemes are sold off into separate ownership that S106 agreements *“should consider such scenarios and, in particular, include a mechanism to recoup (‘clawback’) the value of the affordable housing provision that is withdrawn if affordable private rent homes are converted to another tenure.”* (Paragraph: 007 Reference ID: 60-007-20180913). Additionally, it states that eligibility criteria for the affordable private rented homes should be set out in a S106 agreement.
- 2.27 A section 106 obligation is also required with respect to identifying the specific relevant rental levels for the affordable private rent (Set out in Para 4.18 of the SPD and 4.4.33 of the Local Plan).
- 2.28 In terms of any affordable housing element of Build to Rent (the provision of which is subject to the outcomes of the future viability assessments), as set out above at paras. 2.1-2.4 this would be directly related to the development and fairly and reasonably related in scale and kind.
- 2.29 The relevant policy and guidance and national and local levels is clear that controlling mechanisms for Build to Rent should be contained in S106 agreements and therefore are necessary to make the scheme acceptable. Such controlling mechanisms have accordingly been included in the S106 agreement.

Decentralised Energy

- 2.32 Policy CC4 requires developments of more than 20 dwellings to consider the inclusion of decentralised energy provision, within the site, or to link into a decentralised energy network. This is intended to achieve the shift to sustainable energy consumption and production and covers a wide range of technologies that would reduce the dependence on a centralised network or grid. Further detail is provided within the Sustainable Design and Construction SPD, and in order to help increase the use and supply of renewable and low carbon energy and heat NPPF paragraph 157 states that “*in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable*”.
- 2.33 Although, the appellant considers that a District Energy Network is not currently a viable option for the development, they do consider that connections are capable of being provided for future connectivity. In addition, they propose that this could be considered further at the reserved matters stage through a per phase energy strategy which identifies further whether decentralised options and district energy network connections would be feasible.
- 2.34 The provision of a potential decentralised energy system and the on-site infrastructure to allow for connection to a potential or existing decentralised network, should be secured through a S106 agreement to enable the requirement to be complied with at a future stage, and is fundamental to ensuring the scheme contributes towards low carbon systems and meeting national and local policy requirements.
- 2.35 Policy CC9 identifies that where relevant a high priority should be given to the appropriate provision of energy infrastructure, including decentralised energy

projects. It would also contribute to the wider infrastructure delivery priority set out in Fig 10.2: Summary of Infrastructure Delivery Schedule, which identifies the requirements for a decentralised renewable energy site to assist in meeting the local and national targets for reducing Co2 emissions. The IFS 2020-21 also identifies that S106 should be the mechanism for providing site related decentralised energy provision and infrastructure for new development schemes to link to existing decentralised energy centres.

- 2.36 Set within this clear and recent policy and guidance context, an obligation would be justified to make the development acceptable in planning terms and would be directly related to the site and would be appropriate in scale and kind for the scheme which includes up to 1000 dwellings and mix of other uses.

Public Art

- 2.37 The provision of public art accords with the requirements of Policy CR2, which states that *“Development will provide appropriate, well designed public spaces and other public realm, including squares, open spaces, streetscape, utilising high quality and well-maintained hard and soft landscaped areas, and public art...”*. Policy CC9 includes requirements for cultural infrastructure where justified, which includes public art. In the case of the appeal site, which would represent a significant scale development in a central location of strategic importance, it is considered justified in this instance. The S106 SPD refers to public art facilities being secured under S106 with the aim of making a positive contribution to the appearance of a scheme, the wider public realm and the amenities of the area.
- 2.38 The Reading Station Area Framework highlights public art as one of the priorities for the regeneration of the area (Para. 5.6) and details this further within paras. 5.23 to 5.26. The provision of public art also accords with the strategic priorities as set out in the Council’s Culture and Heritage Strategy 2015-2030 (2020).

2.39 Therefore, it is considered that the development of and delivery of a public art strategy, meeting specific defined criteria, or a financial contribution towards public art, is necessary to make the scheme acceptable. The site would include areas of new public realm and the provision of public art within the site would directly relate to it and because of the significant scale of the development would be fair and reasonable in terms of scale and kind.

Monitoring Fees

2.42 There is a need to monitor the Section 106 agreement in order to ensure that the development meets the obligations/contributions set out in the agreement at the relevant trigger points, ensuring that the obligations required to make the permission acceptable in planning terms are delivered at the relevant trigger points. This will involve monitoring the trigger points within the S106, requesting payments from the appellant, liaising with the relevant teams regarding any non-financial obligations and obligations requiring approval and sign off.

2.43 National guidance on planning obligations (2019) (Paragraph: 036 Reference ID: 23b-036-20190901) sets out that Local Planning Authorities (LPAs) can charge a monitoring fee to cover the cost of monitoring and reporting on the delivery of Section 106 agreements. This is reiterated in para. 6.22 of the IFS 2020-21, which states that *“Monitoring the requirements of Section 106 agreements is a long-term cost to the Council, and financial contributions are therefore secured in Section 106 agreements to cover the expected costs of monitoring the agreements. This is in line with Regulation 122(1) of the CIL Regulations 2010 (as amended).”*

2.44 The monitoring fee is £2600, which is considered to be necessary, directly related to the development, and reasonable and proportionate to the nature and scale of the s106. This is in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

3.0 CONCLUSION

- 3.1 Without prejudice to the Council's case that the appeal should be dismissed, if the Inspector is minded to allow the appeal then the obligations detailed above are considered to be required. On the basis of the reasons set out above, each of the planning obligations sought and set out within the S106 agreement is evidenced as being compliant with the Regulation 122 tests, subject to the parties' different positions on the requirement for a single access road.

Appendix 1 - Reading Borough Council Infrastructure Funding Statement 2020-2021 (separate document) - *Core Document CD10.3.1*

Appendix 2 - Reading Borough Council Infrastructure Delivery Plan (Section 10.3 of the Reading Borough Local Plan 2019) (separate document) - Core Document CD10.3.2