



**Creating sporting opportunities in every  
community**

Community Infrastructure Levy Team  
Communities and Local Government  
1/E2  
Eland House  
Bressenden Place  
London  
SW1E5DU

23<sup>rd</sup> October 2009

Dear Sir,

### **Community Infrastructure Levy – Consultation Draft**

Sport England is the Government's advisor on community sport and recreation. The aim of our approved strategy 2008-2011 is to deliver a substantial and growing number of people across the community taking part in sport. This strategy was approved and endorsed by the Secretary of State in March 2008. Sport England works with local authorities and the national governing bodies of sport to help drive forward high quality provision.

The planning system is an essential vehicle to ensure that communities are provided with appropriated infrastructure to meet their sport and recreational needs. We have been actively involved in promoting the proper use of Planning Obligations for sport and recreation to help mitigate the impacts of growth in local areas, and have also followed with interest the evolution of proposals for a Community Infrastructure Levy (CIL).

Whilst we welcome and support one of the basic aims of CIL, that of *"making certain that the very things that make quality of life good in a neighbourhood are provided,"* (Para 1.14) Sport England has serious concerns that the proposed CIL system will not achieve this aim. Whilst the consultation document provides clarity and certainty over the setting, collection and enforcement of CIL, there is no such certainty over how the infrastructure that is needed by communities will be effectively delivered.

This uncertainty is exacerbated by breaking the direct link between development providing for the increased community infrastructure needs that it creates. Sport England believes that without this direct link, the proposed CIL will not be able to guarantee the provision of specific infrastructure to meet newly generated sporting needs. As the proposal stands, it will give no certainty in helping to deliver, not only Sport England's objective of increasing the number of people taking part in sport in this "decade of sport", but also the policy objectives of Government of increasing the nations health through activity, as set out in *"Be active, be*

*healthy*”, nor Governments objective of improving quality of place, as set out in *World Class Places (2009)*.

Without more detail and re-assurances as to how the proposed CIL will provide this certainty, Sport England would not support the introduction of the proposed CIL.

Listed below are our main areas of concern, these points are outlined in more detail within this letter.

1. The CIL, as proposed, will not ensure the delivery of specified sporting infrastructure.
2. The broad brush approach to infrastructure planning outlined in the Consultation document conflicts with guidance requiring a robust evidence base in PPS12, PPG 17 and the current Sport England approach to facility planning.
3. A conservative approach to setting the level of CIL is likely to reduce the amount spent on community sports infrastructure locally.
4. Contributions currently paid by developers towards the maintenance and revenue costs of sports facilities under planning obligations will be lost.
5. The new tighter test proposed for planning obligations could conflict with Sport England policy for the protection of playing fields and other facilities, in particular to ensure the provision of replacement facilities through Section106 agreements.
6. Without Sport England having consultation status for draft charging schedules, Sport England’s role in promoting the delivery of community sport will be significantly reduced.
7. Community amateur sports clubs should be exempt from CIL.
8. The Levy should be based on people rather than development area (m<sup>2</sup>) as it is people who generate the need for infrastructure, and not buildings.

We would be very happy to discuss any points raised in this response, please contact Rob Holt (robert.holt@sportengland.org) at these offices.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Holt', written in a cursive style.

Charles Johnston

Property Director

### **1. CIL will not ensure the delivery of specified sporting infrastructure.**

By breaking the link between a development contribution and an item of infrastructure, the introduction of CIL will make it more difficult to deliver specific sports facility needs as assessed in local PPG 17 audits. Instead of guaranteeing delivery, there will be no certainty that the identified sporting needs of a local community will be met. Whilst there might be a clearly identified need for new sports facilities to meet the needs of the local area, the delivery of these facilities will need to compete with other priorities in an area for adequate funding. The consultation makes no reference to how this process will work.

We feel that this disjunction between CIL and delivery makes it unclear how the Government will deliver one of its basic aims for CIL, which is stated as follows '...CIL is not just about transport and other strategic infrastructure, although they are important. It is about *making certain* [our emphasis] that the very things that make the quality of life good in a neighbourhood are provided' [1.14].

