

# **Subsidy Advice Unit Report on the proposed subsidy to Hartlepool Borough Council**

**Referred by Tees Valley Combined Authority**

**14 May 2024**

**Subsidy Advice Unit**

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Part of the Competition and Markets Authority

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# 1. Introduction

- 1.1 This report is an evaluation prepared by the Subsidy Advice Unit (SAU), part of the Competition and Markets Authority, under section 59 of the Subsidy Control Act 2022 (the Act).
- 1.2 The SAU has evaluated Tees Valley Combined Authority's (TVCA) assessment of compliance of the proposed subsidy to Hartlepool Borough Council (the Council) with the requirements of Chapters 1 and 2 of Part 2 of the Act (the Assessment).<sup>1</sup>
- 1.3 This report is based on the information provided to the SAU by TVCA in its Assessment and evidence submitted relevant to that Assessment.
- 1.4 This report is provided as non-binding advice to TVCA. The purpose of the SAU's report is not to make a recommendation on whether the subsidy should be given, or directly assess whether it complies with the subsidy control requirements. TVCA is ultimately responsible for granting the subsidy based on its own assessment, having the benefit of the SAU's evaluation.
- 1.5 A summary of our observations is set out at section 2 of this report.

## The referred scheme/subsidy<sup>2</sup>

- 1.6 TVCA proposes to award a subsidy of £15.25 million in the form of a grant to the Council towards the cost of constructing Highlight,<sup>3</sup> a new active leisure and wellbeing hub in Hartlepool.
- 1.7 The Council applied for the subsidy from TVCA as part of the overall Hartlepool Waterfront Programme,<sup>4</sup> which is an extensive programme of development of the Hartlepool Marina led by the Council. The Assessment states that Highlight will replace the existing town leisure centre (Mill House), which has reached the end of its effective life and needs replacement. It explains that the new facility will be a major leisure development at the Waterfront site and will be the Council's key development site at the Marina.

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<sup>1</sup> Chapter 1 of Part 2 of the Act requires a public authority to consider the subsidy control principles and energy and environment principles before deciding to give a subsidy. The public authority must not award the subsidy unless it is of the view that it is consistent with those principles. Chapter 2 of Part 2 of the Act prohibits the giving of certain kinds of subsidies and, in relation to certain other categories of subsidy creates a number of requirements with which public authorities must comply.

<sup>2</sup> [Referral of the proposed subsidy for a leisure and wellbeing hub by Tees Valley Combined Authority - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/referral-of-the-proposed-subsidy-for-a-leisure-and-wellbeing-hub-by-tees-valley-combined-authority).

<sup>3</sup> Highlight will include a range of facilities including a swimming pool, gym, fitness studios, indoor cycling/spinning studios, active and soft play areas, a party room, a café and an NHS consultation suite.

<sup>4</sup> The Assessment explains that the aim of the Waterfront programme is to create a landmark, tourism led, regional strategic attraction with cultural and heritage facilities, leisure facilities, events space and water sport facilities set in a high quality, landscaped public realm environment that will provide the catalyst for the regeneration of the Marina.

- 1.8 The total capital cost of the project is expected to be £34.65 million. A £2.5 million grant has been given to the project by Sport England and the Council has committed £16.9 million through a combination of borrowing and use of its capital reserves. The Sport England grant and the Council's contribution are outside the scope of this referral.
- 1.9 It is expected that Highlight will be completed and operational on or around December 2025. The Assessment explains that a developer has been selected to deliver the project following an open and competitive procurement process. Following its construction, Highlight will be owned and operated by the Council.

## **SAU referral process**

- 1.10 On 25 March 2024, TVCA requested a report from the SAU in relation to the subsidy.
- 1.11 TVCA explained<sup>5</sup> that the subsidy is a Subsidy of Particular Interest because its value exceeds £10 million.
- 1.12 The SAU notified TVCA on 2 April 2024 that it would prepare and publish a report within 30 working days (ie on or before 14 May 2024).<sup>6</sup> The SAU published details of the referral on 2 April 2024.<sup>7</sup>

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<sup>5</sup> In the information provided under section 52(2) of the Act

<sup>6</sup> Sections 53(1) and 53(2) of the Act.

