

## **APPENDIX 3**

### **Infrastructure List for the Purpose of regulation 123 of the Community Infrastructure Levy 2010 (as amended)**



Planning Act 2008 (As Amended)

Community Infrastructure Levy Regulations 2010 (as amended)

## **WESTMINSTER CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

### **Infrastructure List for the purposes of Regulation 123 of the Community Infrastructure Levy 2010 (as amended)**

This Regulation 123 list is a living document which provides a summary of the infrastructure that Westminster City Council considers it may fund in whole, or in part, on adoption of a Community Infrastructure Levy (CIL). In determining what infrastructure should be included in the list the council has had regard to the infrastructure demands outlined in the addendum to Westminster's Strategic Infrastructure Plan (2014), the infrastructure that is required to support the delivery of Westminster's City Plan (2013) and the available viability evidence (2014 and 2015). It is the council's intention that this list will evolve and be reviewed on a regular basis to ensure that it includes the council's priority infrastructure to support development growth in Westminster.

**On adoption of a Westminster Community Infrastructure Levy (CIL) the CIL receipts may be applied in whole, or in part, to the provision, improvement, replacement, operation or maintenance of the following infrastructure to support the development of Westminster:**

- Crime and anti social behaviour infrastructure;
- Educational facilities;
- Health facilities;
- Parks and Open Space;
- Public Realm improvements;
- Social and community facilities;
- Sports and Leisure facilities;
- Transport and highways but excluding works that are required as part of a development proposal to be secured through a Section 278 agreement such as reinstatement of highways disturbed by development works;
- Utilities; and
- Waste



It is important to note that the above list excludes infrastructure projects that are required to make a development acceptable in planning terms in accordance with the planning policies set out in the council's development plan. Whilst CIL will be the council's main mechanism for securing funding towards the infrastructure that is required to support the cumulative demands from development in Westminster, there will be some instances where individual developments give rise to their own requirements for infrastructure in order to make the development acceptable in planning terms. Such infrastructure will be secured as part of the development through the use of planning conditions or Section 106 planning obligations. Further details of the approach that will be taken are set out in ~~draft~~ a supplementary planning document (SPD) on the 'Use of Planning Obligations and other Planning Mechanisms'.

The above list of infrastructure is not in order of priority. As the council moves towards accruing sufficient receipts for the funding of infrastructure it is its intention that this Regulation 123 list will be amended to provide details of specific infrastructure projects that will be the priority for CIL funding at that time. It is also intended to keep the list under continuous review and to publish regular updates.

This Regulation 123 list therefore 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 planning obligations to secure such infrastructure.

