

# CIL Submission Charging Schedule Consultation


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## User details

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## Notification of subsequent stages of the Community Infrastructure Levy (CIL)

### Notify Me of the Following;

Submission of the Charging Schedule for independent examination: **YES**

Publication of the recommendations of the person appointed to carry out an independent examination of the Submission Charging Schedule: **YES**

Adoption of the Community Infrastructure Levy: **NO**

## Your Comments

Have you commented on any previous Planning Policy Consultations? **Yes**

### Nature of comment **Comment**

#### **Comments**

Experience, training and legal advice suggests to Sport England that the following three guidelines should apply: 1. CIL should specifically exclude any mitigation measures required to make a development proposal satisfactory in planning terms, e.g. if housing is proposed on playing field the mitigation for that loss under NPPF Para 74 should be dealt with OUTSIDE of CIL. 2. CIL 123 lists should only include defined projects and not use generic statements such as 'Indoor Sports Provision' and 'Outdoor Sports Provision'. Our understanding of the legal position is that where a generic statement is used for a facility type then all provision is caught within CIL and therefore none can be delivered via S106 (to avoid double dipping). Whilst there is some clarity re. what S106 will cover (providing clarity in those instances only) the fact that no projects have been listed under the CIL column for CIL funding will mean all

outdoor sports projects not listed in the S106 column will by default be expected to be funded by CIL therefore the LA will be prevented from seeking S106 funding for anything other than clear mitigation on those sites listed. Sport England therefore suggests the CIL column is revised in terms of both Indoor and Outdoor Sports Provision to include ONLY SPECIFIC PROJECTS THAT CAN REASONABLY BE FUNDED THROUGH CIL. 3. CIL 123 lists should be kept to a list of major key priority projects and not seek to deliver all infrastructure. These projects should be the big ticket items where S106 pooling restrictions prevent S106 agreements being a practical tool and where CIL receipts are sufficient to deliver within a reasonable timescale. The project list should exclude smaller projects/improvement schemes that are simpler/quicker/more enforceable for developers/LAs to deliver on or off site via S106 agreements where delivery can become a planning requirement.

Sport England therefore recommends: 1. The CIL list includes specific projects for sport facilities (indoor and/or outdoor) and not generic statements. 2. The statement clarifies that: a. Mitigation for loss under NPPF Para 74 falls OUTSIDE of CIL b. Clarification that S106 agreements will be used to secure new sports facilities needed to meet new demand arising from development for sports facilities (indoor and outdoor) where not already sought through the CIL (e.g. CIL may be used to fund a new leisure centre to meet growth in demand for swimming pool BUT S106's would be used to fund all outdoor sport).

#### The Examination

No, I do not wish to participate at the oral Examination