<sup>7</sup> See [Referral of the proposed subsidy for a leisure and wellbeing hub by Tees Valley Combined Authority - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/referral-of-the-proposed-subsidy-for-a-leisure-and-wellbeing-hub-by-tees-valley-combined-authority)

## 2. Summary of the SAU's observations

- 2.1 The Assessment uses the four-step structure described in the Statutory Guidance for the United Kingdom Subsidy Control Regime (the [Statutory Guidance](#)) and as reflected in the SAU's Guidance on the operation of the subsidy control functions of the Subsidy Advice Unit (the [SAU Guidance](#)).
- 2.2 We consider the policy objective of the subsidy to be clearly articulated. We note that this subsidy is limited to the capital costs of building the new facility, but the benefits claimed by the Assessment relate to the future operation of Highlight. As a general observation, the Assessment would be strengthened (particularly in relation to Steps 1, 2 and 4) if it were, for example, to provide an explanation of the causal link between this intervention by TVCA, and the ultimate delivery of the policy objective through the future operation of the facility by the Council. The Assessment would also be improved in respect of the following points:
- (a) In Step 2, the Assessment presents two 'scenarios' which might arise in the absence of the subsidy, but it does not reach a conclusion on what TVCA considers to be the counterfactual (ie the most likely scenario). The Assessment should explain more clearly what the counterfactual is. Having done so, the Assessment should explain the change in behaviour that the subsidy is expected to induce in the beneficiary (ie the Council), as opposed to the expected change in health outcomes among users of the new facility.
  - (b) In Step 3, while the Assessment states that the subsidy is limited to the minimum necessary because it addresses a 'viability gap', the Assessment should more clearly demonstrate the existence and size of that viability gap. The Assessment could also be improved with a fuller explanation of the factors considered in the design of the subsidy in order to minimise distortions of competition and investment (in line with Annex 3 of the Statutory Guidance) and, further, by the inclusion of a more detailed consideration of the competitive impacts of the subsidy in the relevant markets.
- 2.3 Our report is advisory only and does not directly assess whether the subsidy complies with the subsidy control requirements. The report does not constitute a recommendation on whether the subsidy should be implemented by TVCA. We have not considered it necessary to provide any advice about how the proposed scheme may be modified to ensure compliance with the subsidy control requirements.<sup>8</sup>

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<sup>8</sup> Section 59(3)(b) of the Act.

### 3. The SAU's Evaluation

3.1 This section sets out our evaluation of the Assessment, following the four-step framework structure used by TVCA.

#### **Step 1: Identifying the policy objective, ensuring it addresses a market failure or equity concern, and determining whether a subsidy is the right tool to use**

3.2 The first step involves an evaluation of the Assessment against:

- (a) Principle A: Subsidies should pursue a specific policy objective in order to (a) remedy an identified market failure or (b) address an equity rationale (such as local or regional disadvantage, social difficulties or distributional concerns); and
- (b) Principle E: Subsidies should be an appropriate policy instrument for achieving their specific policy objective and that objective cannot be achieved through other, less distortive, means.<sup>9</sup>

#### **Policy objectives**

3.3 TVCA explained that the policy objective of the subsidy is to construct a new 'state of the art' leisure centre in Hartlepool for the purposes of:

- (a) contributing to healthier lifestyles amongst the people of Hartlepool by providing increased opportunity to access specialist leisure and well-being facilities; and
- (b) helping to build the local economy by providing a facility which attracts further investment and 'embedding skills that are useful for the employment of the local economy'.

3.4 We consider that the Assessment contains a clear policy objective.

#### **Equity objective**

3.5 The Statutory Guidance sets out that:

- (a) Market failure occurs where market forces alone do not produce an efficient outcome.<sup>10</sup>

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<sup>9</sup> Further information about the Principles A and E can be found in the [Statutory Guidance](#) (paragraphs 3.32 to 3.56) and the [SAU Guidance](#) (paragraphs 4.7 to 4.11).

<sup>10</sup> [Statutory Guidance](#), paragraphs 3.35-3.48.

