

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

SUBJECT: APPROVAL TO APPOINT AN INDEPENDENT EXAMINER TO CONSIDER THE COUNCIL'S DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE

Notice is hereby given that the Cabinet Member for Built Environment, has made the following executive decision on the above mentioned subject for the reasons set out below.

Summary of Decision

1. The Cabinet Member for the Built Environment:
2. Acknowledged the representations that were been made during consultation on Westminster's Community Infrastructure Levy Draft Charging Schedule alongside the detailed considerations on the issues raised as summarised in **Appendix 1** to the report.
3. Approved the appointment of an independent examiner from the Planning Inspectorate Service to conduct the examination of the council's Draft Charging Schedule and supporting evidence in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. Agreed that, subject to (2) above, no further modifications to the Draft Charging Schedule are required and that the following documents and information now be submitted to an independent examiner in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended):
 - (i) The Draft Charging Schedule (**Appendix 2** to the report);
 - (ii) A statement setting the number of representations made during public consultation on the Draft Charging Schedule and a summary of the main issues raised by the representations (**Appendix 1** to the report);
 - (iii) Copies of the representations made and;
 - (iv) Copies of the relevant evidence that has informed the preparation of the Draft Charging Schedule (a schedule setting out the documents comprising the relevant evidence is included as **Appendix 3** to the report).
5. Agreed that in the event that the Cabinet Member decides to make modifications to the Draft Charging Schedule that delegated authority is granted to the Director of Policy, Performance and Communications to:
 - (i) Make the required modifications to the Draft Charging Schedule;
 - (ii) Publish the statement of modifications in accordance with the Community Infrastructure Levy regulations 2010 (as amended);

Reasons for Decision

1. The council is pursuing the development of a Westminster Community Infrastructure Levy (CIL). It recognises that the CIL Regulations 2010 (as amended) have placed limitations on a local authority's ability to secure funding for infrastructure from development through planning obligations as secured through Section 106 agreements. Because of these restrictions officers have estimated a loss of income in Westminster of up to £2.3 million per annum for infrastructure that would have otherwise been secured through planning obligations. A Westminster CIL on the other hand is estimated to raise approximately £17 million per annum from development to fund infrastructure that is required to support development in the area. Like planning obligations a future CIL income is dependent on developments being implemented and therefore the estimated annual average should be treated with caution given that it could fluctuate significantly in any given year. Notwithstanding, a Westminster CIL will undoubtedly raise more funding over time for infrastructure than has typically been achieved through planning obligations.
2. The Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out the stages which the charging authority must go through to set their local CIL. Following consultation on a Draft Charging Schedule a charging authority must appoint an independent person ('the Examiner') to examine the draft before it can be formally approved. To move towards the next stages of adopting a Westminster CIL it is therefore imperative that the Council now makes the necessary arrangements to appoint an Examiner.
3. The charging authority must appoint someone who in the opinion of the authority is independent of the charging authority and has appropriate qualifications and experience. National government guidance suggests that a planning inspector appointed by the Planning Inspectorate (PINS) "is likely to meet these criteria" and in practice most authorities have used this route. Officers have tested the market for other providers but have been unable to find one that could provide an examiner within a reasonable timescale or acceptable cost.

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