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**From:** Gary Parsons [REDACTED]  
**Sent:** 12 March 2019 13:58  
**To:** Planning Policy  
**Subject:** Prelim Draft CIL Charging Schedule

Thank you for the consultation.

Our comment in response is that the purpose of Reg 123 list is to set out what infrastructure will be funded by new development under CIL and is to avoid duplicate payments by development for the same items of infrastructure, once through S106 and once through CIL. This is referred to as 'double dipping' on the planning portal.

Reg 123 of CIL can prevent planning permission being granted if site specific sports facility mitigation can only be secured through a planning obligation (direct provision or financial contribution).

The inclusion of 'sport' including playing fields as a generic term on the Reg 123 of CIL could preclude the use of s106 to secure mitigation when a sports facility or playing field is affected by a planning application and under para 97 of the NPPF the mitigation is needed to make the development acceptable.

A number of authorities have looked at a work around including:

- J Westminster City Council lists "sports and leisure facilities" but says that "This Regulation 123 list explicitly excludes the provision of infrastructure that is required to make a development acceptable in planning terms and which meets the legal tests of Regulation 122 of the CIL Regulations. Through the publication of this list the council therefore retains its discretion to negotiate necessary planning conditions and S106 obligations to secure such infrastructure", and have produced a SPD about this.
- J LB Croydon tables a comparison of the "infrastructure projects or types that Croydon intend will, or maybe, wholly or partly funded by CIL and those projects or types that will be funded by S106". "Provision, improvement, replacement operation or maintenance of public sports and leisure" is on CIL, whereas on the S106 list it includes "S106 for standard site/design mitigation".

I hope that this response is helpful to the Council in determining how to take the Community Infrastructure Levy (CIL) Draft Charging Schedule in East Devon forward. If you would like to discuss any of the above comments or if we can be of any further assistance in the development of future local plan documents, please do not hesitate to contact me via

[REDACTED]

**Gary Parsons MSc MRTPI**  
Planning Manager

[REDACTED]



**#FITGOTREAL**



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