(b) Equity objectives seek to reduce unequal or unfair outcomes between different groups in society or geographic areas.<sup>11</sup>

- 3.6 The Assessment explains that Hartlepool is ‘one of the UK’s most deprived communities’, supported by evidence from various sources addressing the high levels of poverty in the area, as well as evidence demonstrating how obesity and various long-term health conditions are among the highest levels in England. The Assessment also sets out the links between economic disadvantage and poor health by reference to external sources.
- 3.7 The Assessment states that ‘longstanding deprivation often makes it harder for local ventures to secure commercial finance’ because such areas have lower footfall and those who do come to such areas often have lower disposable income. This leads to the market producing an outcome which is ‘not socially desirable’, in this case meaning that there is ‘a lower likelihood of private investment to create facilities which contribute to healthier lifestyles.’
- 3.8 The Assessment sets out that the project will deliver various ‘health and social benefits’ and that the Highlight project is ‘at the heart of a strategy to encourage people to move more and live more active, healthy, fulfilled lives.’ It is recognised that the benefits are ‘likely to be greater for certain members of society than others’, making reference in particular to certain groups ‘targeted’ by the new facility.<sup>12</sup>
- 3.9 In terms of ‘economic benefits’, the Assessment explains that there is a ‘negative perception of Hartlepool as a place in decline’ and that addressing this by investing in regeneration and redevelopment will ‘improve the attractiveness of the town’. In turn, this will ‘create confidence in the business community’ to invest, creating more jobs and stimulating growth.
- 3.10 In our view, the equity rationale is generally clear, supported by evidence and an explanation of the health and other social benefits of the policy. However, the Assessment would be strengthened if it explained whether, how and why certain groups are ‘targeted’ by the subsidy, given that the policy objective is to contribute to healthier lifestyles among the ‘people of Hartlepool’ in general. In addition, while we understand that the subsidy relates to the capital cost of delivering the project, the Assessment would be strengthened by providing further detail of how the subsequent operation of the facility will support the specific aims of the policy objective and, in particular, benefit these target groups (for example through concessionary pricing).

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<sup>11</sup> [Statutory Guidance](#), paragraphs 3.49-3.53.

<sup>12</sup> The Assessment states the ‘targeted audiences’ of this intervention include the following groups: ‘Children; Pregnant/new mothers; Families; Those with a disability and/or long-term limiting condition; Adults aged 45+; Those living [in] the most deprived [Lower Layer Super Output Areas].’



## **Consideration of alternative policy options and why the subsidy is the most appropriate and least distortive instrument**

- 3.11 In order to comply with Principle E, public authorities should consider why the decision to give a subsidy is the most appropriate instrument for addressing the identified policy objective, and why other means are not appropriate for achieving the identified policy objective.<sup>13</sup>
- 3.12 The Assessment sets out several alternative options which TVCA considered, including:
- (a) working with private sector providers or providing a guarantee;
  - (b) equity investment;
  - (c) providing a loan instead of a grant; and
  - (d) providing a similar level of well-being support without new facilities, for example, through existing leisure centres or home-based exercises supported by online trainers.
- 3.13 The Assessment concludes that private sector delivery and equity investment, or the provision of a loan instead of a grant, would not be viable options as the project is unlikely to be profitable. It states that providing a similar level of well-being support without new facilities is unlikely to be effective, as it would not achieve the policy objectives of delivering economic benefits to the local area or the health and wellbeing benefits at the level required. For these reasons, the Assessment concludes that providing grant funding is the only appropriate option to achieve the policy objective.
- 3.14 In our view, the Assessment demonstrates that TVCA has considered a range of policy options and clearly explains why they are not appropriate to achieve the policy objective. The reasons why some options are rejected rests on the expectation that Highlight will not generate sufficient revenue to, for example, service loans and equity. The Assessment would be strengthened if it evidenced or referenced the financial projections supporting this expectation.

## **Step 2: Ensuring that the subsidy is designed to create the right incentives for the beneficiary and bring about a change**

- 3.15 The second step involves an evaluation of the assessment against:
- (a) Principle C: First, subsidies should be designed to bring about a change of economic behaviour of the beneficiary. Second, that change, in relation to a

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<sup>13</sup> [Statutory Guidance](#), paragraphs 3.54-3.56.

subsidy, should be conducive to achieving its specific policy objective, and something that would not happen without the subsidy; and

- (b) Principle D: Subsidies should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy.<sup>14</sup>

