

FAO: Examiner

By email only

25 September 2023

Dear Mr Kemmann-Lane

ODPC CIL Charging Schedule
Sport England Reference: SP/22/00005330

Thank you for inviting Sport England to make further representations. As highlighted in our previous representations, Sport England recommend that the Draft Charging Schedule is not approved in its current form. In our view, our representations have not been satisfactorily addressed by the additional information provided by ODPC.

Sport England has already commented (email from Mark Furnish 20/01/2023) that we have significant concerns that the Draft Charging Schedule will have a detrimental impact on the delivery of sports facilities in the area and consequently objects to the document as it does not consider that it will effectively and positively plan for sport. To address this issue Sport England recommended that sport facilities and facilities that encourage physical activity are included within the exceptions under 'All Other Uses' in the schedule.

It is our view that introducing CIL without exempting sport, leisure and community facilities will make it more expensive for these developments to come forward either as part of the schemes presented in the viability report or independent of them.

BNP Paribas Real Estate CIL Viability Study (May 2023) states that the ODPC 'could' consider setting a nominal rate 'of no more than say £35 for all other uses' (page 5). Part of the reason given for doing so is that this would be in line with the Mayoral CIL Charge. But no analysis or evidence is then presented within the document to consider whether or not these types of developments can afford an additional CIL charge (from the ODPC) in addition to the Mayoral CIL charge. It is further noted that BNP Paribas (ODPC's consultant) recommended £35 as a maximum and this maximum

rate has since been adopted by ODPC with no further justification or written consideration provided.

We have looked at adjoining Boroughs' CIL charging schedules and where these are in place, they contain a number of exemptions that include sport, leisure and community facilities (and this type of development is zero-rated). This matter is only given 2 paragraphs in the BNP Paribas report (page 61) which does not adequately address our comments.

Note on the draft Supplementary Planning Document and Infrastructure Delivery Plan

It is noted that this examination is only to examine the CIL charging schedule not the Council's SPD which will be subject to a separate consultation.

However, Sport England is concerned that in the ODPC's response to EQ1 the following financial contributions being deleted from the revised Planning Obligations SPD include;

- Healthy Streets and public realm contribution (Planning Obligations SPD reference OB3A)
- Health contribution (OB5B)
- Community facilities contribution (OB5D)
- Sports and leisure facilities contribution (OB5E)

Often authorities taking forward a CIL charging schedule for examination, will present the Examiner with a Draft SPD that has been the subject of public consultation. It is recommended that public consultation on the Council's S106 Supplementary Planning Document takes place before this CIL charging schedule is adopted.

The draft SPD and CIL Charging Schedule, if taken forward, will mean that future applications for community facilities and for sports and leisure facilities will all need to rely on contributions from the same CIL pot which they will also be required to contribute towards through the proposed ODPC CIL charge. This will result in additional challenges to bringing these types of development forward. Sport England recommends that the ODPC considers how the future leisure and community facilities that are needed can be delivered.

The Council's Infrastructure Delivery Plan advises that there is a need for 2 leisure centres and that the ODPC intends to rely upon the commercial sector to deliver these facilities and requires a 'Sports and Leisure Centre to be delivered as a commercial facility, with affordable concessions access secured through S106 agreement' (IDP Appendix B, SI15/16s, page 87).

In our view, removing the requirement to collect Section 106 contributions towards new facilities and additionally requiring a CIL charge to be levied against these facilities will further decrease the likelihood of the ODPC being able to deliver any sports facilities to meet the sport, leisure and community needs of local people.

The ODPC Local Plan includes proposals for at least 19,850 additional homes (between 2018-2038 ODPC Plan Policy SP14) and includes a target for 50 percent of all new homes to be affordable, but it is not clear how new affordable leisure facilities will be supplied to meet the sports and leisure demand from the new community. We would welcome the opportunity to discuss this further with the ODPC and will get in touch with them about this.

I trust that these observations are helpful. If you are intending to hold a hearing either online or in person, Sport England will attend.

Regards

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