



One voice for sport and recreation

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New Policy Document for Planning Obligations Consultation

CCPR Response

CCPR is the national alliance of governing and representative bodies of sport and recreation. Our 314 members represent 150,000 clubs across the UK and some 8 million regular participants. CCPR exists to promote the role of sport and recreation in healthy and active lifestyles, to encourage a policy and regulatory environment in which sport from grassroots through to elite level can flourish, and to provide high quality services to help its members to continually improve and progress.

1. *Do you agree with the principles set out in paragraphs PO1.1 to PO1.5?*

Yes

2. *The Community Infrastructure Levy (CIL) regulation 122 will place into law the three tests described in this section, which will make it unlawful for a planning obligation, concerning a development that is capable of being charged CIL, to be taken into account in determining a planning application. The three tests are proposed to remain a material consideration for all other uses of planning obligations. Do you agree with the principles set out in paragraph PO2.1?*

CCPR agrees with the principles set out in paragraph P02.1 in the context of the full enactment and continuation of CIL policies as contained in this document. Our view would certainly change if CIL does not achieve what it was originally intended to do so, specifically its ability to provide sport and recreational infrastructure for the community.

The last sentence in P02.1 should go further and require the obligation to restore facilities, resources and amenities to a quality equivalent and to a contemporary standard to that existing before the development. Whilst it would not always be reasonable to seek an obligation which *improves* facilities it should be a requirement to restore the facility to a contemporary equivalent standard to encourage greater use. Public expectations regarding the quality of facilities are higher due to private and public facilities having to compete alongside each other for sport and leisure activities which have become more closely aligned with lifestyle choices. Therefore, of the 65% of built facilities that are over 20 years old, as identified by the Carter Report (2005), those which have not yet been upgraded, have little hope of reaching the quality expectations of today's users (Facilities Inquiry 2010).

3. *The policy content of Circular 5/05: Planning Obligations has largely been retained in the Maintenance Payments section of the Annex. Do you agree with the principles set out in paragraphs PO3.1 to PO3.3?*

Yes. CCPR agrees with the principles as set out in PO3.1 to PO3.3 but feels that the division between facilities which are predominantly for the users of the associated development and those intended for wider public use is an artificial one. It may be hard to make a distinction between how widely an asset or facility is used by each group and so a sliding scale, based on forecasts in the planning application or associated business planning, may be a fairer way of assigning maintenance contributions.

4. *The policy content of Circular 5/05: Planning Obligations has largely been retained in the Relationship with Conditions section of the Annex. The use of planning conditions has been subject to a separate consultation, launched on 21 December 2009, to replace the existing policy in Circular 11/95 with a new policy Annex as part of the Development Management Planning Policy Statement (which has also been subject to consultation from the same date). Do you agree with the principles set out in paragraphs PO4.1 to PO4.2?*

Yes. CCPR understands that using planning conditions where appropriate can reduce the need for lengthy negotiations. CCPR does however believe that there are occasions when both planning conditions and planning obligations might be a possibility, but that a planning obligation is the better option. CCPR believes the right to opt for a planning obligation where this appears to be most beneficial should be retained.

5. *The legal framework with which planning obligations may be used to seek pooled contributions for infrastructure items that are capable of being funded by the Community Infrastructure Levy (CIL) has been changed by CIL regulation 123. Policies in this section of the Annex reflect these new legal developments. Do you agree with the principles set out in paragraphs PO5.1 to PO5.6?*

Yes. CCPR agrees that CIL is a simpler and fairer instrument for the collection of such contributions so long as they are used for the related infrastructure project. Where there is a need for specific community infrastructure to mitigate the development's impact there needs to be certainty that funds will become available for the project. It is vital that pooled contributions are used to provide community infrastructure to meet 'The Six Acre Standard' (Fields in Trust, 2001) which provides a benchmark standard for local planning authorities for the provision of outdoor sport and play facilities.

6. *The policy content of Circular 5/05: Planning Obligations has largely been retained in the Planning Framework section of the Annex. Some policies have been revised to reflect wider changes to the planning system as set out in Planning Policy Statement 12: Local Spatial Planning. Do you agree with the principles set out in paragraphs PO6.1 to PO6.4?*

Yes, agree.

7(b). *The policy content of Circular 5/05: Planning Obligations has largely been retained in the Transparency, reporting and implementation section of the Annex. Do you agree with the principles set out in paragraphs PO7.1 to PO7.4?*

Yes, agree.

7(d) *The Government has set out in the Empowerment White Paper Communities in Control: Real People, Real Power (launched in July 2008) its desire to explore whether it can strengthen the information provided to local communities about how planning obligations have been delivered by developers (for example, information about when payments have been made) and how the local authority has put those contributions to use. Greater transparency will enable local communities to hold local authorities to account if infrastructure agreed in a planning obligation and paid for by a developer does not come forward. It will also help ensure that local authorities do not amass*

significant levels of unspent developer contributions without good reason. Do you agree with the proposal at Paragraph PO7.3 that local planning authorities should publish on their websites on a quarterly basis details of all planning obligations agreed and delivered during that period, including any monies that remain unspent and their intended use?

Yes, agree.

8. *The policy content of Circular 5/05: Planning Obligations has largely been retained in the Appeals modifications and discharge section of the Annex. Do you agree with the principles set out in paragraph PO8.1?*

Yes, agree.

CCPR welcomes the opportunity to respond to this consultation, and would be happy to follow up on any issues that arise from this response.

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