### Counterfactual assessment

- 3.16 In assessing the counterfactual, the Statutory Guidance explains that public authorities should assess any change against a baseline of what would happen in the absence of the subsidy (the ‘do nothing’ scenario’).<sup>15</sup> This baseline would not necessarily be the current ‘as is’ situation (the ‘status quo’) but what would likely happen in the future – over both the long and short term – if no subsidy were awarded.
- 3.17 The Assessment describes a counterfactual in which the Highlight facility would not proceed. It explains that, without the subsidy, the Council would be unable to afford commercial finance to fund the project as Highlight would not produce sufficient income to fund the repayment of borrowings.
- 3.18 The Assessment then sets out two distinct scenarios within this counterfactual analysis. First, the Assessment considers a ‘do nothing’ scenario which assumes that the Council would stop its ongoing financial support to the existing leisure facilities in the Waterfront.<sup>16</sup> Under the ‘do nothing’ scenario the Assessment states that the existing leisure centre would close. Second, the Assessment outlines a ‘status quo’ scenario in which the Council continues to give its ongoing financial support but does not develop the new leisure facilities. In this scenario, the Assessment states that the ‘unfit for purpose’ leisure facilities would continue to be used with no additional benefit to the economy or wellbeing of the area.
- 3.19 While the Assessment presents two distinct scenarios which might arise in the absence of the subsidy, it does not conclude on which is considered to be the counterfactual scenario (ie the most likely course of events absent the subsidy). We consider the Assessment should set out clearly what TVCA considers to be the counterfactual against which the subsidy should be assessed. This would include providing further detail on what would happen under the identified counterfactual scenario – for the ‘do nothing’ scenario, this would include the timeframe over which the deterioration of the existing facilities would result in the facilities ultimately closing, or, in the ‘status quo’ scenario, the Assessment would consider how long the facilities would continue to operate at their existing level before reductions in services or closure. Moreover, having explained the

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<sup>14</sup> Further information about the Principles C and D can be found in the [Statutory Guidance](#) (paragraphs 3.57 to 3.71) and the [SAU Guidance](#) (paragraphs 4.12 to 4.14).

<sup>15</sup> [Statutory Guidance](#), paragraphs 3.60-3.62.

<sup>16</sup> The Council currently provides an ongoing annual subsidy to fund the operating deficit of the existing leisure facilities.

counterfactual, the Assessment should consider the extent to which the policy objectives would be achieved as a result of the subsidy relative to the counterfactual.

### **Changes in economic behaviour of the beneficiary**

- 3.20 The Statutory Guidance sets out that subsidies must bring about something that would not have occurred without the subsidy.<sup>17</sup> In demonstrating this, public authorities should consider the likely change or additional net benefit.
- 3.21 The Assessment explains that the subsidy will bring about a change in the level of physical activity and active lifestyles through the delivery of a new active wellbeing hub.
- 3.22 The Assessment sets out that the subsidy will result in: (a) increased participation from target demographic groups; (b) increased water confidence and safety in children and adults; (c) a contribution to wider social outcomes; and (d) a vibrant programme of outdoor activity. The explanations within the Assessment are supported by the provision of relevant supporting evidence.
- 3.23 In our view, the Assessment does not expressly state the change in behaviour of the Council (the beneficiary) as a direct result of receiving the subsidy. The Assessment should, having reached a clear conclusion in relation to the counterfactual, then proceed to discuss in this section what effect the subsidy would have on the Council's behaviour. For example, it should explain whether, as a result of receiving the subsidy, the Council will alter its economic behaviour by co-financing the delivery of the Highlight project, its eventual delivery of services when Highlight is operational, and how this enables the achievement of the policy objectives.

### **Additionality assessment**

- 3.24 According to the Statutory Guidance, 'additionality' means that subsidies should not be used to finance a project or activity that the beneficiary would have undertaken in a similar form, manner, and timeframe without the subsidy.<sup>18</sup>
- 3.25 The Assessment explains that the provision of the subsidy is the difference between Highlight being developed or not being developed. It describes the costs supported by the subsidy as capital works as part of the construction of the Highlight facility building. It explains that these are one-off investment costs and do not relate to business-as-usual costs.

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<sup>17</sup> [Statutory Guidance](#), paragraph 3.64.

<sup>18</sup> [Statutory Guidance](#), paragraphs 3.63-3.67.