CIL explicitly states that core public funding will continue to bear the main funding burden of infrastructure provision. However, the costs of sport provision are not covered in Exchequer allocations of the type enjoyed by schools or health, for example. Developer contributions are therefore more important than just gap funding, and any reductions will, as a result, be more severely felt in the provision of additional sports facilities.

It is important that sports facilities are located in, and close to, areas of new development in accessible and visible locations so that participation can be maximised. Our advice on *Active Design*, referred to in the recent *Eco Towns PPS*, covers these aspects. Due to the proposal breaking the direct link between development and infrastructure provision, and preventing contributions being made through payment in kind, situations could arise where sports infrastructure has been planned through a master planning process, but is not delivered on agreed sites due to local judgements that its provision (whilst desirable) is of lower priority than provision of other types or in other areas.

There will often be different needs for community sport in sub areas of a local authority area. Sport England's assessment and prediction techniques are able to predict these at this level of detail. Contributions should be ring fenced to be spent within specific sub areas, in order to ensure the delivery of those identified infrastructure needs. We consider this level of detailed assessment will best assist in promoting community sport.

Accordingly we recommend that:

- Further detail should be given on how priorities for infrastructure spending should be worked out and applied by charging authorities;

- CIL receipts collected for local infrastructure in sub areas of a local authority (e.g. city centre, or a sustainable urban extension) should normally only be spent within that sub area;
- Further clarity is need on how local infrastructure will be delivered for large housing sites, specifically in relation to onsite/off site provision without the ability for payment in kind; and
- CLG should encourage local authorities to set differential rates for geographical sub areas (e.g. urban and rural areas) with different sports needs within their authority areas.

## **2. The broad brush approach to infrastructure planning outlined in the Consultation conflicts with guidance in PPG 17, and the current Sport England approach to facility planning.**

A broad brush approach to assessing infrastructure needs in an area is considered by the Consultation to be sufficient to justify charging schedules and spending. This will downgrade the importance of the 'detailed auditing' approach in PPG 17 *Open Space, Sport and Recreation*, which encourages the setting of local standards for sport and the listing of priorities locally. It also contradicts guidance outlines in PPS12 which advocates the need for a robust and credible evidence base. It is likely to send out the wrong or contrasting message as to the detail required to effectively plan for infrastructure, in particular sport.

As a result, local authorities may no longer consider it is worth preparing detailed assessments as at present, instead relying on inflated 'wish lists' of projects as the best way of competing with other needs articulated through a more 'pragmatic' process of the type suggested.

The approach to sports facility planning in PPG 17 is based on detailed assessments of local needs, and the setting of local standards which reflect differing community needs. The overall aim is to increase participation as population grows and is redistributed geographically as facilities are upgraded. This approach has been tried and tested since 1992 and has secured wide ranging benefits for sport.

We feel the broad brush approach as proposed (asking, for example, whether infrastructure planning is 'good enough' rather than 'good') is not sufficiently robust to guarantee positive outcomes for sport.

Accordingly we recommend that:

- The procedures put forward in PPG 17 *Open Space, Sport and Recreation* and the accompanying *Good Practice Guidance*, are the ones that should be advocated in the context of CIL; and

- The evidence base for the charging schedule must be consistent with that of the Core Strategy and must be robust and credible, and not broad brush.

**3. A conservative approach to setting the levels of CIL, with a strict policy of very few exceptions, is likely to reduce the amount spent on sports infrastructure resulting in an adverse impact on sports participation.**

For a number of years local authorities have secured developer contributions for sports facilities on the basis of standard charges, which are related to the catchments of facilities (for example the catchment of a sports hall or playing fields) supported by background evidence of local need and specific costs. Where there are specific viability issues at site level the standard charge figures may be negotiated downwards. This method has proved successful, with a significant level of contributions being secured.

The need for a conservative approach to economic viability in setting charging levels is stressed in the Consultation. The idea of setting levels based on the least viable schemes is particularly worrying, as is the idea that there would only be very few exceptions.

This is likely to result in a very low overall yield from CIL in many places, and an inability to meet the costs of sports facilities needed locally, with an overall effect of reducing overall spending on sports facilities as a result.

Accordingly we recommend that:

- a less conservative approach is taken to setting the levels of CIL in an area with levels reflecting economic viability without an allowance for economic downturns [3.38]; and
- the provisions for exceptions to CIL are widened from the proposed wording in the draft Regulations [4.103-4.111].