- 3.26 The Assessment explains that to date the Council has procured a contractor which is only commissioned to undertake works using funding not related to this subsidy. It explains that it would only be once TVCA has granted additional funding that the contractor will be commissioned to undertake the second phase of works which will be funded by this subsidy.
- 3.27 We consider that the Assessment is clear that the costs funded by the subsidy are one-off in nature and that the subsidy is not expected to fund ongoing business-as-usual costs.

### **Step 3: Considering the distortive impacts that the subsidy may have and keeping them as low as possible**

- 3.28 The third step involves an evaluation of the assessment against:
- (a) Principle B: Subsidies should be proportionate to their specific policy objective and limited to what is necessary to achieve it; and
  - (b) Principle F: Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition or investment within the United Kingdom.<sup>19</sup>

#### **Proportionality**

- 3.29 The Assessment states that the subsidy is proportionate to the policy objectives because it is the amount required to ‘unlock’ the works (ie the construction of Highlight). The Assessment states that the subsidy is limited to the minimum necessary as it is equal to the project’s viability gap, as determined by the Council. This is the amount required to make the project viable and relates only to costs attributable to the works required to build the new facility (with no profit included in the subsidy).
- 3.30 In our view, while the Assessment considers proportionality at a very high level, it could benefit from providing a more detailed explanation of how the subsidy is proportionate to the policy objective. For example, while the Assessment mentions some subsidy design elements which help to demonstrate the subsidy is at the minimum value necessary (the fact that the subsidy is limited to attributable costs only, and does not include any profit), it could be improved by considering more explicitly all relevant subsidy characteristics (as set out in Annex 3 of the Statutory Guidance) and how the subsidy has been designed to limit the subsidy to that which is proportionate. In particular, it may also be relevant to consider in this context that (as explained elsewhere in the Assessment) the developer was

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<sup>19</sup> Further information about the Principles B and F can be found in the [Statutory Guidance](#) (paragraphs 3.72 to 3.108) and the [SAU Guidance](#) (paragraphs 4.15 to 4.19).

selected via an open and competitive tender process and the extent to which this would support the position that the size of the subsidy is limited to the minimum necessary.

- 3.31 In our view, the Assessment should have included the relevant evidence demonstrating how the viability gap was calculated. The Assessment could be improved by also providing an explanation of the extent to which TVCA has taken steps to challenge or test the assumptions underlying the viability gap analysis.

### **Design of subsidy to minimise negative effects on competition and investment**

- 3.32 The Assessment states that the impacts on competition should be minimised as the subsidy is addressing a genuine failure of the market to provide such a facility, and that there is a real need for this type of facility in the local area. It explains the mix of facilities Highlight will provide, with a focus on both 'wellbeing and wellness', would limit potential distortions to competition. It goes further to explain that such a project is not an attractive investment to private sector operators, given that the existing facility is run at an operating deficit, and so would not be provided without the subsidy. The Assessment explains under Principle G that the planned pricing policy for non-concessionary consumers is intended to be in line with private sector provision and should mitigate impacts to competition.
- 3.33 In our view, while the Assessment explains that competition distortions should be limited due to the market not being willing to provide such a facility absent a subsidy, it does not fully demonstrate that the subsidy has been designed to minimise distortions to competition. While it does explain that pricing will be in line with market prices for non-concessionary customers, which should minimise potential distortions, the Assessment could be improved by explaining the extent to which TVCA has considered other ways in which the subsidy has been designed to minimise competition distortions, relying where appropriate on Annex 3 of the Statutory Guidance.

### **Assessment of effects on competition or investment**

- 3.34 The Assessment states that the subsidy could have a distortive impact on competition within the provision of leisure services, resulting from revenue which would otherwise have gone to competing operators going to the Council through the use of the new Highlight facility.
- 3.35 The Assessment identifies the following relevant markets: swimming pools, gyms, cafes and soft play areas. It also identifies at a high level, for some of the relevant markets, who and how many potential competitors there may be. It identifies that there are a limited number of competing swimming pools in the local area (with customers not being willing to travel to other boroughs for this service), all of which are public sector owned and benefit from public sector funding. It explains that the

new cafe would likely be used by visitors to the Highlight facility, rather than being a particular destination, and therefore it would be difficult to assess whether (and if so which) coffee shops would be directly impacted. It identifies that competing gyms would likely also cater to a wider cross section of society, and that the new facility would unlikely be competing with niche and premium gyms.

- 3.36 The Assessment also indicates that concessionary pricing could be offered when the Highlight centre is in operation; for example, it explains that the soft play facility will be offered at both competitive market prices and subsidised rates for low-income families, ensuring it will be accessible to all regardless of their financial situation.
- 3.37 The Assessment states that the subsidy is unlikely to significantly impact any other operators in the relevant markets, as there are very few (if any) competitors.
- 3.38 In our view, the Assessment identifies the relevant markets in which the subsidy could be distortive, and at a high level recognises how the subsidy in general is most likely to distort a market. However, the Assessment does not consistently assess the impacts on competition in each of the relevant markets, nor consider the significance of any impacts given the localised market and higher quality 'state of the art' facilities the new Highlight centre will provide. The Assessment would be improved by considering in more detail the competitive impacts across all the relevant markets. The Assessment could also be improved by consistently and in greater detail considering the potential competitors in each of the relevant markets. For example, having noted that there are 12 gyms in the local area, the Assessment could have further considered which of these are likely competitors who could be impacted by the subsidy. The Assessment would also benefit from clearer consideration of the competitive implications of how and in what areas concessionary pricing will be deployed.

#### **Step 4: Carrying out the balancing exercise**

- 3.39 The fourth step involves an evaluation of the assessment against subsidy control Principle G: subsidies' beneficial effects (in terms of achieving their specific policy objective) should outweigh any negative effects, including in particular negative effects on: (a) competition or investment within the United Kingdom; (b) international trade or investment.<sup>20</sup>
- 3.40 The Assessment lists several expected benefits of achieving the policy objective. It explains that Highlight will lead to increased footfall in and around the Marina, which will benefit the local economy and stimulate further investment in the area. It also explains that the subsidy will create skilled and semi-skilled employment.

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<sup>20</sup> See [Statutory Guidance](#) (paragraphs 3.109 to 3.117) and [SAU Guidance](#) (paragraphs 4.20 to 4.22) for further detail.

- 3.41 In addition, the Assessment discusses benefits of the subsidy which relate to the overall health and wellbeing of the local community resulting from improved access to public sport and other well-being activities. The Assessment states that this will lead to increased physical activity among those who are inactive and could therefore reduce the prevalence of illnesses such as obesity, heart disease, and type 2 diabetes. It also explains that the improved access to these activities is expected to have a positive impact on mental health, workplace productivity and fostering community pride.
- 3.42 The Assessment then acknowledges that the subsidy may have negative competitive impacts on private sector gym/fitness providers as their customers may choose to use the facilities at Highlight instead. However, it states that this impact will be mitigated through the implementation of a pricing policy at Highlight for non-concessionary customers that will be in line with private sector provision. It also recognises that employees of the private sector gyms may consider employment opportunities at Highlight. The Assessment then concludes that the positive impacts of the subsidy outweigh the negatives.
- 3.43 In our view, the Assessment has presented the beneficial effects of the subsidy that relate to the policy objective and considered the potential negative impacts and, on that basis, come to a reasoned conclusion that the benefits outweigh the negatives. However, recognising that the subsidy relates to the capital costs of constructing Highlight, the Assessment could be improved by considering the relationship between this subsidy and subsequent operational decisions (including any financial support) that would be required to realise all of the claimed beneficial effects.
- 3.44 In addition, the Assessment would be strengthened by considering how the benefits (particularly the health benefits) that will be realised from the subsidy represent an increase in comparison to the counterfactual 'status quo' scenario, where the existing leisure facilities would continue to be used.
- 3.45 The Assessment would also be strengthened by explicit consideration of the geographic and distributional impact of the subsidy within Step 4, in line with the Statutory Guidance.<sup>21</sup>

## **Other Requirements of the Act**

- 3.46 This step in the evaluation relates to the requirements and prohibitions set out in Chapter 2 of Part 2 of the Act, where these are applicable.<sup>22</sup>

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<sup>21</sup> See [Statutory Guidance](#) (paragraphs 3.115 to 3.117)

<sup>22</sup> [Statutory Guidance](#), chapter 5.

3.47 TVCA has confirmed that it has not found any of the requirements of Chapter 2 to be relevant.

**14 May 2024**