**4. The system of contributions currently paid towards the maintenance and revenue costs of sports facilities under planning obligations will be lost.**

Local authorities have collected considerable sums for maintenance in the past, justified under the guidance in Circular 5/05, and this has helped keep up the quality of sports provision over the medium term. Evidence for Sport England's *Planning Contributions Kitbag* suggests that 10-15 years is the average time period covered by such provisions. Contributions have also been secured towards revenue funding of sports development officers, which have been extremely valuable in order to promote the effective use of new sports facilities within communities.

The definition of infrastructure in the Consultation clearly relates to capital only. A number of tariff systems around the country have used their receipts in a more general way, although strictly related to the impacts of new development.

The lack of any provisions for local authorities to collect commuted sums for the short/medium term maintenance of playing fields and other sporting infrastructure will risk lowering the quality of experience sports facilities provide which will have a detrimental impact on sports participation. This effect is contrary to both the aims of Sport England's *National Strategy*, and Governments aim of increasing the nation's health through activity.

Accordingly we recommend that:

- the definition of infrastructure in the Regulations should be widened to cover provision for the maintenance of playing field and other sports facilities; and
- separate rules should be introduced allowing for the collection of commuted sums in association with sports development.

#### **5. The proposed new tighter test for planning obligations could conflict with Sport England's policy for the protection of playing fields and other sports facilities.**

The Consultation invites views on the introduction of a further test of reasonableness for planning obligations. This would state that obligations would be limited to situations that '...solely mitigate the impact of the development in question' [5.37-5.40].

It is possible that this new test would conflict with Sport England policy for the protection of playing fields, which is also re-iterated in PPG 17. The Sport England policy (stated in the document *A Sporting Future for the Playing Fields of England*) allows for the replacement of an equivalent, or better playing field. This is normally secured through a planning obligation (see policy E4).

Also it is unclear how far on-site provision of playing fields and other sports facilities on large sites would be covered by this provision, and would therefore continue to be delivered through planning obligations.

Accordingly

- Sport England would wish to be assured that the new test, if introduced, would allow for the replacement of sports assets lost as a result of a development on-site, or nearby; and
- Further clarity is required as to what is meant by 'solely mitigating the impact of the site in question'; particularly giving examples of what kinds of on-site provision this could include [5.37-5.40].

**6. Without consultation status for CIL charging schedules the Sport England role in delivering community sport will be reduced.**

Sport England has an established role in contributing towards the production of development plans. CIL charging schedules effectively go through the same process stages as a local development framework plan, and are arguably one of the most important elements in securing successful implementation and outcomes.

Sport England would have valid inputs to make in advising on the adequacy of the work to assess sports infrastructure needs, and can offer detailed advice on the speedy and cost effective improvement of CIL charging schedules, which would make the infrastructure planning process more efficient.

Accordingly we recommend:

- Sport England should be listed as a consultee on draft charging schedules, as its advice would be valuable in addressing sporting needs [3.80-3.83].

**7. Exemption from CIL, as proposed for charities, should be accorded to community sports clubs.**

Sports clubs are core to people's experience of sport, with coaching, facilities and competition all centred around the club structure. Sport England are working with National Governing Bodies of Sport to make sure sports clubs help drive up participation in sport.

Community Amateur Sports Clubs [CASC] are, by definition, not for profit organisations and must be constitutionally open to all members of the community. The imposition of CIL on them could act as a disincentive for investment in community sports infrastructure, and so significantly limit the ability for to increase participation in sport.

Accordingly we recommend that:

- Community sports clubs designated as Community Amateur Sports Clubs by HMRC, should be exempt from CIL for any development that enhances their sporting facilities.

**8. The Levy should be based on people rather than development area (m<sup>2</sup>) as it is people who generate the need for infrastructure, and not buildings.**

CIL will be calculated using the internal floor area of schemes and whilst rates may vary between land use classes, Sport England considers that the rates should be based around people. Community infrastructure needs of new developments are generated by the additional demands they created through the people that use them.

Accordingly we recommend that:

- CIL rates should be based on the number of people that new development generates.